

At the UN: Sorting Out the Right to Kill

By Newton Bowles

Newton Bowles started working for the United Nations in 1945 shortly after its formation. Later, he became director of world-wide programs for the UN International Children's Emergency Fund (UNICEF). Born in China of Canadian parents, a graduate of the University of Toronto, he is now retired but continues to advise UNICEF and represents the Group of 78 and the United Nations Association in Canada at the UN. Each year Mr. Bowles makes a report to the G78 and UNAC on the meeting of the UN General Assembly and addresses a joint luncheon in Ottawa. The following article is adapted from his luncheon speech. The full report is also available on UNAC's Web site <http://www.unac.org> (in English only).

In our lamented century we have had our orgies: the first World War to end war, the second World War to save us from Hitler, and multiple quasi-religious purification wars - besides the Nazis, the Hindu-Muslim madness in India, the millions killed by doctrinaire psychopaths in Russia and China, and a lot more. It was something of a miracle that, out of this hell warmed over, the United Nations was born.

The United Nations Charter is a remarkable document. It says war is bad, we renounce war, we will try to settle our international disputes by talking, negotiating; but if that fails, we bequeath to the United Nations the right to use force, the right to kill, We will lend our armies to the UN so that the UN can act for all of us.

So far so good, but there are some catches in this. The first goes like this: the League of Nations failed because it could not act. The United Nations will be able to act because it will have a Security Council that can act for everyone. And to make doubly sure, we will continue the powerful wartime alliance as permanent members of the Council. As in war, so in peace, they will act in unison (hence the veto). That is catch number one.

Catch number two is that the Security Council will deal with disputes *between* States; States retain their sovereign authority *inside* their own borders.

And so nations in the UN - national governments - delegate to the UN their right to kill foreigners, while keeping the right to kill their own people. Even in peacetime, spies are given short shrift; and wherever capital punishment is sanctioned, murder in effect is a crime against the killer State.

You could say that from the start the UN was hobbled by these constitutional defects; or you could say that the UN structure simply reflected political reality. You could also say that the founders of the UN were short-sighted: they did not anticipate the diffusion of power beyond the wartime alliance; they did not foresee the decline in wars between states and the proliferation of conflicts within states; nor did they foresee the impact of globalization on state sovereignty. They did not foresee the bi-polar Cold War that resolved into the uni-polar Cold Peace where the great U.S.A. doesn't know what to make of its own baby, the United Nations. That brings me to the current General Assembly. Who has the right to kill?

So here we go. It is September 1999. Kosovo and East Timor are in the air. The Security Council is paralyzed once more, this time over Kosovo, while just managing to move on East Timor. The 54th General Assembly is starting up. Kofi Annan makes what turns out to be the keynote speech. What does he say, opening the session on 20 September? He says the United Nations means a common good that transcends national sovereignty. He says modern governments are there not to dominate their people but to serve. He says that universal human rights - humanitarian law - confers on the United Nations, as custodian of the common good, the obligation to intervene, in one way or another, whenever and wherever there are massive violations of human rights. He says the UN has the obligation to attack the causes of war, to create the conditions of peace. When there is a great crisis, when TV everywhere shows massive violations, the United Nations - the Security Council - has a moral and legal responsibility to intervene. If the UN - the Security Council - is paralyzed, then someone else will act, or at least ought to do so, as was the case in Kosovo, and was not in Rwanda. In elaboration of this message, he says: of course, the UN should not wait for the explosion, it should foresee and preempt. But as a last resort, the UN may use force, it may exercise the right to kill.

Now I must point out that, in my focus on the right to kill, I have diverted you from Kofi Annan's main idea, which emphasized prevention by every possible means before using force.

It happened, however, that with Kosovo and East Timor in the air, the General Assembly tended to think of UN intervention, "humanitarian intervention", in terms of force. Kofi Annan touched two of the most sensitive nerves at the UN: one, fixing the Security Council; and two, domesticating human rights. Fixing the Security Council, making it more representative of the UN today, has been worried over for six years, with no breakthrough. Why should the 188 UN members entrust intervention to the 15 in the Council? And as for human rights, while the general principles may be universal, who is to say that their application country-by-country has to be the same? Whose UN is this? Who owns and runs the UN? Beware of so-called 'humanitarian intervention', which may well be a disguise for the neo-colonial exploitation of the weak. The official consensus reached at the 1993 Vienna conference on human rights has not laid these arguments to rest. They may look specious to our western eyes, but they have their basis in history.

If you have been following the recent General Assembly, you will know about Kofi Annan's stand on humanitarian intervention. It is less likely that you will be aware of the

speech he prepared for the Seattle conference of the World Trade Organization (WTO). The citizens' protest there kept him from speaking, but the text of his speech was circulated. It should be seen as complementing his intervention speech, as an integral part of his vision for the UN. (Both these speeches are attached to my current report on the UN.) He finds that the WTO, both symbolically and in practice, exhibits the power of the advanced economies over the weak, the rich getting more while the poor get less. Trade overrides human rights.

So what does this have to do with the right to kill? Ever heard of poverty, of more than one billion people just surviving on the equivalent of one dollar a day? Here in Canada you can be hauled in up in court for starving your infant, a form of child abuse. But no one gets charged for starving a million children. It is like war, where mass murder is heroic. We honour CEOs of millennial child malnutrition. You can walk into poverty backwards. Poverty engenders not only malnutrition but infectious disease, stunted minds and bodies, crime, prostitution, a political time-bomb. Last year at the World Economic Forum at Davos, Kofi Annan challenged transnationals to join in a compact with the UN that embraces social, economic and environmental concerns. Who has the right to kill? There is more than one way to kill.

In fact, the UN Human Rights Conventions already affirm social and economic rights, and the Human Rights Commission has designated monitors to examine poverty. We don't hear much about that.

How did all this play out just now at the General Assembly? On economic rights, the "Non-Aligned" and the Group of 77 are holding the line as protagonists for the desperately poor, the most neglected and least developed countries. The UN is the only place where their voice is heard. They say they want a United Nations that is strong and competent to take up their cause. Everyone admits that globalization is amoral, that somehow it must operate with a social conscience. Even the IMF and the World Bank have made poverty alleviation their first priority. The UN goal is to cut poverty in half by 2015. Poverty to death or death to poverty?

What about the other forms of intervention, political and military - what about that right to kill? If we begin by looking at war machines, we see some progress, especially in Europe, but the world trade in arms still runs to \$750 billion a year. We are just beginning to think about ways to regulate the small arms that are the instruments of death in the 30-odd conflicts now going on around the world. Important measures are in the works to control biological and chemical weapons, but nuclear disarmament is stalled. NATO says nuclear means security; India and Pakistan join in. Enough killing capacity there to solve all our problems. Who is offering to give their weapons to the UN?

Meantime, we have to go on living as though we will go on living, so we come back to this UN General Assembly and humanitarian intervention. Here Canada is on the side of the angels - our angels, that is - having put forward a couple of years ago the idea of *human security*. Europe and most of our Commonwealth joined in, all supporting Kofi Annan. Even Thailand agreed.

The permanent five of the Security Council were split. China and Russia, each with troubles at home, said human rights was their own business, no UN intervention in their land, no way.

Africa was ambivalent. At times Africans have complained that the UN helps Europe while neglecting Africa. Algeria, as President of the Organization of African Unity (OAU), asked if UN intervention was only against the weak - a good question if you think of Chechnya. In any case, said Algeria, the UN may come in only if the State agrees. South America, being wary of gringos, says no breach of sovereignty. This comes even from President Pastrana of Colombia, whom the US. Is trying to prop up. Central America - El Salvador and Guatemala - gives thanks to the UN, however, for the skillful intervention that resolved the disastrous internal strife in their countries. In the Middle East, Egypt says, yes, let us see how our UN doctrine, the Agenda for Peace, can be brought up to date.

So what was the upshot of Kofi Annan's historic challenge? The question remains unanswered.

Looking more broadly at what has been going on in relation to the General Assembly and the United Nations, the bad news is that moves to control and eliminate atomic weapons have been set back by the U.S. Senate's rejection of the test ban treaty. The good news is that the U.S. is in, paying enough to keep the UN afloat although under conditions that the other 187 members will find hard to swallow. The Security Council, prodded by Canada, has taken a stand on preventing violent conflict instead of just fire-fighting; and also has assumed responsibility for the protection of civilians and humanitarian aid. UN peacekeeping is up from 14,000 keepers in 1999 to over 30,000 at the beginning of this year. A remarkable new experiment is UN nation-building in Kosovo and East Timor. This world of killer states has not given up its war machines, but it has begun to turn over a few weapons to the UN.