



How Goes the United Nations?

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“Let us be frank with each other and with the peoples of the United Nations. We have not yet achieved the sweeping and fundamental reforms that I and many others believe is required. Sharp differences, some of them substantive and legitimate, have played their part in preventing that. This reform process matters, and must continue.”

Sec Gen Kofi Annan Sept 14/05 at UN World Summit

Two years ago, when the Secretary General of the United Nations, Kofi Annan was in Ottawa addressing both houses of Parliament, I was sitting in the gallery and listened as he paid tribute to the many top flight Canadians that were then involved in the leadership of the UN. He spoke of Lieutenant Romeo Dallaire, an advocate of Responsibility to Protect and a critic of the use of child soldiers in Uganda and the Sudan; of Major General Andrew Leslie, Deputy Commander of the International assistance Force in Afghanistan; of Stephen Lewis, The UN Secretary General's Special Envoy for AIDS in Africa; of Maurice Strong, the UN Under Secretary General and Special Advisor on North Korea; of Louise Frechette, Deputy Secretary General of the UN with an emphasis on Kyoto; of Louise Arbour, Former Justice of the Supreme Court, UN High Court for Refugees, and then Chief Prosecutor for the Criminal Tribunals in the Hague; of Lloyd Axworthy, UN Special Envoy to Ethiopia and Eritrea and a key player in the Landmines Treaty, and finally of Philip Kirsch, Chief Justice of the International Criminal Court.

Their work helped a great deal to have the 2001 Nobel Peace Prize awarded to the United Nations. I felt very proud to be a Canadian. And yet the question remains, “How goes the United Nations?” I refer readers to the excellent pamphlet by Fergus Watt and John Trent, World Federalist Movement (Canada) to whom I am indebted for the framework for reflection that I have used in this address.

There have been many missed opportunities as well as gains. The United Nations World Summit in the Fall of 2005 laid these bare What does its future look like? .

1) The one main historic achievement was the acceptance by the Un General Assembly of the language of R2P—the Responsibility to Protect policy—which is entirely consistent with Canada's traditional bridge-building, multilateralist approach to international relations. It addresses the responsibility of governments, civil society and international

institutions to protect civilians at risk from genocide, ethnic cleansing and crimes against humanity. Recognizing that national sovereignty is not absolute, it states that where the nation state is unable or unwilling to protect its own citizens, and is putting innocent people at risk, the international community recognizes a duty to take action. (E.g.) R2P helped motivate the Security Council to refer alleged crimes against humanity in Sudan to the International Criminal Court, despite the resistance of the U.S.A.

NGO's conducted a highly visible lobby prior to UN that helped achieve historic acceptance of R2 principles in the Summit Outcome Document. R2P is a tool the UN has given NGO's for raising awareness, using this mechanism. It can be invoked during a crisis. It is not just an intervention document, but a mechanism to get nations to prosecute criminals in their own national courts according to their own national laws. The question remains: how will R2P be interpreted by state governments? NGO's need to mount strategic discussions with governments on deeper engagement with civil society organizations throughout the world to build partnerships that will hasten the acceptance of R2P at national and regional levels.

There are lots of political games around R2P, and no criteria yet for the use of force by the Security Council included, which threatens to defang the R2P. So the Security Council has endorsed the language of R2P but has had difficulty in obtaining a resolution on the protection of civilians, the first resolution on the subject in 5 years. Negotiations on a Security Council reference to R2P was contentious, and after 3 months, the resolution has not yet been agreed upon. There are still many resistant governments who are hoping to dilute what was agreed at the Summit. So the emphasis now needs to be on implementation.

2.) Closely related to R2P is the issue of security, the precise definition of which is not yet clear. This affords civil society an opportunity to have its voice heard, and to widen the notion of security beyond military or national security. Human security is a term that has been introduced, but has not yet been widely accepted. It means building a global domain that limits power and establishes the public good for all citizens: clean water; freedom from loss of life; education for all; freedom from poverty. What is at stake is security in the broadest sense for all humans. It is conceivable that R2P can in the future, provide the legal and moral impetus for some form of UN police force. This of course calls for sustained action by the appropriate nation states to strengthen the concept of human security ahead of the security of sovereign nation states. But this is unlikely to happen soon in the light of the UN document that strengthens the sovereignty of nation states!

3.) The new Peace Building Commission promises to strengthen the hand of the UN in peacekeeping, peace making, and peace building. Its new blueprint to help war torn countries can include human security for the basic needs of people, including the rights of minorities. It is the UN body that reports to the Security Council and to the Economic body. Progress has been slow for a variety of reasons.

a) There has been disagreement on distribution of regional seats and selection modalities by the financial contributors!

b) The request of the Secretary General for additional funding for the Peace building support office has hindered progress on establishment of that Office. Meanwhile the Genocide Prevention Information Office has received financial support from Sweden for one quarter of its budget as proposed by the Minority Rights Group International.

4.) Human rights. The office of the UN Human Rights Commissioner was strengthened and her budget doubled. Moreover, a new Human Rights Council was accepted, to replace the widely discredited Human Rights Commission. The examination of states' conformity re International Human Rights treaties will not be examined if that state is being dealt with by the Human Rights Council. The Proposal for a new Council is more than a cosmetic change.. The proposal was:

- Members of new Council must be committed to promotion of Human rights, and members must be committed to cooperate with Council and give unimpeded access to UN Human Rights investigators, even the most powerful countries!
- Members would be elected individually by the General Assembly, not by acclamation. At least 96 individual votes out of 191 are necessary for election. That means states that violate human rights can be blocked from membership.
- The rights and privileges of members can be suspended.
- The basis for the Council is The Universal Declaration of Human Rights
- There would be a periodically universal reviewing system of the record of all states, starting with that of Council's own members.
- Council would meet throughout the year, and when necessary for longer (3 times a yr for 10 weeks, an improvement over the former Commission that had an annual 6 week meeting). So there will be continual monitoring.
- Independent special rapporteurs will be retained, as will the role of NGO's.
- The right of Council to address serious Human Rights situations through country specific resolutions was affirmed.
- 2 consecutive terms (6 years) was the term for those elected.

Chronology:

On Feb 23/06 a draft proposal including 220 amendments was presented by the USA. In response, on March 9/06, there was a letter from many international NGOs calling for UN member states to back the Human Rights Council resolution. On March 15/06 the proposal was adopted by the UN General Assembly. The dialogue then turned to assessing the possible contribution of candidate states for:

- promotion and protection of human rights,
- their voluntary pledges of support.
- Guaranteed access to their state to assess its record on human rights

On April 24/06, Human Rights Watch released proposals for evaluating governments running for the Council, based on their human rights record of abuses in the candidate country; whether the candidate state is a party to the International Criminal Court, and which of the core international human rights treaties has it ratified; and the voting record of the candidate government on 10 recent human rights resolutions in the UN General Assembly.

By May 9/06 65, countries had announced candidates for 47 seats. Whereas elections used to be by regional representation, election now was to be by General Assembly, direct vote by secret ballot. The threshold moved higher.

Seats were allocated as follows: Africa: 13, Asia 13, Europe 6, Latin America 8, The West and others: 7.

The USA and Cuba voted against this. To date, the worst violators have not come forward or have been discouraged from coming forward: (Sudan, NK, Zimbabwe, Belarus, Nepal, Uzbekistan).

The USA wanted a 2/3 vote only, and was upset because any state elected would have to vacate the seat as membership is a fixed term. So the USDA thinks itself vulnerable. Israel was also opposed, stating that says the Council will just engage in Jewish bashing unless the USA requests are met. However, the proposal was adopted.

5) At the UN World Summit, all references to the International Criminal Court were removed from the Outcome document. The Coalition for the ICC which brought ICC into being despite USA opposition, needs to be institutionalized for the long haul, and needs at least a decade of work at the least. (e.g.) Africa needs to do its own trials, but training is needed for the judges (Chad). The idea of complementarity is fine, but no one knows how it will work. Ratification is another issue. Sudan will not ratify, and has set up alternate ineffective court. Cote d'Ivoire, DRC, Liberia, Uganda, and Sudan need to ratify. In Latin America only 4 have not ratified. Asia is under represented in the ICC as there are few Human Rights mechanisms in that part of the world. An enormous task lies ahead. The action of the NGO community has been critical in bringing the ICC into being. Over 2000 NGO member groups were involved. Now what is necessary is a Universal Ratification campaign, with the focus on one country per month, rotating to a different region every time. According to the Coalition for the ICC, the target for April 2006 is Azerbaijan!! In March 2006, the Democratic Republic of the Congo's leader of the political and military movement in that country, Lubanga, was arrested by the new permanent court.

6) Global Democratic Governance:

a) A new Democracy Fund was announced, to hopefully strengthen the UN roles in promoting democratic governance worldwide, and the Swedish Prime Minister accepted Annan's request to lead a working group of government leaders to keep up the momentum on UN reform.

b) However, at the heart of the international order is a serious global democracy deficit. There are so many serious needs. There is a need to monitor the Human Rights Council, Development Reform, Revitalization of the General Assembly, and the selection of a new Secretary General, Management reform, Mandate review, system wide coherence panel, Terrorism and reform of the Security Councils working methods.

c) Two models for Security Council expansion are proposed:

A: 6 new permanent seats with no veto and 3 new 2 year seats

B: new category of 8 four year renewable seats and add one elected new 2 year seat As expected, this prompted controversy. India, Germany and Japan want secure seats with veto. It reminds me of boys fighting in a sandbox.

d) Equally in need of attention are the working methods. The Secretary General was not given strong authority required to manage the UN on a day to day basis.

Historically, the selection of a UN General Secretary has been made “upon recommendation of the Security Council” and behind closed doors. Currently the NGOs are lobbying for new criteria, namely:

- formal candidate qualifications
- official timetable and systematic reporting
- procedure for assessment of candidates
- gender and geographic diversity considerations

e) The Committee for a Democratic UN was active in establishing relationships with the Inter Parliamentary Union, to improve outreach to Parliamentarians.

f) The International Civil Society Forum for Democracy was preparing for the International Conference of New and Restored Democracies in Qatar in Oct 2006.

.7) Despite the efforts to eliminate all references to the Millenium Development Goals , they were reaffirmed along with precise steps needed to attain them -Some developed countries have moved to the goal of 0.7 by 2015. The poverty reducing measures are far behind schedule. I was shocked to read in Harper's magazine, the text of this section, where the US Ambassador to the UN, Bolton, had drawn firm lines through many lines so as to completely eliminate them. At the UN there was no review of the UN Millenium goals and no new money. And so far as trade goes, there was nothing about an end date for trade distorting subsidies or the dumping of goods in the markets of poor countries.

8) Development: The Un recognized new innovative sources of financing to fund development objectives, such as an air tax to be implemented by some countries. But the proposal of immediate quick impact aid suggested by Sachs (malaria nets etc) was eviscerated.

9) The Outcome Document includes decisions to create a worldwide warning system for natural disasters, to mobilize new resources for fighting against AIDS, TB, and malaria, and to improve the UN Central Emergency Revolving Fund for disaster relief.

10) For the first time, the UN gave an unqualified condemnation of Terrorism, although there was no agreed definition of just what terrorism is!

The missed opportunities:

1) There were significant missed opportunities that did not receive appropriate attention, such as disarmament. A full page devoted to non-proliferation and curb in weapons, from nuclear to conventional, was dropped entirely from the final draft.

2) Modest efforts to improve environmental governance do not appear in the final document.

So the record is a mixed bag. Why do I write of achievements and missed opportunities, rather than “failures?” It is best expressed by the Lebanese author Amin Maalouf, “My world is one in which one respects differences and abolished frontiers. But we are moving toward a world that respects frontiers and abolished differences.” I'm for Maalouf's world!