

**Promote Freedom or
Protect Oppressors:
The Choice at the UN Review Summit**

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The views in this paper are not necessarily those of the Foreign Policy Centre.

EXECUTIVE SUMMARY

The United Nations should strive ceaselessly to promote the highest standard of behaviour by its member states, not content itself with the lowest common denominator. In keeping faith with its founding principles, it should aim to be an instrument of necessary change rather than a symbol of passive acceptance of the status quo.

Given that the United Nations currently falls a long way short of its original ideals, the task at the Millennium Review Summit is to make the organisation more effective in protecting human rights and engaging constructively with failing states.

The United Nations was established sixty years ago in order to promote international peace and security, human rights and social progress. Despite the laudable ideals of its founders, it has lost credibility and legitimacy, usually failing to act to protect the most oppressed peoples. In Rwanda, one million people were slaughtered whilst the UN dithered. In Darfur, the UN has been content with an African Union force which lacks the manpower, mandate and means to protect civilians.

The promotion and protection of human rights are fundamental to the United Nations. They are affirmed in the UN Charter and have been the subject of numerous covenants and agreements. Despite the lofty rhetoric, the reality is that the UN does little to tackle the flagrant abuse of human rights by regimes all over the world. Far too little attention is paid to the bestial behaviour of all too many regimes.

It is evident that the UN often turns its spotlight on abuses only once they reach epic proportions and the world's media become involved. Even then, action is usually limited or non-existent. Displays of hand wringing impotence are the norm. The record of the Commission on Human Rights exemplifies this. It lacks credibility and membership of the Commission is used by some states as a cloak of respectability behind which they grossly violate the rights of their own citizens.

Everyone is entitled to a fair trial. Sexual violence should never be tolerated. Journalists should not be locked up for accurate reporting no matter how irritating the government may find them. Rights do not stop at international borders. If the international community believes in these rights, and the Universal Declaration of Human Rights would suggest that it does, it should not be afraid to enforce them. We should not be shy about championing and, as necessary, fighting for what we believe is right. This is not a case of cultural imperialism; it is about a belief in a common humanity and our duty to protect the vulnerable from abuse and exploitation.

The ethical case is readily accepted. The stumbling block has often been the sense that it would not be prudent to get 'involved'. 'Valuable contracts', 'historic ties', 'strategic thinking' are all given as justifications for the realpolitik of non-intervention. Yet in an increasingly interdependent, globalised world, we cannot afford to take such a narrow view of the national interest. Short-termism in the past has come back to haunt us. Indeed, dictators make notoriously bad business partners.

If we are to achieve the Millennium Development Goals, we must meet the challenges posed by fragile states. Walking away is no answer. Relying on humanitarian aid is little better, as aid does not tackle the root causes of fragility, instead addressing only its symptoms. These states are nowhere near close to achieving the development targets and without constructive, well chosen inputs from the outside world, they are likely to move backwards.

It is in our interest to invest expertise and resources in fragile states. It is damaging to the international system in general when its members are seen not to be functioning. Moreover, in an age of interdependence and transnational threats, fragile states pose serious risks. Terrorists, organised crime and the drug trade all thrive in them.

It is vital that we work with fragile states in order to reduce the risk of intra-state conflict. Civil conflicts tend to be especially pernicious and savage. The international community has a humanitarian

obligation to protect civilians at risk during civil conflict. In addition, it must take action to prevent and halt civil conflict in order to avoid vast refugee flows which create instability in neighbouring countries. Given the developed world's general reluctance to accept vast numbers of refugees, it is also in their interest to address the third country issues that cause asylum flows.

The UN record in dealing with fragile states, and in particular in tackling intra-state conflict, is dire. Its impotence in the face of genocide has been well documented. Despite the international community's claim to have learnt from the mistakes of Rwanda, little has changed. The poor and vulnerable in Africa would be right to conclude that, despite the claims that human rights are universal, their lives matter a great deal less to the international community than others.

Even where it has intervened, the UN has moved at a glacial pace. Interventions have been late and utterly inadequate. The UN has shown itself to be more concerned with procedural fetishism than with the lives of the most vulnerable people on the planet. The fact that those interventions have largely been ineffective in restoring peace and fostering recovery, has damaged both the credibility of the UN and the notion of humanitarian intervention in general.

The Millennium Review Summit presents a real opportunity for reform of the UN. The agenda for the summit is extensive and member states must not simply get bogged down in wrangling over the expansion of membership of the Security Council. The existing machinery for monitoring, deterring and punishing human rights violations is lamentably deficient. It needs to be dramatically and urgently overhauled. The UN must do much more to tackle human rights abuses and to counter state fragility and intra-state conflict effectively. If it fails to do so, it is likely that states will simply ignore it. If humanitarian interventions that take place without the consent of the Security Council are shown to be successful, there is a real danger that the UN's role in the protection of human rights could become obsolete.

Recommendations

- Replace the self-serving and ineffective Human Rights Commission with a powerful Human Rights Council which is capable of promoting respect for human rights
- The UN must be prepared to tackle those states which flagrantly abuse human rights, including by naming and shaming offenders and by enforcing targeted sanctions
- States should adopt the collective responsibility to protect, encompassing the responsibility to prevent, react and rebuild
- Establish a free standing Peacebuilding Commission within the UN structure to develop a comprehensive approach to state fragility and intra-state conflict. It is essential that this body has a preventative role to help states before they slide into conflict
- In order to improve the likelihood of humanitarian interventions, the permanent members of the Security Council should agree to abstain from use of the veto in cases of genocide or large-scale human rights abuses.

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Introduction

The United Nations was established sixty years ago in order to promote international peace and security, human rights and social progress. In the aftermath of the two world wars which had ravaged Europe, the hope was to save future generations from the scourge of conflict. According to Article 1 of the UN Charter, the purposes of the organisation include maintaining security, tackling threats to the peace, and encouraging respect for human rights and fundamental freedoms.

Despite the laudable ideals of the founders of the UN, it has lost credibility and legitimacy. Today it is mired in controversy: corruption in the oil for food programme, sexual misconduct by staff in the field, administrative incompetence, rampant cronyism, and sexual harassment of staff are among the welter of accusations it faces. Freedom lovers might accept a plea in mitigation for all the other sins of the organisation if it at least acted to protect the oppressed; sadly, it does not.

The most shocking example of the UN's ineptitude was its utter failure to react to the genocide in Rwanda. One million people were slaughtered whilst UN peacekeepers were withdrawn from the country. Those who oversaw this catastrophic failure are still running the system. Kofi Annan, then the head of peacekeeping, did nothing to address the unfolding crisis until it was too late. Romeo Dallaire, the General in charge of the UN peacekeeping mission in Rwanda, sent a fax beseeching Annan to allow him to defend civilians. Annan's faxed response forbade Dallaire to protect the civilians, effectively condemning them to death at the hands of the genocidal Hutu mobs. Despite this epic blunder which left hundreds of thousands of innocent civilians to be massacred, Kofi Annan has since been rewarded with a Nobel Peace Prize and a promotion – he became Secretary General of the UN in 1997. Some observers have argued that Annan could do little else as he was constrained by the wishes of the Security Council. However, we argue that he should be held accountable for his actions. Every day civilians risk their lives in UN missions in some of the most dangerous regions of the world. Humanitarian aid workers have been killed and others injured in the course of their work. Given the sacrifices that they are

prepared to make, is it too much to ask that Kofi Annan should have had the courage to risk his job in order to prevent the genocide? As Kenneth Cain, a human rights lawyer in the UN, observed, 'at the very least, he could go down trying to save lives, as opposed to going down trying to explain why he didn't'.¹

Is it any wonder that the UN has been similarly slow to react effectively to the genocide in Darfur? Although the British Embassy began raising this issue with Khartoum in 2003, the UN has yet to take effective action to stop the slaughter. The government is still bombing villages and the government-backed Janjaweed militia is still murdering and raping civilians. Yet the UN Security Council has done precious little to stop the slaughter. The African Union force in Darfur still lacks the manpower, mandate and means to protect civilians.

For all the UN's faults, it is the best mechanism available. It cannot simply be condemned to the scrap heap in favour of a community of democracies. As attractive as such a proposal may be, it could never have the moral authority and legitimacy of the UN. It is the fact that membership of the UN is universal that makes it so valuable. In addition, there is no reason to suppose that an organisation made up exclusively of democracies would be more willing to address human rights abuses. The EU, for example, has been notoriously reluctant to take action against regimes which brutalise their own people, particularly when sanctions might jeopardise investments.

We do not accept the suggestion of 'realists', such as Joseph Grieco, who stress the limits of cooperation in international relations and advise that we should simply accept the UN for what it is: a debating forum.² Of course, the problem of political will remains an issue. The UN will be only as effective as the member states wish it to be. The challenge is to persuade states to work through the UN and commit the necessary resources so that the UN can be effective. National politicians, NGOs and the media have a role to play in

¹ Kenneth Cain, *The Observer*, 3 April 2005

² Joseph Grieco, 'Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism' in David Baldwin, ed., *Neorealism and Neoliberalism: the Contemporary Debate*, New York, 1993

raising public awareness and encouraging governments to build a strong UN.

The task ahead is to reform the UN to make it better able to respond to the challenges of the post-cold war world. Two recent reports have examined the case for reform: the High Level Panel Report, 'A More Secure World: Our Shared Responsibility', and the response of the Secretary-General, 'In Larger Freedom: Towards Development, Security and Human Rights for All'. The proposals of the latter will be discussed at the Millennium Review Summit in September.

This pamphlet will examine reform of the UN to make it effective in two areas. First, the UN must fulfil its obligation to promote and protect human rights. The replacement of the derisory Human Rights Commission with a proactive and powerful Human Rights Council will be an essential step. Second, the UN needs to develop a comprehensive approach to fragile states and intra-state conflict. The Security Council should formally adopt the 'responsibility to protect', accepting this as the responsibility to prevent, react and rebuild. It is essential that the UN can respond to crises and conflict. To this end, the creation of a Peacebuilding Commission would be a vital part of the UN machinery.

Reform of the UN structure is necessary but it is not sufficient. Individual member states must be willing to adopt a long-term vision of the national interest and to make the system work.

PART ONE: Human Rights

The promotion and protection of human rights are fundamental to the United Nations. They are affirmed in the UN Charter and have been the subject of numerous covenants and agreements.

The Universal Declaration of Human Rights was adopted by the General Assembly in 1948, as 'the common standard of achievement for all peoples and all nations'. It stated that everyone has the right to life, liberty and security (article 3), the right to a fair trial (article 10), the right to privacy (article 12), the right to freedom of movement (article 13), the right to own property (article 17), the right to freedom of thought, conscience and religion (article 18), the right to freedom of opinion and expression (article 19), the right to a standard of living

adequate for health and well-being (article 25) and the right to education (article 26).

The declaration was adopted by all member states, irrespective of geography, culture or religion. These rights and freedoms are not simply Western ideals. They are goals for universal application.

The majority of the declaration was effectively made legally binding by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which entered into force in 1976. The UN has adopted further agreements which build upon the 1948 Declaration – the Convention on the Prevention and Punishment of the Crime of Genocide (entered into force 1951), the International Convention on the Elimination of All Forms of Racial Discrimination (entered into force 1969), the Convention on the Elimination of All Forms of Discrimination Against Women (entered into force 1981), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entered into force 1987) and the Convention of the Rights of the Child (entered into force 1990).

Furthermore, the Millennium Declaration reaffirmed the UN's human rights goals. Article 24 stated, 'We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development'. Article 25 stated that member states would strive to achieve this by respecting and upholding the Universal Declaration, strengthening the capacity of all countries to protect and uphold human rights, combating all forms of violence against women, and ensuring the freedom of the media. Article 29 stated that 'We will spare no effort to make the United Nations a more effective instrument for pursuing all of these priorities'.

Despite the lofty rhetoric, the reality is that the UN does little to tackle the flagrant abuse of human rights by regimes all over the world. Far too little attention is paid to the bestial behaviour of all too many regimes.

On the 50th anniversary of the Universal Declaration of Human Rights, the General Assembly adopted the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to

Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Article 2 of the Declaration stated that 'each state has a responsibility and duty to protect, promote and implement all human rights and fundamental freedoms'. However, the fact is that the General Assembly has been a poor and unreliable defender of human rights. In November 2004 it declined even to discuss several resolutions against Sudan, Zimbabwe and Belarus, all states which routinely abuse their citizens. The High Level Panel Report determined that the General Assembly 'has lost vitality and often fails to focus effectively on the most compelling issues of the day'. The General Assembly as a universal body has a unique legitimacy. Yet this is squandered because it refuses to uphold the Charter and allows members to abuse human rights with impunity.

It is evident that the UN is willing only to tackle abuses once they reach epic proportions and the world's media become involved. Even then, action is usually limited or non-existent. Displays of hand wringing impotence are the norm. Despite attempts by some to raise awareness of abuses by figures within the UN, notably Jan Egeland, the UN Undersecretary for Humanitarian Affairs, concrete action is rarely taken. In July, the UN stepped up the pressure against Zimbabwe. The Special Envoy, Anna Tibaijuka, published a report on the immense suffering caused by the regime's Operation Murambatsvina (Drive Out Rubbish). Though the regime claimed to be attempting to combat criminality in the slums, it is clear that the aim was to punish supporters of the Movement for Democratic Change. In spite of opposition from Russia and China, the report was actually discussed by the Security Council. Whilst this was a valuable step forward, and the UK and the USA deserve praise for their insistence that the matter be discussed, Mugabe does not fear international condemnation. His regime continues flagrantly to abuse the population, and his Vice-President, Joyce Mujuru, deflects criticism by accusing the international community of 'stone-throwing'.³ They are safe in the knowledge that UN statements are little more than hot air. With permanent members Russia and China both opposed to action on Zimbabwe, little will be done.

³ 'Zimbabwe Halts Urban Blitz', www.bbc.co.uk, 28 July 2005

The Human Rights Commission

The UN Commission on Human Rights was set up by the UN Economic and Social Council in February 1946. It first met in 1947. It meets annually for six weeks in March and April in Geneva. It can make statements, adopt resolutions and appoint special rapporteurs, but it cannot directly refer abuses to the Security Council.

Instead, its resolutions can go to ECOSOC, which is a main organ of the UN. If it adopts them, they can go to the General Assembly. If the General Assembly adopts the resolutions, they can go forward to the Security Council for consideration. The words cumbersome and circuitous are fitting descriptions of this protracted process. At its best, the commission can shine a light on abuses; at its worst, it is an organised hypocrisy for tyrannies to shield themselves from scrutiny.

The essential problem lies in the three 'Cs': composition, chairmanship and credibility. Seats are allocated according to regional grouping; there are 15 for Africa, 12 for Asia, 11 for Latin America and the Caribbean, 10 for western Europe and others, and five for eastern Europe. At present, there are 53 members, including China, the Congo, Cuba, Eritrea, Nepal, Nigeria, Pakistan, Saudi Arabia, Sudan and Zimbabwe, to name but 10 states that are not renowned for their commitment to pluralism or respect for human rights.

By convention, the chairmanship of the Commission has rotated by region. This has produced some shocking results. In 2000, Nepal held the chairmanship despite well-documented abuses of human rights, including extra-judicial killings, regularly highlighted by Amnesty International and Human Rights Watch. In 2003, Libya was in the chair even though it has been frequently exposed for its denial of human rights. This year, it is the turn of Indonesia.

This is a bizarre irony, given that several UN special rapporteurs have had their requests to visit Indonesia denied by its Government. Those include the special representative of the Secretary-General on human rights defenders; the special rapporteur on the promotion and protection of the right to freedom of opinion and expression; the special rapporteur on freedom of religious belief; and the special rapporteur on torture. The country has neither the humility nor the

confidence to allow UN inspection of its own record on human rights, but the self-same country chairs the UN's body on the subject, thereby pontificating on the behaviour of others. In terms of stomach-churning hypocrisy, that is a gold medal-winning performance.

Membership of the Commission is used by members as a cloak of respectability behind which they grossly violate the rights of their own citizens. The role of NGOs has been curtailed by the Commission. Although NGOs often have the most accurate information on the human rights situation on the ground, and provide a voice for some of the most vulnerable and unrepresented people, the Commission has sought to exclude them, primarily for fear that they will expose the abuses committed by Commission members.

The High Level Panel Report condemned the Commission, declaring that 'The Commission on Human Rights suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations'. Referring to the commission's responsibility to uphold and promote human rights, the panel states that its capacity to do so 'has been undermined by eroding credibility and professionalism'. Worse, it adds: 'standard setting to reinforce human rights cannot be performed by states that lack a demonstrated commitment to their promotion and protection. We are concerned that in recent years, states have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticise others. The Commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns'. This is a sound verdict. At the Millennium Review Summit in September, the UN must decide to abandon this self-serving, ineffectual and hopeless body. It should be replaced with a proactive, well-resourced Human Rights Council.

Burma

The utter failure of the United Nations to tackle the persistent violation of human rights by states is vividly illustrated by examining its actions towards Burma. The country is virtually ignored by the UN. The General Assembly confines itself to issuing an annual statement demanding progress on human rights and no real pressure is ever brought to bear upon the callous regime.

Burma's ruling military junta, the State Peace and Development Council, is one of the most brutal dictatorships in the world. Rape as a weapon of war, compulsory relocation, forced labour, use of child soldiers, human mine sweepers, water torture, religious persecution and the wanton destruction of villages all testify to the grotesque character of the regime. Given that these abuses are committed as part of a widespread and systematic attack directed against the civilian population, it seems clear that they constitute crimes against humanity according to Article 7 of the Rome Statute of the International Criminal Court.

As if the charge sheet against the ruling junta were not damning enough, a major new study by Guy Horton now suggests that the Burma Army is guilty of war crimes in violation of Common Article 3 of the Geneva Conventions and attempted genocide under the terms of the Convention on the Prevention and Punishment of Genocide.⁴

In addition, a report released by Christian Solidarity Worldwide provides strong circumstantial evidence of the use of chemical or poisoned weapons by the Burma Army against the Karenni people.⁵ In its report, CSW provided a medical assessment of the symptoms of victims of an attack that took place on Nya My, a Karenni resistance army camp, by the Burma Army on February 14, 2005. The Karenni witnesses reported that shells exploded releasing 'a very distinctive yellow smoke ... and a pungent and immediately highly irritating odour. Within minutes those soldiers near enough to inhale vapours from this device became extremely distressed with irritation to the eyes, throat, lungs and skin. Subsequently some developed severe muscle weakness and one coughed up blood. All lost between 5-10kg over the ensuing four weeks.'

CSW conducted clinical examinations and interviewed two Burma Army defectors who claim that during their army service they had been ordered to carry boxes of weapons which their superiors described as containing poison. The defectors allegedly claimed to have been told that at the front line 'the soldiers firing these shells

⁴ Guy Horton, 'Dying Alive: A Legal Assessment of Human Rights Violations in Burma'

⁵ Christian Solidarity Worldwide, 'Burma Army Soldiers Testify to the Use of Chemical Weapons', 4 May 2005. Article accessible at www.csw.org.uk

wore facemasks and gloves to protect themselves. The shells were always fired via a mortar launcher'.

No one should labour under the illusion that the violations are merely historic. On the contrary, military attacks on ethnic groups in eastern Burma continue and those on the Shan people have intensified in recent months. According to Human Rights Watch, approximately 100,000 Burma Army troops are attacking Shan resistance bases and civilians, and forcibly relocating villages. In its own words, 'the Burma Army and its proxies are executing, torturing, raping and forcibly displacing Shan civilians. Those civilians live under constant threat of having shells rain down on their heads or being burned out of their villages.'

What steps has the international community taken to bring this abhorrent regime to heel? The UN has not lifted a finger. The time has come for the international community to accept that the policy of engagement with Burma has failed miserably. While imports to Britain from Burma have risen from £17.8 million in 1998 to £74 million in 2004, the government of Burma continues to abuse human rights, detain Aung San Suu Kyi and refuse to take a single step towards multiparty democracy. Indeed, only last October, the regime's Prime Minister was purged and a more hardline figure installed in his place.

The European Union has been reluctant to follow the lead of the United States and impose a targeted trade and comprehensive investment ban on Burma. Since 1988, \$4 billion of trade and investment has been conducted with Burma by member states of the European Union. Total—one of the most serious offenders whose activities have done a great deal to prop up the savage military dictatorship - is in the process of investing about \$400 million in Burma. Thus far the EU has been content simply to impose token sanctions targeting nominal industries such as the pineapple juice sector. The priority must be to adopt robust sanctions against the oil, gas, gems and timber sectors which would hit the sources of funds to the military, undermine the totalitarian state apparatus and hasten the process of change.

It is crucial that the United Nations Security Council ends its conspiracy of silence on Burma. The Generals in Rangoon threaten

regional stability through their military expansionism, involvement in the drugs trade and gross human rights violations which have caused a humanitarian crisis. Hundreds of thousands of refugees have fled Burma to neighbouring Thailand, Bangladesh and India. The UK should put Burma on the agenda for the Security Council and urge the UN to impose an arms embargo. The government's refusal to do so on the grounds that China would veto any resolution is a counsel of despair. The logic used by the Foreign Office is *reductio ad absurdum*. Its argument goes, 'We do not think that we will get agreement in the Security Council. The French will probably complain and the Chinese will strongly object and veto any action. Therefore, it is not worth raising such matters.' This is a pitifully weak, negative, defeatist stance. Let us name and shame those states that, because they lack any moral sense or they are consumed by the pursuit of filthy lucre—or both—object to and use the veto against any effective action that could help to bring the regime to heel.

Human Rights and the National Interest

'Realists' might argue that the lack of action by the United Nations does not matter. Human rights fall within the jurisdiction of individual states and thus have no place in international relations. In an anarchic international world, they argue that the priority must be the national interest.

We do not accept the 'realists' analysis. There are compelling moral arguments for protecting and promoting human rights. What is more, it is our firm belief that it is in the national interest, in the broadest and most meaningful sense of the term, to do so.

Everyone is entitled to a fair trial; sexual violence should never be tolerated; journalists should not be locked up no matter how irritating the government may find them. Rights do not stop at international borders. If the international community believes in these rights, and the Universal Declaration of Human Rights would suggest that it does, it should not be afraid to enforce them. We should not be shy about championing and, as necessary, fighting for what we believe is right. This is not a case of cultural imperialism; it is about a belief in a common humanity and our duty to protect the vulnerable from abuse and exploitation. Indeed, 'what could be more British than a

concern that the State should not detain people without lawful authority and should not unreasonably interfere with the freedom of expression and the right to property'.⁶

The ethical case is readily accepted. The stumbling block has often been the sense that it would not be prudent to get 'involved'. 'Valuable contracts', 'historic ties', 'strategic thinking' are all given as justifications for the realpolitik of non-intervention. Yet in an increasingly interdependent, globalised world, we cannot afford to take such a narrow view of the national interest. Short-termism in the past has come back to haunt us. We have supported a variety of unpalatable regimes, like those of the Taliban and Saddam Hussein, in the name of business or security and, in the long term, this has proven to be detrimental to our interests.

Post 9/11 it is imperative that we do not lose sight of human rights in the fight against terror. Our support of Uzbekistan as a strategic ally is troubling given the regime's wanton disregard for the rights and welfare of its citizens. The fact is that ritual violations of human rights are no defence against religious and political extremism. To support such a brutal regime gives more ammunition to our enemies. It also ensures that when people do finally free themselves from tyranny, they will remember that we ignored their plight and will not look to us for friendship. Do we seriously want to align ourselves with regimes that think it is acceptable to boil political opponents to death? It goes against everything that liberal democracy is supposed to represent.

Finally, dictators make bad business partners. It is not economically wise to turn a blind eye to abuses. States which mistreat their citizens are more likely to be at risk of instability. Such regimes may be highly unpredictable. For example, although labour may be cheap and environmental regulations non-existent, they may also nationalise investments at will. As Chris Patten put it, 'There is an umbilical link between the interests of investors and exporters and the rights of citizens in the country they trade with. Both sides will benefit from respect for the rule of law, free speech and accountable, participatory government'.⁷ Much has been made of the economic success of the Asian Tigers and the fact that human rights were

⁶ David Pannick QC, *The Times*, 5 October 2004

⁷ Chris Patten, Speech to the Human Rights Commission, March 2000

considered secondary to economic development. However, there is little evidence to show that economic growth is directly related to the number of journalists languishing behind bars.

Through international treaties, we have a legal obligation to uphold human rights. We have a fundamental obligation to our fellow human beings to uphold human rights for all. Again, we would be wise to heed the advice of Chris Patten, 'It is bilge to think that expedience and morality in the conduct of foreign policy are in different corners... To put it at its simplest, countries that make good neighbours, the countries that are best to do business with, the countries that are easiest to invest in, are those that treat their citizens most decently'.⁸

Recommendations

Human Rights Council

In September, the UN should follow the recommendation of the In Larger Freedom report and agree to establish a Human Rights Council as a standing body of the organisation, of equivalent standing to the Economic and Social Council. This would replace the discredited Human Rights Commission. The suggestion of the High Level Panel that membership of the Council should be universal is preposterous. This would make the organisation unwieldy and do nothing to improve its credibility. Rather, membership should be limited and should be elected by the General Assembly. All those willing to serve as members of the Council must agree to uphold the Universal Declaration on Human Rights and to have their own records scrutinised. Those states which brazenly abuse human rights and have made no effort to improve protection within their borders should not be eligible for membership.

As a standing body, the Council would be able to launch investigations throughout the year. It is vital that it has the resources and support staff in order to fulfil its task. NGOs and civil society should be involved with the Council to ensure that its agenda is

⁸ Chris Patten, quoted in *The Times*, 23 May 2001

relevant and to reduce bias. In addition, states should consider appointing prominent human rights activists to their delegations.

Enforce the Charter

According to Article 6 of the UN Charter, those states which persistently violate the terms of the Charter may be suspended from the General Assembly. They may have their privileges revoked and, in certain circumstances, may be kicked out of the organisation altogether. South Africa's membership of the GA was revoked in the 1970s; Afghanistan, Liberia, Cambodia, Haiti and Sierra Leone all had their memberships suspended in the 1990s. The General Assembly, as part of its reforms to make itself more relevant, must agree to uphold the Charter. Burma, Zimbabwe, Uzbekistan and Sudan would all be prime candidates for suspension. Aung San Suu Kyi herself asked, 'is the United Nations General Assembly meant for the lawful representatives of the people of various nations, or is it meant for just any old government that happens to have come to power?'⁹ To turn a blind eye to abuses makes a mockery of the UN structure and encourages others to ignore human rights considerations.

Break Diplomatic China

'Political correctness often trumps substance at the United Nations'.¹⁰ This was the verdict of Madeline Albright. It is a sad truth that the UN is so preoccupied with the geographical allocation of memberships that it allows states like Sudan on to the Human Rights Commission. In the long term, this damages the overall credibility and legitimacy of the UN.

States must be willing to break some diplomatic china if they want to protect human rights. We must name and shame those states which abuse their citizens. We should put them on the agenda at the Security Council, regardless of whether a resolution is likely to be adopted. If China or France want to veto a resolution against Burma,

⁹ James Mawdsley and Benedict Rogers, *New Ground*, January 2003, p. 16

¹⁰ Madeline Albright, 'Think Again: United Nations', *Foreign Policy*

let them do so publicly and admit to the world that they put investments ahead of the suffering of thousands of people.

Of course, diplomacy is not simply about putting the spotlight on those states which perform badly. Much better use should be made of quiet diplomacy and soft power to encourage and assist states in improving human rights protection. In particular, the 'good offices' capacity of the Secretary-General should be more widely used to achieve this.

Economic Tools

There are a range of economic measures, both carrot and stick, that can be used to encourage states to respect human rights. Economic inducements in the form of favourable trade terms, aid packages and investment can all be utilized. In particular, all aid allocations should give full consideration to human rights concerns and should have conditions attached. If we are to help developing countries to meet their human rights obligations, such as the right to a decent standard of living, the right to healthcare, the right to education and the right to food, donor states need to deliver on their responsibilities too. This means that they should commit to meet the UN aid target of 0.7 per cent of GDP and, at least as importantly, they should stop the destructive trade policies which are exacerbating the plight of the world's poor.

More coercive measures need to be taken against recalcitrant states which are corrupt, abusive or both. Sanctions and embargoes are one element of this. Sanctions must be effective and targeted to penalise those abusing their positions of power, not the poor. Sanctions suffer from the weakness of providing a propaganda opportunity for targeted regimes but this may be countered by avoiding crude blanket sanctions and instead using travel bans, asset freezes and sanctions against specific industries. The In Larger Freedom Report makes it clear that it is vital that any sanctions regime is properly monitored and enforced. The Report's recommendations to strengthen the capacity of Member States to implement sanctions, establish well-resourced monitoring mechanisms and ensure effective and accountable mechanisms to mitigate the humanitarian consequences of sanctions, should all be

adopted. In addition, the Security Council should consider the use of secondary sanctions to target those involved in sanctions busting.

An alternative to sanctions is the adoption of strict terms of business.¹¹ These are useful as they make it clear that it is the offending regime itself which is responsible for the lack of inward investment. They offer a more sophisticated policy than blanket sanctions and can ensure that the most vulnerable people are not unduly burdened. The establishment of internationally recognised and enforced standards of business would be a major step forward in this field and should be a priority for discussions at the UN.

Finally, a policy of disinvestments can be used. Mass campaigns to force multinationals to disinvest from countries and thus deprive governments of the revenues can be a very useful tool to bring regimes to heel. Indeed, this was a very effective strategy against apartheid South Africa.¹²

Support for Democracy and Good Governance

Democracy and good governance are essential to the protection of human rights. Indeed, the right to have a say in how one is governed is itself a human right. Capable states which uphold the criteria of good governance are best able to protect human rights.

The welfare economist, Amartya Sen, has argued that famines are not simply caused by lack of food; they are the result of inequalities built into the mechanisms for distributing food. They are easy to prevent in democracies where a free press acts as a check on politicians and politicians are aware of the ramifications at election time. By contrast, authoritarian or illegitimate governments are more likely to experience famines as the elites are rarely affected by them and without the media or effective opposition, care little for the consequences for the population.

Food shortages across much of Africa have more to do with bad politicians than with poor harvests. Even in the current food crisis in Niger, where the government requested help from the World Food Programme well in advance of the crisis, it is the poor people in the

¹¹ James Mawdsley and Benedict Rogers, *New Ground*, January 2003, p. 20

¹² Johann Hari, *The Independent*, 19 November 2004

south of the country, not the political elites, who are suffering malnourishment and starvation. When journalists in Niger tried to publicise details of the famine they were condemned by the government.

The United Nations should endorse the recommendation of the In Larger Freedom Report and establish a democracy fund at the UN to assist states seeking to establish or strengthen democracy. Member states should contribute to this fund to ensure that it has the resources and capabilities to fulfil its work.

States should make human rights and good governance key factors in all their interactions with other states. Human rights should not be merely the concern of the Department for International Development and the Foreign Office but also the Treasury, the Department for Trade and Industry and the Ministry of Defence. Although the British government has been a leader in the field of coordinating and mainstreaming policy, there is still much to do to make this work and to spread best practice to other states. In addition, they should be more willing to listen to, and take advantage of the expertise of, NGOs and civil society. The British Government should also acknowledge the indispensable roles played by the British Council and the BBC in promoting the values across the globe and should be willing to fund them generously.

There should be greater efforts made at donor coordination so that aid recipients are not sent mixed messages. This would also help to avoid the development of 'donor orphans' and 'donor darlings', where certain states are neglected by donors whilst others have aid lavished upon them.

PART TWO: Fragile States and Intra-State Conflict

Fragile states are those where the government cannot or will not deliver core functions to the majority of citizens, including the poor. Fragile states lack the institutional capacity to carry out their operations. Typically, fragile states lack the ability to manage public finances and the economy, to protect human rights and guarantee the security of the population, to provide basic services such as

primary education and healthcare, sanitation and infrastructure. Their capacity for economic development and poverty reduction is limited and many are at risk of sliding into conflict.

According to DFID, 870 million people, 14 per cent of the world's population, almost 30 per cent of those living on less than \$1 a day, live in fragile and failing states.¹³ However, in truth the numbers are likely to be far greater as DFID does not include middle-income countries in its definition. This means that countries such as Colombia, Angola and Kazakhstan are excluded from the calculations. This is despite the fact that Colombia is perhaps one of the weakest states in existence - it has been embroiled in civil conflict for generations, great swathes of the country are under the control of armed insurgents, the drug trade and organised crime continue to flourish, violence has reached endemic proportions, large sectors of the population live in abject poverty, corruption is rife, and human rights violations are commonplace. The state has in effect been captured by special interests and is unable to fulfil its core functions. Despite being held up as a beacon of democracy and economic progress in Latin America, Colombia is at best a semi-democracy and the scale of economic inequality is massive.

Engaging with Fragile States

It is essential that the international community engages effectively with fragile states. If we are to achieve the Millennium Development Goals, we must meet the challenges posed by such states. Walking away is no answer. Relying on humanitarian aid is little better, as aid does not tackle the root causes of fragility, instead addressing only its symptoms. These states are nowhere near close to achieving the development targets and without constructive, well chosen inputs from the outside world, they are likely to move backwards.

¹³ Dfid lists the following as fragile states - Afghanistan, Angola, Azerbaijan, Burma, Burundi, Cambodia, Cameroon, Central African Rep, Chad, Comoros, Cote d'Ivoire, Dem Rep of Congo, Djibouti, Dominica, Eritrea, Ethiopia, The Gambia, Georgia, Guinea, Guinea Bissau, Guyana, Haiti, Indonesia, Kenya, Kiribati, Lao PDR, Liberia, Mali, Nepal, Niger, Nigeria, Papua New Guinea, Rep of Congo, São Tomé & Príncipe, Sierra Leone, Solomon Islands, Somalia, Sudan, Tajikistan, Timor Leste, Tonga, Togo, Uzbekistan, Vanuatu, Yemen, and Zimbabwe, 'Why We Need To Work More Effectively in Fragile States', January 2005

It is in our interest to invest expertise and resources in fragile states. It is damaging to the international system in general when its members are seen not to be functioning. Moreover, fragile states pose serious risks in an age of interdependence and transnational threats. Fragile states are havens for terrorists, such as Al Qaeda in Afghanistan and Sudan. They allow organised crime to flourish, as in the Balkans. This has had a direct impact upon the EU as these gangs have trafficked thousands of people into the EU, predominantly young women who are then forced to work in the sex industry. The drug trade thrives in fragile states – most cocaine enters EU markets via Colombia and much of the heroin is from Afghanistan. Fragile states are by definition incapable of tackling global problems such as environmental pollution, HIV/AIDS and child trafficking. The fact that these states cannot deal with emerging threats is a risk to the entire international community. The problem of HIV/AIDS is devastating societies in fragile states which have little means of combating the spread of the virus or withstanding its ramifications. The UN Security Council has considered HIV/AIDS to be a threat to international peace and security. Its impact is greatest in fragile states. It undermines their society, weakens their economy and in many southern African states has hollowed out the military. Armies are losing the ability to mount effective operations because their experienced staff, such as middle ranking officers and NCOs, have been killed by the disease. In the wake of the SARS virus, it is ever more apparent that we need to strengthen states so that they can combat disease.

It is vital that we work with fragile states in order to reduce the risk of intra-state conflict. The vast majority of intra-state conflict occurs in fragile states. Civil conflicts tend to be especially pernicious and savage. In traditional inter-state warfare, the casualty rate has typically been nine soldiers to one civilian. In civil conflicts, these figures are reversed - 90 per cent of casualties are civilians. In many cases civilians are deliberately targeted and the fighting forces show utter disregard for their status as non-combatants. An officer in the UN peacekeeping force in the Democratic Republic of the Congo (MONUC) observed as much, 'we had the impression that the soldiers were not fighting each other, but rather the civilian population. Missiles were launched haphazardly, without any thought to civilians. What is this war in which out of 30 people killed only two are military personnel? These people don't respect the

basic rules of warfare. This is a war against civilians and it is always the same!¹⁴

The conflict in the DRC has killed four million people since 1998, approximately 31,000 a month. People are still dying as a result of the conflict despite the presence of UN peacekeepers. The conflict has been vicious and brutal. The warring factions carried out massacres, terrorised the civilian population and were guilty of unspeakable brutality. Women and children were not exempt from the violence. Women have been subjected to untold levels of sexual violence. Rape and gang rape have left many thousands of women with permanent physical injuries. In addition to the mental scars and stigma of rape, many women have been left incontinent and have been cast out from society. It is chilling to discover that HIV/AIDS has been used deliberately as a weapon of war in the Congo conflict.

The international community has a humanitarian obligation to protect civilians at risk during civil conflict. In addition, it must take action to prevent and halt civil conflict in order to avoid vast refugee flows which create instability in neighbouring countries. Given the developed world's general reluctance to accept vast numbers of refugees, it is also in their interest to address the third country issues that cause asylum flows. Furthermore, there is the risk of spillover violence. The conflict in Colombia has caused instability amongst its neighbours, Bolivia, Brazil, Peru and Venezuela. This has also been the case in the DRC. The conflict has destabilised the entire Great Lakes Region and Uganda and Rwanda have become involved directly in the conflict. Indeed, the origins of the conflict in the Congo have their roots in the 1994 Rwandan genocide, illustrating just how destructive fragile states can become.

The UN was established to safeguard peace and security. Under the Genocide Convention, member states pledged to prevent and punish genocide and crimes against humanity. Article 8 of the Millennium Declaration states that 'We will spare no effort to free our peoples from the scourge of war, whether within or between States'. Article 9 resolved to 'make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needs for

¹⁴ Amnesty International, 'Democratic Republic of Congo: Arming the East', July 2005

conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction'.

However, the UN record in dealing with fragile states, and in particular in tackling intra-state conflict, is dire. The UN's action, or lack of it, in the face of genocide in Rwanda has been well documented. The UN Secretariat and members of the Security Council were aware that elements connected to the Rwandan regime were planning genocide. The radio had been used as a propaganda tool fostering the conditions for the genocide in the months before the violence was unleashed. UN forces were in the country and effective preventative action could have been taken to avert, or at least greatly reduce the scale of the genocide. The Security Council failed to take the necessary action and one million people were slaughtered in a hundred days. The full horror of inaction was relayed by the world's media, to the chagrin of the public and the shame of the UN.

Despite the international community's claim to have learnt from the mistakes of Rwanda, little has changed. The poor and vulnerable in Africa would be right to conclude that, despite the claims that human rights are universal, their lives matter a great deal less to the international community than others. Even where it has intervened, the UN has moved at a glacial pace. Interventions have been late and utterly inadequate. The fact that they have largely been ineffective in restoring peace and stability and ensuring recovery, has damaged both the credibility of the UN and the notion of humanitarian intervention in general.

In Congo the UN has done too little too late. The peacekeeping force lacks the manpower and means to protect human rights in a country of that scale. The task of rebuilding the state can hardly begin as the peace is only barely holding. In Kosovo, again the UN Security Council was in a state of paralysis. It was left to NATO to stop the slaughter. In the aftermath of Rwanda, world leaders promised 'never again'. In 1999, President Clinton declared, 'whether you live in Africa, or Central Europe, or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background, or their

religion, and it's within our power to stop it, we will stop it'.¹⁵ Despite the rhetoric, little has changed. The international community's response to the genocide in Darfur has been risible.

Darfur

The facts are clear. The government of Sudan and the Janjaweed militia are engaged in a criminal conspiracy to slaughter hundreds of thousands of black Africans. The World Health Organisation estimates that between March and October 2004 70,000 people were killed, but this was from malnutrition or disease alone. The true death toll is vastly higher, between 300,000 and 400,000 in two years. Aerial bombing, mass shooting, widespread rape, theft of livestock, destruction of crops and poisoning of water supplies are all part of the cocktail of savagery that has stunned the world. Perhaps most sickening of all are the reports of people being chained together and burned alive. 1.8 million people have been internally displaced and are living in camps. A further 200,000 have fled across the border to Chad. Life in the camps is wretched, but the inhabitants do not dare to leave for home for fear of being raped or killed en route. Yet they are bitterly aware that the longer they are stranded in camps, the more likely that their land will be seized by the nomadic militia men.

Sudanese Government Ministers are masters of mendacity. Confronted with overwhelming evidence that they and their armed forces are responsible for mass murder, they deny all such charges point blank and, instead, they implausibly blame rebel forces for most of the violence.

To date, the response of the international community to the serial slaughter has been pitiful. It has been largely content to rely on humanitarian aid as a salve for a conflict that is politically motivated. Jan Egeland has spoken out against the inadequacy of the response. He stated that 'humanitarian workers are frustrated and angry with the situation. Many of them feel that we are alibis or a substitute for the political and security action that the world is not taking'.¹⁶

¹⁵ John Correll, *Airforce Magazine*, Vol. 83, No. 2, February 2000

¹⁶ Jan Egeland, speaking at a press conference in Sudan, 18 February 2005. Accessible at <http://www.africananews.com/cover/articles/appendix.htm>

Every so often the Security Council chides the butchers of Khartoum and hints vaguely at actions that might follow if the Sudanese government does not start to behave itself. If the United Nations is to preserve its self-respect, let alone to save hundreds of thousands of innocent lives, it has to show it means business. Kofi Annan's recent public insistence that the Security Council should act suggests that he at least knows that the stakes are high.

We welcome the referral of suspects to the International Criminal Court but this alone will not stop the killing. Indeed, it is likely to be two years before indictments are handed down to the 51 people on the ICC list. The culture of impunity is deeply embedded in Darfur. Rape and murder continue. Villages are still being destroyed.

The international community must strengthen the African Union force – its mandate and its means. The news that NATO and the EU are willing to provide logistical and technical resources is welcome and will surely facilitate the expansion of the AU force. However, it is not nearly enough. At present, the AU is providing a monitoring force, with only a very limited capacity to protect civilians. Even the touted alternative of a peacekeeping force is inadequate because it depends upon an existing peace agreement, rather than the fragile ceasefire which now applies in Darfur. We urgently need a mandate to enforce the peace, whatever the obstacles the belligerents seek to put in its way. That force needs to be vastly bigger and better resourced. General Romeo Dallaire, head of the 1994 UN mission in Rwanda, has estimated that 44,000 troops are needed in Darfur to stop the fighting and demobilize combatants. The UN envisages only a few thousand. With so much patronising patter about the need for African solutions to African problems, and so little means to deliver them, the suspicion exists that the international community is setting the AU up for a fall. If the AU is to quell that suspicion and carry out its role more effectively, Britain and others must provide the training, equipment and logistical support that the force needs.

The fact that the crisis in Darfur has been recognised as genocide should have prompted action to halt it. The sad reality is that the only true lesson learnt from Rwanda is that the Genocide Convention does not have any enforcement provisions. Politicians are now happy to use the 'g-word', safe in the knowledge that they are not

legally obligated to do anything to stop it. Unlike Rwanda, where the Security Council spent months debating whether the actions constituted genocide, over Darfur, it has instead spent months debating what to do about genocide. The fact is that you should not need the word genocide to decide whether to help save the lives of fellow human beings. Political will is the determining factor.

The international community must apply diplomatic pressure to induce the Sudan government to observe UN resolutions. The fact that Russia and China have economic ties to the Sudan government is no excuse for studied inactivity at the UN. We need a full arms embargo, an enforced no fly zone, targeted oil sanctions, a comprehensive travel ban and a freeze on Sudanese government assets in the West. The mass murderers in Khartoum are bankrolled through oil revenues and a clique of wealthy sponsors. Denying these individuals their ill-gotten gains would massively constrain the Government's ability to pursue its ethnic cleansing. The British Government's response has been feeble. It has failed to challenge the UN Security Council and even now the Foreign Office has an infuriating habit of implying that there is a moral equivalence between the Government and Arab militias and the rebel forces. There is not. The Sudanese Government is overwhelmingly to blame.

Finally, donor governments should use the leverage of the North South peace dividend to pressure the government to keep its promises to end the violence. Assistance for human development should be provided. After all, we have no quarrel with the people of South Sudan. However, economic assistance which will primarily benefit powerful elites in Sudan should be withheld until the Government ceases to spit in the face of the international community. Despite the fact that sequencing, i.e. prioritising of North South before addressing Darfur, clearly took place, the British government has denied that it prioritised the CPA in South Sudan over peace in Darfur. Now that a peace agreement has been secured in the South, the very least we can do is use it to facilitate peace in Darfur.

Recommendations

At the Millennium Review Summit in September, there is the opportunity to implement Article 9 of the Millennium Declaration and make the UN an effective instrument for the prevention of conflict.

Their first task is formally to embrace the collective 'responsibility to protect'. The International Commission on Intervention and State Sovereignty developed this concept in response to the increasing challenges to the sanctity of sovereignty. Sovereignty is in fact a responsibility and states should not be able to use it to guarantee impunity for human rights abuses. The In Larger Freedom Report stated that the 'responsibility lies, first and foremost, with each individual State, whose primary *raison d'être* and duty is to protect its population. But if national authorities are unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect the human rights and well being of civilian populations'. When such actions are insufficient, the UN Security Council can approve enforcement action under Chapter VII of the UN Charter.

In the aftermath of the Iraq War, many weak states will be fearful that the adoption of the 'responsibility to protect' will be used as a cover for powerful states to bully the weak. If the summit is to be successful, it is essential that these states are reassured that this norm will not be used as a guise for imperialism.

The responsibility to protect encompasses three broad themes: the responsibility to prevent, the responsibility to react and the responsibility to rebuild.

Peacebuilding Commission

The creation of a free standing Peace-building Commission within the UN structure is an essential first step towards the development of a comprehensive, coherent approach to fragile states and intra-state conflict. The High-Level Panel Report recommended that establishment of the Commission in order to address an institutional gap within the UN as there is currently no place within the UN to prevent state collapse and the outbreak of conflict or to assist countries in the recovery from conflict.

We believe that the High Level Panel model for the Commission should be followed. As such, the 'core functions of the Peacebuilding Commission should be to identify countries which are under stress and risk sliding towards State collapse; to organize, in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peacebuilding; and in particular to marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary'.

We reject the assertion by the Secretary-General in his In Larger Freedom Report that the body should not have an early warning or monitoring function. It is absolutely vital that the Commission is involved in prevention and monitoring. This will allow for situations to be dealt with before they develop into crises. Prevention not only saves lives - it is a far more efficient use of resources. The cost of rebuilding post-conflict is huge. Not only do infrastructure and the economy have to be rebuilt but combatants have to be rehabilitated and society has to be restored. In purely financial terms, prevention is always better. The Carnegie Commission estimated that a force of 5,000 could have prevented the genocide in Rwanda. This would have cost \$1.3 billion. The cost of rebuilding has so far been estimated at \$4.5 billion.

The member states must agree to fund the Commission so that it can carry out its role and a support office should be established within the Secretariat, as per the Secretary General's recommendation.

Tackle Root Causes

Member states must be willing to tackle the root causes of state fragility both bilaterally and through the Peacebuilding Commission. Capacity building within state institutions is vital in averting state collapse. Donor governments must be willing to support 'good enough governance'. Fragile states cannot be expected to become fully functioning democracies overnight. The task is to build effective states capable of fulfilling basic functions. Donors should support selective reforms which address the primary causes of instability and

avoid overly ambitious or controversial plans. In the longer term, donors should promote development, good governance and the transition to democracy. Civil society and NGOs can play a vital role in addressing the root causes of instability and should be involved in the donor's plans.

The British Government has established Conflict Prevention Pools in an effort to coordinate Britain's interaction with fragile states in order to ensure that their policies promote stability and do not undermine it. The trade in natural resources can be particularly hazardous for stability, witness the impact of diamonds in Sierra Leone, and states should be aware of this before investing.

DFID has become a leader in this field. It has suggested priorities for reforms in fragile states. These include improving the protection of people and their property, reforming the security sector, bolstering public financial management, enhancing service delivery and promoting livelihoods. Others in the international community should draw upon the best practice of the Conflict Prevention Pools. The United States might like to consider some of their proposals before sending yet more military aid to Colombia. The EU should also incorporate such work into EU aid policy.

Rebuilding

In the aftermath of conflict, the international community must be willing to give a long-term commitment to the rebuilding of collapsed states. Not only do the root causes of fragility have to be tackled, but the impact of conflict must also be addressed, including the impact of conflict upon society.

Quick wins which improve the population's investment in the peace are essential. Quick Impact Projects to restore infrastructure should be a priority. DFID should be wary of repeating its decision to fund two gender advisers for Iraq before basic essential services were in place. To attempt complex social engineering before meeting basic physical needs is insulting and essentially counter-productive as it risks allowing the state to slide back into conflict.

The demobilisation, disarmament and rehabilitation of combatants are another essential element in the rebuilding stages. The High

Level Panel rightly concluded that the demobilization of combatants is the 'single most important factor determining the success of peace operations'. If this is not successful, there is a great risk that the state will slide back into conflict and will jeopardise the goals of development, justice and democratisation. The impact of the failure of the demobilisation process is only too evident in the DRC. Former combatants have no vested interest in the peace, it offers little for them as there are no jobs to return to. What is more, the ongoing violence encourages people to retain their arms. The DRC has seen the rise of 'self defence' militia and a surge in banditry, both of which contribute to the sense of lawlessness and insecurity.

Institution building is essential in a post-conflict situation. It should not simply focus on the military. Building capacity within the civilian police force is a long-term goal that has too often been neglected. It is vital that when the peacekeepers leave, the domestic forces are able to maintain the peace.

Small Arms

Small arms have been called 'the poor man's WMD'. They are implicated in 300,000 deaths per year and responsible for the vast majority of deaths in intra-state conflict and cause instability in fragile states. Member states must work to build capacity within fragile states to take arms out of circulation. The existing mechanisms for the control of small arms are totally inadequate. An arms embargo was imposed upon the DRC in July 2003. This was strengthened and widened to apply to the whole of the DRC in April 2005, yet arms and related materials continue to be delivered to the region.

At the meeting in September, the delegates should agree to take positive steps to combat the scourge of small arms. They should heed the recommendation of the High Level Panel and agree to 'expedite and conclude negotiations on legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons'. This should build upon the EU Code of Conduct on arms exports and should incorporate the principle that arms should not be sold when there is a reasonable expectation they will be used to suppress human rights. It is essential that arms brokering be tackled in order to close the loophole which allows unscrupulous brokers within the EU to bypass embargoes by

purchasing arms in Eastern Europe and arranging their transfer to Africa.

Humanitarian Intervention

As part of their obligation under the responsibility to protect, states must be willing to take action to protect human rights. There is a continuum of action from using mediation to sanctions to the use of force. In order to increase the prospect of action being taken to suppress the violation of human rights, the UN should accept the proposed five principles to judge whether intervention should go ahead. They are seriousness of threat, proper purpose, last resort, proportional means and balance of consequences.

These principles are useful, though they do pose certain problems. Just who is to decide how serious a threat is? The notion of last resort is also troublesome. How long is the Security Council prepared to wait before taking affirmative action? Bernard Kouchner, the founder of *Médecin Sans Frontières*, has argued that 'it is necessary to take the further step of using the right to intervention as a preventative measure to stop wars before they start and to stop murderers before they kill'.¹⁷ Furthermore, Michael Walzer, a key proponent of the Just War tradition has argued that 'it isn't enough to wait until the tyrants, the zealots, and the bigots have done their filthy work and then rush food and medicine to the ragged survivors. Whenever the filthy work can be stopped, it should be stopped'.¹⁸

The fact is that even if the Security Council does adopt these principles, it is likely that any decision to take action will be delayed by wrangling between the permanent members. The High Level Panel made two suggestions in order to make paralysis of the Security Council less likely. The first was that the permanent members of the Council should agree in principle to refrain from using the veto in cases of genocide or large-scale human rights abuses. We believe that the permanent members should agree to this in September. It does the UN, and the international community

¹⁷ David Chandler, 'From Kosovo to Kabul: Human Rights and International Intervention', Pluto Press, London, 2002, p. xiv

¹⁸ Michael Walzer, 'Arguing About War', Yale University Press, New Haven, 2004, p. 81

in general, great damage when the Security Council chooses to ignore genocide and human rights abuses. The second proposal was to introduce a system of 'Indicative Voting' whereby members of the Security Council could call for a public indication of positions on a proposed action. This would be non-binding and a second formal vote would take place. The purpose of this would be to make the members' negotiating positions public. By forcing positions into the public domain, there is a possibility that progress might be made as public opinion could be used to push states in a particular direction.

The likelihood remains that the Security Council will continue to dither and permanent members with vested interests will block action against brutal regimes. However, both the High Level Panel Report and *In Larger Freedom* assert that it is the Security Council which can confer legitimacy upon interventions. This suggests that whilst genocide should never be tolerated, genocide should be tolerated when the members of the Security Council cannot agree to act. To condemn civilians to death simply because we have an imperfect UN is nothing more than procedural fetishism. Michael Walzer has stated that 'multilateralism is no guarantee of anything' and, given the divided nature of the Security Council, 'we will have to look for and live with unilateral interventions'.¹⁹ We believe that, wherever possible, interventions should be conducted under the auspices of the UN. However, when the UN is not prepared to take action, states should be willing to take action themselves to stop the slaughter.

Member states must be willing to make peace-enforcement and peacekeeping operations most effective. One of the most powerful arguments against humanitarian intervention is that intervention often seems to do more harm than good. Traditionally peacekeepers have lacked the mandate, resources and military might to carry out their mission. The international community must be willing to invest in training, logistics and hardware for their missions. What is more, the developed world must be willing to send in its troops.

Dr Andrew Thompson, in his book on UN peacekeeping, wrote 'If blue-helmeted UN peacekeepers show up in your town or village and offer to protect you, run. Or else get weapons. Your lives are worth

¹⁹ Walzer, p. 80

so much less than theirs'.²⁰ States must accept that there will be casualties in any enforcement effort. The notion of 'peaceful peacekeeping' is a contradiction in terms. As in any military operation, the goals of the mission must dictate the actions taken. It is quite wrong for states to prioritise the safety of the troops over and above the safety of the civilians they are supposed to protect.

In September the member states should also consider the proposal of building rapid reaction capacity, of both civilian and military personnel, within the UN. In addition, they must agree to work with the African Union to strengthen its capacity to address conflict within Africa. At present, the AU is simply no substitute for a UN force. It lacks resources, manpower, logistical capability and experience as demonstrated by the mission in Darfur.

Conclusion

It may be trite but it is true to say that since the collapse of the Soviet Union, the source of the threat to our security might have changed, but the fact of it has not. The world remains a dangerous place. Leaving aside the recent reminders of this fact that terrorist atrocities in Britain have given, millions of people across the globe suffer insecurity, torture or worse every day.

The number of conflicts on the one hand and the number of state oppressors on the other offer a painful reality check to anyone who might glory in the security of the world post 1945. As we have seen, 56 years after the adoption of the Universal Declaration of Human Rights by the UN General Assembly, abuses of such rights are commonplace in scores of states which sit at the UN's tables to pontificate on the affairs of the world. The existing machinery for monitoring, deterring and punishing violations is lamentably deficient. It needs to be dramatically and urgently overhauled.

The UN Human Rights Commission is self-serving and ineffective. It lacks the credibility or the will to promote respect for human rights. It

²⁰ Dr Andrew Thompson, 'Emergency Sex (and Other Desperate Measures): True Stories from a War Zone', *The Observer*, 3 April 2005

should be replaced with a powerful Human Rights Council that is not afraid to condemn states when they violate human rights.

In order to tackle human rights abuses, the UN must be prepared to enforce the Charter and suspend the voting privileges of those countries which flagrantly violate its terms. The international community must demonstrate a willingness to name and shame those states which persecute civilians. In addition to diplomatic efforts, they should employ a full range of economic tools to encourage or coerce states into compliance, including sanctions and disinvestment.

The UN is failing to engage constructively with fragile states. It has been unwilling or unable to prevent civil conflicts and its attempts to rebuild countries in the aftermath of conflict have met with limited success. The international community should embrace the collective 'responsibility to protect', encompassing the responsibility to prevent, react and rebuild. The creation of a Peacebuilding Commission will enable the UN to develop a comprehensive approach to fragile states. It must have sufficient resources in order to tackle the root causes of conflict, such as weak institutional capacity, and to help states to recover from conflict and ensure that they do not slide back into war. To this end, the UN should agree to negotiate an international arms treaty in order to tackle the devastating impact of small arms.

The member states of the UN should make it a priority to improve their capacity for humanitarian intervention. The UN has failed to act in too many cases, including Rwanda, Kosovo and Darfur. To improve the possibility of securing agreement for intervention, the permanent members of the Security Council should agree to refrain from using the veto in the case of widespread abuses of human rights. Furthermore, the UN must make its peacekeeping and peace-enforcement missions more effective by investing in training, logistics and hardware. Though it is likely to be controversial, we believe that member states should also consider developing a rapid reaction capacity within the UN in order to respond to humanitarian disasters quickly and efficiently.

The UN should be no less robust in dealing with its own failings than when tackling the transgressions of states. Both because it is right in

itself and for reasons of credibility in prescribing to others, it has to put its own house in order. It is totally unacceptable that UN operatives should engage in corruption. What is more, accusations that UN staff sexually exploit vulnerable people, the very people that the UN is supposed to be protecting, are abhorrent. They must be thoroughly investigated and, if guilt is proven, those responsible should be severely punished. Member states should support the proposed staffing reforms of the Secretariat, including the staff buyout. This is essential in order to improve the quality of staff within the institution. The UN must become a fully functioning meritocracy if it is to perform properly.

The Millennium Review Summit presents a real opportunity for reform of the UN. The agenda for the summit is extensive and covers issues such as the proliferation of weapons of mass destruction and the threat of terrorism. It also covers the perennial issue of the composition of the Security Council. It is absolutely vital that member states do not simply get bogged down in wrangling over the expansion of membership of the Security Council.

The UN must do much more to tackle human rights abuses and to effectively counter state fragility and intra-state conflict. If it fails to do so, it is likely that states will simply ignore it. If humanitarian interventions that take place without the consent of the Security Council are shown to be successful, there is a real danger that the UN's role in the protection of human rights could become obsolete.

If there is a vacuum, it will be filled. It would be both irresponsible and tragic if the UN failed to rise to the challenge and unwittingly ushered in a new era of international vigilantism. Those of us who passionately seek progress on international security and respect for human rights, and who believe that multilateral means are the only reliable way to achieve them, want the United Nations to succeed. To do so, it must be bold in vision and determined in leadership. The breadth, diversity and decision-making structure of the organisation should not be used as limp excuses for not to act but as powerful factors in deciding to do so.

Also available from the Foreign Policy Centre:

UN SECURITY COUNCIL REFORM: 'FROM HERE TO ETERNITY?'

Mark Imber
September 2005
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Following the Iraq war of 2003 Kofi Annan identified a stark choice for the UN: effectiveness or irrelevance. Dr Imber argues that the High Level Panel Report of 2004 and the follow-up In Larger Freedom provide useful reference points for the future of the UN: an expanded view of human security, expansion of Security Council membership, and recognition of US priorities on terrorism and self-defence. However, Dr Imber also identifies obstacles to reform, including confusion over the understanding of 'UN reform' itself, the lack of resilience of the UN Charter, the expansion of 'competing' multilateral organisations (such as the G8 or the European Union), and diverse reform agendas.

Despite the difficulty of pushing through reform, the stakes are high. Poverty, infectious diseases and environmental degradation join with conflicts between and within states as sources of insecurity, and the rising importance of non-state actors requires a UN capable of dealing with an environment far removed from that which it was designed to operate in. This pamphlet makes several recommendations for the way ahead. Not least, Dr Imber asserts the growing importance of the UN to those without a powerful state to represent their interests -- the global poor, the dispossessed and displaced. The author calls on all parties to ensure that the obstacles posed by vested interests, exemplified by the US 'double veto', should not be allowed to stand in the way of turning the UN towards much more effective multilateralism.

VOTING FOR THE VETO: INDIA IN A REFORMED UN

Shairi Mathur
September 2005
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The case for India's permanent seat in the Security Council is as compelling as it is simple. India is the world's largest democracy,

soon to be the world's most populous country, and home to over 15 per cent of the world's population; and, it possesses nuclear weapons and strategic missiles. In 2005, the World Bank ranked India as having the fourth biggest GDP in the world (in terms of purchasing power parity). India has taken part in more than 30 UN peacekeeping operations. By any sensible measure of 'equity', the reform of the Security Council in 2005 should result in India's elevation to the Security Council with the same powers as China and the USA.

India has recently dropped its insistence on acquiring veto power as part of its bid for a permanent seat on the Council. Yet the role of the veto is central to the founding purposes of the Security Council. Even though the Indian government may have suspended its interest in the veto power for now, that is not sufficient reason for the rest of the world to ignore the question. Therefore, and notwithstanding the 'anachronistic character' of the veto, this pamphlet argues that it is in the best interests of all UN member states to ensure that a peaceable, politically developed and economically strong India has not only a permanent seat on the Security Council but also veto power.

DARFUR AND GENOCIDE

Greg Austin and Ben Koppelman

July 2004

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The unfolding of the Darfur crisis since January 2003 shows that the United Nations, the USA, the UK and the EU have not lived up to their promises for more effective conflict prevention or their obligations to monitor, prevent and punish the crime of genocide. The lessons of failure to prevent the Rwanda genocide have not been fully institutionalised. This pamphlet lays out the sort of measures that need to be taken in such cases and that could have been taken much earlier in the Darfur case. Policy must focus on the perpetrators. The start point has to be measures personally targeted against them. Early measures for preventing imminent genocide must also include contingency planning for multinational military intervention as a means of bolstering diplomatic pressure.

A NEW GRAND BARGAIN FOR PEACE: TOWARDS A REFORMATION IN INTERNATIONAL SECURITY LAW

Greg Austin and Ken Berry

February 2005

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The United Nations does not just need reform, it is in need of a Reformation'. The scope of change needed can only be understood with reference to the massive changes in international power relationships of the past sixty years. The composition of the Security Council is just one structural question among many other deeper issues. Reform of the Council membership and setting up a Peace-building Commission, while both important changes, are not adequate by themselves. Such innovations need to be seated in a comprehensive programme of reform that addresses other aspirations among rising powers. There needs to be a quick move towards the progressive codification of important innovations in international security law that address several areas of grave concern to the majority of states.

This paper argues that the growing support for reform of the Security Council provides a unique opportunity to address these other concerns. States can now work towards a new grand bargain that will begin to bridge the growing gulf between, on the one hand, US and European perceptions of the international legal and political order and, on the other, those of the 'non-West'. Only when these other concerns are addressed will reform of the Security Council be meaningful and durable.

INDIA AS A NEW GLOBAL LEADER

Prasenjit Basu, Brahma Chellaney, Parag Khanna and Sunil Khilnani

February 2005

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In 30 years India's economy could be larger than all but those of the US and China. In this collection of essays, with a preface by the Indian High Commissioner to the UK, Kamallesh Sharma, four leading thinkers on India explore how it can carve out a world role that best serves its goals and interests.

BLUEPRINT FOR RUSSIA

Jennifer Moll

August 2005

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Using each author's expertise, this pamphlet compiles a broad range of opinions to outline a Blueprint for Russia. The contributions focus on political change in Russia as it relates to the three key policy areas of law, the economy and political pluralism. As many of our experts note, the largest issue facing Russia today centres around politics. Recent political developments have weakened the country through the perception that the system is unfair, resulting in an unfortunate cycle perpetuated by greed, corruption and a bureaucracy out of touch with the population. The concrete steps advocated by the contributors are essential for trust to be restored and for a pluralist democracy to be reinvigorated.

AN AFRICAN AL-JAZEERA?: MASS MEDIA AND THE AFRICAN RENAISSANCE

Philip Fiske de Gouveia

May 2005

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A new momentum is building behind development efforts in Africa. The work of the UK Commission for Africa, for example, appears to be symptomatic of a renewed global interest in the world's poorest continent. But while debate continues about how best to assist progress in Africa, one potential factor in the 'African renaissance' receives less attention than most: the media. Historically, the media has played a fundamental role in democratisation and economic growth across the world, yet its significance is routinely downplayed by development strategists. Taking his lead from the success of trans-national media like Al-Jazeera, the author examines how the media might contribute to much needed change across the African continent. What role could the media play as part of political and economic advances in Africa? Can and should Africa shrug off its perceived information dependence on the West? Should the creation of an indigenous pan-African broadcaster be a development priority?

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