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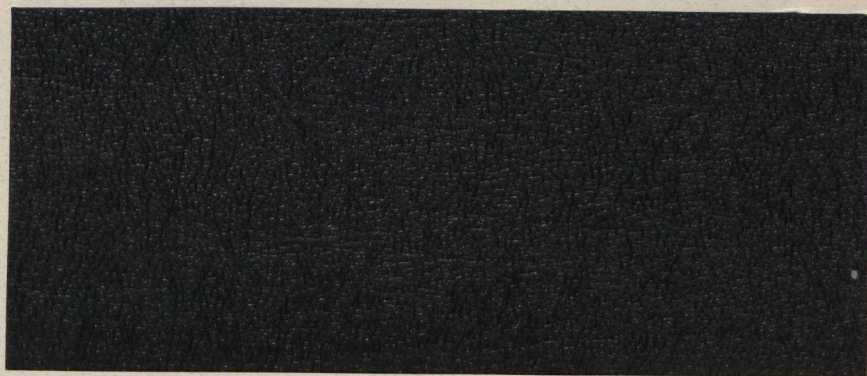


Centre canadien
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**REPORT FROM THE CONFERENCE
"GLOBAL COMPACT AND UNITED NATIONS INSTITUTIONS"**

**July 14-15, 2000
Tokyo, Japan**







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A group of academics, government officials and leaders of non-governmental initiatives met in the middle of July 2000 in Tokyo to address key issues related to New Diplomacy. The meeting was the second of three looking at the impact of State and NGO initiatives on the mandates and functioning of international institutions. This discussion series is a joint project undertaken by the United Nations University in Tokyo, the Centre on Foreign Policy and Federalism at the University of Waterloo and the Canadian Centre for Foreign Policy Development. It is also supported by the Department of Foreign Affairs and International Trade. The first meeting explored the conceptual complexity and operational realities of the changing international system by looking at the campaign for a global ban on anti-personnel land mines and the efforts to establish a permanent International Criminal Court (September 28-30, 1999, Acton, Ontario). The Tokyo meeting addressed the conceptual shift toward Human Security at the United Nations as well as the possibilities and limits of reforming the United Nations Security Council. The feasibility, effectiveness and legitimacy of codes of conduct and their potential impact on states, non-governmental organisations and business was also assessed. Canadian Foreign Affairs Minister, Lloyd Axworthy, delivered the key note address. Other participants, included: Paul Heinbecker (Assistant Deputy Minister, Global and Security Policy, DFAIT), John English (University of Waterloo), Andrew Cooper (University of Waterloo), Ramesh Thakur (United Nations University), Takeo Uchida (Chuo University, Japan), John Groom (University of Kent, United Kingdom), Anil Sing (Voluntary Action Network India), Deirdre van der Merwe (Institute for Security Studies, South Africa), and Virginian Haufler (University of Maryland, United States). The third and last conference is scheduled to take place in 2001. It will concentrate more specifically on New Diplomacy and the development of international law.

1. OPENING REMARKS

Professors John English and Andrew Cooper (University of Waterloo) opened the second round of the "New Diplomacy" conference and welcomed all the participants. John English reflected on the origins of the Conference which stemmed from his discussions in Japan about the Ottawa process and the apparent disconnect between the Japanese government and civil society. Andrew Cooper thanked Ramesh Thakur (United Nations University) for hosting the event, Steve Lee (Canadian Centre for Foreign Policy Development) for his support and timely publication of the first conference proceedings and others for their participation. According to the discussion in Acton (Ontario), top-down leadership in the international system is no longer tenable. New Diplomacy allows for alternative sources of initiative and innovation from the traditional P-5 or United States-centred leadership. Broad in scope, New Diplomacy is being

conducted with a sense of intensity and impatience. While the growing relationship between like-minded states, NGOs and the UN is not clearly defined, it often functions as a catalyst for UN action.¹ With this theoretical context in mind, Cooper signalled the topics for the two-day conference: UN leadership and the emergence of codes of conduct.

Ramesh Thakur drew attention to an article in the *International Herald Tribune* by Joseph Fitchett on the need for the French Diplomats "to go back to school." In his article, Fitchett reports that the French government decided to introduce reforms on the lines of the American and British traditions of cooperation between policymakers and independent research institutes. Bureaucrats are being asked to abandon a uniquely French approach to foreign policy and learn how to cope with new challenges posed by a more competitive and globalised world. A report commissioned by the French Prime Minister, Lionel Jospin, states that France needs to perform better in handling the new tools of international influence, often described as "soft power," which involve the use of communications and networking among research institutes and other non-governmental bodies. Ramesh Thakur pointed out that this trend reflects the recent shift in the international system from traditional (i.e., high *versus* low politics issues) and top-down leadership toward an emphasis on "soft power" approaches and horizontal modes of governance. While we should capitalise on the changing nature of foreign policy, many questions, including how to explain the success of the Ottawa process, remain unanswered, he said. There is a need to establish a closer relationship between bureaucracies and think tanks. New Diplomacy issues nor the nature of the process have been entrenched yet within the "established" international institutions and regimes.

2. UNITED NATIONS INSTITUTIONS AND THE GLOBAL COMPACT I: CANADA AT THE UN SECURITY COUNCIL

Paul Heinbecker (Assistant Deputy Minister, Global and Security Policy/Canadian Ambassador Designate to the United Nations) outlined the Canadian experience with human security at the UN Security Council. He said that the shift to less state-centric approaches is apparent not only at the UN, but also at the G-8. The agenda and outcome of the G-8 meeting in Miyazaki, Japan, clearly pointed to this development with human security issues such as firearms, the illegal diamond trade, and war-affected children, at the forefront. While the French public sector may need to go back to school, there is a need for improvement in Canada as well, he said. While some useful reforms have taken place, including the work of the Canadian Centre for Foreign Policy Development, even more should be done to develop a closer relationship between policy makers and the public.

¹For further theoretical elaboration of New Diplomacy see the Canadian Centre for Foreign Policy Development, *Report from the Conference on New Diplomacy: the United Nations, Like-minded Countries and Non-governmental Organisations (September 28 - 30, 1999, Millcroft Inn, Ontario, Canada)*.

Paul Heinbecker said that in a departure from traditional Security Council election campaigns, Canada ran not only on its UN credentials, but also a specific policy platform. The first priority was to promote human security and to expand the Council's historical state-centred approach to peace and security. Second, Canada sought to reassert the engagement and leadership of the Council in the wake of its post-Somalia and Rwanda retrenchment. Finally, Canada undertook to promote transparency and accountability of the Council to make it more democratic.

The greatest challenge to Canada's platform was on human security because of the state-centred security mandate assigned to the Council by the UN Charter and because of its strict interpretation by key member states. Nevertheless, Canada started from the assumption that today's security agenda is dominated by new threats that affect people directly. The security of states is essential, but not sufficient, to ensure the peace, safety and well-being of people. Human security treats the safety of people as a moral good and a human necessity. It also treats the safety of people as integral to achieving stability. Therefore, Canada sought to broaden the Council's definition of "threats to international peace and security" – its usual trigger for action, to encompass new human security challenges. Canada argued that humanitarian principles and human rights should be given greater weight in the Council's calculus of when to act. The "CNN effect" engages actively our consciousness, we no longer have the choice whether to act or not. Grievously harming people is no longer tolerable.

A strategy that combined a case-by-case approach with a normative one was chosen. Under the first element of this strategy, Canada sought "operational entry points" for advancing human security practices in the Council's day-to-day decisions on key security issues, particularly peacekeeping mandates and sanctions regimes. Canada realised the second element of its strategy – promoting a more normative approach to human security, through a thematic initiative on the protection of civilians in armed conflict.

The theme of protection of civilians in armed conflict was well-suited to the Council's mandate and instruments. No one could argue that armed conflict was beyond the Council's purview. Nor could anyone dispute the fact that the victims of today's conflicts were overwhelmingly civilian, and that the majority of conflicts were within rather than between states. As a part of Canada's first presidency of the Council in February 1999, Canada succeeded in securing the agreement of Council members to discuss this topic in a meeting open to the wider UN membership. The meeting included the first-ever briefing of the Council by the President of the International Committee of the Red Cross. A Presidential Statement was negotiated. It expressed the Council's concern with the plight of civilians caught in the cross-fire and condemned deliberate attacks against them. Canada's strategy also included tasking the Secretary-General to examine what the UN could do and to report back to the Council. Six months later, in September 1999, the Secretary-General's ground-breaking report on the protection of civilians was endorsed by Resolution 1265, drafted by Canada. To further lock-in Council engagement, that resolution also created the Canadian-led Council working group, in which a follow-up resolution was negotiated. In April 2000, during Canada's second and last

presidency, the Council adopted Resolution 1296 which served to consolidate the Council's commitment to key recommendations of the Secretary-General's report. These will now figure routinely in Council considerations.

To anchor the thematic consideration of the protection of civilians in concrete cases, Canada scheduled debates this past April on human security themes. Canada arranged a meeting on the human rights situation in Afghanistan, ensuring that the plight of women and girls in that conflict was highlighted, and the first-ever Council discussion of the lessons of Rwanda. During a special meeting on the findings of the Independent Inquiry on the UN's Actions in the Rwanda Genocide, Canada was able to highlight the imperative of providing appropriate mandates to peacekeeping operations to protect civilians, and to match those mandates with the resources needed to do the job.

Taken together, the Secretary-General's report, the Canadian-led resolution and the Presidential Statement serve as a future guide to Council action on behalf of civilian victims of conflict and abuse. Partly as a result of Canada's prodding, the three new peacekeeping missions in East Timor, Sierra Leone and the Democratic Republic of Congo were all given limited but specific Chapter VII mandates to protect civilians. In each case, Canada argued, forcefully, for these missions to be given the necessary resources to achieve their mandates. These are modest gains and first steps.

Another vehicle for advancing human security on the Council has been Canada's work on sanctions. The Council's ad hoc and politically charged approach to sanctions had frequently led not only to ineffective measures, but to negative humanitarian impacts. Therefore, Canada pressed for reform to make sanctions more humane and effective. Canada took a case-specific approach utilising Canada's position as a Chair of the Angola sanctions committee. Canada also took a more global approach by sponsoring a major independent study by the New York based International Peace Academy (IPA) covering the last decade of Security Council sanctions. Canada spearheaded the creation of a Council working group on sanctions policy to ensure the report had an impact and to launch a process of reform. The work of Canada's Ambassador, Robert Fowler, on Angola sanctions was also significant. His groundbreaking efforts culminated in April with the adoption of a Canadian-led resolution which established a monitoring body to conduct further probes into sanctions violations and to recommend measures, including new sanctions, against the "sanctions busters."

Turning to enhancing accountability, transparency and democracy of the UN Security Council, Paul Heinbecker said that reform of the Council methods must be a priority. Under the current *modus operandi*, the scope for excluding security issues from the Council's considerations is greater than the reverse. In April, for example, Canada's efforts to put the Sudan conflict, one of the bloodiest, on the Council agenda was blocked, not because the competing peace processes were making any progress but because of a coincidence of contrary interests. Rather than aiding the search for peace, too often the Council's procedures are used to serve the interest and prerogatives of its permanent members. The Chinese veto of the

UNPREDEP mandate on the eve of the Kosovo conflict is only the most blatant. Therefore, transparency and effectiveness are more urgent goals than considerations of the Council's size and the status of its membership. The world needs a more, not less, accountable Security Council. It is good for the UN that prospective Security Council members face an electorate and stand for election. People should be encouraged to talk about their ideas. Moreover, new ideas often come from the non-permanent members.

Some progress has been made in adapting the Council's working methods. It has become increasingly common for Council presidents to hold several thematic or open meetings during a month on topics as wide-ranging as the impact of AIDS on conflict, the United States theme (last January), or terrorism (proposed by Russia last year). When Canada joined, one thematic discussion per month was seen to be the limit of what the traffic would bear - Canada arranged six such discussions in April. Last December the Council also agreed to more inclusive meeting formats, allowing non-Council members and even non-state parties to participate in Council discussions. Canada hopes that such innovations will move the Council towards a comprehensive concept of security.

In conclusion, Paul Heinbecker reflected on the challenges and constraints to human security-centred approaches at the UN. A key constraint to Council action is both the narrow, state-centred security mandate assigned to it in the UN Charter and the reticence of many states to broaden traditional definitions of security to encompass new human security imperatives. The Charter does not contemplate explicit response to intra-state threats to peace, including abusive even genocidal acts by governments against their own people, even when they have destabilising consequences of neighbouring countries or whole regions. The Charter's provisions on sovereignty continue to be interpreted by some, particularly Russia and China, as privileging the security of the state over that of its citizens. These countries consider these provisions to constitute a legal basis for their opposition to Council action on behalf of human security. At the same time human rights and humanitarian norms have been gaining strength through a progressive accumulation of treaties, covenants, protocols and precedents, including most recently the creation of the International Criminal Tribunals for Rwanda and Yugoslavia and the adoption of the Rome Statute on the International Criminal Court. These developments have contributed to a tempering of the power of the concept of state sovereignty when it conflicts with human rights and humanitarian principles. The Charter itself, however, does not reflect this evolution, and because of the veto, it is frozen in time. Unfortunately, there is a reluctance among many member states to even debate these questions. In addition to the constitutional constraints, the UN financial crunch remains a key impediment to effective Council action. The American arrears continue to hobble Council decision-making, particularly on peacekeeping mandates, where Washington has tried to keep costs down, sometime at the expense of the operational soundness of the mission in question. The low ebb in the United States-UN relations also continues to undermine effective Council action because it precludes American political leadership on key issues.

According to Paul Heinbecker, the old East versus West, Communism versus Capitalism,

Warsaw Pact versus NATO, Russians versus Americans, in other words, the macro-security paradigm of a global struggle has all but broken down. "Ours is an age of micro-security." Rather than over-arching issues of peace and war, we now face a myriad of smaller challenges, none in itself capable of triggering global conflict, but all capable of challenging our humanity. In this new environment, we simply must reform the Department of Peacekeeping Operations. We can not expect the UN to take life and death decisions without reform and adequate capacity.

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In his key note address, **Minister Axworthy** expressed his pleasure at being back at the UN University. The last time he spoke here, he said, he was Opposition Critic for Foreign Affairs. Now, he has the duty of seeing that ideas become policy. "With topics ranging from Security Council reform to voluntary codes of conduct, you have undertaken a very ambitious conference agenda," he said to the Conference participants. He was encouraged by the level of discussion during the first roundtable in Acton, Ontario, and pleased to see that so many of the issues examined during this second session are at the heart of Canada's foreign policy agenda. Venues, such as this one, which bring thinkers and practitioners together are always useful.

A shift has occurred in what it means to be secure in the nearly five years he has been Canada's Foreign Affairs Minister. As a result, the language of international affairs has begun to change. No longer are we limited to discussions of states' rights and national sovereignty. Protection of civilians, the plight of war-affected children, the threat of terrorism and drugs, managing open borders and combatting infectious diseases are now among the integral aspects of the global dialogue. This shift in language reflects a recognition that protecting people must be our principal concern. In turn, this recognition has resulted in the evolution of Canadian foreign policy and the formulation of many of the aspects of the human security agenda.

The term human security is not new. A recognition that people's rights are at least as important as those of states has been gaining momentum since the end of the Second World War. The Holocaust forced a serious examination of the place of international moral standards and codes in the conduct of world affairs. It also caused us to rethink the principles of national sovereignty. The Nuremberg trials were an acknowledgement that grotesque and extreme violations of people's rights could not go unpunished. The UN Charter, the Universal Declaration of Human Rights, the Genocide Conventions and the Geneva Conventions all recognized the inherent right of people to personal security. They also established the basis in international law and practice for a challenge to conventional notions of sovereignty when violations occur.

The Minister reminded participants the centrality of "We the people..." in the UN Charter. This sentiment must be backed up, he said. A day does not go by when we are not faced by the number of atrocities we let go by. Rwanda is a perfect example. The daily telegrams addressed to the Minister's office and the daily newscasts are replete with reports on civilian attacks and terrorism. The spread of AIDS and other infectious diseases, growth of transnational crime, sexual exploitation, all point to a diminishing security of an individual. These issues effect

people on the ground. They are points of discussion at kitchen tables rather than abstract, "high politics" issues. Politicians must react.

Conflict has increased in the past decade. We can not even count the number of lives lost. These are intrastate wars, based on ethnic, religious and economic divisions, in which 90% of casualties are civilian. Contemporary intrastate conflicts do not have internationally established rules of war. This means that people are forced from their homes because they are ethnically different. They are driven from across borders to fulfil tactical prerogatives of oppressive states. Children are often used in these wars and countless other unconscionable acts perpetrated. This shocking disregard for human life must be countered. Securing human life must be at the centre of foreign policy. To this end the human security framework should be further developed.

There is a need to rearrange ourselves into new coalitions and utilise new technology. The Ottawa process may be a model for New Diplomacy. It capitalised on broad public awareness about the negative impact of landmines for civilians, it actively involved the public, and new technology was exploited. The debate over the establishment of the International Criminal Court in Parliament created interest in the new institution and nurtured thinking about Canada's own legislative system. Politicians, like-minded countries and other international actors realised it was time to change the rules, culminating in the signing of the Rome ICC Treaty. The Treaty ensures that criminals can no longer hide behind state sovereignty. Furthermore, crimes against women and girls and other sexual crimes can no longer be committed without impunity.

Contrary to some criticism of the human security approach, advocating the defence of suffering people is not an assault on the sovereignty of states. Who enforces legitimacy if states can not protect or if they abuse their own populations? What criteria define the sovereignty of states? To counter the charge of neocolonialism, collective action is necessary and fora, such as this one, have to be found to tackle these challenges. Preventing abuse, stopping atrocities, stemming drug traffic, are enormous problems that no one state can tackle alone.

Intervention should not be seen always in negative terms. We would applaud police intervening to save a victim, or a doctor's intervention to save a life. The term covers a wide spectrum of action and includes prevention. The recently mandated mission to Peru to oversee the reconstruction of democracy following the recent elections, first in the history of the Organisation of the American States, was a conflict prevention exercise. Peruvian society was very polarised and restless about the state's actions during the elections. The mission intervened before conflict erupted by acting as a party in a continuing dialogue and diffusing tensions. At other times, like in Rwanda, it is imperative that the international community intervenes militarily. While some argue that military intervention is only possible with the approval of the Security Council, the veto can not be the defining tool of action today. Nevertheless, deciding when intervention is warranted poses serious questions. Under whose auspices? By what criteria? Recognizing what standards? Using what tools?

Canada has been striving to include a stronger human security dimension into the work of

the UN, and particularly the Security Council. Any efforts at UN reform must be accompanied by sufficient levels of political will, and physical and financial resources, if they are to be effective. Japan, like Canada, has always been committed to ensuring that the UN is provided with the necessary resources to carry out its functions – too many others have not. Too often national or regional interests, as well as bureaucratic inertia, get in the way of the UN fulfilling its Charter-mandated obligations. The recent crisis in Sierra Leone is a perfect example of both.²

Apart from being able to contribute what is needed in a crisis, the UN should have the capacity to deploy rapidly. Otherwise, the international community will have to depend on the willingness of individual states or regional alliances to carry out the work of maintaining international peace and security. Without the rapid deployment by Britain of some 800 paratroopers, events in Sierra Leone in all likelihood would not have been stabilized as quickly as they were and the violence would probably have been much worse. The same is true of the Australian-led INTERFET force that prevented further misery by intervening still at an early stage of the crisis in East Timor. NATO action in Kosovo accomplished much the same.

Canada has also made greater transparency in the Council's operations a priority. Canada believes that a more open, democratic and inclusive Council will become more effective. Whether as a result of permanent member prerogative or the secrecy of Council deliberations, too many pressing security issues are excluded from the agenda, and too many voices that should be heard are not. For example, Canada's efforts last April to have the Council discuss the Sudan conflict -- a human security crisis of staggering dimensions, was rejected. From Canada's perspective, the goal of a more accountable and representative Security Council would not be served by adding to its permanent membership. Greater democracy and accountability could be asserted instead by increasing the elected membership of the Council.

Minister Axworthy drew attention to the failure of the UN to manage arms control. In Geneva, arms control issues can not even get on the agenda. If the UN fails as an effective venue for these issues, it will be necessary to circumscribe the system once again, he said.

The need to work in partnership with civil society and the NGO community is more important now than ever before. NGOs can play a variety of important roles:

² When Canada and Norway offered staff to bolster UNAMSIL's planning capacity at the height of the recent crisis, they never received a reply to their offer. The reason behind this was that since these staff would be provided as *gratis* personnel, they had become politically unacceptable. A coalition of nations unable to provide such free support had collaborated in the General Assembly over a year ago to prevent any other nation from doing so. This doesn't serve the UN well, nor did it help the people of Sierra Leone. (The UN has also expressed reservations about accepting these sorts of offers because it fears that it lacks the capacity to absorb such contributions.)

- bring technical expertise and experience to the policy-making process
- work with government to implement international agendas
- inform citizens about challenges and choices on the international agenda
- mobilize human and financial resources to help solve local and global problems
- work to end human suffering
- help hold governments accountable.

Working with civil society and the NGO community is critical to forwarding the human security approach. With their help we are attempting to create a new political constituency to enforce existing international law and create new conventions to deal with emerging threats. This unique coalition adds strength to the belief that the protection of the individual is an essential precondition for international peace and security. Activism, the likes of which we witnessed during the Ottawa process and the lead to the establishment of the International Criminal Court, would not have been possible without information technology. By expanding our use of information systems we can change the politics of human security. But, we are only at the beginning of the curve in determining the potential of this new tool. The explosion in dot.com enterprises, e-commerce and integrated networks that are rising for purposes of marketing, financing and advertising in the private sector is having a profound impact on how business is conducted. We need an equivalent creative burst to serve the common good -- to advance the welfare and safety of individuals. A global compact starts when humanity bonds against aggression and atrocities. The Minister concluded his address by relating a story of young Hutu and Tutsi girls who chose to stand together in the face of genocide and perished side by side in an attack on their (joint) refugee camp.

Synopsis of the Discussion

Ramesh Thakur drew attention to a recurring criticism of the human security framework: Do we include everything within the human security agenda at the peril of resolving nothing? What is left behind and by which criteria? Paul Heinbecker said he was conscious of this problem. The definition of human security, adopted from the UNDP, needs to be narrowed and further developed. Nevertheless, getting the "general" objectives of human security on the Security Council agenda legitimised the shift away from the state-centred approach to peace and security to a more people-centred approach. It also opened doors to New Diplomacy. Similarly, Andy Knight (University of Alberta) asked the Minister, how is the human security agenda framed to fit the Security Council mandate? There is conceptually little difference between the UNDP and the Minister's definition of human security, Andy Knight went on to say. "Freedom from want" issues (i.e., development, health, etc.) included in the UNDP definition, will inevitably seep into the "freedom from fear" issues, emphasised by the Minister. Other international institutions, such as the International Monetary Fund, would perhaps be better positioned to address these concerns. Minister Axworthy replied that the major factor in selecting human security issues are resources. There is only so much time and so many able and willing people. Only the most immediate and pressing problems can be presently addressed including "killing fields," child soldiers, and water related issues in the near future.

William Maley (Australian Defence Force Academy) asked Paul Heinbecker to comment on the extent Canada's human security objectives (especially people as opposed to state-centred elements) at the Security Council contradict the objectives of other Security Council members. Paul Heinbecker reminded participants that Canada received most votes in the Security Council election. He expanded on the question by saying that the human security agenda might have been relatively successful in that election campaign because Canada is not a threatening country.

Questions about intervention included first, what are the criteria for military intervention? More specifically, how does one justify intervention against the Serbs on behalf of the Albanians and not against Turks on behalf of the Kurds, for instance? Furthermore, how to ensure that action is not simply a function of power politics (which certainly appeared so in the case of Kosovo)? Second, William Maley asked Paul Heinbecker to address the "selective indignation" directed at the Serbs in the context of the Kosovo Liberation Army (KLA) activities which impacted negatively human rights. Paul Heinbecker replied to the first set of questions by saying that the intervention in Kosovo was not a function of state interests. Instead, what propelled NATO to act was the level of atrocities committed by the Serbs against the Albanians. There was no strategic interest (such as oil or diamond reserves) behind the Kosovo intervention. The international community, including Canadians, simply can not stand by in the face of a genocide. Moreover, it is questionable to compare the treatment of Kurds by the Turks as being the same as the treatment of Albanians by the Serbs. (After all, many Kurdish refugees fled to Turkey, not to neighbouring countries. Meanwhile Serbia was not the favoured destination of fleeing Albanians.) The scale and nature of the Serb-led atrocities in Kosovo warranted intervention more acutely. Addressing William Maley's question, Paul Heinbecker said that the Canadian government never condoned the independence of Kosovo (under the KLA leadership, especially) and there is hope that the upcoming Fall 2000 elections in Kosovo will not result in a complete KLA victory.

William Maley asked why is the Uniting for Peace resolution, adopted in 1950 by the General Assembly, not used more frequently in cases such as Kosovo, for instance. Paul Heinbecker replied that in the case of the Kosovo conflict, the chance of the Uniting for Peace resolution not being accepted was simply too high. Then, NATO's action in the face of a veto would be exceedingly difficult. The perception that the NATO intervention in Kosovo was illegal and undermined the UN system, on one hand, and the view that the action was justified and should not be condemned so drastically, on the other, brings the necessity of building the human security architecture to a head. Given the roles of NATO and the G-8 in that particular intervention, mechanisms should perhaps be developed to act as a check on the decisions of the Security Council.

Minister Axworthy was asked to first, take up the possible realisation of creating a UN rapid reaction force. Second, he was challenged to defend the Canadian-led OAS mission to Lima. "Benign interventions" proved to be questionable in the past. How does one square this legacy with the decision to intervene in a post-colonial country such as Peru?

In answer to the first question, Minister Axworthy pointed out that while a rapid reaction force would be helpful and has been on the agenda for a while, initiative and a longer run vision are also necessary. The UN fared much better in East Timor than in Rwanda, for instance, because Indonesia, pushed by other countries in the region, agreed to admit an international force and because Australia was ready to take on responsibilities. However, a key element to humanitarian intervention is to remain engaged after hostilities stop and help build capacity to prevent conflict from re-occurring (i.e., building institutions, schools, etc.). It is politically difficult to devote resources to post-conflict related efforts, since the media focus is often on immediate crises. Therefore, ongoing public support is imperative to justify resource allocation. It is important that Canadians are interested in these issues and engaged. Outreach and other initiatives which actively engage the public in foreign policy issues, such as the work of Canadian Centre for Foreign Policy Development, are important. He drew attention to the CCFPD's efforts to engage young people across Canada in issues related to the world's war-affected children and said Steve Lee could provide advice to those wishing to study a model of this new kind of partnership with citizens.

Minister Axworthy also expounded on UN peacekeeping and argued it should be substantially enhanced. Severe limitations to the UN peacekeeping capacity include lack of serious planning, lack of an intelligence network, as well as lack of basic tools like radios, for instance. Rapid response reaction force is still on the agenda, but its creation is moving very slowly. Resources have to be enlarged and coalitions of voluntary contributors built to meet the growing peacekeeping demands.

To the second question, Minister Axworthy replied that the mandate for the mission to Peru came from the Organisation of the American States, with the agreement of Peru. It was a collective decision, rather than a function of one state aiming to fulfil its neo-colonial objectives. A need was identified for a third party to intervene in a situation where the state authorities and segments of civil society were in deadlock. This development could be seen positively as a real breakthrough in OAS management.

Some participants including Guenther Altenburg (Humanitarian Aid and Global Issues, Federal Foreign Office, Germany) and Deidre van der Merwe (Institute for Security Studies, South Africa) emphasised the disconnect between the emerging discourse and norms, sanctioned by the Security General, and the persistence of great power politics at the UN. The measures to enact human security objectives are less than inadequate. How do we square the objectives of justice and a democratic international relations system with a stubborn reliance on sovereign state interest?

Minister Axworthy was asked four additional questions:

1. What is the unique role of business in conflict prevention, in the context of de Beers' decision not to buy any diamonds originating in Angola (October 5, 1999), for instance.
2. Which path proves more effective: the use of Truth and Reconciliation Commissions

(South Africa) or International Criminal Tribunals/Court (Rwanda, Kosovo)?

3. How does one galvanise states to action?
4. Why terrible conflicts go on unaddressed in Africa (Angola, Rwanda, and Sudan), while Kosovo warranted an immediate action and whether Africa was considered a lost continent for this and other reasons?

To the first question, Minister Axworthy replied that, while business actions have implications in conflict situations, one has to look at the whole picture. In many countries, the post-Cold War vacuum imploded to be filled by economic interests. More effective sanction legislation, penalizing "sanction busters," stemming the trade and proliferation of small arms, as well as the behaviour of corporate businesses are all part of resolving the conflict in Angola, for example. Addressing the second question, Minister Axworthy pointed out that if a state resolves its internal problems within its own borders through Commissions or other means, it is not necessary for the ICC to step in. Public involvement and activism are key to galvanising government action. The technology to develop coalitions and synergies exists, it just has to be utilised for the public good. To the last question, Minister Axworthy replied that Africa is by no means considered a lost continent. He drew attention to some positive developments including a recent conference in Accra, Ghana, on war-affected children, the EGAD process, and the OAU. He also reminded participant of the huge problems facing Africa in terms of pay-outs from the Cold War and the colonial period. Africa is "lost" only because it was not given the support it needed, which was in part due to the huge gap between need and available resource.

3. UNITED NATIONS INSTITUTIONS AND THE GLOBAL COMPACT II: REFORMING THE UN, THE EUROPEAN CONTEXT, AND LOOK TO THE FUTURE

Guenther Altenburg addressed the possibilities and limits of reforming the UN Security Council. He said that Security Council reform has been on the agenda of the General Assembly since the 1960s. In 1993 an open-ended working group was established to address Council reform without any tangible results. The topic ignites political passion, bringing national interest and overall international responsibility into conflict. There is a discrepancy between a widely recognised need for reform and a patent inability or unwillingness to act accordingly, Guenther Altenburg said.

The Security Council does not reflect the political reality of the contemporary international system, neither in size, composition and structure; nor in its procedures. First, the membership of the Security Council is not representative. It is not based on wealth, power (capacity), or population. Second, the authority (credibility) of the Security Council is low. The frequent impotence of UN-imposed sanctions and the apparent inability to protect the safety of UN personnel are among the key factors contributing to this perception. Third, NATO's decision to intervene without the Security Council's approval in the Kosovo conflict points to the acute lack of a "reaction" mechanism.

Due to these and other problems, the perception of the UN as the single body capable of international governance began to shift. During a June 1999 G-8 Foreign Ministers' meeting in Cologne, Germany, it was stated that if the Security Council does not live up to the challenges posed by the new international realities, other mechanisms should perhaps be sought. Moreover, the Security Council lost its exclusive right to determine what are acts of aggression, with the establishment of the International Criminal Court. The Treaty, leading to the establishment of the ICC, had profound implications for addressing crises in the international system.

Reform discussions usually centre around the expansion and composition of the Security Council membership, the feasibility of electing prospective Security Council members, and altering the Security Council's working methods. There is a broad agreement that decision making should expand and the veto mechanism should be addressed (for instance, the General Assembly should have a right to know why a veto was cast). Furthermore, the UN has become a 3rd World organisation on the basis of its membership. It is up to the developing countries to take ownership now. The UN has to adjust to new political realities, just as North-based institutions, including NATO, the EU, and the OSCE, did after the fall of the Berlin Wall through expansion. Guenther Altenburg suggested that while reform schemes abound, what we need is an overall guiding logic and political leadership. Without the political weight of the members, agreement on procedures will not be enough.

To initiate change public opinion has to be mobilised and political leaders must act. The question is where does the impetus for change come from? It is doubtful that the Millennium Assembly is the answer. While the need to address UN's financial situation (especially the question surrounding the contribution of the United States) could bring an intensive debate about ownership, it is unlikely it would crystallise change. It is clear to everyone that the UN has to be reformed. At the same time, doubts remain whether reform is actually possible under current circumstances. Despite some signs that the responsibility over global governance is diffusing (i.e., to the G-8, NATO, or ICC), the UN remains to be the single legitimate (universal) source of intervention in the world (through sanctions or military action). We should be careful, therefore, about our next steps, concluded Guenther Altenburg.

Andy Knight (University of Alberta) addressed questions relating to the legitimacy and representativeness of the UN Security Council. He pointed out that as discussions about reforming the UN system intensify, the debate about the need to restructure the Security Council becomes central. Being the preeminent authoritative body charged with the responsibility of maintaining international peace and security, the Security Council is being scrutinised by observers of multilateral governance who ask two key questions:

1. What are the ways in which international society and global order are changing?
2. Do we have the correct institutional structures and arrangements to deal with the new demands that emerge from such changes?

The Security Council has changed over the years to reflect changes in international society and global order since 1945. Reacting to the deadlock at the Security Council, stemming

from the ideological rivalry and mistrust of the Cold War, the Uniting for Peace Resolution was adopted by the General Assembly in 1950. It allowed the UN to intervene in the Korean conflict (1950-51) and in the Suez crisis (1956). The Assembly acted as a substitute for the paralysed Council in these cases. The situation changed by the 1960's when a period of decolonization resulted in the admission of several countries, mostly from the developing world. As a result, the UN membership grew from 51 to 118 and put pressure on the Security Council to expand its membership. By 1965, the General Assembly agreed to amend the UN Charter to allow for an increase of the non-permanent seats from six to ten. The 1970's saw a period of futility and stagnation due to several related reasons including a deterioration in the international climate and the emergence of the Non-Aligned Group.

The end of the Cold War in the early 1990s brought a new period of "assertive multilateralism." At the same time we have witnessed the merging of the First and Second Worlds, the rise of new economic powers, the expansion of the nuclear power club, an increase in secession activity, the growing role of regional organisations in regional conflicts, the intensification of globalisation, and a shift from interstate to largely intrastate conflicts. The Security Council engaged in a flurry of activity to respond to these new challenges with a sense of a "new-found solidarity" among the permanent members. However, just as the Security Council seemed to be operating in the way in which the UN founders had intended, many UN member states began to doubt the legitimacy of that body's collective authority. The Gulf War, the failed Somalia operation, and other similar interventions contributed to this state of affairs, leading to growing tentativeness in addressing conflicts in countries like Rwanda and Sierra Leone.

The likelihood of continued collective action at the UN will largely depend on the perceived legitimacy of the Security Council by the General Assembly. A major charge of the Councils' illegitimacy stems from the perception that it is dominated by a few states and is not truly representative of the rest of the UN body. There is a wide-spread belief that the Security Council does not portray adequately the values of developing countries. The Security Council can be considered as unrepresentative in these senses:

- composition
- geopolitical representation
- regional representation
- representation by population
- capacity representation (the functionalist principle)
- veto power.

While there seems to be a general agreement among the UN member states that the Council should be the primary body responsible for maintaining international peace and security, a new system of participation has to be drawn up. A balance between concerns about legitimacy (i.e., representation) and effectiveness must be struck. According to Andy Knight, the overall aim of reforming the Council should be to make that body less elitist, more democratic and thus more representative of the rest of the UN membership. To this end improvement in the following areas

is needed:

- the rate of participation
- geographical representation
- the democratic character of the Council
- efficiency
- transparency.

William Maley (Australian Defence Force Academy, Canberra, Australia) drew attention to the need to change the culture at the Security Council, besides amending the Charter and improving the Council's procedures. Canvassing of how states perceive problems and addressing the dichotomy between the need for responsible global governance and the persistence of old diplomacy may be necessary to usher in change.

The challenges facing the Security Council today are diverse and include interstate and intrastate conflict as well as "creeping invasion" – "the challenge to call a spade a spade." While some lessons were learnt in respect to managing intrastate conflict in the 1990s, such as the realisation that instituting elections does not automatically lead to developing democracy, the challenges related to creeping invasion were not addressed. The reality that one state may influence another indirectly or covertly through providing mercenaries with salaries, for instance, have not been registered at the Security Council.

A case in point is the covert involvement of Pakistan in Afghanistan. While there is no evidence of an invasion, there are no illusions about Pakistan's support for the Taliban. The Security Council should devise a mechanism to tackle such problems – a step which will require a decidedly non-state-centred approach. It will also require squaring UN political objectives (i.e., mediation) with UN humanitarian goals, made difficult by the fact that Pakistan serves as a staging point for the delivery of humanitarian assistance to Afghanistan. How should the Security Council react when confronted with an outright lie about a UN member state's actions?

Media and public opinion may play a role in addressing creeping invasion. However, there is a need, in the context of the New Diplomacy, to avoid surrealism and call things how they are. The Security Council needs to adjust to the risks posed by the possibility that creeping invasion will snowball if not adequately dealt with.

John Groom (University of Kent at Canterbury, UK) addressed the possibilities and limits of the UN reform in the European context. He drew attention to the challenge of balancing the structural power of European states at the Security Council. Specifically, he noted the continual discrepancy between the relatively powerful positions of United Kingdom and France and the relatively weak position of Germany, Italy, and Spain, despite dramatic political and socio-economic developments since 1945.

Turning to efforts directed at reforming the Security Council, John Groom pointed out the 1986 Anglo-French initiative aimed at relieving Cold War tensions and moving on some key

issues, including the conflict between Iran and Iraq. Contemporary policies on reform include the British and French endorsement of a voluntary restraint on the use of veto and the acceptance of additional permanent seats for Germany, Japan, and Europe as a whole (a proposal endorsed by Germany as well). Italy's now abandoned position was to create 8-10 seats on each of which 3 countries would rotate (rendering a total of 24-30 beneficiaries of this scheme). Italy also endorsed a seat for the European Union and objected to a German seat on the grounds that Security Council membership should not be for sale. John Groom said that creating a European Union seat at the Security Council is not realistic. The United Kingdom and France essentially speak for themselves, especially behind closed doors. Moreover, the European Union must have the capacity to act on defence policy autonomously (i.e., outside of NATO) before it can take up a seat at the Security Council. While there is a potential for the European Union to act autonomously within global bodies in the long run, much work has to be done within Europe before this can be achieved.

Substantially, United Kingdom and France agreed to work together on Africa, beginning in 1998 and have been quite cooperative. Their work contributed to the debate on Sierra Leone and the recognition that something must be done about Africa. The perception of the United Kingdom is that there is nothing particularly African about African problems, there are just many of them. There are two easy ways forward in addressing African issues: the first is to do nothing and the second is to engage in peace-keeping operations on a huge scale. To argue for either would be disastrous. The UN should intervene only when and in such a way that will make a real difference.

In his address to the General Assembly on Conflict Prevention, British Prime Minister Blair emphasised these four points:

1. prevention is better than cure (causes of conflict should be laid bare and cooperation with other international institutions, such as the IMF or the WB enhanced)
2. Blue Helmets should be sent in only when feasible
3. reaction should be fast
4. peacekeeping should be always accompanied by peacebuilding.

Guidelines for humanitarian intervention need to be developed. However, they should constitute a framework for action rather than a directive. A general view that the NATO intervention in Kosovo was illegal, but justified, persists in the United Kingdom. There is an agreement that Russians have been extremely badly handled and a general fear that Western policies are bringing the Cold War back into the Security Council

Synopsis of the Discussion

The following are the key issues and questions raised by the participants about UN reform:

1. the tension between "upwardly" moving states (i.e., those states within the General Assembly who would be likely candidates for expanded Security Council seats) and those

- preferring the *status quo* rather than being left behind,
2. a gap between a delegation's public announcement endorsing certain reform proposals and hidden reasons (interests) behind these preferences,
 3. striking a balance between effectiveness of the UN and justice (i.e., representativeness)
 4. how important is the universality of the UN in the context of alternative governance mechanisms?

Addressing the first issue, Paul Heinbecker said that Canada is caught in the middle when trying to wrestle with reforming the UN. However, it is likely that extending the veto to other countries would further bound the Security Council and make it even less accountable than it is now. Taking up the gap between public and hidden (interest-based) endorsement of certain reform schemes, Guenther Altenburg said that while it is historically plausible that the notion of state sovereignty will disappear, in the foreseeable future states and their interests will continue to play a large role in international relations. States will continue to be a factor in securing peace and stability within a geographical area, in ensuring that human rights are respected, in keeping international agreements, and so on.

Turning to the effectiveness of the Security Council, Guenther Altenburg pointed out that there is a good debate surrounding the merits of the various schemes aimed at extending the Security Council membership in order to make it more effective, representative and democratic. Issues, such as squaring the notion of regionally-based seats with a state-based UN membership, will have to be addressed. In the end, a balance will have to be struck among the various criteria for Security Council membership, including merit. Minister Axworthy said that Canada is not opposed to the enlargement of the Security Council membership *per se*, however, he expressed doubt that enlargement would make any difference without structural changes. He reiterated that the merit principle must be engaged. Others pointed out that restructuring the Security Council and in particular changing the veto mechanism will require significant political momentum. Not surprisingly, all P-5 countries belong to the group for the preservation of the veto party and the message today is not to touch it. One could say that the Security Council has actually become more secret and closed in recent years than at any time before. There is a danger that the power of the P-5 will solidify even further, especially with the Chinese delegation promoting a P-5 summit as an antidote to the G-8. This trend does not bode well for UN reform.

While some participants insisted that the UN remains a unique source of legitimacy and legality in the international system and should continue trying to preserve international peace and security, others pointed out that perhaps other factors should be taken into consideration. Global governance has become fairly fragmented, with various regionally and internationally based institutions making decisions which impact the international order. UN reform is a desirable but a long term goal. Other frameworks for global and regional governance may be better equipped to address certain problems that the UN simply does not have the capacity (or is not willing) to address today. These alternative global governance bodies could also act as subsidiaries to a reformed UN. Similar logic applies to alternative ways of financing the UN – financial contributions do not necessarily have to come from governments.

4. CODES OF CONDUCTS I: THEORETICAL CONTEXT

Tatsuro Kunugi (International Christian University, Japan) addressed the code of conduct approach to global governance. He said that the proliferation of what could be called "framework documents," such as codes of conduct, is quite recent. He proposed that partnership is one of the most appropriate responses to the diminishing capacity of states and international organisations to influence events in the face of globalisation. Cooperation among diverse actors (including: governments, inter-governmental organisations, NGOs, businesses, mass media, research institutions, local communities, and individuals) is essential for global governance and can be promoted through a codes of conduct approach.

There are at least three features of globalisation pointing to the need for partnership which can be facilitated by the use of voluntary codes:

1. Partnership underscored by codes of conduct could alleviate problems stemming from the fact that NGOs often work on interrelated issues in isolation. Voluntary codes could also address the sometimes strained or uneven relations between Northern and Southern NGOs.
2. The failure of the UN to address some global issues has led to the holding of a series of major global conferences. These conferences point to an emergence of multi-sectoral, multi-actor, multi-cultural and multi-lingual constituencies which are becoming increasingly virtual. This dynamic is becoming a factor in global governance. Evidence includes the success of the Ottawa process and the campaign for the establishment of the International Criminal Court as well as the failures of the Multilateral Agreement on Investment and the WTO Ministerial meeting in Seattle.
3. In order to overcome the absence of central authority, the cooperation of all stakeholders is necessary. This need has given rise to a wide interest in various kinds of codes aimed at guiding these new types of cooperation.

Criteria for a codes of conduct taxonomy include:

1. *purpose*: self-regulation, standard setting for actors concerned, promoting well-being of humanity, emphasizing visions and ethics
2. *addresses*: single category (i.e., NGOs or For Profit Organisations), two categories (i.e., NGO and FPO), multiple categories (i.e., NGOs, FPOs, International Organisations, Government Organisations, etc.)
3. *activities*: arms transfer, disaster relief, action plan/program.

The following are characteristics that make codes particularly suitable for global governance:

1. soft law aspect (flexible regulatory approach)
2. multi-centric and multi-layered aspects
3. voluntary and participatory basis
4. susceptibility for infusion of ethos
5. recognition of role and responsibility of specific actors

6. general as opposed to strict principles.

Tatsuro Kunugi drew attention to the obstacles to building partnerships among actors of unequal power, influence and wealth. Care should be taken to avoid sub-contracting or co-opting weaker partners by dominant parties. Managing partnerships among actors having different aims or operational styles may also be difficult. An international organisation may have to assume a role in building and managing multiple partnerships so that the identity and independence of the remaining parties are maintained. Despite these challenges, partnerships may have to be recognised as imperative to creating a shared vision for global governance and to maintaining synergy to realise new visions. The purpose of partnerships for global governance should be the inclusive sharing of benefits in the public interest. In conclusion, Tatsuro Kunugi addressed the possibility of the UN assuming a leadership role in building and managing multiple partnerships. This would place the organisation at the core of the global governance, where it belongs.

Martha Schweitz (Seinan Gakuin University, Japan) addressed questions related to the accountability of NGOs. She said that in the recent past, there has been an unprecedented growth of NGO networks and codes of conduct. This development points to a maturation of the NGO community and reflects the emergence of a moral discourse for improved global governance. She drew attention to a recent publication by the UN University – *Codes of Conduct for Partnership in Governance: Texts and Commentaries*, which includes a collection of documents bearing on partnerships among various global governance actors. The collection includes voluntary codes from a range of countries including Australia, Canada, Colombia, Ethiopia, India, and Japan. In all cases, the documents are a result of long negotiations (one or two years) with wide participation. Parties to a network are obliged to comply with the code. While most of these networks are made up of development NGOs – a sector with a long history of self-regulation, the codes span beyond the networks' charity aspect to include their emerging political and other roles. Many groups have started to perceive their partnership(s) as more important than their identity.

The emergence of codes demonstrates the existence of a self-conscious civil society. The codes often:

1. expound participation and sustainability in social and economic development,
2. lay bare the need for NGO involvement in global governance,
3. stress the importance of respect for diversity and understanding of cultural contexts,
4. seek partnerships and collaboration with governments.

There are also several challenges posed by the largely general and voluntary nature of codes. First, they can be easily abused and misinterpreted. Second, the general tone of codes necessary to facilitate implementation across diverse networks, often leads to vagueness and lack of definitions. Vagueness can impact the adoption of codes, since their interpretation may vary. Moreover, vagueness could make non-compliance easier. Therefore, codes should be clearly defined and thus strengthened.

Martha Schweitz drew attention to accountability in the NGO sector. She said that in response to criticism, some NGOs need to demonstrate their legitimacy more clearly. Many existing codes fall short of this requirement since their purpose is limited to outlining an organisation's activities and practices (i.e., mission statements, management practices, and financing). However, it may prove difficult for NGOs to define the basis of their legitimacy. While quantitative criteria, such as the level of representativeness, are a factor, legitimacy of the NGO community often derives from a moral (qualitative) basis. Advocacy NGOs, for instance, carry widely accepted moral messages but are not particularly representative. Legitimacy does not necessarily stem from representation. In this sense, self-regulation may be seen as "taking the moral high-ground."

Synopsis of the Discussion

John Groom asked whether any code is better than no code and whether codes are not often the lowest common denominators (perhaps precluding other stronger instruments). Moreover, who owns the codes and how are codes involving parties which use weapons against other parties put together? John English said that codes of conduct are often the lowest common denominators but in many cases they are better than nothing. There is a link between the introduction of codes and better conditions in some Chinese factories, for instance. There are also instances where a code of ethics shamed a party into stopping certain practices in conflict situations (i.e., the use of landmines in the Philippines).

Virginia Haufler raised the question whether codes of conduct are an alternative to policy in the absence of government action or a part of it? In the later case, the government would be relatively free to pursue its interests. There is a danger that some partnerships may actually undermine an actor's legitimacy. The UNDP partnership with the private sector is a case in point. Global compacts must be thus constructed with care, paying attention to issues of accountability and representativeness.

William Maley drew attention to the problem of developing a code of ethics in the context of a morally pluralistic world. There is a need to distinguish between principles and norms. While the former are universally common, the later are culturally defined. Nonetheless, NGO's effectiveness and legitimacy is based on whether they are helping people on the ground. If they are not perceived as alleviating a situation, they are expelled, as in the case of Rwanda. To conclude the session, Steve Lee raised the question of who occupies the moral low ground and what happens to the moral high ground if NGOs behave in an unsavoury manner?

5. CODES OF CONDUCT II: COMMUNITY INITIATIVES AND ETHICAL TRADE IN THE CONTEXT OF GLOBALISATION

Anil Singh (Voluntary Action Network India) described the creation of a code of conduct by a group of voluntary organisations in India called the "Voluntary Action Network India" (VANI). VANI was set up in 1988 in reaction to an imminent state initiative aimed at

establishing a National Council and developing a code of conduct for voluntary organisations. A group of individuals, who had dedicated themselves to voluntarism, decided to counter this state-led initiative and created a national forum for the protection, enrichment and growth of voluntarism in India -- VANI. Today, VANI represents the diversity and plurality of India. It has a membership of 240, including 21 state and national level networks, and encompasses about 2500 organisations across the country.

A majority of the voluntary agencies in India rejected the state-led initiative for three main reasons:

1. a code of conduct should be developed and accepted by the affected agencies voluntarily
2. the scope and definition of voluntary agencies was limited to those working for rural development and based in rural areas, leaving out organisations dealing with urban issues and based in cities
3. there was a moralistic tone limiting the earnings of the NGO staff, implying that NGOs are not disciplined and inclined to cheating.

VANI set out to evolve its own code of conduct instead. Several principles were adopted while drafting the code:

- the value of the code should not be seen as a personal application but a contract for sustainable social communication
- the basic objective of value is to communicate, regulate and institutionalise an attitude to ensure an aestheticism and complementarity to a support system
- manifestations and relevance of value are specific to place, period, and people
- voluntarism
- feasibility/realism (VANI confined itself within "Voluntary Development Organisations" making the development of the code and a trial implementation possible)

The users of the code include: the motivators, the managers, and the workers. While the code has to affect all three tiers, its sustainability and continuation depend on the motivators who operate through a governing body. Here, VANI faced some difficulty since the diverse voluntary organisations could not agree to a uniform property of the governing body. Nevertheless, in 1995 the "General Body Meeting of VANI" passed a resolution setting up a task force to develop a draft code. After four months, a draft document was presented at the National Convention of Voluntary Activists (February 1996) and the Annual General Body Meeting of VANI (September 1996). After extensive discussion and input from the members, a document entitled "Voluntary Development Organisation: The Guiding Principles" was unanimously approved in 1997. VANI secretariat was authorised to take necessary action for its adoption by members first and other voluntary organisations later. Subsequently, improvements, including a verification mechanisms, were added. In 1999 the document was presented and released by the Deputy Chairperson of Rajya Sabha to the nation.

Ming Wang (NGO Research Centre, Tsinghua University, China/Visiting Scholar at Tokyo Institute of Technology, Japan) addressed the development of the NGO sector in China.

He defined NGOs as having seven characteristics, specifically they have to be:

1. formal
2. non-governmental
3. non-profit-distributing
4. self-governing
5. voluntary
6. nonpolitical
7. non-religions.

In China, there are two kinds of organisations with the above characteristics: social organisations and private non-enterprise units. The former are formed by citizens voluntarily and only serve their members (there are 165 000 social organisations in China today). The later are formed by companies and non-business units, social organisations and others with non-state funds and work for the public interest (there are 700 000 private non-enterprise units). These NGOs are active in every sphere of China's economic and social life. A further difference should be made between "top-down" and "bottom-up" NGOs. The former are organised, funded, and controlled by the state. Meanwhile, the later are organised by non-governmental forces and generally can not get special support from the government. As a result they are more autonomous than the top-down NGOs and keep a closer relationship with ordinary citizens. They gain their resources from citizens or international NGOs.

The development of NGOs in China could be conceptualised in three distinct stages: the first from 1911 to 1949, the second from 1949 to 1978 and the third from 1978 to now. Various NGOs emerged during the first stage as a result of conflicting social forces. Several types of social organisations existed, including: guilds, charity and mutual aid teams, academic organisations, political organisations, cultural organisations, secret organisations, and others. During the second stage, many NGOs were politicised and others banned. From then on, non-political became an important characteristic of NGOs in China. A legislative framework was developed in 1950, bringing forth the principle of Dual-Management which effectively strengthened the government's capacity to supervise, manage and control NGOs. This period also saw the growth of social organisations before the outset of Cultural Revolution (1966). A looser social environment created by economic reform contributed to an emergence of social organisations during the 1980s -- the third stage of NGO development in China. Private non-enterprise units also rapidly developed, especially in the 1990s. The legislative framework was improved.

Wang Ming drew attention to three additional elements of the NGOs legislative framework. The first relates to registration and management, whereby NGOs operating on a local level, register with local Department of Social Affairs while those operating on a regional and national levels register with the Ministry of Social Affairs. The second is a principle of non-competition which stipulates that similar organisations can not exist in the same administrative regions. The third legislative element encourages donations to social work and public welfare.

Turning to the current situation, Wang Ming said that with the emergence of market reforms, the government monopoly on social resources is gradually loosening. The government is withdrawing from some social welfare fields, making space for NGO growth. He also said that the Chinese traditional spirit of mutual help, philanthropy, and social responsibility bodes well for future development of Chinese NGOs. Several factors also contribute to the need for a strong NGO community in China:

- the growing size of China's population challenges the government's capacity for exclusive governance
- mounting problems related to the environment and natural resources can not be addressed by the government alone
- poverty and other social issues could be more effectively addressed through NGOs.

In conclusion, Wang Ming reminded the participants that the relationship between NGOs and the government in China is not as antagonistic as in Korea, the Philippines, or Japan. However, there are several challenges facing Chinese NGOs in the future:

- special/dependent relationship with the state
- lack of funds
- lack of capacity
- defects in the legislation system.

John English (University of Waterloo) presented the Canadian experience with trying to negotiate a code of conduct for Canadian companies. The government of Canada approached him in 1998 about the possibility of being the facilitator in discussions aimed at developing a voluntary code of conduct between, on the one hand, the apparel and related sectors and, on the other hand, labour and NGOs. His appointment came on the heels of a growing pressure on the part of Canadian NGOs on the Canadian government, and Minister Axworthy in particular, to create a Task Force on Sweatshops.

The need to address sweatshop practices abroad and at home had to be squared with the promise made to developing countries in trade negotiations, namely that the World Trade Organisation's Agreement on Textiles and Clothing would lead to phasing out of the import quotas established under the Multi-fibre Arrangement (1972). These pressures also mounted with the backdrop of rapidly falling Canadian employment in the textile and clothing sector. At the same time however, Canadian exports saw a dramatic increase due to the success of "high end" products (despite the growth in imports). While the government was becoming more attentive to human rights by 1996, the policy at the Department of Foreign Affairs and International Trade was not, to the satisfaction of the influential president of the Business Council on National Issues (BCNI), Thomas d'Aquino. Despite the scepticism of the BCNI, other business groups and leaders were becoming more attentive to the issue of corporate social responsibility. The momentum was gathering for the establishment of the Task Force as placards drawing attention to the issues became more common, conferences abounded, and shareholder activists began to bother company presidents at annual meetings.

Initial meetings of industry associations, a coalition of labour and NGOs (called Ethical Trading Action Group or ETAG), and government representatives laid bare the challenge in reconciling the concerns and goals of the diverse actors. Business worried about costs, legal liability, publicity, and government involvement. Meanwhile, the NGOs showed concern about the perception of their constituencies of their new "partnership" with business. For government, the demand that a task force look at the linkage between domestic and international sweatshops was unacceptable because labour fell within the constitutional purview of the Canadian provinces, not the federal government. Moreover, there was a split between the trade officials and the foreign affairs officials. While the former was concerned that developing countries may interpret a code of conduct as a protectionist measure, the latter believed Canada was falling behind its counterparts in promoting ethical practices. Nevertheless, during a meeting at a Toronto garment manufacturing and import plant (May 11, 1999) the participants agreed to create a working group of 6 people (3 from business and 3 from labour/civil society, with the facilitator as a chair). The working group, which became later known as the Canadian Partnership for Ethical Trading (CPET), would report to a Steering Committee made up of the meeting's 22 participants.

The group was composed of the Union of Needletrades, Industrial, and Textile Employees (UNITE), the Steelworkers' Humanity Fund, and Maquila Solidarity Network -- on the labour-NGOs side and the Apparel Manufacturers, Retail Council of Canada, and Shoe Manufacturers of Canada -- on the business side, began its work in May 1999. Their meetings took place with the backdrop of an increasingly volatile Canadian retail sector and the breakdown of the Apparel Industry Partnership (AIP). The two sides brought forward separate ideas for discussion. While the Retail Council expressed the opinion that the group should be a forum for discussion, review, exploration and education with respect to ethical sourcing issues, the labour-civil society side pushed for an extensive code that clearly bore the influence of international precedents and events. The proposed code went beyond the American and British models, especially in its attempt to integrate ILO conventions within the text and the preamble.

Business reacted strongly to the proposal's length, scope, its uncertain costs, and the adoption of ILO standards for the individual provisions of the code. There was acceptance, however, of the code subjects: forced labour, child labour harassment or abuse, discrimination, hours of work, freedom of association, and the right to bargain collectively concerning health and safety, wages and other compensation, and the employment relationship. On the content of those subjects, there was fundamental disagreement on all except forced labour and harassment. Greater simplicity was encouraged and other areas of concern emerged on both sides including: source of financial support for trial projects on monitoring and the perception of the respective constituencies (the need for education on the subject was identified). In the end the business side rejected the code on the basis of detailed reference to ILO standards, freedom of association clause, potential legal liability issues and implementation provisions.

Challenged by the labour-civil society side, business promised in November to bring forward its own code. The result was disappointing. Labour-civil society representatives were

concerned that the code would be the lowest common denominator approach to the issues. The document was not a code but only loose guidelines companies could adopt for their use at the recommendation of the Retail Council (the business side's leader). It lacked reference to ILO standards, did not address monitoring, and the freedom of association clause was weak. During the final meeting of the working group (March 2000) the content of the association clause was further debated without any result. The Retail Council and the manufacturers indicated they intended to present their own codes and that they would be, in part, a product of the process that had taken place in the CPET. There would be further collaboration in codes' development without a provision for monitoring that would involve NGOs and labour.

While academics tend to blame the break down of these and other initiatives on the government's unresponsiveness to bottom-up approaches, the NGO assessment of what went wrong with CPET is surprisingly state-centric. The ETAG complained that the government did not come through with needed funding and was not willing to pressure associations and companies on support of ILO core labour rights. ETAG pointed out that it was the limits imposed by Chinese sovereignty that made Canadian companies (which import one third of all clothing by value from China) reluctant to deal seriously with the issue of freedom of association. Finally, there was the American factor playing itself out in the growing domination of the Canadian market by U.S. retailers, in the failure of the Clinton-inspired AIP, and in the Clinton administration's proposal to include environmental and labour issues in the Seattle meeting of the WTO (i.e., the American legislation would determine the international agenda). International organisations, notably the ILO, came out very weak. In conclusion, John English pointed to the chasm between the members of the working group. The talks would go further, if the two parties knew each other's concerns better.

Comments

Virginia Hafler (Carnegie Endowment for International Peace, University of Maryland) said that the presentations reflected the growing influence of civil society organisations in global governance. Their increasing visibility and prominence helps bring issues, such as the need for developing corporate codes of conduct, to the fore of public debate. She argued that the adoption of corporate codes of conduct is uneven and depends on the differing effects of globalisation. Among the incentives for companies to adopt codes of conduct are attitudes of shareholders, the danger of state-imposed codes, and reputation. The NGO community faces similar dynamics as the reputation and credibility of NGOs are indispensable to their operations. There are several challenges when trying to develop codes of conduct. What is included and what is left out? Who participates in the code's development? What is the best way to monitor such codes? In conclusion she said that while business accepts government involvement, there exists fundamental distrust between business and the NGOs, leaving room for facilitation.

Toshihiro Menju (Japan Centre for International Exchange) was encouraged by the improving situation of NGOs in China and raised the challenge of developing a vibrant civil society there without territorial disintegration. Comparing the situation in China to that of Japan,

Tatsuro Kunugi said that a strong central government in Japan has acted as a pre-emptive force to the development of the Japanese NGO community. There is virtually no working relationship between NGOs and corporations in Japan. Those NGOs which attempt to monitor and influence Japanese businesses abroad are perceived as extremist. Challenges posed to corporate governance amidst globalisation are rarely discussed in the Japanese media. Reasons for this situation include the lack of job mobility and the "job for life" security offered in many Japanese corporations. While international monitoring would not be practical, the work of grass-roots monitoring organisation using the Internet could prove effective. He said that the initiatives of Indian NGOs were impressive, especially in the context of the diversity of India's NGO community. John English's account of trying to develop a Canadian code of ethics laid bare the complexity of the issues and the challenges in bringing diverse sectors together.

Terumasa Akio (Japanese NGO Centre for International Cooperation) echoed Toshihiro Menju in describing the state of the NGO community in Japan. NGO work does not offer job security or status. It does not pay very much and support mechanisms for the NGO community are non-existent (i.e., tax exempt status). While the situation has been slowly improving over the past decade, most NGOs still lack confidence. From 500 NGOs in Japan, the top 20 share 80% of all projects. Moreover, one half of the top 20 are international NGOs. Japanese NGOs are therefore active but remain weak. However, the declining capacity of the state to intervene in the economy and provide social safeguards could make the growth of NGO activities inevitable.

6. CODES OF CONDUCT III: THE CASES OF SMALL ARMS AND LIGHT WEAPONS, AND CHILDREN IN ARMED CONFLICT

Anatole Ayissi (United Nations Institute for Disarmament Research) addressed peace-building and practical disarmament in West Africa. He drew attention to problems stemming from the illicit circulation of huge quantities of small arms and light weapons within and among West African nations. The abundant and easy availability of small arms exacerbates conflicts, fuels violence, increases human suffering, facilitates cross-border anarchy and encourages organised crime in the region. An important step forward against the anarchic proliferation of small arms in Africa was taken in October 1998 when sixteen Heads of State and Government of the Economic Community of West African States signed a Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons. The Moratorium took effect on 1 November 1998.

The Moratorium is important for several reasons:

- It is the first time a group of African states made the decision to self-impose an arms embargo on a specific type of weapon, including ammunitions.
- It is perceived as a model and a sign of hope in other violence-ridden regions in Africa.
- It is an entirely regional political effort.

A code of conduct which applies to weapons and ammunition also exists. It has an important focus on transparency. It calls for the establishment of an arms registry for the region

to which relevant information would be supplied by states. It also calls for the harmonisation of legislation to avoid circulation/smuggling based on uneven severity levels of punitive measures across different countries. The code includes an exemption if legitimate international peace objectives are threatened. It calls on the international community to help. Contrary to the Memorandum, the code also encourages the creation of National Commissions with civil society and government representatives to address the small arms and light weapons issue. The Moratorium and the codes of conduct are perceived as a basis for peace in West Africa.

Deirdre van der Merwe (Institute for Security Studies, Pretoria, South Africa) outlined existing initiatives aimed at the protection of children in armed conflict and argued that they should be complemented by a voluntary code of conduct. There are three broad areas where codes of conduct can have a possible positive impact on the plight of children in armed conflict:

1. humanitarian action (code of conduct of the ICRC, and the SPHERE project)
2. small arms (International Code of Conduct on Arms and Transfers, Wassenaar Arrangement of 1996, European Union's 1998 Code of Conduct governing illicit transfers of conventional arms and others)
3. incorporating and emphasising the rights of children in armed conflict in military codes of conduct.

It is impossible to establish a direct causal link between the development of legal instruments, behavioural codes, and training programmes on one hand, and improvements on the ground, on the other. Nevertheless, the legal body addressing children's rights in armed conflicts is growing and evolving. These legal instruments include: International Humanitarian Law, the Convention on the Rights of the Child (adopted in 1989), UN Security Council Resolution 1261 (1999) dedicated to children in war zones, and the African Charter on the Rights and Welfare of the Child (1991). While setting international standards is important, all treaties need political will and public pressure for their implementation. There is a need for an international norm that would provide guidelines for states and other parties on what the view of the international community is on issues of war-affected children. This need points to first, the link between international legal instruments and voluntary codes of conduct based on moral principles. Second, it offers a way of regulating the behaviour of non-state actors in armed conflict.

While there exists a controversy about the feasibility, effectiveness, and efficiency of voluntary codes of conduct, one may argue that they increase ethical sensitivity and judgement. Codes may strengthen support for individuals' moral courage and help to hone an organisation's sense of identity. Codes are reflections of the morally permissible standards of conduct which members of a group make binding upon themselves. The development of a military code of conduct that emphasises child's rights could be useful. There needs to be an understanding in the military of critical issues involving youth, such as:

- the importance of youth to society's future
- various maturity levels of children
- physical development of children
- the principle that children's interests should be held in higher regard than military

interests

- the need to give priority to the welfare of the child during disarmament and demobilisation.

Deirdre van der Merwe outlined the possible content, process, enforcement mechanism and dynamism of a military code of conduct aimed at preserving children's rights in conflict. She said that an already existing peacekeeping framework could be used to develop a code for African soldiers and peacekeepers. The code could be included in a standard training manual for peace support operations that is widely used in African military training institutions.

Synopsis of the Discussion

Discussion centred around the issue of enforcement. Deirdre van der Merwe said that there is a need to raise awareness about the issues of war-affected children among army commanders, the military in general, as well as rebel groups. Moreover, mobilising public opinion is key to the enforcement of any code. Pressure from civil society often crystallises government action. The role of the Security General in voicing these problems is important in this respect.

Anatole Ayissi, echoed these sentiments by saying that a change in mentality/culture is key in legitimising and enforcing norms and codes governing the illicit circulation of small arms and light weapons in West Africa. The supply side of small arms and light weapons should be addressed more closely and the codes should speak to the suppliers as well as buyers/users.

Martha Schweitz pointed out that in many cases, codes of conduct are voluntary and were never intended to be enforced but complied with through implementation reports, for instance. William Maley said that in cases such as illegal small arms regimes and war-affected children, international organisations should signal which actions are acceptable and which are not in order to help consolidate international norms. Ramesh Thakur expressed pessimism about the adoption of voluntary codes of ethics by "uncivil" society (i.e., small arms smugglers).

7. CONCLUSION

At the close of the conference the issue of how new international normative regimes emerge was raised. Where do new norms originate? How does a norm become a law? How does it become universally accepted? In developed industrial democracies, norms promoted by the elites have evolved into laws. The link between emerging global norms and local non-government norms/efforts could be used to develop universal normative regimes without the roadblocks posed by state sovereignty. In this way the work of like-minded countries at the UN on war-affected children, for instance, and the work of Olara Otunnu (Special Representative of the UN Secretary-General for Children and Armed Conflict) on the ground could be combined in an effort to develop a universal framework for protection of children's rights in armed conflict.

The stalled UN reform and the declining capacity of states opens the door for the development of codes of conduct regimes as an alternative mode of global governance. In this context, the need for and complexity of multi-sectoral relationships was emphasised. The emergence of codes of conduct regimes may be perceived as an element of New Diplomacy. It provides pro-active leaders with opportunities to promote agendas and gives rise to what Andrew Cooper labelled an "entrepreneurial diplomacy." The triggering mechanism for action on issues, such as sweatshops, for instance, in many cases involves serendipity (i.e., the successful campaign and lobbying of Craig Kielburger on child labour). Education, public opinion, and moral stand, also play a role. This contributes, in part, to the uneven track-record of the Canadian and other governments on issues they chose to promote and those they do not. Why has Canada stood so strong on landmines but fares so poorly in developing corporate codes of conduct? This raises auxiliary questions about the nature of New Diplomacy: what is the relationship between commitment and convenience? What makes like-mindedness and what drives coalitions? In this context, William Maley asked how will the Canadian government square human security with immigration and refugee issues. So far human security has been promoted and applied in areas where there was a room for manoeuvring, on relatively uncontroversial issues.

New Diplomacy relates to the fragmented nature of global governance. In this context, it is key that competencies are assigned to actors. The implementation of codes of conduct regimes, treaties and agreements, monitoring, enforcement, and other necessary tasks should be clearly stated and delegated. Through a collective and pro-active approach to global governance, a culture of prevention and peace could be promoted. Some participants expressed scepticism about the effect of treaties signed by states about business. Others pointed out the uneven power relationship between business and NGOs today and the need for government to play an active, balancing role.

John English thanked all the participants for their contributions and encouraged continued communication among them. He also expressed his appreciation to Takashi Inoguchi (University of Tokyo) who joined the conference participants at a dinner and offered his comments on New Diplomacy. Steve Lee reminded all to watch for a new book by Ming Wang about the development of Chinese bottom-up NGOs and said its translation might be useful. Looking to codes of conducts as alternative governing regimes, we may seek to develop new norms to govern the behaviour of the Security Council and the P-5, including their use of the veto, Steve Lee said. Among the dominant norms in need of change today is the link between nuclear weapon arsenals and great power status. Perhaps, it is a good time to reverse the logic. This could be achieved by giving new status to states that renounce nuclear weapons capacity and (or) get rid of their nuclear weapons (i.e., South Africa, Brazil, Ukraine). This could become a key determinant for Security Council membership, for instance. He closed the conference with a promise of a report and continued cooperation.

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