

**SUMMARY OF THE MEETING OF THE COLLEGIUM
AT THE UNITED NATIONS**

Monday, November 10th 2003
From 11 a.m. to 1 p.m. - Conference room 3,
UN Secretariat New York

Persons Present:

- Milan Kucan: Former President of Slovenia
- Milan Kucan's interpreter
- Stephan Hessel: Former French Ambassador to the UN 77-81
- Sacha Goldman: Secretary General of the Collegium
- Edward Mortimer: Director of Communications and head speechwriter for the SG
- Mr. Bessler : OCHA (Office of Coordination of Humanitarian Affairs) formerly with ICRC (International Committee of the Red Cross)
- Xavier Sticker: from office of the Under Secretary General for Peace Keeping operations
- Jonah Engle: Assistant to S.G. of the Collegium
- Advisor to President Kucan
- Maria Lehtinen: Economic and Social Council
- Johan Sholvig: Director of Social Policy and development of DESA (Department of Economic and Social Affairs)
- Ahmad Fawzi: Director of news and media division of DPI (Department of Public Information) and spokesman for DPI
- Alex Taukatch: Head of News services section DPI
- Chris de Bono: Assistant to Shashi Tharoor
- Mr Kalomo; Assistant Secretary General in the Department of Political Affairs
- Shashi Tharoor: Secretary General for Communications and Information, head of DPI
- Bill vanden Heuvel: former Permanent representative of the US to the UN in Geneva, and former Deputy permanent rep. of the US to the UN in New York. President of the Franklin and Eleanor Roosevelt Institute
- Mary Robinson: Head of the Ethical Globalization Initiative
- Henri Atlan: Professor of Bio-Physics and Professor of Philosophy of Biology

MICHEL ROCARD

Opens the meeting. Describes the composition of the Collegium (former statesmen and women) who wished to engage together with thinkers in various academic fields to work on global problems with an approach rooted in ethics.

Soft Power is the only counterweight to the arrogances and excess of hard power. It is often underrated and can have significant impact, we want to use this soft power to reach out to the public and promote important ideas.

The Collegium arose from an appeal for the creation of an International Collegium which garnered tremendous response, and numerous signatories.

The first document was a Declaration of Interdependence it is the root of the thinking that absolute sovereignty at the expense of the rights of citizens, is an idea whose time has passed. Then came 9/11 and the Iraq crisis, and we thought that the UN wasn't performing at the level we wished – maybe some external push accompanied by a reflection on reform could be of assistance, this gave birth to the Memorandum on the Role of the United Nations, which we have sent to the (Secretary General) S.G. which is to be the main substance of our discussion. We want your feedback on this document today. What works what doesn't work, what needs more study, this is our subject for today.

ROUND OF INTRODUCTIONS

STEPHANE HESSEL

Basis of Memorandum was feeling that following Declarations of Interdependence (which highlighted the dangers facing the world), in the wake of 9/11 and Iraq, we thought that the role of the UN was a very important issue. While UN is known throughout the world, its work isn't sufficiently popularized in society. Time has come to find a role which is equivalent to its early days in the wake of WWII, a time of crisis, at the time the UN had tremendous energy, and provided a forum for international cooperation via various instruments including ILO, UNESCO, ECOSOC, etc.

There was the sense that these institutions were involved in work essential to the world moving on. Today there is a danger that the energy and concern is moving outside of the UN. That to our mind would be extremely dangerous because fundamentally values on which our societies are supposed to live are enshrined in the Charter of the UN, and in its great instruments (covenants, conventions, work of World Conferences). How do we give to the UN its role, how do we clarify its functions and make its work better known in society as a whole.

This is why we are happy to meet with DPI staff and members of ECOSOC and Humanitarian Affairs. We want your expertise your feedback, to let us know how your work can best be championed in the media.

SHASHI THAROOR

We welcome this initiative. The SG greeted the Collegium with warmth. It reflects his desire for new approaches from Civil Society which you represent. You have a freedom to advance your specific concerns. From DPI's point of view the work of your organization is vital to conduct a constructive debate on the role and relevance of the UN.

Second, the overall approach of the Memorandum is impressive, no fundamental disagreements in the diagnosis.

There is room for discussion on specific proposals.

One key issue is the conflict between national sovereignty and human rights. You suggest the need to define operationally the concept of abuse of sovereignty which could lead to an international right or convention

This is not a new debate at the UN, the SG has done more than anyone to bring out into the public arena in Sept. 1999 speech to General Assembly in which he raised questions about what we should do if we witness fundamental abuses of Human Rights. He talked about NATO's action in Kosovo – many considered it illegal in international law yet what would we rather have had. The other example he raised was Rwanda – had there been a group of nations willing to intervene would you have stood by on the basis of international law and said its wrong to go in.

He wanted to start a process of reflection. Immediately President Bouteflika of Algeria (chairman of non-aligned movement) strongly reacted saying sovereignty is the only defense of weak states in the world, measures to undermine this were very threatening to countries just recently free of colonial rule. Also the Canadian Commission on sovereignty came up with notion of responsibility to protect, every state has both privileges and responsibilities which include protecting the human rights of its citizens citizens, if it fails to do so, the international community should then exercise that responsibility. This concept is very interesting, its an advance in the debate, it has received much support but it is by no means universally accepted. One of these reasons is that the UN as a vehicle for this debate is also the organization which enshrines the principle of state sovereignty as a founding principle of the Charter and of the basis for membership in the UN. One way to square the circle is by making the point that precisely because the charter enshrines state sovereignty, that the bodies created by the charter alone are best equipped to authorize derogations from state sovereignty, therefore these ideas could be better advanced if a body in the charter, the Security Council being most obvious example, weren't alone in the eyes of the world to be seen as the legitimate institution to say it is appropriate for the international community to exercise, not the right of intervention but rather the responsibility of intervention.

That meets the interests of many states who see in the Security Council, the defense of the principles of international law. You could see the Chinese accepting the principle if simultaneously only the Security Council could authorize it.

There are many other interesting points in the Memorandum.

Another is increasing the legitimacy of the Security Council by expanding membership to great nations; this is an issue on which there is widespread agreement on the diagnosis, but very little agreement on the prescription and on the procedures to achieve it. There again we need to discuss how these ideas can be translated into action. Again the SG spoke about it this year to the General Assembly and he also addressed the problems of international peace and security – on that issue he recently appointed a panel of eminent persons.

Other ideas, are one's that we would applaud as Secretariat officials but say that the political hurdles to accomplish them are very high. For example access to a trained force for quick deployment. Reviving the Trusteeship Council is something the SG has tried to do before when he suggested it be a Trustee of the Global commons, your proposal is different - for interim administrations. Again the Secretariat would approve it but difficulty arises politically with member states. This is something again that would require charter amendment.

I end by saying that I hope that you submit these ideas and the Memorandum itself as contribution to the work of the High-Level Panel, and that you would seek that the High-Level Panel meet with you. You are working on many of the same issues. Your work should be an early input to their work.

Finally my department (DPI) would like to play a role in publicizing your work and your dialogue with us as an example of the way in which these ideas are in the minds of people of your eminence.

EDWARD MORTIMER

First of all I would like to support what Shashi said about organizing interaction between the Collegium and the High-Level Panel. (Notes that 3 members of the panel are members of the Collegium), you are well placed to exercise influence.

Second point, Benjamin Barber has been active in the Declaration of Independence. I attended an event in Philadelphia on Sept 12th for this Declaration. Your Memorandum has a lot in common with the Declaration. The need for globalizing democracy in addition to economic globalization. This is close to the heart of the S.G., he issued his Millennium report under the heading “we the peoples”. The idea that the UN is an association of member states but in order to validate itself in the 21st century, it has to have some kind of direct relation with the peoples of the world, which refers to the objective on an other panel chaired by another of the Collegium’s signatories, Enrique Cardoso, on the relationship between the UN and Civil Society. Those are procedural remarks,

I would like to ask substantive question about the “indispensable need to reevaluate the hierarchy of values protected by the United Nations such as the dignity and respect of human life, which as the highest value, be protected by all public and private actors of the International Community.” The Memorandum continues “We even have to go so far as to question certain fundamental values in order to anchor them more into a world civilization which accepts the diversity of cultures.” I would like to hear more about this reevaluation and questioning. You seem to be saying in fact that you want to enshrine the two values of human dignity and respect for human life as the most important ones. Not that the SG would disagree with you but tell me more about how you imagine this process of reevaluation.

SACHA GOLDMAN

Just a comment on the Declaration of Interdependence. Our Declaration was also done with the major participation of Mr. Barber, who unfortunately could not be here today. President Cardoso was with us when we gave the Memorandum to the SG. As to your question on hierarchy of values, I think Henri Atlan could speak to that.

HENRI ATLAN

On behalf of Ruth Dreyfuss who wrote this point.

It is based on the observation that while there is general agreement on the value of human life – it is very difficult to reach agreement when you come down to concrete situations, either in

the political or science and technology fields, because of the diversity of cultures and values. In reality “Universal values” aren’t so universal.

STEPHANE HESELL

It is the prejudice against certain values brought by certain civilizations or cultures that has to be overcome. The questioning is done to dispel prejudice against which values are expressed. This dialogue would establish the basic universal values under which cultural differences would be subsumed.

MICHEL ROCARD

When we drafted the point you refer to we weren’t reaching a conclusion we were opening a very long and difficult path. An African example I have in mind. In the IMF conditionalities, the human right’s block is summarized as requiring two pluralistic elections without fraud. I know a number of African countries which have organized such elections in order to please international lending agencies, however, killing, arbitrary arrest, press censorship continue. But the conditionality is written the wrong way round. It should instead focus on basic human rights standards (no arbitrary arrest, no press censorship) rather than simply pluralistic elections. That’s an example of the need to restore a hierarchy of values.

Another example is Henri’s work on bio-ethics in China. He was told be careful what you right because if cloning is considered a crime which could be punished in your country by 3 years in jail, in China it could lead to death sentence.

MARY ROBINSON

It is worrying that there isn’t shared agenda on Human rights globally. For example this administration doesn’t accept that Economic, Social and Cultural rights are rights. It’s a terrible damage to the international framework of human rights.

Also women’s rights; in the Middle East, women are using the universality of human rights to avoid to have to make a choice between extremist Islam and McDonald’s western culture. They are finding ways to gain their rights without having to reject their own culture, because of the universality of human rights.

BILL VANDEN HEUVEL

We do have fundamental documents within the UN structure which give hope that this discussion can be carried forward. This administration doesn’t accept economic and social rights but we have had governments that did.

MARY ROBINSON

The US has never ratified any of the 3 key instruments.

BILL VANDEN HEUVEL

Congress never will. But what you need is presidential leadership. We have played a role in advancing human rights internationally e.g. Eleanor Roosevelt recognized importance of economic and social rights in addition to civil rights.

Going back to Shashi Tharoor's reference to the SGs statement on state sovereignty. That was an unprecedented statement he made in the 1999 General Assembly, it set forth a whole new debate. It was saying to the world "Never Again". He was inviting nations of the world to come together on this point. You may remember Jesse Helms appearance in 2000 at the Security Council, and he responded by saying that the US could withdraw from the UN. That's what you're dealing with in the US. The UN desperately needs to mobilize the people of the world, because the vast majority support the UN.

George Soros raised yesterday Moveon.com, there is tremendous potential to mobilize people via the internet, allowing millions of people to express themselves politically. This could be enlarged globally to speak to world issues. How do we mobilize our people in each of our countries?

SACHA GOLDMAN

Following on Bill's comments, there is reaching out to the public on one hand, the other aspect is people reaching out to decision makers. I would like to remind you that there will be a World Summit on Information Society in one month. I would like to propose that we investigate how the people can influence political events.

Michel Rocard is responsible for issues of new technology in the European Parliament and there was a vote on software patenting, and there was a very relevant experience in terms of people having a direct influence on a political decision.

[There was a misunderstanding; Michel Rocard thought the question pertained to the upcoming World Summit on Information Society and its problems which Shashi addressed. Then Michel Rocard addressed the legislation at hand in the European parliament, before acknowledging the impact of a massive Internet campaign from the grassroots level which affected the outcome of the vote]

CHRIS de BONO

Many of the points in the Memorandum relate to the codification of what I thought was creative ambiguity necessary in politics. How do we take this forward if in fact the reason there is no hierarchy of rights is to allow for the political process to unfold.

MICHEL ROCARD

The idea of UN reform isn't new. In light of 9/11 and the Iraq war, we were concerned that UN reform would become limited to the composition of the Security Council, or the right veto and little else. Our desire has been to enlarge the scope of reform.

On the 8 points, there are not all of the same importance, and the response to your question will vary on the point. For some points we aren't the first to raise them we just added our support to them, our weight. For other points, e.g. modifying the role of the Trusteeship Council, there it is clear that legal and political exploration needs to take place. The question today is should we focus on it right away or look at it down the road.

Another question is the Economic and Social Security council. Its very complicated and no one knows what it might mean. If you tell us it's not worth exploring, we'll drop it. However

if there is a desire to raise the importance of Economic and Social Rights, we can work on that. We are meeting with you to understand the hierarchy of priorities in your work.

JOHAN SHOLVIG: Director of Social Policy and development of DESA (Department of Economic and Social Affairs)

I'm interested in number 7 of the Memorandum on the creation of an Economic Social Security Council. You talk about various institutions (IMF, ILO, High Commission on Human rights) which lack a hierarchy of values to be promoted. From your earlier point you would place human dignity as the most important value. From a practical point of view I'm not clear how the IMF would like to see its value at a lower level. It is very hard to get coordination on these bodies because they are made up ministers of finance, and you can't get agreement at the national level. If you want to achieve this, it has to be achieved first at the local level. You cannot multilaterally substitute what needs to be done nationally. You also say that the Economic and Social Security Council would come out of the on the Security Council, how would that happen. Currently the Economic and Social council consists of 54 members and many of those believe that it is a limited member body and feel that the GA is where ultimate decisions should be taken.

Finally the ratification of Economic and Social rights does not mean that they are implemented. How do you operationalize this? What we try to do in the economic and social area is not only coherence with respect to fundamental rights but coherence in economic and social policy, this is particularly lacking, look at aid policies of donor countries and their contradictory trade policies. Paragraph 7 needs to be somewhat rethought, perhaps emphasis should be placed more on the economic and social realm not only on fundamental rights.

MICHEL ROCARD

Thank you for not using the word "naïve".

I was reminded of the European parliament, in which there is total budgetary dictatorship.

The World Bank is embarrassed by some of its past practices and the rigidity of its conditionalities; the Fund acknowledges that its rules have political ramifications. There is an opening happening. But I agree it's very touchy and sensitive.

MARY ROBINSON

Your first point is particularly interesting. It has been the view that in order to have coherence in the International level you have to have coherence at the national level. In fact its important to work at both levels, because multilateral funding agencies have boards that are made up of reps. from individual states that have committed to international human rights standards. At Cancun it was fascinating to see a new debate, not the old debate over whether WTO standards would take away the competitive advantage of poor countries. It's the opposite now. The vast majority of WTO member states have ratified the covenant on Economic and Social and Cultural rights (116 out 148 countries) which means they are bound to implement access to water, food, health, education. But trade barriers are depriving poor countries of the opportunity to trade properly and therefore they can't provide their people with the essential

resources to which they committed in the covenant. It's a new debate that civil society is insisting upon at both levels. I don't agree that you have to do it nationally first.

As far as an Economic and Social Security Council, I don't think we are saying it should just be made up of present Security Council member states, what we are saying is that such a body should have more political clout than the Economic and Social Council, which has low-level political commitment.

It's remarkable how much the World Bank has begun to accept economic social and cultural rights. This is an area where there is huge potential, and civil society is coming together in a massive and very sophisticated network. It is crucial that economic cultural and social Rights be given the same value as civil and political rights and be implemented. And political accountability is crucial because these conventions have largely been ratified but not implemented

MILAN KUCAN

President Kucan explains how the Collegium's Memorandum on the UN came about. It is fundamentally about the problems of the contemporary world which were also addressed in the Collegium's two previous documents namely the Appeal and the Declaration of Interdependence. Its two essential points are accountability and effective governance.

Global governance requires a common ethical foundation and this must include Economic and Social Rights. That is the point of departure.

The second question is Peace and Security in the world, which cannot be achieved without tackling the problem of exclusion. There can be no peace and security if so much of the world is left out.

The pace of development is contributing to the problem of exclusion.

UN reform is only part of the Collegium's agenda, the Collegium has a holistic view and values are the foundation of that view.

MICHEL ROCARD

Notes that the allotted time has elapsed. Thanks everyone for attending.

CHRIS de BONO

Asks where comments on should be sent. People are told to send emails to Collegium@Collegium