

37th Graduate Study Programme

**THE ROLE OF THE UNITED NATIONS  
IN THE FACE OF GLOBALIZATION**



UNITED NATIONS OFFICE AT GENEVA

**INFORMATION SERVICE  
PUBLIC RELATIONS SECTION**

## WORKING GROUP ON HUMAN RIGHTS

## INTRODUCTION

Globalization is the process of increased flow of goods, services, people and information on a worldwide scale, expanding not only into the field of economics, but social, cultural and political spheres as well. The intensification of this process calls for a reconceptualisation of Human Rights in a globalized world. In this context we address the following issues: the Universality of Human Rights and its criticisms (I.); the Changing Definition of Sovereignty (II.); Economic, Social and Cultural Rights and the Right to Development (III.); as well as the Rights of Minority Groups and Indigenous Peoples (IV.).

## I. THE NOTION OF UNIVERSAL HUMAN RIGHTS AND ITS CRITICISMS

A claim is universal if every human being is in the same way, everywhere and at any time entitled to it. Human Rights are special types of legal claims.

Descriptive and normative notions of Universality

The predicate "universal" is often used to express a consensus of the parties on a body of Human Rights. Other usages imply that Universality is understood as an agreement on the interpretation of specific Human Rights provisions or their respective weight in relation to others. Applying "universal" to "declaration" conveys the idea that its provisions are declared by everybody. These notions of universality describe the empirical status of the international spread of and consensus on Human Rights provisions. In this sense, Universality is a matter of degree, it can be "achieved"; it is an approximative ideal, dependent on and a product of past, present and future agreement among the parties and/or interpreters.

Universality understood as the prescriptive idea that the same Human Rights shall pertain to and ought to be respected by every human being, everywhere and indefinitely, is however independent of empirical constraints. It is a substantially absolute normative claim, not relative to the empirical status of its endorsement. It persists and is believed to be valid for everybody no matter where-, whenever and by whom it is invoked, proclaimed, agreed to or doubted. This independence necessarily extends to both its criticisms and affirmations.

Modern Criticisms of Universality of Human Rights: the Asian Value Debate

Following the example of the Prime Minister of Singapore, Lee Kwan-Yu, statements by governments in the region typically make specific claims about the Asian view of human rights:

"Rights are culturally specific." Human rights emerged in the context of particular social, economic, cultural and political conditions in the Western hemisphere which do not exist in Asia. China's 1991 White Paper "Human Rights in China" states: "Owing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights." In the Bangkok Governmental Declaration (1993), governments agreed that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional peculiarities and various historical, cultural, and religious backgrounds."

"The community takes precedence over individuals". The importance of the community in Asian culture is claimed to be incompatible with the individual's primacy, upon which the Western notion of human rights historically rests.

“Social and economic rights take precedence over civil and political rights”. Asian societies rank social and economic rights and "the right to economic development" over individuals' political and civil rights. These rights, it is argued, do not make sense to poor and illiterate multitudes; they are not meaningful under conditions of destitution and instability and can be extended to the people once their basic needs are met. Economic development will be achieved more efficiently if individuals' political and civil rights are restricted for the sake of political stability.

“Rights are a matter of national sovereignty.” The right of a nation to self-determination includes the idea that a government has sole jurisdiction over domestic human rights. In the 1991 White Paper, China argues that "the issue of human rights falls by and large within the sovereignty of each state." In a 1995 White Paper entitled "The Progress of Human Rights in China," the government confirmed its opposition to "some countries' hegemonic acts of using a double standard for the human rights of other countries, or interfering in the internal affairs of other countries by using 'human rights' as a pretext." The West's attempt to apply universal standards of human rights to developing countries is criticized as disguised cultural imperialism and an attempt to interfere with their sovereignty.

### Addressing criticisms of Universality

Moral relativism holds that a normative notion of Universality is theoretically impossible. However, such a position can not be sufficiently stated without running into a performative contradiction. The claim that Universality is impossible needs to be asserted universally to be a valid criticism, yet in doing so, the statement of the criticism contradicts its content.

Claiming the cultural specificity of rights is to question that it is possible to make a universal claim given that every claim necessarily has to be made under empirical constraints. Historically, early Western philosophers held that an epistemological stance is possible that allows to gain objective insight into the very nature of mankind [even though they mostly had adult, healthy, white, landowning males in mind] and hence decree that by nature, man holds certain rights. The very idea of a particularistic stance that claims objectivity has to be rejected. In its place we suggest a considered notion of inter-subjectivity, i.e. the idea that the best finite human beings can accomplish is a consensus between all the participants of the relevant discourse. What Human Rights are and should be has to be determined in an open, pluralistic and inclusive procedure; their development is necessarily a contingent historical process. At the same time the reduction of a normative notion of Universality to mere empirical agreement can be avoided by acknowledging the fact that the discourse itself contains normative validity claims that reach beyond its empirical constraints. Hence there is no necessary contradiction between the spacio-temporal limitations of the legal, political and moral discourse on Human Rights and the Universality of its claims.

By rejecting a Human Rights provision or an interpretation thereof or by suggesting a disagreement about their ordering, such as mentioned above, other criticisms establish a factual dissent and in turn use this lack of consensus to challenge the idea of normative Universality. However, inferences from the descriptive to the normative realm, from what is to what should or ought to be and vice versa are logically deficient. Therefore, a critique of the normative claim to Universality can not solely be based on the self-established fact of empirical dissent. Furthermore, dissent does not even impede empirical Universality because Human Rights are codified as legal rules. The validity of a legal rule is not touched by an ongoing discussion about its justification or interpretation.

To argue that Human Rights can not be universal because they are constantly violated operates on the basis of a similar confusion of the normative and descriptive level with a misunderstanding about the nature of legal rules: the normative claim and the positive law persist regardless of the transgression.

## General Conclusions and Recommendations

The examined criticisms reflect the central assumptions of modern criticisms of the Universality of Human Rights which are currently played out in the Asian Value debate, the discussion on the African Charter of Human and Peoples' Rights and the controversy about Islam and Human Rights. They can be argumentatively countered on the basis of the suggested analysis of the notion of Universality, a considered notion of inter-subjectivity and the fact that the respective documents have the form of legal rules; i.e. that international human rights provisions have become customary law and thus enjoy both normative and legal universality (the latter is not specific to Human Rights).

The critiques are to be viewed as meritorious contributions to an ongoing inclusive debate about the scope and interpretation of Human Rights. While Universality is challenged empirically, it is affirmed normatively as long as the debate about the differing views take place within and have as a common point of reference the established framework of international Human Rights law.

Moreover, divergent religious and value systems are not necessarily negative factors in promoting human rights culture. They have to be accepted and respected as the starting ground for the development and fostering of a culture of internationally accepted Human Rights, which in turn marks a necessary precondition for the continued efforts for their implementation and monitoring in the culturally diverse areas of the world.

However there is a rising need for the harmonization of particularistic conceptions of Rights and Values with the internationally accepted body of Human Rights law. The main task is to include all views and to keep the discussion about provisions, their interpretations and application within the internationally accepted framework of Human Rights law. The United Nations bear a special responsibility for the accomplishment of this task for they are the only accepted institution before which this discussion can be held in a fair and impartial way acceptable to all. Nations and thinkers behind the mentioned particularistic approaches to Human Rights need to be invited to join an international and fruitful debate. At the same time, the UN have to strive for continued implementation and monitoring of the existing body of Human Rights. The "pragmatic approach" adopted by certain states stressing economic development and differing values to continue the gross violation of essential Human Rights standards needs to be clearly marked as incompatible with existing internationally accepted Human Rights norms.

### Recommendations regarding the specific role of United Nations in the development, implementation and monitoring of Human Rights

In view of the universal acceptance of international Human Rights instruments, states should move to ratify and include them in their national jurisdictions, with subsequent enforcement. We further recommend:

to overcome weak participation of NGOs, civil society and private sector by strengthening their role in the decision making process, implementation and monitoring of Human Rights;

to overcome the impeding role of state-orientated processes of decision making in the UN;

to address the issue of strong sovereignty claims by single states affirmed by article 2.7 of the UN Charter by exempting all Human Rights in a legally binding form from the "principle of domestic jurisdiction"

to strengthen and increase the presence of United Nations institutions in the field to further national capacity to promote and protect Human Rights;

to raise consciousness through education as complementary approach for the promotion and implementation of Human Rights.

## II. THE CHANGING DEFINITION OF SOVEREIGNTY IN THE FACE OF GLOBALIZATION AND HUMAN RIGHTS

Since its inception in the sixteenth century, sovereignty has been subject to constant conceptual migration. The present definition of sovereignty refers to a state's ability to maintain economic and political independence in relation to outside forces. The state is the final arbiter of its own fate. Sovereignty today involves legal supremacy within given boundaries, but is quite specifically a property of states rather than other active bodies. A state can only be considered sovereign if its constitution is not part of a greater constitutional agreement.

Globalization has had major affects on sovereignty. It has required governments to recognise and work with a situation where most issues are defined to some extent in international terms and there are few purely domestic issues. Participation in international organisations or the adoption of international agreements has the potential not only to generate money and contacts, but also to limit policy options available to governments, restrict the actions of the state, or require modifications in long standing and highly valued domestic policies; this implies a responsibility to other sovereign states not included in traditional sovereignty. This is clearly narrowing the degree of domestic political independence. This affect should not be regarded as all bad, as there are definite benefits; these are most obvious when dealing with global problems that can not be solved by single-state action, such as environmental degradation and international crime. States are no longer the only important and influential actors on the international scene, which requires that sovereignty becomes more flexible and takes the supra-national force of globalization into account in its definitions.

International Law, which enshrines the Declaration of Human Rights, was implemented as a measure of control and justice in the international system. States are no longer entirely sovereign, as they became subject to a higher legal authority and thus could not act as they pleased in many spheres including in relation to their populations. However, states who have agreed to International Law and subjected themselves to it, had exercised their sovereignty by limiting their own authority. Thus governmental action with regards to a people, are defined and limited by the Declaration.

The role of the UN in terms of Human Rights is to maintain and protect them, and to ensure that this situation continues to exist into the future. This involves sending Human Rights Officers into war zones and peacekeeping exercises in order to establish systems or train people to do so, that will aid the maintenance of Human Rights in years to come. Governments may understandably be wary of allowing Human Rights Officers into their states and delving into the affairs of the government, and to possibly criticise. This factor needs to be taken into account not only in the human rights branch of the UN, but by the UN in general as a force behind future international relations. The enactment of the International Criminal Court would have two effects: it would add the dimension of the spread of justice to the definition of globalization; it would help to ensure human rights on an international basis, so that in future, dictators may think twice before embarking on crimes against humanity in the face of an effective legal framework that would potentially punish them. The implementation of a legal framework is a good idea, but must take into account the changing definition of sovereignty, a process which it will further contribute to.

There are many gaps in the relationships between globalization, human rights and sovereignty: the gap between the theory and practice of all of these ideas; the gap between sovereignty and or international law or justice; the gap between legal equality created by sovereignty, and international fact created in part by globalization. As sovereignty is unlikely to disappear in the foreseeable future, it needs to draw on its dynamic nature, to absorb the affects of globalization and Human Rights. For the future, though, the role of the UN will be to utilise policies that will narrow the above gaps. The idea is not to lead the horse to water, but to convince it that drinking at the communal waterhole will be of maximum benefit, while at the same time realising that everyone else must be able to drink as well. This is a win-win situation to replace the current zero-sum situation.

### III. ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE RIGHT TO DEVELOPMENT

While holding up the prospect of increasing economic growth and prosperity, globalization is accompanied by the process of marginalisation and social exclusion of an ever wider part of humanity. This represents a threat to the realisation of economic, social and cultural rights, as well as of the individual right to development. Many developing countries are pushed aside in the process of globalization. The ensuing poverty has devastating effects on the fulfilment of human rights.

A major aspect of globalization has been the dominance of neo-liberal ideology. Along these lines the structural adjustment programmes of the World Bank and IMF previously neglected the human aspect in development. The result has been a rise in unemployment and a deterioration of social security, health and educational standards in many LDCs. As poverty may be the root cause of violent resource conflicts it is ever more important to ensure economic, social and cultural rights to everyone within the framework of sustainable human development as suggested by the UNDP.

Rather than being allowed to increase disparities the growth potential of globalization must be harnessed to the benefit of everyone. The duty to realise economic, social and cultural rights and the right to development to everyone is even more pressing today as our generation is the first that possesses the means to free humanity from the misery of poverty.

#### Commendations:

- The "Education for All" program developed and supported by UNESCO, UNICEF, UNDP, World Bank and others.
- The Human Rights Commission initiative to establish a special rapporteur on the Right to Education.
- IMF and World Bank efforts to adapt Structural Adjustment Programmes to the concept of human development as well as the UNCTAD approach of strategic liberalisation.
- The Cologne Initiative established by the G8 Nations, requiring debtor nations to show their using debt relief funds primarily for expenditure on education and health.
- UNESCO approach that considers education as a humanitarian good along with food, shelter and medicine ("school in a box.")
- Kofi Annan's "Global Compact" which informs private sector as to benefits to be obtained through ensuring human rights within all aspects of their business practices.

### Recommendations:

- Include suggestions to government agencies and private sector for tangible actions for full and progressive realization of human rights with all UN recommendations.
- Improve coordination among all UN agencies to bridge the gap between short-term humanitarian aid and sustainable development.
- Introduce a Tobin tax in order to eliminate the negative effect of speculative financial flows on the real economy
- Enable governmental capacity to implement human rights through foreign debt relief, provision of technical assistance and equipment, and international aid for education.
- Ratifying Member countries must set positive examples through both resource allocation and implementation of these rights to encourage other States to follow their example no matter their economic means.
- Give equal status to economic, social and cultural rights, and create procedures for complaints of violations similar to the optional protocols available for Civil and Political Rights, and the Covenant Against Torture.
- Fix indicators in terms of literacy rate and budget allocation for education which can be legally binding, and increase awareness of proportion of GNP spent on items such as military as opposed to education.
- Incorporate more fully human rights' teaching in countries' educational systems (i.e. offering similar programs similar to our Graduate Study Program to teachers from around the world.)
- Promote access to communication technology to provide uncensored information to civil society, facilitating pluralism and democracy.
- Lessen the earmarking of funds and voluntary donations to the UN and its agencies that monies may be utilized where best needed in order to prioritize proactive prevention programs as opposed to emphasizing reactive one.
- Give a "United Nations 9000" label to companies that respect humane working conditions and support health and education projects.

### IV. RIGHTS OF MINORITIES AND INDIGENOUS PEOPLES

Today the people most exposed and vulnerable to the negative effects of globalization (such as economic exploitation, destruction of the social and natural environment) are minority groups and indigenous peoples. National minorities are culturally concentrated groups living in their original territory which is now part of a state with a different dominant nationality, who should therefore better be referred to as a multinational state. Other minorities constitute polyethnic states through immigration. Indigenous peoples, are those who have been living in a territory prior to colonisation or the erection of present state boundaries and have retained some or all of their traditional, social, economic and legal structures. Their different historical situation and legal status amounts to different legal claims. Still it is unacceptable that the recognition of the rights of one of the above mentioned groups results in the discrimination or negation of the rights of another.

### Political recommendations

We strongly support the broad minority definition adopted by the UN in their Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. The UN should learn from the experience of the Council of Europe's Convention on the Rights of National Minorities (1995) which has already entered into force. The Working Group on Minorities should elaborate a convention for all minorities (going with the broad UN definition) on a global level and the political level of the Commission on Human Rights should support this initiative in order to turn it into a legally binding international instrument.

Present reporting procedures on minority concerns in the UN have not proven to be too efficient, this underlines not only the need for a legally binding convention, but also should lead to further learning experiences: Like from the OSCE, where the High Commissioner on National Minorities, whose mandate is one of conflict prevention (rather than human rights protection) has proven to generate positive effects for minority groups. The UN should learn from such regional experiences like in the Council of Europe and the OSCE and co-operate with them wherever possible. Always bearing in mind that the UN is the only global meeting and negotiating place for the representation of minority concerns and should move to fulfill those expectations.

The representation of national interest through the nation-state does not reflect the reality of polyethnic and multinational states. Therefore the states should move to recognize their multinational and/or polyethnic nature in their national constitutions. Based on this assumption it is possible to conceptualise the protection of minority and indigenous rights within the state. Consocial democracy must allow for a more active participation of the minorities in the political life, by not only guaranteeing the basic rights of the individual but also group rights. A devolution of power to the local and group level can enable the true self-determination of minority and indigenous groups.

### Reforming the structure of the UN

The Commission on Human Rights, a political forum, is supported by the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, an expert forum, which is supported by three expert Working Groups: on Minorities, on Contemporary Forms of Slavery and Indigenous Populations. The latter uniquely allows all indigenous representatives to address the meeting unlike other UN bodies where participation is restricted to NGOs holding consultative status with ECOSOC. This valuable precedent should serve other actors like minority groups, who claim a status that can hardly be fitted by representation through an admitted NGO, to find ways of becoming admitted in their specific legal quality at the relevant meetings. The UN should allow this broader representation of different groups' and peoples' concerns within their structures to become a true meeting place of peoples, cultures and nations.

Still it is lamentable that indigenous peoples have so far only been granted flexible access to expert fora and not the political level, in their case the Commission on Human Rights, where only state actors and NGOs are admitted. A Permanent Forum as discussed in the Ad-hoc Working Group on a Permanent Forum for Indigenous People should be installed as soon as possible on the political level, so indigenous representatives (that should be voted for by their respective groups and regions) and state representatives can discuss on an equal basis. This would also allow for a quicker and more expert negotiation on the Draft Declaration on the Rights of Indigenous Peoples elaborated by the Working Group and is now discussed by the Commission on Human Rights without direct indigenous involvement. We recommend the Draft Declaration to be passed as drafted by indigenous experts and to be supported by all states.

Even states that do not have an indigenous population within their territories should acknowledge their responsibility for the concerns of indigenous peoples as their project often have a direct impact on indigenous lands. In a time of globalization and international trade, indigenous issues can no longer be dealt with by the respective state alone. All states should transform and include the principles of the draft declaration into their national legislations and on the international level support its transformation into a legally binding convention. Finally all states, who have not done so far, should all ratify the ILO Indigenous and Tribal Peoples Convention (No. 169). The relevant UN agencies should collaborate wherever possible to attain this aim.

### Recommendations of substantive law

The right to their land, the top agenda item of this year's Working Group on Indigenous Populations (E/CN.4/sub.2/AC.4/1999/1), is one of the central claims of indigenous peoples. The Secretary General's Global Compact Initiative to create a new relationship with the private sector in the UN and to invoke the responsibility of transnational firms for Human Rights, should bear in mind that indigenous and other vulnerable people are the most likely to be subject of exploitation through those firms. Therefore their concerns should be heard and protected on the highest level. Art. 21 of the Draft Declaration on Indigenous Peoples recognises their "right to own economic and social systems", despite the ongoing recognition of legal pluralism, those forms of economic pluralism have hardly been discussed on the international level. Increasing liberalisation of commerce makes it even more important to protect those different economic systems and account for them through Social and Economic Impact Studies when conducting projects on indigenous lands.

Globalization underlines the dramatic contrast between the relationship of indigenous peoples with their land and nature and the attitude of transnational firms towards the exploitation of natural resources. Over the centuries indigenous peoples have employed techniques of sustainable use of their resources, which can serve as an example of sustainable development as discussed today (see: Human Development Report 1999 UNDP). It is therefore necessary to enhance the interlink that exists between the protection of the rights of indigenous peoples and the world's human, cultural and bio-diversity (Amazonian rainforest). The Working Group on Indigenous Populations should include in its agenda ways and means to involve indigenous peoples in the planning and implementation of national policies of natural resource exploitation and sustainable development.

Article 43 recognises the equality of indigenous men and women, still women and their concerns are under represented at the meetings of the Working Group. Therefore the Board of Trustees for the Voluntary Fund for Indigenous Populations should take the travel grant applications of women into special consideration. It is important to remember that the marginalisation of a group through mainstream society and a resulting breaking up of social structures often lead to the marginalisation and discrimination against the weakest members of this group (women, children). Therefore it is especially important that the concerns of women and children (the most vulnerable of the vulnerable), who are members of minority and indigenous groups are promoted through the cooperation of the relevant UN agencies.

Education is a key to reducing marginalisation and protecting particularism within the state and in a global society. On the one hand education for pluralism and human rights is a pre-condition for creating respect of different cultures (often seen as the "other") and thereby serve to reduce (ethnic, linguistic, national and religious) conflict. "Maintaining the capacity of the world's languages and cultures to utilize the new technologies and to communicate the arguments for pluralism must be a prime objective of contemporary education". (Vienna Conclusions of the State Conference on Global Ethics - Illusion or Reality). On the other hand education (of their children) should be put back into the hands of the respective minority and indigenous groups in order to ensure that they grow up in a culturally sound

environment that matches their socialisation. "National and international policies must be conceived and implemented, recognising that cultural plurality is a permanent and positive characteristic of globalized society, to be nurtured and built upon". (Vienna Conclusions). New technologies and mass-transportation enable the meeting of cultures all over the world. This bears the danger of the exploitation of the cultural richness of indigenous and minority groups without sharing the benefits with them. Therefore control of cultural tourism enterprises should be handed over to the respective groups. (Multi-cultural) centres, grouping information about the different regional cultures and conducting in-depth research, could become a true meeting place of cultures where mutual learning can take place.

## THE ENVIRONMENT AND THE UN IN THE FACE OF GLOBALIZATION

The purpose of this chapter is to consider the interaction between the environment, the process of globalization and the role of the UN. In particular we consider trade, war and outer space. In this framework, 'environment' is defined from a holistic, yet anthropocentric perspective. We include ecosystems, the organisms they support, the 'resources' and life-support systems upon which human societies rely and the influences on our own health from the interface with human behaviour. We see the process of globalization as one that integrates human behaviour and activities. As such, any sense of loss accompanying the spread of cultural and social homogeneity is coupled with the shared means of achieving environmental, economic and humanitarian goals. The UN is an organisation with the capacity to foster a global moral fabric but hindered by political mandates.

### I. THE ENVIRONMENT AND INTERNATIONAL TRADE

#### The Need for an Integrated Approach

Currently, regulation of environmental degradation is separate from trade regulation, to be handled through decisions by national governments and through multilateral agreements. In a globalizing world, however, individual governments have less and less power to fulfil this task of protecting the environment and human health. This is true especially in developing countries. In this paradoxical situation, it is of utmost importance that trade and environment are not dealt with separately, but analysed and managed in an integrated fashion.

#### Environmental Effects of Processes and Production Methods

People do not just strive for economic efficiency – there are also other dimensions and values that we take into account when we judge the outcome of our actions, impact on the environment being one of these. People should be given the opportunity to realise these other values. This requires, amongst other things, that people in their role as consumers are well informed about the consequences of their buying decisions. They can then give producers the economic incentives to develop and employ processes and production methods that have low impact on the environment and human health. Free trade means that states are not allowed to discriminate against products on the basis of the environmental effects of production processes. Such discrimination would be regarded as a trade barrier. Under these conditions, the choice of the consumer becomes more important. Eco-labelling schemes and other kinds of environmental product information which take production methods into account should be further promoted so that buying decisions can stimulate more environmentally friendly patterns of production.

#### Public Procurement as a Driving Force

At present most public procurement policies cannot be based on methods of production. However, in certain circumstances methods of production should influence these policies. They should be judged not only on the basis of whether they might hinder free trade, but also on the basis of their potential to give impetus to the development and implementation of less environmentally degrading technologies and production systems

### **The Environment, International Trade and the Precautionary Principle**

#### The Multilateral Trading System

The present world trading system with the WTO as an impartial and powerful administrator, ensures free trade in those areas agreed upon by its member states. Accordingly countries are not allowed to discriminate against goods because of their origin (Art. I, III and XIII of the GATT). This allows member states to reap the economic benefits of free trade. Countries participating in the WTO system are allowed to impose limits to this free and non-discriminatory trade in relation to environmental issues (the so-called TREMs; Trade Related Environmental Measures) according to the WTO's "General Exceptions" as stated in article XX of the GATT. When trade is restricted with reference to the protection of the environment and human health, it is sometimes necessary for the WTO's Dispute Settlement Body (DSB) to examine whether the limits imposed on trade are acceptable or not.

In recent years, there have been two trade restrictions with reference to environmental or human health concerns that have been brought before the DSB (Shrimp-Turtle and the Beef Growth Hormone rulings). In both cases, the DSB and the WTO's Appellate Body have ruled against environmental and human health concerns, and in favour of the non-restriction of trade. It is desirable to maintain a framework for international trade that guarantees the non-discrimination of like products from different countries. At the same time it is necessary to allow individual countries to establish varying degrees of environmental and human health protecting mechanisms.

The WTO's Dispute Settlement and Appellate Bodies are only supposed to refer to established international standards and norms in their settlement of trade disputes involving environmental and human health matters. In the Beef Hormone Case this means that individual members (the European Union) can no longer maintain standards that are higher than those that are internationally agreed. In this case it was determined by the Codex Alimentarius under the WHO and the FAO.

#### The precautionary approach to environmental issues

The precautionary principle as described in the Rio Declaration at the United Nations Conference on Environment and Development (UNCED) in 1992 states that:

*'Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.'*

With respect to environmental and human health hazards we live in the era of the risk society. We and our environment are exposed to a multitude of different factors, potentially harmful and about which we can only have limited knowledge. This is why the precautionary principle in recent years has been intrinsic to practically all international environmental policies. The difficulties of objectively evaluating such effects exist at the highest levels of scientific research, and will persist to do so, as human production and consumption processes become increasingly complex.

#### Recommendations

- a) Establish an independent international body of experts to judge whether or not individual countries' concerns are well founded, taking into account the precautionary principle. Such a body could be administered under the UN in a way similar to the War Crimes Tribunal in the Hague. Such a court could function with the participation of the WTO, WHO, UNEP and representatives of the various international conventions related to environment and human health issues, and perhaps also with the participation of relevant NGOs and interest groups. In addition to taking into account the precautionary principle, such a court should also take into consideration all international conventions passed relating to environmental and human health issues.
- b) Reverse the burden of proof in cases of dispute. This means it is up to the plaintiff to prove that any individual country's measures to protect the environment or human health are arbitrary, discriminatory, or protectionist. This principle is already followed in the NAFTA agreements.
- c) Compel the WTO's Dispute Settlement Body to take the precautionary principle into account in trade matters relating to the environment and it should also be ensured that the WTO, to a much larger extent than is presently the case, uses its existing mandate to judge independently on matters related to the environment. This could in practice be accomplished by strengthening the WTO's Committee on Trade and Environment (CTE), and increasing the use of independent experts in dispute settlements, rather than referring to existing international standards and norms. The CTE should provide clear recommendations and technical guidance to the judges of the Dispute Settlement and Appellate Bodies. The increased use of independent experts in the resolution of disputes involving environmental and human health issues has already been decided in the Uruguay Round Amendments to the Dispute Settlement Understanding of the WTO, but the changes have not yet had any effect.

## **The Environment, International Trade and Transport**

The environment is strongly affected by the volume and methods of transportation used today. While recognising that passenger transport is just as problematic as freight, this deals principally with the regulation of freight. The deregulation of freight transport in many countries combined with the liberalisation/globalization of trade is likely to lead to increased levels of freight. Increased demands for transport services will lead to increased environmental stress.

Environmental effects are hard to establish within the category of mobile sources (although ports and airports cannot be excluded from environmental monitoring). In particular air pollution needs to be monitored on a cumulative and compounded level. Currently improvements in pollution control and fuel efficiency are being offset by increased volumes of trade.

There is a need for a forum that serves as a catalyst for new cooperative international initiatives aimed at reducing the impact of transport on the environment. The UN must coordinate and initiate analysis, discussion and debate; encourage research and development; and assist with technological transfer. The UN should act as an intermediary between contentious actors.

### Recommendations

The challenge is to find ways of meeting our freight transportation needs that are environmentally sound, socially equitable and economically viable. Our recommendations are:

- a) An investigation into the development of new technologies and a proactive regulatory approach to the new modes of transport that follows the precautionary principle:
  - i) Set up a research and development centre that focuses on creative and imaginative alternatives to the current fossil fuel transport model e.g. the use of blimps or Zeppelins, which are financially and environmentally attractive. The investigation and promotion of all multi modal transport systems are also encouraged. This should be with the collaboration of industry as a new body or under the auspices of an agency already in operation like UNEP or UNITAR and the regional commissions.
  - ii) Set up a permanent regulatory body that addresses the issues of what a balance between sustainable transport and trade may mean and how it can be accomplished.
- b) To extend positive initiatives that are happening on local, national and international levels. These are primarily concentrated on road use and the transportation of hazardous substances. Already there exists much 'soft' and 'hard' law on the regulation of air pollution and global warming. There is much room for advancement. Air and water transport are largely ignored areas. These include:
  - i) The extension of existing protocols in these areas such as the Convention on the Long-range Transboundary Air Pollution;
  - ii) The adoption of new protocols that deal specifically with transport of all kinds
- c) To establish an international framework under the UNFCCC for taxation of jet and ship fuel according to the national principles of a CO<sub>2</sub> tax. This tax could be administered by national governments according to an internationally agreed rate.

## **The Environment, International Trade and Women**

Women are severely under-represented as decision makers in world trade, for example, through ownership of private enterprises. This hinders the development of more environmentally sustainable trade in developing countries since women are often more in tune with the environment than men. This may be due to their social/cultural roles as home-makers, concerned with feeding and caring for the young, the old and the sick. Women have also been shown to work more in balance with nature, taking responsibility for the well-being of

future generations, particularly in developing countries. In some societies women have managed trade, where the male adult populations have been killed in wars (for example Rwanda/Guatemala).

### Recommendations

- a) The UN should initiate the creation of a new training body with the goal of educating women of the world in sustainable trade. We suggest this body be called UNAWST (United Nations Academy for Women in Sustainable Trade).
- b) UNAWST should run programmes for women from all over the world, focusing on maximising value-added production, while sustaining the environment. UNAWST should also investigate strengthening existing partnerships involving long-medium term ethical investment and facilitate micro-crediting.
- c) Given the funding constraints of the UN, it is suggested that the UNAWST be a joint venture vehicle co-ordinated by the United Nations Institute for Training and Research for the Advancement of Women (INSTRAW).
- d) Funding over and above that available from the UN should be derived through partnership with the Private sector and NGOs. Successful women-led trading organisations, such as The Body Shop might be interested in participating in the venture. The Body Shop, through its Academy of Business Management in partnership with Bath University, UK, has already developed an MSc in Responsibility and Business Practice and is committed to using environmentally sustainable resources. The NGO sector has extensive experience to contribute to the Academy.

### International Women's Day

The United Nations should devise a sustainable trade component to elaborate the issues of this well-publicised celebration. Specific issues may include 'women as educators of the future generation who work in all fields of activity in balance with the environment'

## **II. ENVIRONMENT AND WAR**

Throughout history the environment, as a resource, has been both a cause of war and a victim of war. The consequences of environmental damage as in the Vietnam, the Persian Gulf and in the Kosovo/Yugoslavia wars, can be both regional and global. This demands full attention at the international level; there are many treaties regulating damage to the environment during armed conflicts. These are known as the Laws of the War and include the 1899 and 1907 Hague Conventions and Declarations, the 1925 Geneva Protocol on Gas and Bacteriological Warfare, the 1977 UN Convention on Environmental Modification Techniques and the 1981 UN Convention on Specific Conventional Weapons & Protocols and the 1997 Convention on Anti-Personnel Mines.

The conventions are extensive, yet they have proved ineffectual in minimising the environmental impact of war. This raises important demands for norms and agreements that can assess the destruction caused by military activities. New policies and well-founded structures are needed for the implementation of all agreements relating to the protection of the environment in war. The UN, as the global organisation working for peace, security and co-operation, has an important role to play in this process. This section considers the possible role of the UN in four areas of the environmental consequences of war. Each area includes recommendations for the UN to develop a more sustainable international system to protect the environment.

### **Military Activity and the Environment**

Today's armies have a damaging impact on the environment. Base camps, training activities and weapons testing all pose serious threats to ecological systems in the form of pollution, disturbance and destruction of soil, vegetation, wildlife and habitats. The defence systems pollute the environment. One nuclear submarine can produce up to 100 kg of nuclear waste materials each year, and users have yet to devise a way of disposing or recycling these materials. Nuclear waste has been 'stored' on the seabed since the 1970s, in containers designed to last up to 50 years - time is running out.

The effect of war on the environment is more direct when it is used as a weapon. This includes deliberate triggering of earthquakes and landslides, generation of tsunamis, activating volcanoes and climate manipulations. Article II of the 1977 Geneva Convention forbids all manipulations of the environment for hostile military purposes, especially manipulation of natural processes including "the dynamic composition or structure of the Earth, including its biota, lithosphere, hydrosphere, atmosphere, or of outer space."

The concept of the 'environment' also includes humans. Therefore, all manipulations affecting human nature, consciousness and health must be considered as "environmental modification techniques". Unfortunately, this wider interpretation of environmental warfare is not to be found in the Geneva Convention of 1977.

Military decision-making is traditionally a trade-off between mission goals, force protection and the safety of non-combatants where the minimisation of the environmental impact is not considered. However, modern technology permits environmental considerations to be factored in to such decisions. The 'modern commander' can use both advanced intelligence systems and specialised munitions. A recent development is the concept of 'non-lethal weapons' which reduce the damaging effects to troops, civilians and the environment.

During rebuilding, unexploded ordinance (UXO), in combination with mines, are a dangerous problem given that up to 10 % of these devices do not explode in combat. The components of ordinance can also have a damaging effect on the environment when they degrade. The prime example is the danger of uranium-depleted shells, lead and phosphates leached from explosives.

Intelligence can facilitate the minimisation of collateral damage using conventional weapons. Precision bombing instruments effectively minimise environmental damage. Rather than destroying entire chemical or oil plants, key components are destroyed that disable entire plants. Ammunition types have specific aims, and those used against 'soft' targets such as personnel often have high fragmentation and displace shrapnel over a wide area causing damage beyond their original target. The reduced use of fragmentation devices would reduce collateral damage and avoid residual damage to the surroundings.

### Recommendations

- a) The UN should initiate an agreement to establish international ecological control on military training activities in all countries;
- b) International scientific activity should be supported in recycling military nuclear waste, through the creation of special research programmes within the framework of the UN;
- c) Article II of the Geneva Convention on the Prohibition of Environmental Modification Techniques should be expanded to include banning all human consciousness and health manipulations;
- d) The UN should put the following items on the agenda of the Conference on Disarmament:
  - i) Research and development into non-lethal weapons;
  - ii) The reduction of UXO and the possible technologies to neutralise UXO and render them inert through electrical, chemical or physical means;
  - iii) A list of agreed 'unacceptable' targets that could cause large environmental hazards;
  - iv) Stop the use of antipersonnel devices that do not have specific targets (particularly within UN sanctioned 'complex emergencies').

### **The Environment and Refugees**

Sudden and large movements of people have serious implications for the environment, as do the 'temporary' and localised refugee camps. Refugees have few or no resources and are forced to turn to the natural environment for food, fuel and shelter. These populations have a cumulative impact on the environment and

renewable resources. Furthermore, poor hygiene and sanitation in the refugee camps can degrade the environment. The most significant environmental problems caused by refugees include deforestation, soil erosion and depletion, degradation of agricultural land and pollution of water resources.

The growth of refugee populations in the 20<sup>th</sup> Century and their increasing environmental impact makes the issue a global concern. Refugees are in a vulnerable situation and can not be expected to put environmental considerations ahead of their own survival. Action taken by UNHCR must be co-ordinate with outside assistance to minimise the impact of refugees on the environment.

#### Recommendations

- a) The UNHCR Environmental Guidelines should be implemented. They must be developed further to include the creation of safe havens for important environmental sites, protecting them from refugee activities and prohibiting military activities in the area.
- b) A dispute settlement agreement should be created to deal with issues and conflicts related to environmental damage due to refugee movements and settlements.

#### **Post Armed-Conflict Situations I: Recovery**

Military activity has long-term effects on ecosystems and bio-diversity. The rebuilding of the human environment after conflicts exacerbates these effects by creating more pollution and toxicity in the air, soil and water. Damage to physical, economic and social infrastructure leaves communities without the means of reconstruction. Rebuilding efforts, funded and co-ordinate by international aid organisations often focus on urgent restoration of the economic activities of a country or region.

Redevelopment conducted in haste can jeopardise resources and ecosystems for the future generations. The reconstruction of human settlements must be seen as an opportunity to improve the relationship between the social, physical and natural environment. Following complex emergencies, political instability hinders environmental consideration and protection. Capacity building and institutional strengthening are essential to ensure that environmental protection measures are co-ordinate by those with local knowledge and understanding, whilst adhering to the principles of Agenda 21.

#### Recommendations

- a) UN bodies, currently responsible for facilitating post-conflict recovery action with interest groups, should also co-ordinate media campaigns and awareness-raising activities to maintain global public support during the rebuilding process, and ensure that this rebuilding is environmentally sound and sustainable.
- b) The UN, in conjunction with NGOs, should work toward a formal agreement with lending institutions to ensure that sustainable development be a strict condition of lending for post-conflict recovery, and that sufficient 'environmental aid' be available.

#### **Post Armed-Conflict Situations II: Sanctions**

The main objective of post-war sanctions is to ensure ongoing global security and to enforce resolutions. Apart from the direct economic, social and humanitarian impacts, sanctions can also inhibit the reconstruction and rehabilitation of environments damaged in periods of conflict. Thus sanctions can increase the cumulative deterioration and pollution of the environment.

Severe lack of sanitary and material resources contributes to an area's ecological decay: air and water are increasingly polluted, garbage disposal and the loss of ecosystems and plant life become serious concerns. It is in this context that we must consider the 'downstream' effects of sanctions on the environment and the fact that these will be with societies for considerable periods of time. As per the 1972 Stockholm Convention on the Human Environment, we must remember that environmental rights are also human rights, in terms of a safe and healthy environment.

### Recommendations

- a) The UN should ensure that sanctions are compatible with the regional environmental characteristics of the areas, in a way that will minimise environmental repercussions and negative effects on human health. Sanctions must consider the pressing environmental needs of regions.
- b) The UN should adopt targeted sanctions to ensure that their intended purpose is met without inflicting environmental damage. A focused and flexible approach is highly recommended as opposed to 'massive retaliation'.
- c) The UN should carry out a yearly detailed assessment of the full extent of the environmental impact of sanctions and should provide professional technical assistance through its bodies to improve and sustain environmental and human quality of life in countries affected by sanctions.

### **Future Directions**

Funds for environmental rehabilitation including monitoring, impact assessments, and institutional capacity strengthening are more scarce in regions affected by conflict. We therefore call for a way of sourcing funds for environmental recovery from those who wage wars, and a means of allocating responsibility for environmental damage.

- a) The UN should initiate a process among member states to levy and collect a tax from countries involved in complex emergencies. This should be done as a percentage of the cost to each participant of their inputs (these figures are closely monitored by nations involved in conflict). In this way, those responsible for environmental damage from conflict take some financial responsibility for reparation. Therefore we call for a polluter pays principle to be adopted at an international level to ensure environmental regeneration and perhaps prevent its destruction from the outset.
- b) The military industry should be made responsible for the consequences that their products inflict on the environment. Extended product responsibility is a possibility for the international community to raise funding.
- c) UN peacekeeping and peace-enforcing bodies should incorporate the concept of environmental stewardship into their activities. This must be in the form of an international Convention on Environmental Protection during Complex Emergencies. At the outset of conflict, protective forces must be sent to the most ecologically sensitive regions in order to guard against deliberate environmental destruction. If such destruction takes place, perpetrators should be brought to justice.
- d) We also strongly believe that there is a case for actually prosecuting war crimes against the environment, in order to allocate responsibility for environmental damage from deliberate environmental sabotage and the destruction of the environment and natural resources.

### **III. ENVIRONMENTAL PROBLEMS ARE NOT JUST EARTHLY ANYMORE - HUMAN ACTIVITY IN OUTER SPACE**

#### **Space as a useful/practical environment**

The most common space activity is launching satellites into orbit. The reasons for the development of space technology has basically been military and economic. While space technology has brought some opportunities to humankind in the area of telecommunications and environmental monitoring, the last four decades of space activities have led to a growing environmental problem in outer space in the form of orbital debris.

Orbital debris are anthropocentric objects in orbit about the Earth, which no longer serves any useful purpose. An accumulation of orbital debris is a real threat for future use of space. Most nations with a space

program are now looking into ways of avoiding further accumulation. Their efforts, however, are likely to fail because 22 space companies are determined to put 3 times as many satellites into orbit as were launched in the past 40 years. Every time a satellite is put into orbit, more debris is created. NASA predicts that if the amount of debris exceeds 150 000 fragments of 1 cm or larger, space flight could become impossible.

Objects between 1 and 10 cm cause the major problem as they are neither trackable, nor shield able. A collision will in most cases lead to irreversible damage and at the same time to creation of a significant amount of additional smaller debris. The population of these objects is estimated to be 75 000. Smaller particles (<1 cm) are in most cases shield able, but will cause erosion of spacecrafts. Larger objects (>10 cm) are trackable so that collisions can be avoided. These can make the problem worse by breaking into smaller debris. The distribution of mass and relative velocity is such that the orbital debris environment is most hazardous in the Low Earth Orbit (LEO) below 2000 km.

At these altitudes the average velocity of the orbital debris particles is about 10 km/s. The lifetime of objects in orbit around the earth depends on their altitude. Between 200 and 400 km, atmospheric drag will occur within a few months or years. Between 400 and 900 km orbital lifetimes range from years to hundreds of years and above 900 km orbital debris will normally continue circling the Earth for several centuries up to thousands of years. The amount of debris in orbit in the future will depend upon whether the creation rate or removal rate (atmospheric drag) dominates. In LEO, there is a net growth in debris at an average rate of approximately 5% per year.

Space debris is a global problem and all space-faring nations must co-operate to preserve a safe environment for future long-lasting and expanding space activities. These nations should do more to prevent debris accumulating in Earth's orbit, failing to do so may result in important orbits being clogged with high-speed orbiting debris that they may become a 'death zone'. The risks will increase as more countries and companies send satellites into orbit, mainly to create telecommunication networks. Satellite failures will occur, resulting in uncontrolled satellites drifting through operating constellations. The close proximity of satellite orbits may also result in increased collision risk. The most important action is to prevent unnecessary creation of additional orbital debris. This can be done through prudent vehicle design and operations. Cleaning up the outer space environment remains a technical and economic challenge.

### **Space as an environment of intrinsic value**

For centuries, human beings have acted as if the Earth was their property, without taking into account all the other living and non-living entities. Ecological awareness has grown slowly since the 19<sup>th</sup> century with the development of two "points of views": one being that nature has an intrinsic value in itself, that we must protect and respect it even if it is not "useful" to us. The other recognises the need for sustainable development if we want to consider human development in the long-term. The first point of view has led, for example, to a special and strict statute of protection on Antarctica, considering it as a universal patrimony.

The evolution of technology has allowed the realisation of an old human dream: space accessibility. Are we going to consider space as we have considered the Earth for centuries or are we going to try not to repeat the same mistakes? The Outer Space Treaty<sup>1</sup> states in article IX that states shall avoid harmful contamination of Space and celestial bodies. In addition, article 7 of the Moon Treaty (1979) says that the natural environment of the moon and other celestial bodies should not be disturbed. A parallel can be found in the protection of the natural environment of Antarctica. Indeed, in itself space has an intrinsic value and we have no right on it.

The Outer Space Treaty was ratified in the sixties, when waste management in space was not a problem. Today, it is becoming a major problem. There is no international treaty on orbital debris. However, the leading space agencies of the world (China, Europe, Japan, Russia and USA) have formed the Inter-Agency Space Debris Coordination Committee (IADC). This committee addresses orbital debris issues and encourages operations in Earth's orbit which limit the growth of orbital debris. Most space agencies have their own advisory group or research department on the matter of debris. In addition, since 1994 orbital debris has been a topic of assessment and discussion in the Scientific and Technical Subcommittee of the UN Committee on the Peaceful Uses of Outer Space (COPUOS).

**Recommendations**

- a) Bearing in mind that in the future, space conquest will become a reality we must not treat space as we have treated Earth. Nations must work towards a pollution free space where life will be healthier and future inhabitants may act with more environmental responsibilities.
- b) As a result of recommendations set out in the 1989 Inter-agency Report on Orbital Debris a number of space faring nations have taken voluntary design measures as well as operational procedures to prevent the generation of orbital debris. The UN should promote closer international cooperation for dealing effectively with orbital debris. Success in the international management of the orbital environment will require an increased understanding of the debris issue on the part of all nations which now, or in the future, operate space systems.
- c) The Outer Space Treaty should be amended to include a precise ban on toxic or nuclear dumping in space, on the moon or on other celestial bodies. Indeed, the risk of dumping in space is more and more acute with the evolution of telecommunications that can imply major evolution in launch technology and a cheaper costs of launching objects in space.
- d) As a preventive act, UNESCO should proclaim Space as "Universal Patrimony" that should enjoy protection. This would allow a long-term view of human development and prepare it for the next generations.
- e) The UN should ensure technical cooperation on the issue of orbital debris. The UN should also provide the forum for discussion of international agreements, regulatory regimes or other measures appropriate to protect future space activities.
- f) The UN should promote the formation of an expanded international group to advise the space community about areas in the orbital debris field needing further investigation and to suggest potential investigation methods. This group, which could include representatives from industry and academia, as well as from governments, could build on the work of the IADC.

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1\_ / Treaty on the Principles governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967.

## WORKING GROUP ON DEVELOPMENT

### INTRODUCTION

The end of the 20<sup>th</sup> century has been characterised by a process of globalization (1) widely accepted as responsible for inducing unprecedented change in the world. As witnessed with past formidable revolutions that human kind has experienced, globalization may be inclusive in nature, as it may be exclusive. Unfortunately, the economic, social, cultural and political changes that are occurring accentuate the development gap between the industrialised world and the developing one. In particular, the concentration and unequal distribution of wealth and power has contributed to the marginalisation of a vast number of people. This pattern has equally been observed within the industrialised nations. The fact that the three richest people in the world hold assets of a value exceeding that of the combined GNP of the countries of sub-Saharan Africa is proof of this. Indeed; the amount of wealth accumulated on the planet is unprecedented, yet at the same time, the number of human beings living in absolute poverty has never been so high.

In the light of this trend - clearly opposed to the spirit of the United Nations (UN) Charter - it is essential to consider how to bridge the chasm between *the haves and have-nots* of this planet. Therefore, if the UN is to meet the challenge of the new millennium, it must imperatively seek to do so at global, national, civil society and grassroots levels. In particular, more attention needs to be given to the following issues, in order to enable sustainable development (2):

## AT A GLOBAL LEVEL

The UN must seek to promote genuine, long-term and sustainable development. The clearest way of achieving this is by reshaping institutional structures which will contribute to establishing a more representative system of global governance, representing the different interests of all those party - either actively or passively - to the globalization process.

In order to enable the effectiveness of development strategies, it would be favourable to see the General Assembly play a more active role, vis-a-vis the Security Council, in shaping UN policy. Such a development would be true to the role originally prescribed to it by the UN Charter.

A combination of private and public funds can create an effective synergy to help alleviate poverty. Private funds should, for example, be independently involved in certain economic initiatives, whilst infrastructure and capacity-building initiatives should continue to be dealt with using public funds.

It is of primary importance to underline the fact that it cannot be hoped that sustainable development will be achieved without seriously addressing the issue of debt relief.

The Tobin tax (3) on short-term capital flows is an option which could be used by the UN to mobilize greater financial resources, whilst at the same time promoting a more stable and regulated capital market. The UN should, however, continue to encourage the application of the General Assembly resolution recommending that industrialized countries devote 0.7% of their GDP to the promotion of development.

In an economic sense, globalization implies increases in efficiency due to the bigger size of the global market and the comparative advantages of different countries. However, trade liberalisation has marginalised the vulnerable economies. One of the most effective ways to fight against marginalisation and the accentuation of poverty in the developing countries, and especially in the least developed countries, is to better integrate them into the international trade system (4).

Globalization also allows free movement of capital according to worldwide investment opportunities. Given the importance of foreign direct investment - which presently appears to be a main vector of technological development - the flow of FDI needs to be channeled to developing countries. However, this opens up for possibility of MNCs to act opportunistically. Although it is difficult to develop international mechanisms for holding the MNCs environmentally or socially responsible in their business activities, there is a need for more collective control and guidance over international financial movements.

To prevent developing countries from lowering their environmental standards in order to attract FDI ("the race to the bottom") which worsens prospects for sustainable development, the UN must seek to enforce the application of international environmental and labour standards.

Attempts must be made to safeguard and further increase existing and potential comparative advantages of developing countries. In order to achieve this it is necessary to ensure that these countries are able to benefit from new or amended norms of the World Trade Organization (WTO). Such norms

should specifically address access to foreign markets, the inclusion of agricultural products and textiles in the free trade agreements and the protection of infant industries. In particular, there is a need for more collective control and guidance over international financial movements in order to prevent powerful MNCs from acting opportunistically.

Furthermore, developing countries themselves must also seek to better co-ordinate common strategies in order to increase their bargaining power and, thus, political leverage in the principal economic international institutions (IMF, the World Bank and WTO). The United Nations should embrace the concept of greater regional co-operation (South-South co-operation).

Efforts must be aimed at improving access to up-to-date information - above all, commercial and market information- likely to promote economic growth at all levels of society. They must equally be aimed at actively encouraging the participation of developing countries in information exchange programmes facilitated by the new communication technologies (Internet).

As the transfer of technology has been identified as a necessary condition for development, there is clearly a need to scrutinize and amend Intellectual Property Rights accordingly in order to avoid instances where they inhibit access to technology or violate the interests and rights of recipients.

#### AT A NATIONAL LEVEL

Even in the age of globalization the nation state remains the basic sovereign political unit. Thus:

The principles of good governance and political accountability must be strictly adhered to at a national level. Development programs will fail unless applied in a context of the rule of law – where laws and the punishment for breaking the laws are clearly stated and equally applied to all. They will fail where leaders are not accountable to the people they are supposed to represent. They will fail if civic disciplines - such as freedom of speech, media, and right of association and assembly – are not respected. And finally they will fail within a context that lacks the necessary checks and balances provided by a constitutional discipline that assigns, distributes, and limits the use of discretion in governing (5).

The UN must be at the forefront of an integrated effort to affirm both the institutional capacity (banking system, customs and excise system) and infra structural capacity (communication, road and rail transport networks etc.) of developing countries. Electronic commerce could and, indeed, should play a considerable role in this process. Thus, the present goal must be to help provide the developing countries the means to increase their participation in the technological revolution.

Globalization induces countries to operate in accordance with the discipline of the global market and hence limits the effectiveness of individual countries' fiscal and monetary policies. The growth in the global financial market and highly mobile private funds are weakening the ability of countries' central banks to manage exchange rates and design effective and sound macroeconomic policies.

## AT CIVIL SOCIETY AND GRASSROOTS LEVELS

The UN must ensure the presence of peacekeeping and electoral control missions to encourage peace after all conflicts. In this way the UN will be able to promote the stability necessary to bridge the gap between humanitarian aid and aid to development.

Strengthening civil society through co-operation with NGO's is believed to strengthen the civil institutions and thereby further a global democratic process. To be able to answer the question of what role the NGO's are suppose to play in relation to the UN requires a more precise analysis of the potentials of types of NGO intervention in different contexts (6).

Private initiatives, such as micro credit, which offer promising prospects, deserve greater attention. Above all because they have the capacity to address the poorest, the marginalised and, more specifically, women. Furthermore, they foster empowerment and local democracy.

This concept of *empowerment* is one that captures the very essence of the principal of human development. Therefore it must be put at the heart of the UN policy for development through the vigorous promotion of education as the single most important tool to enable development. This will allow the people to promote an enlightened development *perceived for the people, by the people in the best general interest of the people*. It is only in this way that the UN can hope to achieve tangible and durable success in the field.

It is difficult to overcome the problems of development without changing attitudes. Thus, the diffusion of information on the possibility of different ways of implementing development, such as promoted by UNCTAD, should be enabled.

## CONCLUSION

The work carried out in the development group has demonstrated the complexity of the issues involved in the development question. This, therefore, calls for a pragmatic approach that moves beyond the idea of development paradigms. We stress, in particular, the need for it to embrace measures at all three levels discussed in our paper. Above all, we suggest that the UN adjust its mechanisms in order to fulfil its role as a neutral coordinator and regulator at a global level. At the same time, the UN must seek to strengthen its legitimacy in fostering education and communication in general, and more specifically in relation to the ideas it promotes.

(1) Globalization could be defined by Gidden's terminology: The compression of time and space. It is a process contemporary with modernisation and has been enabled primarily by the information and communication revolution. It is a phenomenon encompassing all areas of social life, ranging from economics, to culture and politics. The compression of time and space, however, does not imply a zero sum situation; it does not necessarily mean the gradual eradication of the national or state level. Rather, it is the re-scheduling of social organisation and governance to include both state, and sub and supra-national levels. Events and policies at all levels are systematically interrelated. It can be argued that the whole world now takes part in globalization either actively or passively, with either positive or negative effects for the people involved.

Globalization in its present form leads to economic and political homogenisation: a majority of actors accept liberal economic policies and democratisation. Nevertheless, cultural differences are somehow maintained. Further, it is in essence a contradictory process going hand in hand with regionalisation and

localisation in the political, economic and social life. For example, we see the development of global values and norms, and on the other hand, we see a return to basic identity policies based on race, ethnicity and religion. Finally, it indubitably involves an increased notion of risks, as impersonal forces gain a greater role in defining our lives (the liberal market or human rights are examples of this).

(2) Sustainable development is one in which the prospect of growth may be forwarded only so far as it is in harmony with the respect of human rights and the environment. It is our conviction that the notion of development must be one based on the potential of a system to provide certain minimum acceptable standards of living to all individuals. These standards must necessarily, but not exclusively, be measured by macro-economic variables. This is why the UNDP index of human development, based on factors such as health, life expectancy, environment, nutrition, education, political circumstances (political accountability and the rule of law) is a necessary innovation brought to the notion of development. Indeed; it provides a more comprehensive way of quantifying the measure of well-being enjoyed by human beings.

(3) In 1978, James Tobin, proposed the idea of a tax on foreign exchange transactions that would be applied uniformly by all major countries. A small amount (less than 0.5%) would be levied on all foreign currency exchange transactions to deter speculation on currency fluctuation. Governments around the world, the UN, the IMF and World Bank, should take the necessary steps to implement such a Tax to curb currency fluctuation as soon as possible. The tax should be administered by an accountable democratic structure such as could be found within the UN system, with the revenue collected used for genuine social development. For instance, in Canada this tax is used as a way to raise money for international projects such as environmental clean-up or third world development. It could also be channeled into community development projects with historically little investment capital.

(4) As promoted by UNCTAD.

(5) "A Peace of Timbuktu - Democratic Governance, Development and African Peacemaking" - United Nations Publication, New York, 1998.

(6) There is a general belief that the great variety of NGOs represents a substantial social force, with so-called comparative advantages compared to Governments (bilateral aid) and multilateral organizations, such as the UN. These comparative advantages are based on the assumptions/beliefs that the NGOs are more capable of representing the great diversity within a civil society, as well as working directly with the poor. This argument has been challenged by several evaluations and studies carried out in Chile, Burkina Faso, Zimbabwe, India and Indonesia. Actually NGOs have in several cases/countries failed to reach their goals, such as reaching the poorest among the poor and operating as a substantial social force.

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Ms. Marielle Rogie  
Ms. Nik Rilkoff  
Mr. Eric Sundström  
Mr. Stéphane Vermeulen

Agenda

**37th GENEVA GRADUATE STUDY PROGRAMME**

**5 - 23 July 1999**

**THE ROLE OF THE UNITED NATIONS IN THE FACE OF GLOBALIZATION**

Plenary meetings:                      Conference Room VII

Working Groups:

Environment:    A.206

Development:    Conference Room VII

Human Rights:    Room H-3

**Monday, 5 July**

- 8.30 a.m.            Registration of participants: Room VII  
Ms. Patricia Baigrie
- 9.00 a.m.            Welcome Address: Room VII
- 10.00 a.m.          Opening of ECOSOC, Salle XIX
- 12.00 a.m.          Information About the Graduate Study Programme: Room VII  
Ms. Elena Ponomareva, Co-ordinator of the Programme  
Ms. P. Baigrie, Public Information Assistant
- 2.00 p.m.            Guided Tour of the Palais des Nations
- 3.00 p.m.            Visit to the UN Library and League of Nations Museum  
Ms. A. Svernnson, Chief, League of Nations Archives and  
Historical Collection Unit, Museum  
  
Mr. W. Simon, Chief, Specialized Reference Unit

**Tuesday, 6 July**

- 9.30 a.m.            Introduction to moderators and set-up of working groups, Room VII
1. Environment
  2. Human Rights
  3. Development
- 3.30 p.m.            International Telecommunications Union (ITU), Room A  
Mr. V. Paratian, Chief of Protocol

**Wednesday, 7 July**

09.30 a.m. Regional Hearing for the ECE Region in Preparation for the Millennium Assembly of the United Nations, Salle XX

11.00 a.m. International Trade Centre: "Helping Developing Countries In Meeting the Challenge of Globalization"  
Mr. Friedrich von Kirchbach  
Chief, Market Analysis Section

2.30 p.m. Working Groups

**Thursday, 8 July**

9.30 a.m. Office for the Co-ordination of Humanitarian Affairs (OCHA)  
Mr. Guillaume de Montravel  
Senior Humanitarian Affairs Official

11.00 a.m. Conference on Disarmament  
Mr. V. Bogomolov  
Political Affairs Officer

2.30 p.m. Working Groups

**Friday, 9 July**

9.30 a.m. Recruitment Procedures in the United Nations  
Ms. Danielle Pecorini, Deputy Chief and Recruitment Placement Officer  
Personnel Services

11.00 a.m. Non-Governmental Organizations  
Ms. Raymonde Martineau, Liaison Officer

2.30 p.m. Working Groups

**Monday, 12 July**

9.30 a.m. United Nations Institute for Training and Research (UNITAR)  
Ms. Isabel Hubert, Project Manager

11.00 a.m. Economic Commission for Europe (ECE)  
Mr. Yves Berthelot, Executive Secretary

2.30 p.m. Working Groups

5.00 p.m. Reception hosted by the Information Service, Bar Escargot, E Building  
3rd Floor

**Tuesday, 13 July**

9.30 a.m. World Trade Organization (WTO)  
Mr. Hans-Peter Werner, Information/Press Officer

11.00 a.m. United Nations Conference on Trade & Development (UNCTAD):  
"Globalization & Development Strategy"  
Mr. Charles Gore, Technical Advisor

2.30 p.m. Working Groups

**Wednesday, 14 July**

9.30 a.m. Office of the United Nations High Commissioner for Refugees (UNHCR)  
Ms. Judith Kumin, Chief, Public Relations

11.00 a.m. United Nations Development Programme (UNDP)  
Mr. Jean Fabre, Deputy to the Director

2.30 p.m. Working Groups

**Thursday, 15 July**

9.30 a.m. International Decade for Natural Disaster Reduction (IDNDR)  
Mr. Wolfgang Wagner, Head, Policy Co-ordination Unit

11.00 a.m. United Nations Conference on Trade & Development (UNCTAD)  
Mr. Carlos Fortin, Deputy Secretary-General

2.30 p.m. Working Groups

**Friday, 16 July**

3.30 p.m. Mr. Ismat Kittani, Under Secretary-General, Special Advisor to the Secretary-General of the United Nations: "United Nations Peacekeeping Operations"

**Monday, 19 July**

9.00 a.m. International Committee of the Red Cross (ICRC)  
Mr. Eric Rothlisberger, Vice President

11.30 a.m. World Health Organization  
Mr. Valery Abramov

2.30 p.m. Working Groups

**Tuesday, 20 July**

9.30 a.m. International Labour Organization (ILO)  
Mr. Eddy Lee, Director, Cross Departmental Analyses & Reports Team

11.00 a.m. United Nations Children's Fund (UNICEF)  
Ms. Evelyn Geldof, Communications Officer

4.00 p.m. United Nations Information Service at Geneva (UNIS)  
Ms. Thérèse Gastaut, Director

**Wednesday, 21 July**

9.30 a.m. UN/AIDS  
Ms. Miriam Maluwa, Human Rights Advisor

11.00 a.m. Association of Correspondents Accredited to the United Nations Office At Geneva (ACANU)  
Ms. Gabriela Battaglia Seaman, Vice-President

2.30 p.m. Office of the High Commissioner for Human Rights (OHCHR)  
Mr. Iranio Namboka  
Ms. Stephanie Kleine-Ahlbrandt

**Thursday, 22 July**

- 9.30 a.m. Mr. Vladimir Petrovsky  
Director-General of the United Nations Office at Geneva
- 11.00 a.m. Plenary: - Discussion of Working Groups' proposals  
- Adoption of final document  
- Debate co-ordinated by moderators of Working Groups
- 2.30 p.m. Ad hoc drafting group to edit final document

**Friday, 23 July**

- 9.30 a.m. Closing ceremony, Room VII  
Presentation and adoption of the final document  
Concluding remarks and distribution of certificates  
Ms. Elena Ponomareva, Co-ordinator of the Programme  
Ms. Patricia Baigrie, Public Information Assistant

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