

44th GRADUATE STUDY PROGRAMME (GSP)

3 – 21 July, 2006

The United Nations: A Time for Renewal



UNITED NATIONS OFFICE AT GENEVA
INFORMATION SERVICE
PRESS AND EXTERNAL RELATIONS SECTION

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Welcome address by Mr. Sergei Ordzhonikidze

Opening of the 44th Geneva Graduate Study Programme

Palais des Nations, Salle VII
Monday, 3 July 2006, at 3:00 p.m.

Ladies and Gentlemen

Dear Friends:

It is my great pleasure to welcome you all to the Palais des Nations today and over the coming three weeks for the 44th Geneva Graduate Study Programme. As in previous years, I appreciate this opportunity to meet with such an outstanding group of young people, not only because of your commendable academic accomplishments but also because of the multiplicity of cultural backgrounds that you come from. The overarching theme of your discussions during your time here in Geneva, “The United Nations: A Time for Renewal”, is particularly timely. The United Nations is undertaking important efforts to reform itself and better fulfill the growing expectations and demands placed on it by the international community.

When we say renewal, we mean regeneration, rejuvenation or revitalization. Indeed the commitments made during the 2005 World Summit in New York last year did not signify a new beginning, but rather an opportunity to build on the accomplishments of previous years. The Summit provided a historic opportunity for world leaders to reaffirm their commitment to the United Nations and to engage in a constructive debate about the future, as well as take concrete steps to better equip the United Nations to address the threats and challenges of our times. This represented a milestone in the history of the United Nations. The World Summit Outcome Document that was adopted outlines the shared challenges and our collective responsibility. Adopted by consensus at the World Summit, this document is the starting point for the current round of reforms. It represents a unified statement by all Member States pledging support to the principles of the United Nations Charter and reforms aimed at enhancing “the relevance, effectiveness, efficiency, accountability, and credibility of the United Nations system.”

The four substantive areas outlined by the document as necessary to the effectiveness of the United Nations system are development; peace and collective security; human

rights and the rule of law; as well as strengthening of the United Nations. Furthermore, Member States were able to agree upon the groundwork for a number of concrete strategies to enhance United Nations activity in these areas, such as the creation of a Human Rights Council, the Peacebuilding Commission, the Democracy Fund and the Central Emergency Response Fund. As a result, the Summit was able to make progress in the areas of fighting poverty, disease, strengthening the machinery for peace and pledging collective action for preventing genocide. Furthermore, it made progress in the areas of terrorism, human rights, democracy, health of populations and the environment.

In a historic move, Governments agreed on the responsibility to protect. This allows the international community the right to take collective action in a timely and decisive manner, through the Security Council, should peaceful means be inadequate and national authorities manifestly fail or are unable to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Last year, in his report entitled "In Larger Freedom", the Secretary-General stressed that economic and social development, peace and security and human rights formed the three pillars on which all the work of the United Nations must be based. He argued that the three were interlinked and mutually reinforcing, as well as being the prerequisites for our collective well-being. This is also manifested in the complex linkages across your working groups be it environmental issues, economic and social development or human rights. It is important to eradicate poverty in order to improve the health of populations, achieve universal education, promote gender equality or reduce child mortality. Poverty, ill health and disease often contribute to instability and in some cases even create conditions that may be conducive to support terrorist activities. Likewise, across the world, poverty, unsustainable land management and climate change are turning drylands into deserts. Desertification in turn leads to poverty, which is further aggravated by diminished food production, reduced water quality, health problems or loss of livelihoods forcing people to migrate.

Allow me to also say a few words about the disappointments of the Summit. The Summit did not meet our expectations and hopes for a substantial commitment towards disarmament and nuclear non-proliferation. Weapons of mass destruction continue to pose a serious threat to our collective security, especially the possibility of these weapons falling into the hands of terrorists. This continued failure, which is also reflected in the nine years of deadlock experienced within the Conference on Disarmament, only underscores the necessity and urgency of finding common ground for addressing these issues. The Summit did not achieve all our expectations on the issue of terrorism either. Although the Summit resulted in a clear and unqualified condemnation by all governments for the first time of terrorism as well as an agreement to create a strategy to fight terrorism, there was a failure to reach an agreement on a comprehensive convention, that includes a definition of terrorism.

The international community is now accountable for transforming the promises made at the Summit into concrete actions and for addressing these issues concurrently with one another. Allow me to touch upon some of the important steps and progress that has been made since the Summit.

In the area of development, the Summit led to some important commitments, from both developed and developing countries, to take actions that advance the achievement of the Millennium Development Goals by 2015. It also prompted a doubling of aid to Africa, as well as commitments from many donors for scaling up their overall development assistance to 0.7% of gross domestic product. Member States continue to negotiate on the two draft resolutions on development and ECOSOC reform to build upon and improve current development efforts on implementation, coordination and integration in the economic, social and related fields. The draft resolution on ECOSOC reform attempts to establish a more coherent framework of high-level dialogues to enhance ECOSOC's coordinating role in global economic affairs. This is one of the issues that shall be discussed by the ECOSOC Substantive Session, which opened today in Geneva.

On 20 December 2005, the General Assembly passed a resolution establishing the Peacebuilding Commission. The Commission seeks to address a critical gap within the United Nations and the global system by providing a coordinated, coherent and integrated approach to post-conflict peacebuilding and facilitating dialogue amongst key actors. The first session of the Commission took place recently, on 23 June 2006, and the Commission will lay the groundwork for the creation of a unified strategy for dealing with the specific problems of each country emerging from conflict. Its mandate requires that members of the Commission act only by consensus, proposing integrated strategies for stabilization, economic recovery and development.

While the Commission on Human Rights played an instrumental role in establishing a strong framework of human rights norms and standards, its limits, as well as its eroding credibility were recognized by the international community. On 15 March 2006, the General Assembly passed a resolution establishing the Human Rights Council by a vote of 170 to 4 with 3 abstentions. The Human Rights Council is comprised of 47 members, who will be the first countries subject to the Council's universal periodic review, which will assess the fulfillment of human rights obligations and commitments. It will be responsible for promoting and protecting all human rights, addressing human rights violations, and promoting effective coordination and mainstreaming of human rights within the UN system. The first inaugural session of the Council, which took place from 19 to 30 June 2006, was marked by progress on a number of key issues. The Council adopted the International Convention for the Protection of All Persons from Enforced Disappearances and the United Nations Declaration on the Rights of Indigenous Peoples. On the human rights situation in Palestine and other occupied Arab territories, the Council adopted a resolution requesting the relevant special rapporteurs to report to the next session of the Council on the Israeli human rights violations and decided to consider the implications of the Israeli occupation. On the issue of incitement to racial and religious hatred and the promotion of tolerance, the Council adopted a resolution deciding to request the relevant Special Rapporteurs and the UN High Commissioner for Human Rights to report to the next session on this issue. The Council also adopted the "Universal Periodic Review", which authorizes the Council to review the human rights performance of all States in the UN, starting with its own members, and has set up a Working Group that will develop the procedures and timing of this review.

A United Nations Democracy Fund has been launched, which shall set up projects in different countries to strengthen democratic institutions, enhance democratic

governments and institute the rule of law. The Central Emergency Response Fund shall provide more rapid, effective and predictable disaster response. The General Assembly has also begun informal consultations on UN environmental activities, which seek to identify some of the main problems and challenges in this area and ways to build a more coherent institutional framework to address such challenges. There is also ongoing work within the Organization to overhaul its management and to make the United Nations a more transparent, accountable and effective instrument of service to the peoples of the world.

Ladies and Gentlemen :

The 2005 World Summit was neither the beginning nor the end of United Nations reform. UN reform is not an event, it is an ongoing process and the United Nations will continue to adapt to the new realities of our times, which requires the partnership of all actors. In the words of the United Nations Secretary-General, "Our success in advancing the objectives committed to at the Summit will depend not only on Government representatives and international officials but also on voters, consumers, civil society groups and concerned men and women of all ages, in rich and poor countries alike, thinking and acting as global citizens".

The United Nations must be able to count on the best talents in the world and perhaps there are those amongst you who will follow the path to become international civil servants. And even if you decide not to go down that road, I hope that you will continue to take an interest in the work of the United Nations, in your public institutions and assume your responsibilities as citizens of the world.

I hope that the coming three weeks will be a valuable experience for you, which will deepen your understanding of the United Nations, as well as provide an opportunity to improve your negotiating skills. Perhaps more importantly, I hope that you will keep an open mind and listen carefully to those whose opinions are different from yours, since this is one of the bases of successful dialogue. I would like to finish with a quote from Paul Henri Spaak, the Belgian statesman, who presiding over the United Nations' first historic General Assembly meeting in 1946, closed the session with the following words: "Our agenda is now exhausted. The Secretary-General is exhausted. All of you are exhausted. I find it comforting that, beginning with our very first day, we find ourselves in such complete unanimity." I hope that you may achieve unanimity on many a number of issues and that your discussions over the next three weeks will lead to fruitful exchanges and conclusions. I wish you much success in the programme that I hope will be educational, as well as inspirational in your future activities, which, who knows, may one day bring you to have a career with the United Nations.

Thank you very much.

The United Nations: A Time for Renewal

44th Geneva Graduate Study Programme

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PART I HUMAN RIGHTS

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I. Introduction

L'Organisation des Nations Unies (ONU) a vu le jour au lendemain de la Deuxième Guerre mondiale pour promouvoir la paix et la sécurité entre les Etats nations qui la composent et assurer une vie meilleure aux habitants de la planète. Elle intervient dans plusieurs domaines dont celui de la défense et de la protection des droits de l'homme. Malgré les progrès considérables qu'elle accomplit dans ce secteur, les droits - parmi les plus élémentaires - de certaines populations continuent d'être violés en ce XXI^e siècle, dans des situations d'insécurité et de grande instabilité telles que les guerres civiles et les catastrophes naturelles, compromettant ainsi leur développement.

Dans son rapport intitulé *«Dans une liberté plus grande: développement, sécurité et respect des droits de l'homme pour tous»*, M. KOFI ANNAN fait remarquer qu'*« il n'y a pas de sécurité sans développement, il n'y a pas de développement sans sécurité, et il ne peut y avoir ni sécurité ni développement si les droits de l'homme ne sont pas respectés »*. En d'autres termes, le non-respect des droits de l'homme constitue un frein à l'évolution de l'humanité. Et c'est pour cela que l'ONU tente de protéger les droits de l'homme à travers trois fonctions différentes. À l'heure où la question de son renouvellement est au centre de tous les débats de la société et fait couler beaucoup d'encre, l'ONU tente d'élargir son champ d'action en termes de promotion des droits de l'homme à travers ses principaux organes tels que son Secrétariat, son Conseil et ses organes de traités. Quelle est la qualité des efforts entrepris jusque-là ? Peut-on constater une amélioration de la protection des droits de l'homme grâce aux reformes ?

Pour tenter de répondre à ces questions, nous nous sommes focalisés d'abord sur le passage de la Commission au Conseil des droits de l'homme, pour ensuite nous concentrer sur le rôle joué par les organes de traités. Enfin une troisième approche portera sur une étude à la fois pratique et pragmatique des droits de l'homme à travers des thèmes aussi importants que la circulation illégale des armes légères et de petit calibre, le mercenariat, les enfants soldats et les personnes déplacées internes. Cette étude tentera d'une part de mettre en valeur les avancées de l'ONU en matière de protection des droits de l'homme et, d'autre part, de présenter des suggestions de recommandations concernant les points à améliorer.

II. Thematic recommendations

1. States' approach to Human Rights

a. Human Rights Council

Why create a Human Rights Council?

On 3 April 2006, the General Assembly (GA) of the United Nations (UN) adopted resolution A/RES/60/251 creating the Human Rights Council (HRC). The HRC was constituted to replace the Commission on Human Rights (CHR).

Created in 1948, the CHR, provided an important forum for human rights discourse between States, NGO's and UN agencies. It also formulated the body of human rights treaties and standards that are available today. However, its tenure and effectiveness was marred by extensive politicization and double standards, such as group building and the election of major human rights violators. This paralysed the CHR leading to calls for renewal. The answer, after much debate, came in the form of the new HRC. This new council, utilizing a new structure and a variety of innovative tools, is believed to represent an important step towards a better and fairer promotion of human rights.

In the following section, various elements of the new HRC will be analysed, identifying the major challenges, followed by recommendations.

Membership and suspension (rights and privileges)

Membership to HRC seats is competitive. Successful candidates have to win support of a majority of all member States in a secret ballot. In order to hold a seat candidates also give voluntary commitments to promote and uphold human rights, and are expected to meet them or face possible suspension from HRC by the GA, which has the ability to suspend the rights and privileges of any HRC member.

Challenges:

The great challenge ahead for the members of the HRC revolves around avoiding double standards; a cancer that incapacitated the past CHR. However, since all States have human rights problems all member States must be accountable for such shortcomings. A key test of the HRC lies therefore in accountability and avoiding the

political quagmire of the past. Both these issues would be a great hindrance to the performance of the HRC.

Recommendations:

Member States of the UN should develop a will, regardless of national interests, to respect and uphold human rights within their respective national boundaries, as well as geographical spheres of influence. It is also imperative that members with the shortest terms, that is, one year, be reviewed in time so as to contribute to setting the standards for other remaining members with longer terms. This is important in case there is a need to suspend or prevent the re-election of ‘flagrant and systematic’ human rights violators.

Universal Periodic Review (UPR)

The UPR is the innovative human rights monitoring mechanism of the HRC created under A/RES/60/251¹. This resolution does not set out the details of the process but instead asks the HRC to “develop the modalities and necessary time allocation for the UPR mechanism within one year after the holding of its first session”²; a task undertaken by the Working Group (WG) established under resolution A/HRC/1/L.12. At present, there is no formal output from the WG on how the UPR process will be undertaken, but there has been considerable speculation by States, the media and academia. Identified below is an outline of the Challenges confronting the WG regarding the UPR and a list of recommendations.

Challenges:

In the context of renewal of the UN, the UPR should reflect the disposition of States to compromise in different new strategies and work constantly as one force to push for a better future. Thus, the HRC should envisage maintaining, from the first application of the UPR, its credibility and innovative status by maintaining the inclusion of all States in the scrutiny process. Non-selectivity, transparency, continuity, objectivity and efficiency should be introduced as common and permanent characteristics of the UPR and all the other new human rights mechanisms. Moreover, there is also a challenge to adopt the WG recommendations in order to look forward to better results and applicability of the mechanism and leave behind bad practices and politicization of decisions which regard human rights, recognizing the real impact of these decisions in people’s lives within a national and international context.³

In order to define the aim of UPR and which the best practice will be, it is necessary for the member States to reach a consensus or majority agreement on the following points:

<ul style="list-style-type: none"> - What are the objectives of the UPR? What impact is expected? - What will the UPR process consist of? Who will carry out the UPR? - Which HR obligations and commitments will be reviewed? What kind of information will be considered? - Scheduling of the UPR? Is three hours realistic for such serious issues? If longer how can a large number of countries be evaluated as expected? The modalities and allocation of time must be defined. 	<ul style="list-style-type: none"> - How will an interactive dialogue be promoted that does not take up large amounts of time? How will questions from concerned member States be presented? - What role should civil society and NGOs play? - How will emergency situations within a country be dealt with? - Will countries be examined outside of the UPR process? - How should the outcomes of the UPR be presented? - How will the UPR process be followed up?
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¹ See paragraph 5(e), General Assembly Resolution 60/251.

² Ibid.

Recommendations:

In the intention to strengthen the system and therefore build up an effective monitoring mechanism with visible response from States, the relationship between States and their practices addressing human rights in their own territory and then internationally have to be re-examined. The UPR represents a challenge regarding its procedural uncertainty, however once this formula is solved, it will be useless unless it remains to focus on the core objective, namely the protection and promotion human rights, as understood and assumed by States through the inclusion of this concept in their national policies.

In recognizing the importance of finding the formula to define procedures of the UPR, and after careful debate and consideration of a variety of different models the following is recommended:

1. A voluntary standing UPR fund should be established similar to the one created for the Peacebuilding Commission. It is proposed that such a resource would limit the politicization of who will pay for the UPR and, if funding targets are met, allow for more in-depth analysis.
2. In order to resolve the modalities of the type of information to be collected and how, it is recommended that the WG co-opt or adapt an existing established human rights review mechanism such as, for example, the review processes of the World Trade Organisation, the International Labour Organisation or the Organisation for the Economic Co-operation and Development.⁴
3. In response to the scheduling of the UPR and the wide debate regarding the time allocated for each country and the need for a detailed examination of human rights issues, it is recommended that the UPR process be established as an ongoing subcommittee of the HRC that works year round. This will allow adequate time for information to be collected, a country review of one day with time for possible extension and deadlines for the amount of countries to be studied per year to be met in a more comprehensive and detailed manner. The intention of this new subcommittee is to prevent the domination of the limited ten-week meeting time of the HRC by the UPR. If necessary, cases requiring more time should be referred to a plenary session.
4. A combination of two models, (three and four), as outlined by Andrew Clapham (2006), could be utilized for the UPR process⁵. This new 'UPR Process Model' (UPR-PM), would entail the election of a ten-member Peer Review Committee (PRC) from the States of the HRC⁶, chaired by a Human Rights Expert chosen from a list generated of 200 such experts by OHCHR. The PRC would be tasked to generate specific additional questions and requests for information in addition to the standard review processes chosen by the WG. The committee would then inform the HRC of its requirements and a Country Rapporteur (CR) would be appointed by ballot from the OHCHR list of 200 experts. The CR would travel to the country under review and facilitate the collection of information. The CR would prepare a preliminary report, which is revised and expanded by the PRC.

⁴ A comprehensive list of such processes can be accessed at:

<http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1536>.

⁵ Please see Figure #1 in the appendix for a table of the process and for details of both models Clapham, Andrew, (2006), Speaking Notes for Lausanne III – The Complementarity of the Universal Periodic Review in the New Human Rights Council, [accessed 16th July 2006]

<http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1536>.

⁶ Members will be chosen by random ballot from each of the five geographical regions of the HRC.

This report would be transmitted to the HRC who together with the PRC conducts a one-day review of the country in question. This process can be expanded to a maximum of three days if requested by the HRC. If further time is required then the HRC could also move the review to a plenary session. The cost for the UPR-PM process would be met by the voluntary standing UPR fund.

NGOs and civil society's participation

The voice and expertise of NGOs constituted an essential input to the work of the Commission⁷. This special contribution of NGOs and Civil Society organizations led to greater creativity and flexibility. In fact, the CHR introduced the practices concerning the participation of NGOs, currently providing models of best practice, in the relations between the UN and the Civil Society.

Challenges:

Since the establishment of the HRC, NGOs have taken part in plenary sessions and are consulted in order to provide an inclusive an overview as possible.⁸ Indeed, resolution 60/51 specifies that NGOs can take part in the work of the HRC and can be consulted. However, the modalities of this are unclear. Only the first sessions of the HRC will make it possible to determine in a more specific way the practices of interacting with Civil Society and NGOs.

Recommendations:

1. Within the HRC framework, NGOs' co-operation with the States should be encouraged, following a viable and realistic calendar in order to make it possible to monitor the situation of the human rights in all countries.
2. NGOs should be fully involved in discussions leading to the adoption of new rules and procedures for the Human Rights Council. The transfer from the CHR to the HRC must not weaken or eliminate any of the current NGO rights and privileges with the CHR. NGOs should also be active participants within UPR framework.
3. New proposals for UN reform should not reduce existing rights, responsibilities and forms of NGOs access and participation. All UN agencies should recognize the value of cooperation with NGOs at consultative, deliberative and implementing levels of UN policies and actions.

Mandates

⁷ The resolution 1996/31 of the ECOSOC encourages Non-Governmental Organisations (NGOs) to take part in all possible measures of the work of the CHR. The essential contribution of NGOs was recognized in the 2004 report of the High Level Panel of the Secretary-General (SG) on the relations of the UN with the Civil Society, but also in the SG report "In a larger freedom" 2005.

⁸ In the spirit of resolution 60/251, the participation of NGOs in the HRC is based on the rules and practices of the CHR by the adoption of resolution 1996/31.

In the HRC, as it was in the CHR, it is allowed to create country-specific mandates, i.e. special representatives, special rapporteurs, and experts, through which an ongoing inspection process has been maintained for situations of high concern. The Special Rapporteur system, in particular, allows greater possibilities for directing the process of collecting information, keeping in touch with governments and the NGOs, analyzing the current situation concerning the human rights problems in the field, presenting it via reports and evaluating the implementation of recommendations

Challenges:

One of the main challenges is the inadequate time that the rapporteur has to be in the field. It is argued that “a country rapporteur undertakes one or two missions of a couple of weeks’ duration each year is manifestly inadequate to deal with abuses”⁹. Another challenge, which derives from the same problem is the hindrance of some important human rights abuses due to the fact that the special rapporteur will be in the field for a special period of time. There can be very important human rights abuses that cannot be noted during this period, and this causes important practical problems concerning the efficiency of the special rapporteur system.

Recommendations:

In order to deal with the time inadequacy, we recommend hiring full-time special rapporteurs so that they can deal with the human rights abuses without having the pressure of a time limit. Furthermore, in the case of efficiency related problems, we can recommend setting up human rights offices in countries to monitor and report on abuses.

On a broader level, it is also important to discuss the relationship between the HRC and the SC, since human rights problems are at the heart of peace and security questions. In order to make more systematic arrangements concerning human rights, the dialogue between these two Councils should be improved. In practice, we recommend that the special rapporteur briefs the SC on specific situations, focusing its attention and pushing the SC to adding these issues to their agenda.

Regular and Special Sessions

Unlike the CHR which met for six weeks per year, the Council meets regularly throughout the year for a minimum of three sessions for no less than ten weeks per year.¹⁰ In addition the Council has the ability to hold special sessions when needed and when requested by a member of the Council with the support of one-third of its members.¹¹

Challenges:

The challenge of the HRC in regard to renewal as a UN body that meets regularly during the year to address human rights situations in all countries and has “a simplified and more efficient mechanism to convene special sessions to respond

⁹ “Human Rights Council: No More Business as Usual”, <http://www.globalpolicy.org/reform/topics/hrc/2006/0524hrwreport.pdf>, (18-07-2006).

¹⁰ A/RES/60/251 No. 10.

¹¹ A/RES/60/251 No. 10.

promptly to human rights crises”¹² is to be effective. The first special session of the HRC requested on ‘Human rights situation in the Occupied Palestinian Territory’ showed that the modalities of the sessions of the HRC still have to evolve. The special session requested by 21 member States on 30 June 2006 was delayed due to the weekend, room availability and interpretation services¹³ despite its urgency.

Recommendations:

1. The HRC must define how quickly a session should be convened from the time a request for a special session is made.¹⁴
2. The HRC has to install a mechanism to ensure practical issues such as the availability of rooms and interpreters for the Council to hold special sessions rapidly and independently of other circumstances.¹⁵
3. The HRC shall allocate the right time to address human rights and develop criteria to qualify special sessions issues.

Conclusions

The continuing procedures and methods can be an important challenge for the HRC because this will bring the previous problems and inefficiencies of the CHR to the surface. In addition the continuation of the same ambassadors with their experience in the CHR in the new HRC could lead to a migration of attitudes and previous habits generating the old problems in the new organization. There is therefore a real danger not only for the organizational functioning of the HRC, but also, as with the CHR, if this is not checked with the long-term credibility of the Council.

These mandates can bring the question of how “New” is the Council right now. So, in order to avoid these kinds of criticisms, the Council should be very careful not to behave in the same or similar manner to the Commission. The members must not allow the Council to be drawn into the same problems, which led to the lamentable politicization and consequent paralysis of the Commission.

The success of the HRC will depend on to what extent the democratic countries will be able to prevent the likely blocking of action by elected countries with poor human rights records and in its ability, with its new procedures and mechanisms, to actually maintaining its focus and enact positive change in human rights issues.

b. The Treaty Bodies

Le système international des droits de l’homme comprend sept traités fondamentaux engageant les États membres à garantir le respect des droits de l’homme sur le territoire relevant de leur juridiction. Sept organes de traités¹⁶ sont chargés de superviser la mise en œuvre des dispositions de ces instruments sur la base de rapports

¹² UN Press release UN HRC/06/01 15. June 06.

¹³ UN Press release 30. June 06 ; UN Office of Geneva 3. July 06.

¹⁴ See A new chapter for Human Rights, A handbook on issues of transition from the Commission on Human Rights to the Human Rights Council, Friedrich Ebert Stiftung, pp. 30-31.

¹⁵ Ibid.

¹⁶ The seven Treaty Bodies are: Committee against Torture, Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Racial Discrimination, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families, Committee on the Rights of the Child and the Human Rights Committee.

périodiques soumis par les États. Certains organes de traités offrent également la possibilité de recourir à des plaintes individuelles ou interétatiques, voire d'examiner des présomptions de violations graves et systématiques des droits de l'homme.

Dès les années 80, un manque sensible de coordination entre les différents comités met en lumière la nécessité d'une réforme. Celle-ci s'opère dans deux directions: l'une, sur le plan interne, vise le fonctionnement des organes de traités, tandis que l'autre, sur le plan externe, s'inscrit dans le cadre de la réforme générale des Nations Unies insufflée par le Secrétaire général et vise une meilleure cohérence entre les différents organes de traités.

Réforme interne: La réforme interne vise à harmoniser le fonctionnement inhérent aux différents organes de traités, ainsi qu'à uniformiser le système de rapport associé à chacun de ces traités. L'uniformisation porterait sur des éléments de procédure tels que le choix des membres et la durée de leur mandat, la durée des sessions, ainsi que sur les modalités de la participation accordée à la société civile. Cette volonté d'harmonisation a eu pour effet d'intensifier les rencontres et la communication entre les organes de traités (réunions intercomités et interprésidentielles).

Réforme externe: Cette réforme dite externe excède les limites d'une simple harmonisation des organes de traités. Elle se scinde en deux propositions alternatives ou cumulatives.

La première idée est de regrouper les sept rapports que les États Membres doivent présenter aux sept organes de traités en un seul et unique rapport soumis pour examen à l'ensemble de ces organes. Cette initiative rencontre cependant l'opposition des États Membres et on substitue au rapport unique l'idée d'un rapport général commun à tous les organes accompagné de sept rapports spécifiques présentés en vertu de chacun des traités. La deuxième idée consiste à fusionner les sept comités en un seul organe permanent (standing body).

Les fondements d'une réforme

On peut se demander si cette réforme répond aux besoins d'une application plus efficace des droits de l'homme.

Cette efficacité devrait nécessairement passer par une plus grande réactivité des États membres, soit un traitement plus rapide des plaintes en permettant aux organes de siéger de façon permanente. Par ailleurs, une clarification du système s'impose : uniformisation du mode de saisine des différents organes de traités et détermination précise de la place accordée à la société civile.

Le défaut d'interactivité entre les organes de traités nécessite l'établissement d'une ligne de conduite uniforme et commune. Cette harmonisation irait de pair avec le renforcement de l'autorité des organes de traités et participerait de cette manière à l'efficacité de la protection des droits de l'homme. Dans ce but, il est nécessaire d'examiner de manière complète et simultanée l'ensemble de la situation des droits de l'homme dans un pays donné.

Les limites des solutions proposées

Dans l'attente d'une réforme effective, les organes de traités souffrent de difficultés persistantes. La question de la répartition des experts nationaux au sein des organes et,

corrélativement, de leur politisation, se pose toujours de façon aiguë. De même, en l'absence d'unification réelle, on continue de déplorer un manque de coordination et de communication entre les comités.

D'un autre côté, les réformes proposées ne s'imposent pas non plus sans contestations. L'unification des rapports, autant que des organes eux-mêmes, soulève notamment le problème de la perte de spécificité de ces derniers. La mise en place d'un organe unique induirait ainsi une certaine forme de renoncement aux expertises ad hoc et pourrait aboutir à la formation d'un organe à nouveau trop perméable aux enjeux politiques et diplomatiques.

Perspectives

Si l'utilité d'une réforme ne peut être remise en cause, les modalités de la réforme elle-même devraient donc plutôt s'articuler autour d'un certain nombre de propositions exposées ci-après. Il est tout d'abord primordial que l'unification des différents organes de traités trouve son point de départ dans leur collaboration et dans l'harmonisation de leurs méthodes de travail, plutôt que dans la dissolution des comités existants.

Pour assurer une plus grande efficacité du système, il serait en outre utile de mettre en place un corps centralisateur chargé de recevoir toutes les plaintes individuelles, ce qui permettrait à la procédure d'être davantage accessible au plus grand nombre.

De même, pour aider les Etats à rédiger leurs rapports le plus rapidement possible, la mise en place de mécanismes d'assistance technique s'avérerait utile.

L'instauration d'un système de sélection des membres experts prévoyant des critères à même de garantir une impartialité vis-à-vis de l'Etat d'origine servirait enfin la dépolitisation du mécanisme. Ce dernier serait dès lors plus facilement investi de la confiance des Etats Membres, ce qui conduirait inévitablement à une collaboration accrue avec les organes de traités et, ainsi, à une mise en œuvre plus efficace de ses recommandations.

2. Thematic Issues

On a coutume de dire que l'ONU est née non pas pour nous emmener au paradis mais plutôt pour nous sauver de l'enfer. Pour accomplir cette mission délicate, qui est celle de veiller au bien-être des peuples du monde entier et assurer une égalité entre eux, elle s'appuie sur ses différents organes. La défense et la protection des droits de l'homme constituent l'un des principaux champs d'action de l'Organisation. L'ONU a enregistré plusieurs succès dans ce secteur, où elle continue d'œuvrer activement. Cependant, persistent des situations où les droits de l'homme sont bafoués en toute impunité et pour lesquelles l'ONU peine à trouver des solutions concrètes. Afin d'étudier le non-respect des droits de l'homme d'un point de vue pragmatique, nous nous sommes intéressés à quatre thèmes qui ont un lien plus ou moins direct avec les conflits civils.

En effet, **La circulation illégale des armes légères et de petit calibre** donne de plus en plus une dimension guerrière à la société civile. Faciles à se procurer et aisées à manier, ces armes constituent le principal et unique moyen de combat utilisé dans la quasi-totalité des conflits auxquels **les enfants soldats** prennent part. Aux mains de

troupes irrégulières telles que les **mercenaires**, peu soucieuses du droit humanitaire international, ces armes ont fait un très grand nombre de victimes. À cause de ces guerres civiles, plusieurs millions de **personnes déplacées internes** vivent dans des conditions de dénuement total dans leur propre pays. À l'heure du renouvellement de l'ONU, nous nous évertuerons dans un premier temps à faire un état des lieux de la situation des droits de l'homme dans le contexte susmentionné avant d'avancer un certain nombre de recommandations pratiques.

a. La circulation illégale des armes légères et de petit calibre et le mercenariat

La circulation des armes légères et de petit calibre et la pratique du mercenariat sont à la base des guerres civiles au cours desquelles les droits de l'homme les plus élémentaires sont violés dans leur intégrité.

A definitional distinction can be made between personal use weapons, namely small arms, and those designed for use by several persons, namely light weapons.¹⁷ These weapons pose a serious threat to the dignity of human beings. They are said to kill 1,000 people a day and to cause 60 to 90% of all deaths in conflicts every year.¹⁸ The illicit manufacture, transfer and circulation of small arms and light weapons along with their excessive accumulation and uncontrolled spread in many regions of the world constitute to a wide variety of human rights abuses. The proliferation, distribution, trade, and use of small arms and light weapons is the unsavoury reality fuelling and sustaining conflict in many regions of the world. The weapons not only bring devastation and death in a direct manner, but their illicit trade also encourages the continuation of conflict by providing certain factions with monetary incentives to sustain the conflict. They pose a grave risk to the peace, safety, and security of an individual, on both a national and international level. Small arms and light weapons should also be contemplated in connection with mercenaries

La convention internationale contre le recrutement, l'utilisation, le financement et l'instruction de mercenaires définit en son article premier le mercenaire comme toute personne recrutée dans le pays ou à l'étranger pour combattre dans un conflit armé ou pour prendre part aux hostilités essentiellement en vue d'obtenir un avantage personnel et à laquelle est effectivement promise, par une partie au conflit ou en son nom, une rémunération matérielle nettement supérieure à celle qui est promise ou payée à des combattants ayant un rang et une fonction analogues dans les forces armées de cette partie.

The issue of small arms and light weapons was first raised in a UN forum in 1995.¹⁹ In 2001 the UN Conference on the Illicit Traffic in Small Arms and Light Weapons in All its Aspects resulted in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and in 2005 the World Summit Outcome Document reinforced its support for the implementation of this Programme. From 26 June to 7 July 2006, the UN Conference to review the progress made in the implementation of the 2001 Programme ended with no agreement on an outcome document.

¹⁷ A/52/298.

¹⁸ Press Release CNN: Advocates press U.N. on small arms, 2006.

¹⁹ A/RES/50/70B.

L'ONU a toujours condamné les activités des mercenaires. En juin 2006, lors de la Conférence des Nations Unies sur le commerce illicite des armes légères sous tous ses aspects, elle a souligné que leur circulation illégale favorise et encourage le développement du mercenariat. Par contre, le mercenariat, reste un terme qui ne fait pas l'objet de grands débats à l'ONU. Surtout que, de nos jours, la situation est devenue plus complexe du fait de l'apparition de nouvelles formes plus subtiles de mercenariat que constituent les sociétés internationales de sécurité et les sociétés militaires privées. On parle alors de mercenariat entrepreneurial. Ces entreprises sont supportées par des pays puissants et des compagnies pétrolières. À l'heure du renouvellement, l'ONU doit se pencher sérieusement sur ce phénomène.

Les recommandations que nous formulons à l'intention de l'ONU pour une lutte totale contre la circulation des armes légères et de petit calibre et contre le mercenariat sont les suivantes :

1. prendre des mesures appropriées contre les pays qui soutiennent la pratique du mercenariat
2. imposer un embargo sur la vente d'armes dans les pays déjà en guerre
3. renforcer des lois internationales existantes concernant le mercenariat et la circulation des armes légères
4. Develop a global consensus on End User Certificates for arms sales. The standardization of these would result in higher resilience to fraud.
5. Increase civil aviation security; enforce stricter control on flight plans therefore preventing mass weapon and mercenary movement via air travel
6. Introduce guidelines making weapons producing states responsible for the human rights records and situation in the recipient countries
7. Develop greater control over the private sector in terms of their arms production and the financing of mercenaries by demanding tighter government controls over this sector

b. Child soldiers and the Rights of the Child in a renewed UN

"Everyday we were taken with them by car to burn houses, kill animals and harass people. Sometimes we were happy to burn the houses because we were enjoying ourselves. But other times I felt that it was not good to burn the houses and to hurt these people, but we had to do this because we were afraid. If we didn't do this we would die. Everyday they came to get us and if we didn't want to go they would threaten us with machetes. [Child soldier, East Timor – joined when he was 14, now 16]"²⁰

Definition and scope of the problem

The use of child soldiers in armed conflict is a grave example of the violation of every child's right to be protected, educated and healthy²¹ (UNICEF 2006: 14).

Acknowledging the difference in the various definitions of the concept of children in armed conflict, we have decided to work in accordance with the highest-standard definition, which defines child soldiers as all individuals under the age of 18 and

²⁰ http://www.unicef.org/publications/pub_adultwars_en.pdf

²¹ "Excluded and Invisible", UNICEF The State of the World's Children 2006: 14

includes unarmed military staff participating in a conflict. The definition is elaborated and used by UNICEF²². According to this definition, it is estimated that some 250,000 children, boys and girls aged 7-18, are today involved in more than 30 conflicts worldwide²³. Most of these children are involved on the side of rebel armies, thus representing non-State actors in armed conflicts²⁴.

Brief update on UN activities related to Children in Armed Conflict

The issue of children involved in armed conflict is an example of a topic that has been a specific cause for concern within the UN system in general, and the OHCHR in particular, to the extent that a Special Representative (SRSG) has been appointed by the SG to deal with the issue. The OHCHR does not operate programmes directly but works with other UN agencies such as UNICEF, ILO, UNHCR, DPKO and with non-governmental organizations that do have programmes in particular countries and conflict areas²⁵.

Despite UN involvement over several years, children continue to be recruited and used as soldiers, and their rights continue to be violated. Why is this? How has UN action failed and how could it be renewed?

Challenges and recommendations

In the following we will focus on two main challenges²⁶, which we consider as central issues in the failure of the UN to cope satisfyingly with the problem of child soldiers. The first challenge has to do with the process of creating valid and coherent definitions on the matter. The second challenge is related to the UN's inter-governmental structure, whose focus on State actors has the implicit weakness that the UN, to a large extent, lacks the ability to enforce its legal framework towards non-State actors.

1. Within the UN system, there exists a multitude of definitions of children participating in armed conflict, which has led to discrepancies on the age limit for being legally recruited to participate in an armed conflict, and there is also a lack of clarity as to how to define a participant in an armed conflict. Therefore we suggest that the different UN bodies coordinate their efforts to define more coherently who is a child soldier and who is not. Subsequently we suggest the general use of the definition of UNICEF, and that States shall be able to sign up to this highest standard, consequently creating pressure on States that are still only signed up to the present definition.

²² For the purposes of disarmament, demobilization and reintegration programmes, UNICEF defines a 'child soldier' as any child – boy or girl – under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members. It includes girls and boys recruited for forced sexual purposes and/or forced marriage. The definition, therefore, does not only refer to a child who is carrying, or has carried, weapons. Based on the 'Cape Town Principles'. The Cape Town Principles are the result of a symposium held by the Convention on the Rights of the Child, UNICEF and a number of NGOs in Cape Town, South Africa between 27th and 30th of April 1997 ([http://www.unicef.org/emerg/files/Cape_Town_Principles\(1\).pdf](http://www.unicef.org/emerg/files/Cape_Town_Principles(1).pdf)).

²³ "Excluded and Invisible", UNICEF The State of the World's Children 2006: 62

²⁴ <http://www.unicef.org/protection/childsoldiers.pdf>

²⁵ <http://www.un.org/special-rep/children-armed-conflict/English/OurMandate.html>

²⁶ This means that we are delimiting ourselves from a host of other crucial aspects of the phenomenon of recruitment of child soldiers, notably the important structural root causes; the demobilisation; and physical and psychological rehabilitation and reintegration.

2. Concerning the enforcement of existing legislation and conventions, it is problematic that the UN deals mainly with State actors. This means that the UN system is often powerless when it comes to enforcing Children's Rights towards non-State actors who are often fighting the very same government that has ratified the Convention prohibiting the use of child soldiers. On this note we recommend that the main effort to stop the use of child soldiers is put into strengthening the UN's position in the civil society of war-torn regions. This links well to the statement of SG Kofi Annan that the inter-governmental architecture of the UN needs to be re-examined and updated to truly serve the global interest in this new Millennium²⁷.

*Ils adoptent des postures
Désinvoltes de gangster [...]
Ils s'offrent des mimiques
De flingueurs vus à la télé
Ou des tics de flics de choc
Robotisés jusqu'au sourire [...].*

Les fleurs carnivores, « Enfances Crucifiées, Soldats Absolus »
Noël Ndjékéry²⁸

c. Internally Displaced Persons

The United Nations has, via the Office of the United Nations High Commissioner for Human Rights, recently agreed on non-binding Guiding Principles on Internal Displacement based on the refugee instruments, which defines internally displaced persons (IDPs) as: "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

There are currently nearly 25 million IDPs worldwide, roughly twice the total number of refugees. Many countries have a significant IDP population due to different causes. Among them the following countries have the highest percentage of IDPs:

- Burundi: due to fighting between government and Hutu rebel groups.
- Colombia: due to the war between the government, FARC, the AUC and other armed groups
- The Democratic Republic of Congo: due to ongoing war
- Iraq: due to forced displacement during Saddam Hussein's regime, and fighting between the Multi-National Force and Iraqi insurgent groups.
- Sudan: due to civil conflicts in the South and Darfur in the west
- Uganda: due to the insurgency in the northern part
- United States: due to persons displaced by the natural disaster caused by Hurricane Katrina

²⁷ "Basic Facts about the UN" (2004): xv.

²⁸ http://www.ilo.org/public/french/standards/ipecc/publ/download/fr_wounded_execsum.pdf

Nevertheless despite the major number of displaced people, there is no dedicated UN agency to deal with IDPs. This has led the United Nations High Commissioner for Refugees (UNHCR) to act as *ad hoc* leader on IDP matters. Today only five million IDPs are under the protection of the UNHCR. We believe that more can be done to protect this group as there are several problems related to IDPs at the moment.

We think it is a problem that there is no legal binding definition of IDPs, as there is for refugees, and that IDPs do not have a specific international legal instrument that applies to them as refugees. The reason why it is so important to adopt such a legal instrument is that the national States often don't have the possibility to protect this group. However it has been very difficult to create a legally binding instrument because any attempt by an outside body to tell a nation how it should treat its own citizens is seen as a violation of the principle of national sovereignty and self-determination.

Our recommendation is that the UN should encourage States to create a legally binding convention to protect the rights of IDPs. Meanwhile we believe that the UN should convince the UN member States to adopt the guiding principles towards how to deal with internally displaced people in their national legislation, and create a specific legal status for IDPs to make sure that these people are registered and can benefit from social, economic, and legal assistance to safeguard their rights.

Furthermore we believe that the UN has to create an independent agency to protect internally displaced people as this group is being overlooked both by the national States as well as the international society. This group deserves a specific agency due first of all to the great number of IDPs, and secondly to the fact that this group is not protected under international refugee law and therefore needs special attention. We suggest that this Organization should work independently with the mandate to protect the rights of IDPs in order to provide assistance, protection, capacitation, and facilitate return of IDPs. Nonetheless we suggest that this agency should have very close working ties with the UNHCR due to the fact that the dividing line between refugees and internally displaced people is very often overlapping. We believe that it is of outmost importance that all agencies coordinate their work in the field in order to secure the rights for those trapped inside borders.

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FIGURE # 1

UNIVERSAL PERIODIC REVIEW- PROCESS MODEL (UPR-PM)

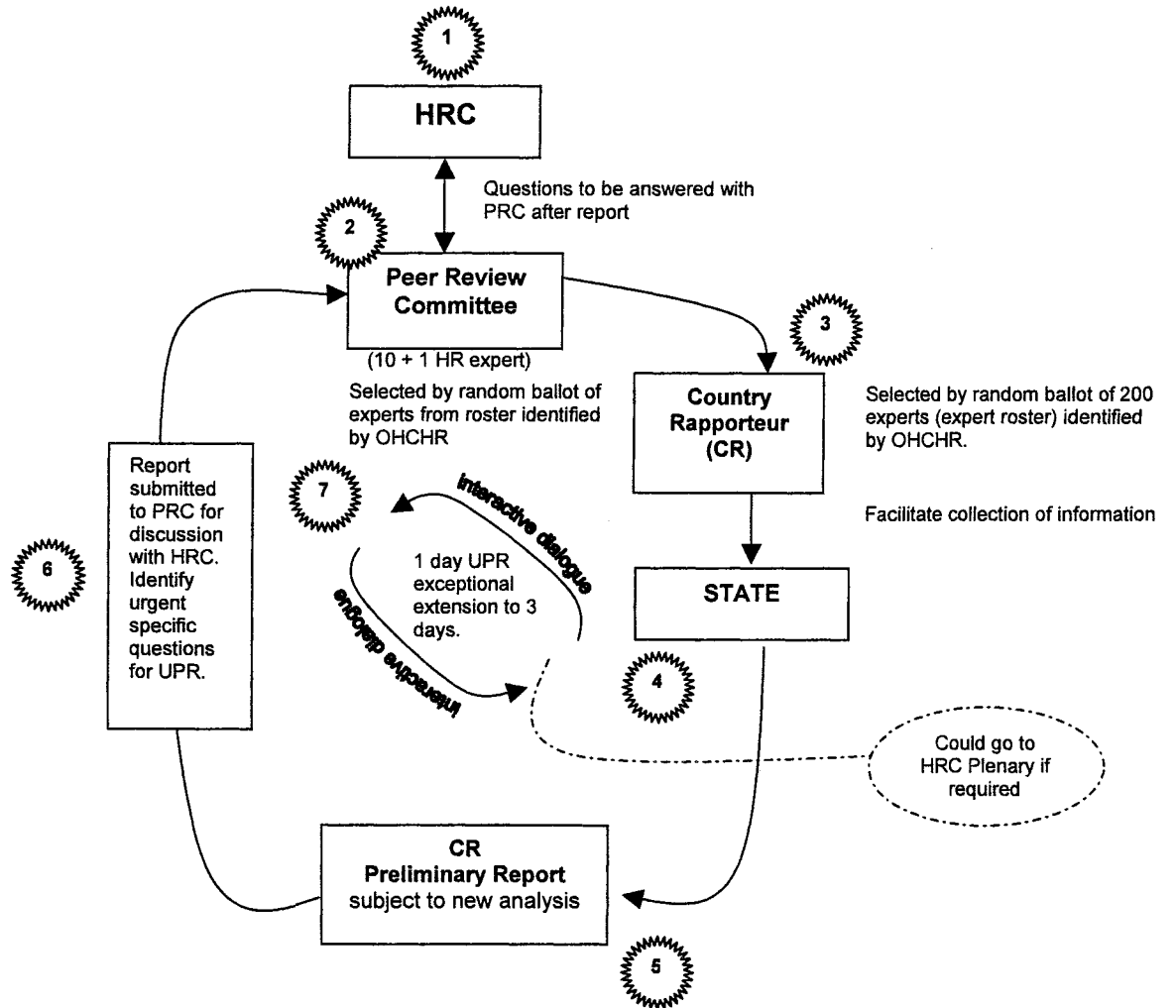
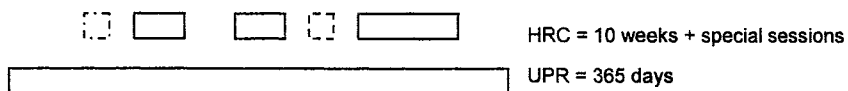


Illustration of HRC vs UPR timescale



LIST OF PARTICIPANTS
(alphabetical order)

Last name	First name
Altayrac	Joséphine
Ben Otman	Aimen
Burdet	Claire Elise
Charles	Johanne Isabelle
Clément	Charlotte
Erazo Martinez	Michelle
Ewing	Jude
Giray	Ahmet Selim
Halloy	Diana
Hemaid	Rania
Hong	Jina
Jaubert	Marine
Jean-Baptiste	Evine Buissereth
Jun	Jung-Mi
Konadje	Dangui Jean-Jacques
Le Blanc	Nelly
Mersch	Celine
Moller Lütken	Pelle
Mukalazi	Godfrey
Nümann	Britta
Ortholland-Brahmia	Audrey
Park	Su Hyun
Pauli	Judith
Quillec	Benjamin
Racine	Myriam
Rae	Sarah-Joy
Riiskjaer	Maria
Roth	Andrea
Spanoudis	Joanna
Yilmaz	Feyzullah

PART 2
ECONOMIC AND SOCIAL DEVELOPMENT GROUP
MODERATOR: MR. MICHAEL HERRMANN, UNCTAD

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Section I

Introduction

For 60 years, the United Nations and its affiliated organizations have endeavored to execute a mandate that charges them with the responsibility of maintaining international peace and stability and promoting the socio-economic well being of all. Born in a post-World War II context, the United Nations was expected to correct the shortcomings of the ill-fated League of Nations, which would lead to a more stable world order.

The UN survived the politically charged period of the Cold War, which often saw it being held hostage by the politics of “bipolarity”, most evident in the Security Council (SC), where resolution after resolution was subjected to the political maneuvers of the two superpowers and their respective allies. In the area of socio-economic development, the UN’s record has been a checkered one. The genealogy of “development” as effected by the UN has been one largely influenced by the orthodoxy of the “modernization thesis” a la Walt Rostow’s stages of growth theory. This epistemological approach to development has been subjected to much criticism, not least because it fails to realize that the capitalist world-system is one characterized by grave asymmetries among nation States.

The decolonization of the New World meant that several new nations were catapulted onto the world stage seeking simultaneously to assert their political autonomy and enhance their socio-economic position. Caught in the “heat” of bipolarism many of these nations sought to engage in creative, yet pragmatic diplomacy, wanting to capitalize on the economic and political opportunities created by the ideological schism of the Cold War. That philosophy in part led to the creation of the G77 and the Non-Aligned movement (NAM). These third world nations (as they became popularly known, as the ideological alternative to the first and/or second world) in their quest to attain “development”, embarked upon several measures to alter the rules of the game so as to improve their disadvantageous position in the world-system. Much of that effort was articulated in the theoretical postulations of Dependency Theory championed by Raul Prebisch (and ECLAC) and calls for a New International Economic Order (NIEO) as an alternative to the Liberal International Economic Order (LIEO) which according to third world nations served to advance the interest of the North at the expense of the South. The formation of OPEC was an attempt by the Third World to claim ownership of its resources and to exercise greater control over the dynamics of the international market as it pertained to petroleum in particular. In many respects, these projects have been dubbed failures, not least because the cries of the Third World today are but echoes of historical concerns raised several decades ago.

It is against that backdrop, that the UN has been called upon to give an account of itself with respect to its mandate. 60 years on the global political climate is markedly different from the context in which the UN was born. The world has gone through dramatic changes, yet there is a sense that in many ways, not much has changed, particularly with respect to development. “Development” initiatives have gone through an evolution of project-based development; through to grassroots

development evoking participation from the masses (dubbed bottom-up approaches). The abysmal failure of the Structural Adjustment Policies (SAPs) championed by the Bretton Woods Institutions (BWIs) led many to call for “development with a human face”, “people-centred development”, the provision of “safety nets” and the implementation of “poverty reduction strategies” for those already caught on the margins of the global political economy. Later on, environmental concerns were factored into the equation, hence, giving rise to calls for “sustainable development”, partly in recognition of the irreparable damage that was being exacted on the environment in the world’s quest for “advancement”.

Today, development is embedded in what is packaged as the Millennium Development Goals (MDGs).

It is against that historical backdrop that the paper seeks to

- 1. Question the efficacy of the MDGs and**
- 2. Assess the adequacy of the MDG approach to achieving broad-based quality growth and development**

Immediately, one recognizes that there is a grave disconnect between *what* the MDGs propose and *how* they are to be achieved. Moreover, there are even greater concerns about the extent to which the MDGs adequately represent the totality of “development” needs of those trapped in the dungeon of underdevelopment.

What is development?

Traditional approaches to development have emphasized economic growth. However, it is evident that these have failed, leading to notions such as “immiserating growth”, “jobless growth” and “growth without development” much to the detriment of the socio-economic have-nots. The goal of development, therefore, should be the betterment of the human condition. Development has to be responsive to the historical, political and cultural context in which it is being pursued.

The challenge of development is to improve the quality of growth, to ensure that social and economic development are achieved, and that the benefits accrue to all (across social, ethnic, gender and economic groups). However, it is critical that the use of physical and natural resources today does not damage the prospects for use by future generations.

What is the role of economic growth?

Economic growth naturally goes beyond conventional thought (which emphasises econometric notions of advancement) to include social and environmental issues. High and sustained rates of economic growth are important in creating broad based, pro-poor quality growth for all. The role of economic growth should be to generate income and wealth. The dividends from that growth should be spread equitably among the populace.

What kind of growth is desirable?

”Quality growth” (QG) is what is desirable. It has to be inclusive, fostering cross-sectoral linkages and making full use of national resources.

What is Quality Growth?

Quality growth emphasizes sustainable poverty reduction by increasing incomes, expanding productive capacities, and engendering cross-sectoral linkages. It seeks to maximize the natural resources while minimizing the environmental impact. In doing so, the goal is to increase household incomes through job creation. It is about improving the social condition of people and expanding human capital (for example, training, human resources development). For this to occur, development and acquisition of technology are critical in transforming the factors of production into lucrative goods both for domestic consumption and export.

Section II

Are MDGs sufficient for achieving quality growth?

MDGs are the outcome of political negotiations. They are not the ultimate objectives of development. The goals listed are in no way exhaustive nor are they the most important goals. Quality growth requires a paradigmatic shift from the traditional focus of development. Current development policies as embodied in the MDGs focus mainly on poverty reduction. Holistic development goes beyond what is captured in the MDG approach. Some of the missing elements include factors of production, entrepreneurship, sectoral linkages, investments trade, social development and governance. Another disturbing observation is that “development research” is neglected, especially as it pertains to linking the development goals of the MDGs with potential outcomes.²⁹

(i) Factors of production

Factors of production include labour, capital and physical/natural resources. A country’s resource-endowment determines what it can produce. Focusing on factors of production should provide the basis for a coherent development strategy, particularly since they imply linkages to numerous political and economic issues. The current development approach based on the MDGs spells out important goals for development, but does not establish a link between the objectives and the means to achieve them.

There are some critical factors that have to be taken into consideration when defining a development strategy. They include:

1: What resources do we have and what can we do with them?

- Natural resources: Links to geographical conditions, environmental issues, education on how to use resources, entrepreneurial spirit, etc.

²⁹ It is critical that we know how the MDGs are linked, and then identify priority areas. However, that is only possible if we focus research on the linkages between and among the various goals as listed, and those goals that have failed to make it unto the list. This issue, however, is not dealt with substantively in this paper, though we recognize its importance.

- Stock of labour: depends on the number of people in the workforce and their qualifications (human capacity; human resources; level of skills etc.) In many developing countries there is a large stock of unskilled or semi-skilled workers. That problem will have to be addressed as countries seek to maximize their resources.
- Stock of capital: typically too low in developing countries. One of the major causes is the inadequate access to the capital markets both internationally (problem of governance, further linkages to institutional deficits) and nationally (weak, underdeveloped, unreliable banking system).

2: What is necessary to change productive capacity?

- Natural resources: need for sustainability
- Stock of labour: improve human capital; investments in education (not only primary education as mentioned in the MDGs, but tertiary education as well). Vocational and technical training are essential in fostering a well-functioning economy, especially in the emerging information economy. (Link to education, health issues, gender equality)
- Stock of capital: improve the financial system; create better access to capital, for example, long-term loans at affordable interest rates within an efficient banking system.
(Link: regulatory frameworks, institutions, governance)

(ii) Entrepreneurship

Quality growth involves developing core competencies. An essential component of that process is to train and nurture the entrepreneurial spirit. Entrepreneurs in developing countries need a positive environment which fosters innovation and enables participation in the world economy. The availability of business advisory centres and technological assistance allow entrepreneurs to acquire and share managerial skills, technological know-how, and to gain access to broad professional networks.

Appropriate legislation and regulations contribute to the creation of a wide range of opportunities for entrepreneurs, enabling them to enhance their domestic and international competitiveness. The availability of affordable loans (low interest, longer terms) and micro-finance to help kick-start entrepreneurs are also useful tools in stimulating the entrepreneurial spirit. Social safety nets are declining worldwide, therefore a country that wishes to encourage entrepreneurship should offer some form of insurance to those who wish to participate in the formal economy. This will help avert the risks associated with starting a business.

(iii) Sectoral Linkages

A major problem in translating economic growth into sustainable development arises from the fact that developing countries' economies are often monocultural with narrow export bases. Their heavy reliance on commodities makes them volatile and vulnerable to international shocks. In order for a country to achieve broad-based, sustainable quality growth, it must create cross-sectoral (both backward and forward) linkages. The government has a significant role to play through the creation of

appropriate policies that will stimulate these linkages between developed sectors and those with high growth potential.

(iv) Investment

Given that developing countries have very limited and/or no capital to steer development, their ability to attract Foreign Direct Investment (FDI) is critical. Some of the important prerequisites for attracting investment include

- (a) Strong governance and regulatory frameworks
- (b) Infrastructure (such as roads, transportation networks, information and communications technologies, reliable sources of energy)
- (c) The availability of a skilled labour force
- (d) Stable social and political climate
- (e) An attractive basket of incentives

For too long, host economies have not been able to maximise the benefits to be derived from FDI because of massive repatriation of profits. Governments should endeavour to negotiate contracts or investment collaborations that ensure greater retention of profits in the host economy, so as to create significant multiplier effects in the economy. More importantly, there should be explicit guidelines with respect to knowledge and technology transfer. Moreover, more investment should be directed towards local research and development (R&D).

One way in which the United Nations may be involved in this process is to be directly involved with the private sector. Currently, while UN agencies that deal with investment for development (FAO, UNDP, UNIDO, IFC, MIGA, UNCTAD) collaborate with member governments, chambers of commerce, NGOs and the civil sector, none (excepting MIGA, which entice investment by providing risk insurance) collaborate directly and consistently with private corporations. One method may be for UN agencies to set schemes and provide funds facilitating personnel movement and exchange for a certain, set period of time. Benefits for the transnational corporations (TNCs) may include better understanding of domestic conditions from the local perspective, knowing what to expect from the level of expertise and infrastructure, and adjusting production to the host environment. Benefits to the local industries are obvious, such as, learning about the importance of transparency, efficiency, and management skills.

(v) Trade

The MDGs and PRSP as proposed, while they address some critical issues, do so in a random rather than a systematic way. There are many similarly important aspects of development that are not highlighted in the MDG approach, with trade being one of the most startling omissions.

For many developing countries, international trade is being utilized as an engine of growth. Though it certainly is not the single most important factor in generating foreign exchange for development, it has nonetheless become a key component in national development strategies. The current global political context is characterized by the erosion of preferential arrangements, such as Lomé, and the movement toward

trade liberalization. While the jury may still be deliberating on whether trade liberalization is good for economic growth, trade and development issues certainly run deeper than “trade liberalization”. For countries that are largely monocultural trade liberalization has resulted in the exacerbation of “unequal terms of trade” (declining terms of trade). Hence, the commodity crisis of the latter 1990s has seen the foreign exchange earnings of these economies plummet by more than 50%, with obvious socio-economic implications. This has given rise to a dire economic situation.

Trade objectives are often not emphasized, as they ought to, because they may not be compatible with the short-term political goals of ruling administrations (who are often in power for 4-5 year terms). Moreover, the benefits of trade may take a while to come to fruition. For this reason, governments tend to focus on developmental goals that produce quick results and can guarantee their re-election.

LDCs are being forced to compete in what is obviously an unlevelled playing field. However, the current boom in trade negotiations perhaps provides a new opportunity for LDCs to reposition themselves in the global economy. Much of their success, however, is informed by their ability to 1. innovate; 2. expand and diversify their export bases; 3. harness their human capital 4. engender entrepreneurial skills and 5. attract more FDI and technology transfer.

The paper, therefore, proposes that

1. Training be provided for those involved in trade (trade officers, trade negotiators, the private sector, CSO and NGOs). While some of that training exists, it is grossly insufficient to match the ongoing multiplicity of negotiations. There needs to be a massive drive in training in the area of trade and development.
2. Greater investment is required in research and development (R&D; technological innovation) in the LDCs, to help convert indigenous products and ideas into lucrative manufactured goods. This will have the dual purpose of reducing their commodity dependence, while also enabling these States to move up the commodity chain by converting raw materials into higher value-added manufactured goods (and services).
3. Recognition must be given to the asymmetric political and economic positions of States that in part contributes to the vulnerability of the LDCs, hence, some degree of incubation should be permitted for their sunrise industries (despite the thrust towards free trade). Developed countries should reduce the imposition of subsidies and tariffs, some of which are increasingly being disguised in the form of sanitary and phyto-sanitary requirements.
4. LDCs must also endeavour to reduce their dependency on tariffs and instead focus on boosting their productive capacity, creating backward and forward linkages.
5. LDCs should seek to expand their market access by forging bilateral and multilateral regional arrangements (these arrangements facilitate knowledge sharing, pooling of resources where they are already limited, etc.).
6. As LDCs seek to eke out a living, this should not be done at the expense of the environment; hence the need for upholding corporate and social responsibility.

These mechanisms, it is envisaged, will contribute to the conditions that are necessary for broad-based quality growth to occur.

(vi) Social Development

The concept of development defined in social terms emphasizes the ability of all human beings to pursue meaningful lives in the way that they deem desirable. The pursuit of social development does not affect the exercise of rights, privileges, and benefits as stated in the United Nations Declaration of Human Rights. Hence they should have access to health, education, shelter, food, water, political participation, information resources, technology, and infrastructure that guarantee a respectful life in a safe and peaceful environment.

To achieve social development, it is important that countries enjoy stable economic growth. A critical ingredient is political will, which shapes the context within which that social development can be realized. In addition, it is crucial to consider that in some regions of the world, social development has not been achieved due to economic policies that have widened the gap between the haves and the have-nots; the rich and the poor. Many national legal structures have failed to convert the demands of citizens into an equal opportunity of their development.

Therefore, it is important to urge State institutions to coordinate and synchronize common goals, and ensure better standards of living and political participation of their citizens. It is also important to enforce legal obligations of governments, in order to guarantee the basic rights needed for human communities. State institutions must reflect greater influence in the task of converting social needs and demands into official State policies.

The political will of governments in improving social standards has to include long-term analyses of social impacts resulting from economic policies. The level of participation of citizens in the formulation of political and economic policies, can be achieved in part by informing and educating the society about their Human and Constitutional Rights.

(vii) Governance

Good governance is a critical element in achieving quality growth. The elements of good governance include:

1. Participation and involvement of all the stakeholders (government, civil society, private sector, local authorities, etc.) in the decision-making process. It also requires freedom of association and expression.
2. Accountability and transparency.
3. Promotion of anti-corruption strategies, for example, legal and regulatory framework with an efficient justice system, as well-defined rules and regulations assure stability and therefore predictability.
4. Implementation and Efficiency: Better coordination, cost reduction strategies and special focus on linkages.

Section III

Implications for the UN system

In order to achieve quality growth, the UN system needs to adopt a broader perspective on development. This assumes a more comprehensive development

approach. The UN should go beyond the MDGs and coordinate the work of economic agencies in a proactive way.

Some of the proposals include:

1. Economic Agencies within the UN, should

- (a) Encourage more research on quality growth
- (b) Ensure socially and environmentally sustainable growth
- (c) Establish links between prescriptions and objectives concerning the poverty reduction strategy papers (PRSPs)
- (d) Create greater coordination between research, policy dialogue and project implementation across issue areas
- (e) Simplify and harmonize administrative procedures
- (f) Increase coordination among agencies; coordinate and streamline administrative, research and field staff. Communication and feedback among economic agencies engaged in research (i.e. UNCTAD) and agencies involved with implementation (i.e. UNDP) by promoting linkages

2. Revamping the UN system as a whole.

- (a) Increase critical reform initiatives from inside the organization.
- (b) Institute mechanisms to involve all the agencies in the reform process.
- (c) Harmonize HR policies.
- (d) Create stronger incentives for performance in coordination activities.
- (e) Promote integration among agencies.
- (f) Harmonize policies, formats, and procedures, and
- (g) Enhance the coordination and communications among the different agencies.

Section IV

Implications pour les donateurs

Avec l'émergence de nouveaux pays depuis la décolonisation, l'aide publique au développement s'est imposée comme l'un des piliers des relations Nord-Sud.

Depuis les années 1990, l'élargissement des enjeux de la coopération internationale pour le développement, de ses acteurs et de ses instruments a entraîné une reformulation de sa problématique. Les questions fondamentales sont posées de façon différente; la notion de développement et même la demande de coopération a considérablement évolué. Les considérations sociales sont de plus en plus revendiquées dans la formulation des politiques publiques.

Les institutions multilatérales (notamment le FMI et la Banque mondiale) et les pays donateurs de l'aide publique au développement ont été interpellés face à leurs politiques de développement exclusivement axées sur la dimension économique. Avec l'élargissement de la conception du développement, ils ont fait un effort dans la prise en compte des aspects sociaux et humains (aux conditionnalités économiques se sont ajoutées les conditionnalités politiques, sociales et environnementales : élaboration des documents de stratégies de réduction de la pauvreté, prise en compte des mesures environnementales). Les Objectifs du millénaire pour le développement

(OMD), qui témoignent d'une volonté manifeste en ce sens, ont nécessité une alliance mondiale pour le développement. L'atteinte de ces objectifs à l'horizon 2015 se montre de plus en plus improbable pour la grande majorité des pays en développement.

Pour relever ce défi du développement, plusieurs mesures ont été préconisées, notamment lors de la Conférence internationale sur le financement du développement qui s'est tenue à Monterrey, au Mexique, en 2002. Au nombre de ces mesures nous retenons à l'endroit des donateurs de l'aide publique au développement :

(a) la définition d'un cadre cohérent pour le financement du développement (instauration des conditions pour mobiliser l'épargne publique et privée afin de financer les actions de développement ; une bonne gouvernance garante de la liberté, de la paix, de la sécurité et du respect des droits de l'homme; un renforcement de la coopération Sud-Sud...)

(b) la formulation de nouvelles orientations pour présider à l'aide au développement (cohérence des politiques des donateurs; harmonisation des procédures opérationnelles ; abandon de l'aide liée ; amélioration de la capacité d'absorption des pays bénéficiaires ; utilisation des plans stratégiques de développement des pays bénéficiaires ainsi que des documents de stratégies de réduction de la pauvreté - ou DSRP, ...) ;

(c) l'allègement de la dette extérieure des pays en développement ;

(d) la participation effective des pays en développement et en transition aux dialogues et processus de prise de décision internationaux (au sein du FMI, de la Banque mondiale, de l'OMC et autres groupes spéciaux).

Les donateurs bilatéraux et multilatéraux devront aller davantage dans le sens de l'application effective de ces mesures qu'ils se sont engagés à respecter. La cohérence des politiques nationales des pays donateurs et des politiques des institutions multilatérales reste un élément fondamental pour tendre de manière plus efficiente à la réalisation des Objectifs du millénaire pour le développement. Les pays donateurs sont également appelés à mettre davantage de volonté dans la réforme de l'aide publique au développement, conformément aux termes de la Déclaration de Rome s'agissant de cette question.

Les pays membres de l'OCDE, réunis au sein du Comité d'aide au développement (CAD), et les institutions multilatérales intervenant dans l'aide au développement sont invités à faire de l'aide publique au développement un instrument d'accompagnement des pays en développement dans leur processus de développement. Ils pourront y parvenir en mettant l'accent sur les priorités de développement de ces pays.

Toutefois l'élargissement du concept de développement n'implique pas que les partenaires bilatéraux et multilatéraux accordent moins d'importance à la dimension économique. Les donateurs devront également soutenir le tissu économique des pays en développement en appuyant les politiques de promotion du secteur privé et du secteur rural (construction d'infrastructures, création de conditions favorables à l'éclosion de l'initiative privée, ...).

Les donateurs bilatéraux et multilatéraux devront également harmoniser leurs politiques économiques en faveur des pays en développement avec celles du système des Nations Unies, pour une plus grande cohérence de leurs interventions.

Section V

Implications pour les pays en développement bénéficiaires de l'aide

La quasi-totalité des pays sont engagés dans un processus de libéralisation économique préconisée par les institutions de Bretton Woods. L'application timide ou systématique de ces exigences a permis aujourd'hui à la plupart des pays ainsi engagés de connaître une croissance économique sensible ou importante avec cependant un affaiblissement de l'intervention de l'Etat.

Parallèlement, le tissu social est fragilisé par une montée importante des inégalités sociales.

Dans un tel contexte, la responsabilité des pays en développement dans le processus de développement économique et social - et notamment dans la réalisation des OMD - est importante pour réaliser une croissance de qualité.

Pour avoir cette croissance de qualité, il faudrait que les pays en développement puissent avoir des États forts. Ces États doivent pouvoir exercer une réelle maîtrise de leurs politiques et de leurs stratégies nationales de développement (élaboration de plan de développement triennaux, quinquennaux ou décennaux) qui résulteraient d'une large consultation. Les stratégies de développement doivent être axées sur des résultats intégrant une hiérarchisation des priorités. De plus, pour une bonne utilisation des ressources, il faudrait encourager la participation de la société civile.

En outre, ces États doivent aller vers une meilleure gestion des finances publiques, dans le sens de la transparence et de l'efficacité, de sorte que l'aide au développement serve à renforcer les capacités nationales.

L'autre priorité réside dans l'établissement d'un système de gouvernement plus efficace qui permettrait une synergie des actions d'élaboration et de mise en œuvre de ces stratégies de développement, à travers un renforcement des capacités.

La réforme de l'administration comprend la promotion de la bonne gouvernance, l'investissement dans des infrastructures favorisant l'émergence d'une économie prospère (routes, ports, aéroports, NTIC) et améliorant les conditions de vie des populations (eau potable, électricité, ...), ainsi que l'adaptation des transferts technologiques aux réalités locales.

Toutes ces stratégies peuvent être menées au niveau des pays en développement, afin d'atteindre les OMD. Il faudrait que les différents acteurs - les chefs d'État, la société civile, le secteur privé et enfin la population - soient conscients de leur part de responsabilité.

Conclusion

The MDGs are important but do not offer a holistic development perspective. The United Nations has been charged with the important task of rescuing the majority of the world's poor from the bowels of underdevelopment. In its endeavour to do so, its policies must reflect the multi-dimensional character of development, embracing not only economic growth, but also social and environmental aspects. Moreover, development initiatives championed by the UN should expand the possibilities and capacities for people everywhere to pursue development in a way that is congruent with their social, political, historical and cultural context. It should seek to engage and actively employ the factors of production, creating and expanding productive capacity and the potential for generating wealth and income for all. It is only then that the wider goal of broad-based, pro-poor, participatory and equitable development can be achieved. These must be pursued with a sensitivity to and responsibility towards the environmental implications of developmental policies.

Appendices

Appendix 1: Millennium development goals

The Millennium development goals (MDGs)³⁰ are

- Goal 1: Eradicate Extreme Hunger and Poverty**
- Goal 2: Achieve Universal Primary Education**
- Goal 3: Promote Gender Equality and Empower Women**
- Goal 4: Reduce Child Mortality**
- Goal 5: Improve Maternal Health**
- Goal 6: Combat HIV/AIDS, Malaria and other diseases**
- Goal 7: Ensure Environmental Sustainability**
- Goal 8: Develop a Global Partnership for Development with developing countries, develop and implement strategies for decent and productive work for youth**

Appendix 2: Wild Ideas

1. Mobile Digital Libraries and Internet: these will travel through different rural areas bringing access to people in geographically disconnected areas.
2. Telecentres in rural areas: provide access to local people in town halls, post offices, schools etc.

³⁰ The Millennium Development Goals (MDGs) are the world's time-bound and quantified targets for addressing extreme poverty in its many dimensions— income poverty, hunger, disease, lack of adequate shelter, and exclusion—while promoting gender equality, education, and environmental sustainability. They are also basic human rights—the rights of each person on the planet to health, education, shelter, and security. <http://www.unmillenniumproject.org/goals/index.htm> Cited July 17, 2006

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LIST OF PARTICIPANTS
(alphabetical order)

Last name	First name
Al-Haj Younes	Farah
Al-Kouatly	Raha
Barona	Dégbangah
Bin Shabib	Rashed
Bordallo Gil	Maria
Caliskan	Elif
Coward	Annalisa
Daelemans	Lilian
de Gonneville	Laure
Douma	Sadi
Foaleng Tela	Babeth
Gaspoz	Guillermo
Gerhardt	Maria
Heinemann	Marcus
Hohl	Sabine
Karanasios	Stergios Stan
Koleilat	Lina
Kraft	Antje
Langstaff	Stéphanie
Lee	Jayoung
Nyawakira Perrel	Nina
Nyman	Laura
Orou-Toko	Ousmane
Ostrovsky	Vadim
Oyieye	Nancy
Pages Ramos	Ruben Antonio
Park	Keun Hyung
Payva Almonte	Marlene
Quintero Rincón	Camilo Andrés
Rigobert	Gale
Spairani	Alessandro
Tanzi-Dunham	Sara
Trombiková	Alice
Wruuck	Patricia
Wu	Yao
Xia	Luyi
Yao	Allangba Kouadio Jean-François

**PART 3
ENVIRONMENT GROUP
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Introduction:

L'humanité est confrontée, entre autres, à deux grandes crises environnementales, à savoir l'érosion de la biodiversité³¹ et le réchauffement climatique, toutes deux liées à la surexploitation des ressources naturelles qui affecte en particulier la sécurité alimentaire, le développement économique et social ainsi que la durabilité des écosystèmes dans plusieurs endroits du monde. Le réchauffement climatique, en raison de son ampleur et de sa complexité, menace particulièrement la sécurité des États. Ceux-ci ont adopté en mai 1992, à Rio de Janeiro, la Convention-cadre des Nations Unies sur les changements climatiques (CCNUCC). Cette première mesure internationale est entrée en vigueur en 1994. Elle avait pour objectif de « stabiliser, conformément aux dispositions pertinentes de la Convention, les concentrations de gaz à effet de serre dans l'atmosphère à un niveau qui empêche toute perturbation anthropique dangereuse du système climatique »³². Pour y parvenir, les pays industrialisés signataires ont été invités de façon non contraignante à mettre en place des programmes nationaux de réduction des émissions de gaz à effet de serre (GES) et à soumettre des rapports périodiques sur les mesures prises afin de stabiliser en 2000 leurs émissions au niveau de 1990. À eux seuls, ces pays sont pratiquement responsables du cumul des émissions depuis la révolution industrielle.

Les parties prenantes à la CCNUCC se réunissent chaque année pour faire le point sur les progrès accomplis et prendre de nouvelles résolutions. C'est ainsi que le 11 décembre 1997, réunis au Japon, les gouvernements ont adopté le Protocole de Kyoto qui, après huit ans d'enlèvement, est finalement entré en vigueur le 16 février 2005³³. Ce protocole engage et contraint les pays développés (figurant dans l'annexe I à la Convention-cadre) à réduire, entre 2008 et 2012, les émissions de six gaz à effet de serre de 5,2% par rapport aux niveaux de 1990³⁴. Les pays en développement (non inclus dans l'annexe I) sont exempts de ces obligations. Ces pays souffrent des conséquences des émissions passées de GES et exigent de la part des pays développés un transfert de technologie pour leur développement économique et social.

L'aboutissement de ce consensus n'est qu'une première étape dans la résolution du problème puisque le rapport "Bilan 2001 des changements climatiques : les éléments scientifiques" du Groupe d'experts intergouvernemental sur l'évolution du climat (GIEC) prescrit une réduction de moitié des GES pour espérer une stabilisation de la température du globe. Des négociations sont en cours pour que les pays s'engagent au-delà de 2012 à réduire de façon drastique les émissions de GES.

³¹ La biodiversité est un concept qui désigne la variété des organismes à trois niveaux : la diversité génétique, qui se rapporte à la variété des gènes chez les plantes, animaux, champignons et micro-organismes - tant chez une espèce qu'entre espèces; la diversité spécifique qui fait référence à la variété des différentes espèces (plantes, animaux, champignons et micro-organismes); enfin la diversité des écosystèmes, qui correspond à la diversité située à un niveau supérieur et englobant les deux autres.

³² Nations Unies 1992, Convention-cadre des Nations Unies sur les changements climatiques, p.5

³³ Le Protocole de Kyoto pouvait entrer en vigueur seulement après avoir été ratifié par 55 pays, parmi lesquels des pays développés dont les émissions de dioxyde de carbone représentaient en 1990 au moins 55% des émissions totales de ces pays à la même date. Le Protocole est entré en vigueur après la ratification de la Fédération de Russie en 2004. Au 10 juillet 2006, 74 pays l'avait ratifié.

http://unfccc.int/files/essential_background/kyoto_protocol/application/pdf/kpstats.pdf

³⁴ Les plus importants étant CO₂, CH₄ et N₂O; les autres ayant une durée de vie plus longue (hydrofluocarbures, perfluocarbones et hexafluorures de soufre) <http://www.dossiersdunet.com/article376.html>

Dans la poursuite de cet objectif, le Programme des Nations Unies pour l'environnement (PNUE) joue un rôle crucial s'agissant de nombreuses activités qui visent à mieux comprendre l'impact du changement climatique et à en limiter les effets. Le PNUE assiste notamment les gouvernements dans l'élaboration et la mise en œuvre d'instruments environnementaux tels que le Protocole de Kyoto et la CCNUCC. Par exemple, il coordonne le GIEC et soutient la recherche ainsi que l'élaboration de mesures énergétiques efficaces.

Ce travail a été axé sur quatre points. Dans un premier temps, nous allons parler de **l'état des négociations et de la position des différents groupes de pays**. La deuxième partie de notre réflexion s'intéresse aux **différentes alternatives de l'après-Kyoto**. La troisième partie aborde **le volet de la sensibilisation du public au sujet du changement climatique**. En dernier lieu, nous nous intéresserons aux **réfugiés, à la fois responsables et victimes du changement climatique, ainsi qu'à la gestion environnementale dans les situations d'après-guerre**.

1. Etat des négociations et positions des différents groupes de pays:

À la suite de négociations très ardues, les participants se sont entendus pour réduire entre 2008 et 2012 les émissions de six gaz à effet de serre de 5,2% par rapport aux niveaux de 1990. L'Union européenne doit réduire ses émissions de 8%, les États-Unis de 7%, le Canada, la Hongrie, le Japon et la Pologne de 6% chacun, la Croatie de 5%. Les pays non inclus dans l'annexe I à la Convention-cadre obtiennent une exemption, notamment la Chine, deuxième pollueur du monde.

Des mécanismes visant à faciliter la réduction des GES pour chaque pays ont été définis en s'appuyant sur des mesures internes (taxation de l'énergie, incitation aux économies d'énergie, etc...) ainsi que sur trois mécanismes de flexibilité:

- **la Mise en œuvre conjointe (MOC)**, qui permet d'acquérir des crédits d'émissions de CO₂ en contrepartie d'investissements réalisés dans des projets permettant une réduction d'émissions de GES dans d'autres pays signataires du Protocole de Kyoto.
- **le Mécanisme pour un développement propre (MDP)**, qui repose sur le même principe que celui de la MOC ; cependant les investissements réalisés dans les pays non inclus dans l'annexe I à la Convention-cadre, tels que la Chine ou le Brésil, ne sont pas concernés par les obligations de réduction de GES.
- **le marché de permis d'émissions négociables de CO₂**, où sont échangés les quotas d'émissions de CO₂ attribués aux entreprises. Ce marché permet aux entreprises qui dépassent leurs quotas d'émissions réelles de pouvoir se mettre en règle en achetant les quotas manquants à celles qui les détiennent en surnombre.

A l'issue des négociations et en fonction d'intérêts communs, six groupes se sont formés :

1.1. JUSCANZ (Japon, USA, Canada, Australie et Nouvelle-Zélande):

Le JUSCANZ, encore appelé "Carbon Club", englobe tous les pays dont les intérêts industriels sont potentiellement menacés par la réduction des GES.

Les États-Unis émettent à eux seuls le quart des émissions mondiales de GES. Force est de constater qu'en 1997 ils ont signé le Protocole et que par la suite, en 2001, ils ont refusé de le ratifier et se sont retirés des négociations arguant du fait que les dispositions du Protocole étaient, selon eux, incompatibles avec leurs intérêts économiques. En outre, ils exigent que les pays exemptés, comme la Chine et l'Inde, soient soumis aux mêmes obligations qu'eux. Ce retrait américain fragilise et déstabilise la position d'alliés mentionnée, remettant ainsi en cause l'existence dudit protocole. En 2002, un plan national américain contre les GES voit le jour; il est orienté vers «*un ralentissement de la croissance des émissions plutôt que leur réduction*»³⁵. Les alliés canadiens voient d'un mauvais oeil cette position américaine, considérée comme une compétition déloyale à l'égard de leurs industries.

Le JUSCANZ obtient néanmoins lors des négociations «*la comptabilisation des activités de boisement et de gestion des écosystèmes agricoles et forestiers dans les efforts de réduction des émissions de GES, les végétaux en croissance constituant des «puits» absorbant les GES en suspension dans l'atmosphère*»³⁶. Face à l'opposition de l'Union européenne, il se voit en revanche refuser l'acceptation des technologies nucléaires comme mécanisme pour un développement propre.

1.2. Union européenne:

Elle est la plus active en matière de défense environnementale. Lors des négociations pour la mise en œuvre du Protocole de Kyoto, contrairement au JUSCANZ qui militait en faveur d'un Protocole moins contraignant, elle est favorable à l'imposition de pénalités à l'encontre de tous les pays qui ne respecteraient pas leurs engagements en faveur du Protocole.

L'Union européenne a adopté une stratégie globale pour atteindre l'objectif de réduction de 8% des GES d'ici 2008-2012 avec des obligations variables selon les pays et ceci en tenant compte des stratégies nationales de chaque pays. C'est ainsi qu'en décembre 2002: «*the EU created a system of emissions trading in an effort to meet these tough targets. Quotas were introduced in six key industries: energy, steel, cement, glass, brick making, and paper/cardboard. There are also fines for member nations that fail to meet their obligations, starting at €40/ton of carbon dioxide in 2005, and rising to €100/ton in 2008. Current EU projections suggest that by 2008 the EU will be at 4.7% below 1990 levels*». ³⁷

1.3. Les pays en transition : Fédération de Russie et futurs membres de l'Union européenne:

Avec l'éclatement du bloc soviétique, les émissions de GES ont baissé suite au ralentissement de l'activité industrielle. Aujourd'hui, la Fédération de Russie émet

³⁵ <http://www.er.uqam.ca/nobel/cepes>

³⁶ <http://www.er.uqam.ca/nobel/cepes>

³⁷ http://en.wikipedia.org/wiki/kyoto_protocole

seulement 17 % des GES alors qu'elle a été autorisée à en émettre pour un total représentant 20 % des émissions mondiales. La plupart des pays en transition ont les mêmes obligations que les pays développés.

1.4. Les pays exportateurs de pétrole:

Ils sont opposés à l'instauration de quotas et de taxes sur les produits pétroliers.

1.5. Les pays en développement:

Le groupe des 77 ('G-77') regroupe l'ensemble des pays en développement qui ne font pas partie de l'annexe I. Les négociations ont vu émerger des sous-groupes ayant des intérêts divergents en fonction de leur niveau de développement.

1.6. L'alliance des petites îles et les Pays-bas:

Ces pays sont très vulnérables au réchauffement planétaire et, sous la menace de la montée des eaux, ils militent en faveur du respect des engagements pris par les pays pollueurs en vue d'une réduction des GES. Ils contribuent moins à l'émission de GES mais sont malheureusement les plus touchés.

2. Converging around Kyoto or defecting to pursue alternate strategies? Examining climate change mitigation policies post-2012:

Today, the Kyoto Protocol is the pre-eminent international instrument to combat climate change. Although eventual ratification of Kyoto proved cynics and disillusioned advocates wrong, the divisiveness among coalitions of States produced a protocol with sound architecture, but inadequacies in both legal details and preliminary reduction levels. It is important to note that Kyoto is not just another Multilateral Environmental Agreement (MEA); the very nature of climate change is related to international human rights, trade and investment and environmental law obligations.³⁸ Thus, any wavering or regression towards the goals of climate change abatement could be construed as a violation of legal commitments that predate and coexist with the United Nations Framework Convention on Climate Change (UNFCCC). Although the vast majority of Parties agree on the urgency as well as the main unresolved issues requiring further discussion³⁹, the exact design of the future climate change regime remains highly disputed. Currently pursued policy options can be described as a "two-track" process: retaining the existing framework of the Kyoto Protocol or replacing it with a completely different regime more amenable to the US position.

³⁸Cordonnier Segger et al. 2002.

³⁹ The States that submitted a brief individually or as a part of a coalition (spanning all levels of development and climate change vulnerability) ostensibly support overarching themes such as 'common but differentiated responsibilities', the need for context-specific solutions, international collaborative efforts, technical exchange and diffusion for non Annex I Parties, and equitable and deep cutting reductions in the near term. The need to remedy the uncertainty regarding the role of developing States in the next commitment period is ubiquitous from the Annex I Parties perspective. UNFCCC 2006.

This subsection of the report proceeds in four parts. Firstly, there will be a brief synopsis of the remaining legal clarifications within the Kyoto framework. The next section will focus on potential revisions in the cap-and-trade regime, in order to concretise its centrality within the climate change policy space. Subsequently, there will be an exploration of the alternative “empower” strategy, which is built exclusively upon technical exchange, private sector engagement and capacity building. The final section will present possible alternative initiatives to support the goals of the UNFCCC.

2.2. Unresolved legal issues needed to render Kyoto operational:

Flexible mechanisms (JI, CDM, ETS)⁴⁰ enshrined in Kyoto are aimed at instilling market incentives for tangible abatement. However, legal loopholes and regulatory uncertainties have plagued the still lauded “learning by doing” pilot projects utilizing these mechanisms. They are currently under negotiation and should be resolved before the start of the first commitment period in 2008. Domestically, many Parties have yet to integrate transactions involving the transfer of emissions reduction credits into their national legislation.⁴¹ Moreover, adding to the complexity of the flexible mechanisms, when international commercial transactions take place (especially between developed and developing countries with disparate legal systems), contractual sanctity, consistency in accounting standards and a predictable investment environment are compulsory for risk mitigation.⁴² Thus far, the vagueness in the parameters of legal ownership of credits achieved through both JI and CDM are dampening the enthusiasm of both States and the private sector to inaugurate new projects. Further, the linking issues surrounding regional (EU Emission Trading System - ETS) and national emissions trading systems have yet to be remedied, as regulations must be merged into one marketplace.⁴³ The composition of the participation within ETS has also caused controversy, as economies in transition (EITs) tend to have surplus credits or ‘hot air’ to distribute at their discretion. The flooding of this sort of credit – unattached to concrete mitigation – could have the effect of sub-optimally lowering carbon prices.

2.3. Cap-and trade: building on and supplementing Kyoto:

Given the deficiencies mentioned above, there is widespread agreement that certain provisions of the Kyoto Protocol should be modified. The strongest advocate of a cap-and-trade regime is the European Union. However, moving forward, the need for a revised, more transparent and less politicised methodology of target setting is generally recognised. For instance, the EU is advocating a common template or set of criteria for determining reductions commitments in the next phase, which is based on both scientific and socio-economic analysis and criteria⁴⁴.

A second concern for the following commitment period is the indefinite role of non-Annex I Parties. In general, parties in this group oppose fixed emissions

⁴⁰ Joint Implementation (JI), Clean Development Mechanism (CDM), Emission Trading System (ETS)

⁴¹ Freestone and Streck; 2005; p. 542.

⁴² *Ibid.*, at 537.

⁴³ *Ibid.*, at 539. For instance, there has been discussion of an inevitable linking of a domestic ETS situated in Canada to the EU ETS.

⁴⁴ *Supra* note 8

reduction targets and would like more funding allocated towards climate change adaptation. Indeed, most developing States (i.e. India) are eager for Annex I Parties to follow through on their duties to transfer technology through CDM projects or by more informal means.⁴⁵ The 2006 Ministerial Indaba on Climate Action produced two such concrete proposals. One option, the 'Sustainable Development Policy and Measure' (SD-PAM), entails a commitment by a non-Annex I country to implement a particular policy or measure – not based on GHG emissions, but on making their development path more sustainable.⁴⁶ Another alternative is termed 'Human Development Goals with Low Emissions', an approach that would earmark a certain amount of emissions (after a context-specific country assessment) to facilitate development that satiates basic human needs.⁴⁷

Other suggestions encompass whether reduction commitments could be based on per capita emissions. Under this scheme, inhabitants would all be allotted a certain amount of CO₂-emissions⁴⁸. Since greenhouse gases remain in the atmosphere for a long time, commitments may also take into account the historic responsibility of countries. According to the multi-stage approach different commitments should apply to countries in disparate stages of development; instead of imposing a target for the whole economy, sectoral targets might be an option for developing countries. Finally, according to the grouping approach countries will be bound to an overall aggregate reduction target, but excess emission growths in one sector are allowed as long as they are fully off-set by excess emission reductions in other sectors. These systems for target setting should prevent a political bargaining process and thereby assure a stable price level for CO₂ on the market.

2.4. Empower-Strategy: exploring an alternative climate change regime:

The "empower strategy" eschews binding targets (mitigation levels are determined individually) and is premised upon technology transfer limiting non-renewable resource dependency, exploring more efficient energy technologies, research and development as well as private sector investment. These ideas led to the creation of an international non-treaty agreement known as the Asia-Pacific Partnership on Clean Development and Climate (AP6) in January 2006, including the United States, Australia, China, India, Japan and the Republic of Korea.

Evidently, although an important tool, a purely empower-focused strategy, as the one embodied in the AP6, does not go far enough in compelling high GHG emitting sectors (including transport, building and industry) to modify their current operations. However, it could be a way to promote the participation of those countries not yet ready to commit themselves to binding targets, as it is the case of the US which is calling for "meaningful" contribution from developing countries. In this vein, they advocate GHG/carbon intensity indicator as a basis for target-setting, premised on principles such as capability and proportionality and decoupled from economic

⁴⁵ UNFCCC 2006.

⁴⁶ UNFCCC, Policy Discussion Paper for the Ministerial Indaba on Climate Action, South Africa 18 to 21 June 2006. The proposal includes a register of SD-PAMs created through a COP decision, listing the efforts of developing countries (and by implication co-benefits) in pursuit of sustainable development.

⁴⁷ Ibid.

⁴⁸ Sugiyama, T., Tangen, K. Et al 2006.

development⁴⁹.

As the largest global GHG emitter, the current and future climate policies of the US are worthy of elaboration. By failing to ratify the Kyoto Protocol, the US adopted a unilateral and sub global approach. Being an economy heavily dependent on fossil fuel (particularly in coal for electricity generation), they put forward that any modification would be expensive both in financial and lifestyle realms. Generally speaking, the US policy terrain could be described as “piecemeal”, with numerous initiatives undertaken voluntarily by business, NGOs, certain US States (i.e. New England States and California) and private citizens.⁵⁰

These plans and initiatives exist comfortably within the Kyoto policy space, but as a non Party the US’ collaboration with ratifiers could cause legal dissention. The need for the international community to engage with the US on some level is compelling and may necessitate rethinking the core philosophy of Kyoto. This concern would be particularly acute in the event that the US woos a critical mass of States to adopt policies that rival Kyoto.

2.5. Alternative Solutions:

2.5.1 Raising funds for clean technologies through a global air traffic taxation system

One possibility to raise funds – albeit politically problematic and therefore not realistic in the current context – would target international air traffic for taxation since this sector is currently exempted from emission trading, but has an important role to play in climate change. Such a scheme could exist alongside the cap-and-trade system. In order to reduce the expected opposition to such a proposal from the airline industry as well as travellers several provisions can be proposed: designing the taxation rates as modest and regressive in terms of miles travelled – domestic flights to destinations which can be reached with alternative means of travel would be taxed at a heavier rate than long distance journeys – would penalize less unavoidable flights. One of the innovative aspects would be to link the tax to specific projects aimed at climate change mitigation (i.e. combating desertification or promoting technology transfer), which the passengers can select when buying the ticket.

The taxes would be collected by international organisations such as UNEP and then channelled towards projects they endorsed mainly in developing countries. In exchange for the money received, beneficiary countries would be obliged to intensify their emission reduction efforts by setting their own commitment targets.

⁴⁹ A GHG/carbon indicator is taken as GHG/carbon emissions per unit of output : *GHG intensity indicator = GHG emissions/GDP*

Carbon intensity = carbon emissions per unit of GDP. See Egenhofer and Fujiwara at p. 54.

⁵⁰ The Bush Administration’s plan to combat climate change includes policy changes in the following sectors: energy, technical programmes for cleaner fuels (coal and renewables), transport, nuclear power, carbon sequestration, research subsidies, tax restructuring, and forest management. The upshot is a decentralised and asymmetrical approach to combating climate change: certain States have adopted cap-and-trade systems for local pollutants (stemming from the Clean Sky Initiative) with inconclusive results. Other States lag far behind in adopting the precautionary principle when dealing with climate change. Ibid. at 42

2.5.2 Pollution taxes: revamping the incentive to continue in a “business as usual” path for heavy GHG emitters

This proposed bottom-up alternative would be enacted alongside ‘empower’ approaches to stabilising climate change. The key is to commit to a fiscally neutral approach that has material market implications for both the buyers and sellers of products and services known to have ruinous climatic effects. At the State level, instead of the status quo taxing of desirable economic activities (investment, employment), the tax burden should be shifted to sectors with negative externalities (pollution coming from electricity generation).

This levy, structured as a domestic consumption tax (thereby assuaging prospective international trade conflicts) would signal consumers to make environmentally friendly decisions (no longer exorbitant) by embedding the environmental costs of GHG pollutants into prices. The various GHGs would be scientifically indexed according to perceived destructiveness and taxed accordingly. In keeping with the principle of national treatment – and possible applicable exceptions under GATT Art. XX and the ‘Green Box’ – importing industries would face the same taxes. Faced with the additional cost burden, polluting industries would take action and invest in modifying the production process to be compliant with the new requirements.

Allocated pollution rights limit the aggregate amounts of GHGs and the taxing scheme would use market forces to optimise efficient, climate-friendly firms. In order to recoup lost revenue, the government would design an equation employed by the department of revenue to use so that the revenue volumes given up as a consequence of reducing the income and employment taxes are recouped. Down the road, in order to maintain international competitiveness, one could envision such frameworks being adopted by other States with wide-ranging benefits.

2.5.3 Is there any future for Carbon Capture Storage (CCS)?

A complementary option to the Kyoto Protocol might be carbon dioxide capture and storage (CCS). This process involves capturing carbon dioxide before it can be emitted into the atmosphere, transporting it to a secure location, and isolating it from the atmosphere. Once captured, dioxide carbon can be stored in geological formations such as oil and gas reservoirs, deep saline formations and unminable coal beds or it could be injected into the oceans (UNEP 2006).

In its Third Assessment Report published in 2001, the Intergovernmental Panel on Climate Change (IPCC), concluded that CCS is technologically feasible and could play a significant role in reducing GHG emissions over the course of the current century. Nevertheless, a number of issues need to be addressed so that this alternative can become a reality. Primarily, technology should undergo full-scale testing since exposure to air containing CO₂ might cause serious danger to human health. In addition, science on climate change needs to mature further in a way so as to reduce the costs involved in capture and storage. Furthermore legal aspects should also be taken into account for instance determining which country should be held responsible in the event of accidents or leakages, as well as establishing measuring-methods in order to estimate the quantity of CO₂ captured. As a result of these and other

difficulties the viability of CCS as a complementary alternative to the Kyoto Protocol is still uncertain but should not be completely neglected.

In conclusion, this subsection of the report presented a range of policy alternatives for the post-2012 commitment period. At this point, as the scientific evidence becomes evermore sophisticated, there is concurrence within the international community that fighting climate change requires a multifaceted approach. If there is a lack of consensus in the coming months, regional options should be explored, as should bottom-up initiatives. However, legal compatibility and strong linking strategies are compulsory for sub-global efforts to produce the needed stabilization.

3. Public Awareness and Climate Change:

As the effects of climate change continue to weigh more heavily on people's consciences, the need for public action becomes increasingly necessary

The Kyoto Protocol gives States concrete goals to reduce emission; however, according to Article 6 of the Convention, the strategies of individual States when addressing climate change can only succeed with the full engagement of the general public and stakeholders. It is crucial to the environment that these groups are encouraged to change their behaviour; for without their consensus, it will be impossible for both the Convention and the Protocol to achieve their objectives. Nevertheless, it is difficult to implement these policies as they are unpopular and society is often unaware of environmental issues on which governing bodies rule.

The communication of these issues to the public in a form that can be easily applied to action must now become a priority. The following campaign requires concrete goals, a consistent message, and sustainable funding.

3.1. Goals:

The following proposal for a public awareness campaign seeks to fulfil the following three goals:

- 1) Raise public awareness of climate change and the guidelines of the Kyoto Protocol.
- 2) Connect the awareness of the public with specific behavioural changes that will work towards accomplishing the goals of the Kyoto Protocol.
- 3) Create a link between the United Nations Environment Programme (UNEP), the private sector, and civil society.

3.2. Strategic Purpose:

As society becomes more aware of climate change, it will put pressure both on the elected officials (the government) and the private sector to change their behaviour. By targeting specific groups, it can become a unifying force in bringing climate change issues to the forefront of the political agenda and corporate governance. This will in turn motivate administrations such as in the United States to ratify the Kyoto Protocol.

3.3. Method 1: Pamphlets:

The first method of educating the public will come in the form of printed pamphlets which will remind the public of the effect of climate change in a subtle but instructive manner. It will also encourage businesses or other organisations to align themselves with environmentally friendly practices by allowing them to sponsor the publication of specific materials.

The pamphlets will be divided into three main sections: First they will explain the state of the situation, either in the targeted community or the world as a whole. Next they will state practical methods in which individuals can help to decrease climate change; such suggestions will be specific actions with immediate benefits attached, such as stating the average amount of money saved by taking public transportation rather than purchasing fuel for a personal vehicle. Lastly, the pamphlets will provide links to Internet websites that will provide the reader with more information. The exact information can be targeted to specific groups of people, determined by variables such as age, economic bracket, or lifestyle.

All of the information will come from the scientific community and shall be endorsed by UNEP to limit the amount of political or private interests that could discredit the project.

3.4. Method 2: Documentaries:

The second method of public education will come from documentaries. This will be a way for organizations associated with UNEP to breach the divide between policy and public awareness. The documentaries will be used to describe specific events in which climate change is affecting the planet, such as catastrophic cyclones, the disappearances of lakes, or the rising level of oceans. These documentaries will also integrate actions which individuals can take to stop the effects of climate change and what the future will look like with or without reduced emissions.

3.5. Funding:

The private sector will work in coordination with UNEP and the World Business Council for Sustainable Development (WBCSD) to obtain funding for these projects. It is paramount that UNEP funds a proportion of all these projects so that the Organization can ensure the quality and consistency of information that is released. However, it is equally important to have the support of other profit-generating organizations to ensure that funding is sustained throughout the duration of the projects.

As an incentive for supporting these campaigns, companies will be given advertising space and will be associated with environmental action. By creating another area for marketing and advertising, companies would be more willing to support long term projects. Sharing financial responsibility for the campaigns balances the interests of all parties to ensure that consistent and credible information is presented to the public.

3.6. Distribution:

The private sector will work in coordination with UNEP. The pamphlets will be used for specific purposes such as educational programmes in schools or businesses promoting an environmentally friendly image to the customers as well as providing information to their employees.

Even though funding for the documentaries comes from the same sources as the pamphlets, the viewing of the documentaries can be more widespread. Public television will fund and show the documentaries. Companies will distribute them in DVD form as part of advertising campaigns, and also create links on the company website for online viewing. Foundations will also fund the projects and then distribute them to schools as part of environmental education.

4. Climate Change: Refugees and Post-Conflict Scenarios

4.1. Climate Change and Refugees:

The welfare of refugees is closely intertwined with how we manage the environment within and around refugee camps and settlements. Whilst refugees alone are not the cause of environmental destruction they contribute to it. The longer that they are obliged to live in temporary conditions in foreign lands, the greater is their impact on the environment. Our job is to try to ensure that the negative impact of refugees on the environment is minimised. At the same time, we must ensure that refugees are not blamed for environmental effects for which they are not responsible.

The integration of environmental concerns with planning in other sectors is essential to the overall welfare and safety of refugees. Such links can also positively affect the environment, as certain potentially harmful activities might be avoided or overcome by careful planning and co-ordination, particularly during the early phases of operations. Environmental management should therefore not be viewed in isolation but should be integrated into all relevant sectoral activities such as physical planning, forestry, agriculture, livestock management, water and sanitation.

The UNHCR has recognised the importance of the environmental issue which is reflected in attempts to promote proper practice in managing the environment in refugee camps. This has led to the documentation of 'Selected Lessons Learned: Refugee Operations and Environment Management' and the implementation of various initiatives. We are concerned with the emergence of particular environmental issues, particularly climate change, and we recommend that they be addressed quickly. Climate change has the potential to fundamentally change how, and where, people live in the future. Thus the link between climate change, refugees and living space has to be considered.

4.2. Environmental impact of refugees:

When referring to refugees and the impacts that they have on the environment, the major issues to consider are forest, water, waste, and energy management. To lessen the impact of refugee and IDP (Internally Displaced Persons) camps (including

climate change consequences), we would like to adopt an "inclusive consciousness"⁵¹ framework in addressing problems of refugees and their environment. It is an approach that values context-specific knowledge and aims to promote its application in the management of camp living practices. Local perspectives on the relationship between humans and the environment should be studied and understood. This step is essential as the UN does not currently engage sufficiently with local perspectives. We ask the UN to understand a different level of consciousness of how certain cultures view nature, not merely as resource for human use but as a home where humans and all sentient beings live and share their lives. The understanding of the facilitator (UN officer) that ideas, practices, and perspectives are not tied to dominating groups is central to the success of this approach.

In addition we also recommend the following:

- Innovative incentives to promote environmentally friendly practices should be devised and implemented. Examples of such incentives include providing monetary benefits to refugee families for adopting model environmental standards, and providing social benefits for community clean up activities.
- Creation of a 'green booklet' for educational purposes characterised by:
 - local language
 - diagrams to aid visual understanding
 - culturally specific cartoons for young *and* old
- Mainstream the issue of climate change by co-ordinating the activities of UNEP and the UNHCR to create a channel of communication to ensure the exchange of complementary expertise on environmental issues.

Our recommendations are made in addition to those of the UNHCR document, 'Selected Lessons Learned: Refugee Operations and Environment Management'.

4.3. "Environmental refugees":

Environmental conditions have always shaped human migration. Today the process of climate change has implications on human beings and their livelihood. More than 25 million people were forced to flee from their lands as a result of adverse environmental, ecological, climatic processes and events. They are more numerous than conventional refugees who are recognised under the 1951 Convention.⁵²

"Environmental refugees" are threatened by natural disasters, sea level rise, earthquakes, water shortage, and desertification. They promise to rank as one of the foremost human crises of our times as their numbers are set to increase dramatically

⁵¹ **Inclusive Consciousness:**

- A holistic mainstreaming approach.

- An understanding that there are many issues, needs, and different dimensions of perspective from various members of a community that should be addressed.

- An equitable non-discriminatory role allocation and inclusive participation.

For example, participating locals should be inclusively selected based on the variety of groups in the community, not merely on representation from each household.

Women, elders, ex-combatants, professionals, youth, religious minorities, and the disabled should be represented in participatory work. Special efforts should be made to take into account their special needs to create constructive long-term solutions. Valuable alternative angles of knowledge and inputs from these various groups should be understood and appreciated.

⁵² Conventional refugees numbers peaked at 22 million in the late 90's.

over the coming years: 50 million persons by the end of the decade and 150 million by 2050.

Despite this grim prospect, “environmental refugees” are neglected by the international community. They are not legally defined under international law. As a result, no agency is directly responsible for them.

4.3.1. Recommendations:

- The legal status and definition of “environmental refugees” should be clearly delineated.
- A committee under the auspices of the UN should be established to distinguish between economic migrants and “environmental refugees” in order to provide a clear policy for hosting governments to receive “environmental refugees”, and to make recommendations with regard to natural disasters which produce refugees that could fall under the legal definition of “environmental refugees”.
- The IOM, UNHCR, UNEP, UNDP, and UNISDR (UN International Strategy on Disaster Reduction) may initiate working teams to establish a specific plan to address this issue. By nominating a representative for “environmental refugees”, the UN shall seek then co-operation of countries in the region where “environmental refugees” occur in order to plan more suitable camp sites.
- Remind industrialised countries of their responsibilities and request their commitment to special funding. New Zealand’s government who is willing to receive Tuvalu citizens in recognition of the possible disappearance of their islands can be taken as best practice example. Other nations could learn from this model.

4.4. Post-conflict Scenarios and Climate Change:

In this section of the report we propose to undertake an analysis of the linkages between post-conflict scenarios and climate change. In this regard we propose a fourfold approach, which consists of Reconstruction, Resettlement, Ratification and Utilising global interest.

4.4.1. Reconstruction:

In most cases of protracted conflict substantial damage is caused to the infrastructure in the conflict zone. This entails massive reconstruction. The fact that a considerable part of GHG emissions are due to the building/construction sector emphasises the pertinence of considering climate change mitigation in reconstruction.

We propose the creation of ‘**green cities**’. This concept involves the use of energy-efficient and climate-friendly construction methods for building and functioning of infrastructure. This process will be considerably easier and cheaper since the government is starting from the beginning and may profit from scale economies and expertise.

This scenario also provides the possibility of engaging in planned urban reforestation. Besides acting as carbon sinks, these areas aid in the process of water absorption and prevention of desertification.

The educational system should put emphasis on environmental issues in all aspects of the curriculum, in order to inculcate environmentally friendly norms in the youth of the country.

4.4.2. Resettlement:

While the natural tendency for refugees and IDPs will be to return to their place of origin, an effort should be made to give them an alternative in the case that the specific region is affected by environmental vulnerabilities. An example of an incentive attracting these people to alternative areas would be subsidised housing construction.

Emphasis should be placed on ensuring the usage of environmentally stable locations for the resettlement of refugees and IDPs. If the displaced persons are located in camps, gradual relocation processes should be put in place in order to ensure the sustainability of these areas of habitation.

4.4.3. Ratification:

In most post-conflict situations environmental planning and management has been neglected. The sense of relief generated by the conclusion of the conflict lends momentum to the political will needed to bring about positive changes in order to embrace environmental issues. The existence of this drive presents opportunities to engage the affected country in the process of ratifying the major environmental treaties. The concurrent ratification of these conventions would allow for a coherent and comprehensive approach towards environmental management and planning. The financial assistance provided for in the major environmental treaties, such as the CDM, can act as a further incentive for this process and provide essential finances for institutional and capacity building.

4.4.4. Utilising global interest:

The attention of the international community being focused on these conflict hot-spots results in a relative facility in obtaining international funds for reconstruction. It is thus very important for post-conflict countries to utilise this window of opportunity in order to finance the above-suggested measures.

In conclusion, we would like to point out the glaring shortcomings in the media's coverage of environmental issues in conflict zones. Greater emphasis on such issues would raise global awareness, hence, generating more funds.

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<http://www.er.uqam.ca/nobel/cepes>

http://en.wikipedia.org/wiki/Asia_Pacific_Partnership_on_Clean_Development_and_Climate

LIST OF PARTICIPANTS
(alphabetical order)

Last name	First name
Abdel-Hadi	Bassem
Bangoura	Fode Moussa
Choffat	Vincent
Ciocia	Agustina
Dagand	Sophie
Davitti	Elena
Dinh	Ann
Hasan Khan	Adil
Koeppel	Sonja
Leppänen	Emma-Leena
Meier	Martina
Nono Djotsa	Alice Blanche Sylvie
Peters	Olivia
Price	Kristin
Suwannachairop	Sukthawee
Trefts	Lisa



44th GENEVA GRADUATE STUDY PROGRAMME

3-21 JULY 2006

"The United Nations: A Time for Renewal"

PLENARY MEETINGS: **CONFERENCE ROOM VII**

WORKING GROUPS:

Environmental issues: Room A 206

Moderators:

Mr. Michael Williams, Information Officer, United Nations Environment Programme Information Unit for Conventions (UNEP/IUC)

Mr. Aniket Ghai, Coordinator, UNEP Geneva Environment Network

Economic and Social Development: Room VII

Moderator:

Mr. Michael Herrmann, Economic Affairs Officer, Policy Analysis and Research Cluster Special Programme for Least Developed Countries (LDCs)
United Nations Conference on Trade and Development (UNCTAD)

Human Rights: Room H-3

Moderator:

Ms. Praveen Randhawa, Information Officer, Office of the High Commissioner for Human Rights

Mr. Ben Majekodunmi, Human Rights Officer, Office of the High Commissioner for Human Rights

Monday 3 July 2006

10:15 a.m.

**Information about the Graduate Study Programme:
Room VII**

Ms. Marie Heuzé, Director, United Nations Information Service, Geneva (UNIS)

Ms. Elena Ponomareva-Piquier, Chief, Press and External Relations Section, UNIS

Mr. Rolando Gomez, Information Officer, Press and External Relations Section, UNIS

11:00 a.m.

**Guided Tour of the Palais des Nations:
Meeting room VII**

3:00 p.m.

**Welcome address
Mr. Sergei Ordzhonikidze, Director-General,
United Nations Office at Geneva**

Room VII

3:45 p.m.

**Visit to the UN Library and League of Nations
Museum**

Ms. Ruth Hahn-Weinert, Chief, Users Services Section

Tuesday 4 July 2006

9:30 a.m.:

**Introduction to moderators and set-up of Working
Groups:
Room VII**

1. Environmental issues
2. Economic and Social Development
3. Human Rights

2:30 p.m.:

Working Groups

Wednesday 5 July 2006

- 10.00 a.m. **Office of the United Nations High Commissioner
for Refugees (UNHCR)**
Mr. Jose Riera, Special Adviser, UNHCR
- 11:30 a.m.: Group Photo
- 2:15 p.m.: Visit to **International Committee of the Red Cross
(ICRC)**

Screening of film "Panorama" (in English)

Presentation by Mr. Jacques Forster, Vice-President,
ICRC

Thursday 6 July 2006

- 10:00 a.m.: **International Organization for Migration (IOM)**
Mr. Jean-Philippe Chauzy, Spokesperson
- 2:30 p.m.: Working Groups

Friday 7 July 2005

- 10:00 a.m.: **Conference on Disarmament (CD)**
Ambassador Tim Caughley, Director, Department for
Disarmament Affairs, Geneva Branch
- 11:30 a.m. **World Food Programme (WFP)**
Mr. Simon Pluess, Information Officer, WFP
- 2:30 p.m.: Working Groups

Monday 10 July 2006

- 9:30 a.m.: **UN Recruitment -Office of Human Resources**
Mr. Sergei Raskalei, Human Resources Officer
- 11:00 a.m.: **Non-Governmental Organizations (NGOs)**
Mr. Ricardo Espinosa, NGO Liaison Officer, Office of the Director-General, UNOG
Ms. Bruna Faidutti, World Federation of United Nations Associations (WFUNA)
- 2:30 p.m.: **Working Groups**

Tuesday 11 July 2006

- 9.30 a.m.: **World Trade Organization (WTO)**
Mr. Hans Peter Werner, Counsellor, Development Division
- 11:00 a.m.: **Association of United Nations Correspondents (ACANU)**
Ms. Aude Marcovitch, Journalist of Le Figaro, ACANU member
- 2:30 p.m.: **Working Groups**

Wednesday 12 July 2006

- 9.30 a.m.: **United Nations Conference on Trade and Development (UNCTAD)**
Mr. Khalil Hamdani, Officer-in-Charge, Division on Investment, Technology and Enterprise Development, UNCTAD
Ms. Christine Cattell, Public Information and Outreach Unit, UNCTAD

11.00 a.m.: **UNAIDS – Joint United Nations Programme on HIV-AIDS**
Ms. Annemarie Hou, Chief, Communication and Public Information, UNAIDS

2:30 p.m.: Working Groups

Thursday 13 July 2006

9:30 a.m.: **Office for Coordination of Humanitarian Affairs (OCHA)**
Mr. Jesper Lund, Humanitarian Affairs Officer,
Emergency Services Branch, OCHA

11:00 a.m. **Office of the United Nations High Commissioner for Human Rights (OHCHR)**
Mr. Roberto Ricci, Senior Human Rights Officer,
OHCHR

2:30 p.m.: Working Groups

Friday 14 July 2006

9.30 a.m.: **United Nations/International Strategy for Disaster Reduction (UN/ISDR)**
Mr. Praveen Pardeshi, Senior Adviser, UN/ISDR

11: 00 a.m.: **United Nations Environment Programme**
Mr. Michael Williams, Information Officer, United Nations Environment Programme Information Unit for Conventions (UNEP/IUC)

2:30 p.m.: Working Groups

Monday 17 July 2006

9.30 a.m.: **United Nations Children's Fund (UNICEF)**
Ms. Francoise Gruloos, Head of the
Planning Section of the UNICEF Geneva Regional
Office

11.00 a.m.: **International Labour Organization (ILO)**
Mr. Stephen Pursey, Senior Adviser, Office of the
Director General, ILO
Ms. Giovanna Rossignotti, Chief, Youth Employment
Team, ILO

2:30 p.m.: Working Groups

Tuesday 18 July 2006

9:30 a.m.: **United Nations Economic Commission for Europe
(UN/ECE)**
Mr. Patrice Robineau, Senior Adviser to the Executive-Secretary, UN/ECE

11:00 a.m.: **World Intellectual Property Organization (WIPO)**
Ms. Lucinda Jones, Senior Legal Officer in the
Copyright E-Commerce Technology and
Management Division, WIPO

2:30 p.m.: Working Groups

Wednesday 19 July 2006

9:30 a.m.: **World Health Organization (WHO)**
Dr. Ian Smith, Adviser to the WHO Director-General

11:00 a.m.: **International Telecommunication Union (ITU)**
Ms. Lara Srivastava, Director, New Initiatives
Programme

2:30 p.m.: Working Groups

Thursday 20 July 2006

- 11:00 a.m. Plenary: Discussion of Working Groups' proposals
Adoption of the final document
Debate co-ordinated by Moderators of Working Groups
- 2:30 p.m.: Ad hoc drafting group to edit final document

Friday 21 July 2006

- 9:30 a.m. Closing ceremony, Room VII, Presentation and adoption of the final document, concluding remarks and distribution of certificates

Ms. Marie Heuzé, Director, United Nations Information Service, Geneva (UNIS)

Ms. Elena Ponomareva-Piquier, Chief, Press and External Relations Section, Press and External Relations Section, UNIS

Mr. Rolando Gomez, Information Officer, Press and External Relations Section, UNIS

* * * * *

LIST OF PARTICIPANTS
(alphabetical order)

LAST NAME		FIRST NAME
1	Abdel-Hadi	Bassem
2	Al-Haj Younes	Farah
3	Al-Kouatly	Raha
4	Altayrac	Joséphine
5	Bangoura	Fode Moussa
6	Barona	Dégbangah
7	Bin Shabib	Rashed
8	Bordallo Gil	Maria
9	Burdet	Claire Elise
10	Caliskan	Elif
11	Carey	Ciarán
12	Charles	Johanne Isabelle
13	Choffat	Vincent
14	Ciocia	Agustina
15	Clément	Charlotte
16	Coward	Annalisa
17	Daelemans	Lilian
18	Dagand	Sophie
19	Davitti	Elena
20	de Gonneville	Laure
21	Dinh	Ann
22	Douma	Sadi
23	Ebene	Alice Justine
24	Erazo Martinez	Michelle
25	Ewing	Jude
26	Foaleng Tela	Babeth
27	Fowokan	Adepoju
28	Gaspoz	Guillermo
29	Gerhardt	Maria
30	Giray	Ahmet Selim
31	Halloy	Diana
32	Hasan Khan	Adil
33	Hassanain	Babiker
34	Heinemann	Marcus
35	Hemaid	Rania
36	Hohl	Sabine
37	Hong	Jina
38	Jaubert	Marine
39	Jean-Baptiste	Evine Buissereth
40	Jun	Jung-Mi
41	Karanasios	Stergios Stan
42	Khan	Zulfqar
43	Kim	Christina
44	Koeppel	Sonja

45	Koleilat	Lina
46	Konadje	Dangui Jean-Jacques
47	Kraft	Antje
48	Langstaff	Stéphanie
49	Le Blanc	Nelly
50	Lee	Jayoung
51	Leppänen	Emma-Leena
52	Meier	Martina
53	Mersch	Celine
54	Moller Lütken	Pelle
55	Mukalazi	Godfrey
56	Nono Djotsa	Alice Blanche Sylvie
57	Nümann	Britta
58	Nyawakira Perrel	Nina
59	Nyman	Laura
60	Orou-Toko	Ousmane
61	Ortholland-Brahmia	Audrey
62	Ostrovsky	Vadim
63	Oyieye	Nancy
64	Pages Ramos	Ruben Antonio
65	Park	Keun Hyung
66	Park	Su Hyun
67	Pauli	Judith
68	Payva Almonte	Marlene
69	Peters	Olivia
70	Price	Kristin
71	Quillec	Benjamin
72	Quintero Rincón	Camilo Andrés
73	Racine	Myriam
74	Rae	Sarah-Joy
75	Rigobert	Gale
76	Riiskjaer	Maria
77	Roth	Andrea
78	Spairani	Alessandro
79	Spanoudis	Joanna
80	Suwannachairop	Sukthawee
81	Tanzi-Dunham	Sara
82	Trefts	Lisa
83	Trombiková	Alice
84	Wruuck	Patricia
85	Wu	Yao
86	Wüthrich	Christa
87	Xia	Luyi
88	Yao	Allangba Kouadio Jean-François
89	Yenga	Fernand
90	Yilmaz	Feyzullah

