

World Federalist NEWS

Issue 46 Fall 2003

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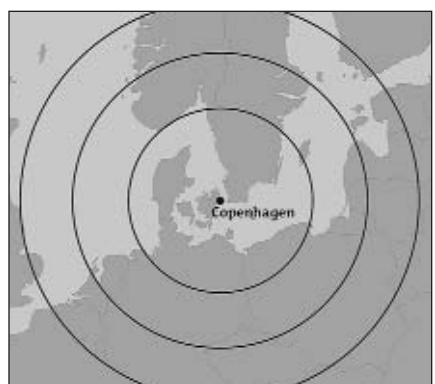
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The International Criminal Court is operational, but challenges remain. Page 4 Photo credit: ICC-CPI/WimVan Cappellen



Read about the October WFM Council Meeting in Denmark! Page 8

Message from WFM's Executive Director

As the articles in the WFM News illustrate, our movement continues its struggle for peace on many fronts. One can argue whether the world was in greater peril in 1949 or 1999. But, the opportunities to advance our federalist political philosophy of international democracy have never been greater than they are in 2003. Hundreds and even thousands of other citizen organizations are working with WFM to advance the rule of law and democratic global governance. WFM and its projects have representatives in North America, Europe, Asia, Africa and South America for the first time in our 56 year history. A great historian described history as a "race between education and catastrophe." We are still in this race, on the side of education...and survival. Our colleagues are pushing us forward. We need the support of our members and readers more than ever.



William Pace has been the Executive Director of WFM since 1994.

In Peace - William Pace

Preventing Conflicts, Protecting Civilians

By Lenore Hickey

The central concept in the International Commission on Intervention and State Sovereignty (ICISS) report on "The Responsibility to Protect" is the notion that it is the responsibility of a sovereign nation to protect the dignity and basic rights of its own citizens, and that it is the responsibility of the international community to intervene "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it". Thus, the Commission proposes a change in terminology from the Right to Intervene to the Responsibility to Protect.

In September 2000, the Government of Canada responded to the Secretary-General's challenge by announcing the establishment of this independent International Commission, whose mandate was to build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty. The overall goal was to try and develop a global political consensus to move towards action within the international system, particularly through the United Nations. "The Responsibility to Protect" report was released in December 2001 as the final product of the Commission's work.

The Preventing Conflicts, Protecting Civilians program of the World Federalist Movement - Institute for Global Policy aims to deepen the debate within civil society about the findings of the ICISS Report. As governments are considering these issues, NGOs have an important role in helping to determine whether and how to carry forward specific recommendations made in the report and in supporting their effective implementation.

To date, WFM-IGP has organized a number of consultations on follow-up to this Report around the world. From November 2002 - April 2003, consultations were held in Europe (Geneva and London), Canada, Latin and South America, Africa, United States of America (New York, NY and Washington, DC). In addition to these consultations, other individuals and organizations have provided feedback and input into this process. The process has also involved holding workshops and meetings at major international events, including the World Social Forum in Porto Alegre, Brazil in January 2003 and during the Commission on Human Rights this past March. Many of the consultations held were co-sponsored with other organizations, such as Human Rights Watch, CARE International, Project Ploughshares, International Council of Voluntary Agencies, Partnership for Effective Peace Operations, and the Woodrow Wilson Center with over 100 non-governmental organizations in attendance.

WFM-IGP will continue to discuss with interested



A United Nations peacekeeping soldier, member of UNTAET's Portuguese contingent, is accompanied by a group of local children as he conducts a security patrol in the Becora district of Dili, East Timor.

Photo credit: UN/DPI Photo# 203225C

NGOs "The Responsibility to Protect" and potential methods of follow-up to its recommendations or common objectives. In particular, WFM-IGP seeks to engage NGOs, academics and others in this project in the following ways:

- Increase NGO awareness of ICISS report and other relevant frameworks;
- Deepen response of the NGO community to the concepts put forth in "Responsibility to Protect";
- Facilitate discussions in the NGO community as to potential mechanisms for effective implementation of concepts;
- Determine NGO role in developing better responses to humanitarian crises and the evolution of norms; and
- Develop plan for greater NGO cooperation and coordination in efforts to prevent conflicts and protect civilians.

If you are interested in further materials and information about this project, log on to the WFM web site, <http://www.wfm.org>, and click on New WFM Project "Preventing Conflicts, Protecting Civilians" or e-mail wfm5@igc.org to request further information. Please fill out the Questionnaire available on the web site if you would like to provide feedback to our office about the Report and this project.

Lenore Hickey is a Program Associate for WFM

"Peace is the only battle worth waging!" - Albert Camus

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September 2003

Dear Reader,

I am honored and very happy to join the World Federalist Movement's International Secretariat as the new Director of Programs, after having spent just over two years working for its largest project, the Coalition for the International Criminal Court (CICC). WFM's mission and the issues it has chosen to pursue - notably international justice, representative global governance, respect for humanity and the environment - are ones that I am personally interested in and very committed to taking forward. While much progress has already been made on the issues relating to international justice with the establishment of the International Criminal Court, there is scope for greater focus to be brought to our other projects to ensure that they too are developed with the same creativity and dedication. I view this to be one of my primary tasks as Director of Programs.

This will take time, but WFM has a rich history of experiences upon which to build and devise new and effective ways to address these complex challenges. Indeed, our message, our vision and our work are as pertinent today as they were upon our foundation in 1947. One need only follow national and international events of the past few years to know this is true, and review the regular flow of requests for our input from governments, international organizations, and individuals.

I truly look forward to working closely with you - our existing members, to taking our message to a wider audience, to strengthening our network with interested partners, and to building upon the strides we have already made - and to meeting many of you along the way!

Warmest regards,

Ramin Shahzamani
Director of Programs
World Federalist Movement



Farewell to Long Time Volunteer

Contribution by Rik Panganibian



Volunteers Vito Proia and Barbara Walker

It is hard to imagine the WFM International Secretariat without Vito Proia. Vito has seen WFM through several executive directors, from its lean years to its recent successes. Through thick or thin, one could always count on Vito making his necessary bookkeeping tasks of WFM. Vito, a modest man, would not like me to wax poetic about his contributions. But I do believe that he best illustrates that seemingly small efforts done with professionalism, dedication and heart have repercussions beyond each individual act.

Vito personally examined and deposited every individual contribution to WFM that came in through the mail. As membership director, I was helped immensely by Vito's reports to me on the status of the fund appeal and what kinds of donations we were receiving. Vito was one of the first to notice the trend of our increasingly older and more financially-constrained donor base, bringing to me painstakingly handwritten notes like "I am 89 years old. I am sorry that I can not give more." These were often attached to \$5 bills.

One can not forget Vito's "better half," his wife Millie, who every year made the WFM staff a batch of delicious homemade Christmas cookies, which usually only made it to about December 14. (If Millie is reading this, I might add that WFM would be willing to make her a life-time member if the deliveries of Christmas cookies were to continue!)

Vito could always be counted on to come by my desk and commiserate with me about the state of world affairs. He often excoriated the short-sightedness and arrogance of the American government. Inevitably, he would end our conversation by saying, "Rik, sometimes I think the only good people left in the world are me and you." Then he'd conclude with a wink, "and I'm not so sure about you."

His humor, support and advice will be missed by the WFM Secretariat and by me.

WORLD FEDERALIST NEWS

a publication of the
World Federalist Movement
International Secretariat
777 United Nations Plaza, 12th Floor
New York, NY 10017, USA
Phone: 212-599-1320 Fax: 212-599-1332
Email: wfm@igc.org

WFM is an international non-profit and educational organization with UN ECOSOC Consultative Status.

Sir Peter Ustinov *President*
William R. Pace *Executive Director*

Staff and Consultants

Irune Aguirrezábal
Staci Alziebler
Désiré Assogbavi
Benjamin Bashein
Caroline Baudot
Sandra Bjegovic
Victoria Clarke
Trisha Garbe
José Antonio Guevara
Lenore Hickey
Jens Iverson
Rafael Justiniano
Tanya Karanasios
Monica Guzman Landa
Gareth Mahon
Luisa Mascia
Cecilia Nilsson
Alphonse Deo Nkunzimana
Mariana Rodríguez Pareja
Rita Patricio
Shantha Rau
Hugo Relva
Jennifer Schense
Joydeep Sengupta
Evelyn Serrano
Ramin Shahzamani
Adele Waugaman



This sculpture, entitled "Non-Violence", was a gift from the Government of Luxembourg presented to the UN in 1988.

Photo credit: UN Photo #182966C

"In this time of fateful decisions, we must, above all, impress this fact upon our fellow citizens: Whenever the belief in the omnipotence of physical force dominates the political life of a nation, this force takes on a life of its own and becomes even stronger than the very men who intended to use it as a tool. The proposed militarization of the nation not only immediately threatens us with war; it will also slowly but surely undermine the democratic spirit and the dignity of the individual in our land. The assertion that events abroad are forcing us to arm is incorrect; we must combat this false assumption with our strength. Actually, our own rearmament, because of its effect upon other nations, will bring about the very state of affairs upon which the advocates of armaments seek to base their proposals."

- Albert Einstein, *Einstein on Peace*

Launch of the Report of the Commission on Human Security

Compiled by Lenore M. Hickey

On May 1, 2003, Mrs. Sadako Ogata, former United Nations High Commissioner for Refugees, and Professor Amartya Sen, Nobel laureate in economic science, presented the report of the Independent Commission on Human Security to the UN Secretary-General, Kofi Annan. The Independent Commission on Human Security grew out of the UN Millennium Summit, which focused on securing "freedom from fear" and "freedom from want". The Commission was launched at the initiative of the Government of Japan in January 2001 and consists of 12 prominent international figures.

The report proposes a new security framework that directly and specifically sets the central focus on people. It is more widely accepted today that people's security around the world is interlinked and that political and economic instabilities and conflicts within states can easily create instability elsewhere. Human security focuses on shielding people from critical and pervasive threats, and empowering them to take charge of their lives. It demands creating genuine opportunities for people to live in safety and dignity and earn their livelihood.

The opportunities for working toward removing insecurities facing people are greater than ever. More than 800,000 people a year lose their lives to violence. About 2.8 billion suffer from poverty, ill health, illiteracy and other maladies. Wars kill people, destroy trust among them, increase poverty and crime, and slow down the economy. Addressing such insecurities effectively demands an integrated approach.

The report's call for human security is a response to the challenges in today's world. Policies and institutions must respond to these insecurities in stronger and more integrated ways. The state continues to bear the primary responsibility for providing security. But as security challenges become more complex and various new actors attempt to play a role, a shift in paradigm is needed. The focus must broaden from the state to the security of people - to human security.

Human security means protecting vital freedoms. It means protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms - freedom from want, freedom from fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: protection and empowerment. Protection shields people from dangers. It requires concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making. Protection and empowerment are mutually reinforcing, and both are required in most situations.

The Commission has arrived at policy conclusions in the following areas:

- Protecting people in violent conflict;
- Protecting people from the proliferation of arms;
- Supporting the security of people on the move;
- Establishing human security transition funds for post-conflict situations;
- Encouraging fair trade and markets to benefit the extreme poor ;
- Working to provide minimum living standards everywhere;
- According higher priority to ensuring universal access to basic health care;
- Developing an efficient and equitable global system for patent rights;
- Empowering all people with universal basic education; and
- Clarifying the need for a global human identity while respecting the freedom of individuals to have diverse identities and affiliations.

For each of these policy conclusions joint efforts are necessary - a network of public, private, and civil society actors that can help in the clarification and development of norms, embark on integrated

activities, and monitor progress and performance. Such efforts could create a horizontal, cross-border source of legitimacy that complements traditional vertical structures. This array of alliances could begin to give voice to a nascent international public opinion. Human security could serve as a catalytic concept that links many existing initiatives.

To see the report and the Commission's recommendations and follow-up activities visit the website: <http://www.humansecurity-chs.org>.



Currently, there are 37,000 uniformed Peacekeepers around the world

Photo credit: Peace and Security Section, DPI

The Information Society: A New Path Toward Global Democracy?

By Rik Panganiban

The Information Society must support participative democracy, transparency, and accountability, at all times upholding the principle of legality. Information is the basis of a well-functioning and transparent decision-making process for both global society and local communities. ICTs can be an important and very effective tool not only for good governance but also for more accessible government.

-- Paragraph 39 of Draft Declaration of the World Summit on the Information Society [WSIS/PCIP/DT/1-E]. March 21, 2003.

Currently at the United Nations, governments are debating the role of information communication technologies (ICTs) on society. Dubbed the "World Summit on the Information Society" (WSIS), this UN-sponsored conference will take place from December 10-12, 2003 in Geneva, Switzerland, bringing together governments, non-governmental organizations, and corporations to discuss the impact of information technology on the world's economy, politics and culture.

Virtually ignored by mainstream media, as well as by many governments, corporations and NGOs, the WSIS has suffered from the impression that it is only about esoteric, technical issues about the functioning of the Internet. In fact, this conference presents new opportunities to advocate for global democracy, human rights, and a more just globalization.

Important issues being debated include:

(1) How to use new technologies to stimulate economic development in Africa. Some argue that ICTs can help "jump start" the economies of less-developed countries, helping them skip forward from agrarian- or light-industry-based economies to information and service economies. Others argue that technology is not a "magic bullet" for Africa, and that debt relief and investment in basic infrastructure and public serv-

ices are more important subjects for the region.

(2) The Right to Information, the Right to Privacy: New technologies create new challenges for governments in the area of human rights. On the one hand, these technologies make possible new forms of surveillance and monitoring of citizens (such as the United States' "Total Information Awareness" initiative) challenging their right to privacy. On the other hand, government transparency and accountability can be greatly facilitated by Internet technologies, such as through putting official documents on government websites and webcasting meetings on the Internet.

(3) Who owns the Internet? Important questions remain around the control and governance of the Internet. Private corporations are exerting greater and greater influence over the management of this global network, many seeking to convert it into a vast shopping mall. Meanwhile, governments are often helpless to regulate Internet traffic and financial transfers, challenging their national sovereignty. At the same time, citizens groups argue for the need for a "public commons" on the Internet to allow for the free exchange of ideas and sharing of experiences and information.

(4) Intellectual Property: New technologies make it possible to cheaply copy and distribute music, movies, and other intellectual property, cutting into corporate profits. At the same time, groups working on open source and free software projects challenge the traditional intellectual property model. All governments agree that enforcing the current intellectual property system is increasingly difficult in an age of high speed duplication, distribution and manipulation of information.

(5) E-Democracy: Most interesting for

World Federalists, the technology makes possible new forms of democratic governance, from the local and national levels to the international level.

At the national and local levels, the Internet is becoming a powerful tool for citizens in getting information about their governments, monitoring their meetings, and making their views known. As more and more governments develop their own "e-strategies", the WSIS can play an important role in ensuring that they include mechanisms for citizen oversight, feedback, and participation.

At the international level, institutions such as the European Union, the World Trade Organization and the UN General Assembly are experimenting with mechanisms to increase citizen information, monitoring and participation in these institutions. For example, the World Trade Organization website allows people to comment on and discuss the policies of the WTO on an electronic bulletin board. The European Union hosts "webchats" allowing EU officials to discuss important European economic, political and security issues with European citizens online.

We are far from being able to "e-vote" for the next UN Secretary-General, but these technologies present numerous new possibilities for World Federalists to wrestle with. And the technology will only get faster and cheaper, meaning that the ideal of direct democracy becomes more and more possible.

WFM co-ordinates a working group on "e-

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The International Criminal Court Moves Forward in 2003

At the 1998 Rome conference in which the Statute establishing the International Criminal Court (ICC) was adopted, few believed that within five short years the world's first permanent tribunal capable of trying individuals accused of genocide, crimes against humanity and war crimes - regardless of the accused's position or power - would be almost fully operational. Yet, with the July 17 five year anniversary of the adoption of the Rome Statute, already the court has 139 signatories and 92 States Parties to its treaty, a provisional seat in the Netherlands, a first bench of highly qualified judges, and a prosecutor with significant relevant experience.

2003 has been marked by extraordinary events in the establishment of the ICC. In February, the Assembly of States Parties elected the first chamber of 18 judges for the ICC, which includes seven women and eleven men with balanced representation from different regions and legal systems. On March 11, these judges, and in effect the ICC itself, were inaugurated in a celebratory yet solemn ceremony in The Hague. It was an important and eloquent acknowledgement to NGOs that after the Inauguration, members of the press were introduced to the President of the Court, the President of the Assembly of States Parties, a representative of the Host Government, and the Convenor of the NGO Coalition, WFM's Executive Director, William Pace.

In April, as a result of intense negotiations and consultations conducted in capitals throughout the world, the Assembly met again to formally elect by consensus a Prosecutor of the Court. Mr. Luis Moreno Ocampo of Argentina was sworn in as the first Chief Prosecutor on June 16. The swearing in of the Registrar for the ICC, Mr. Bruno Cathala, completed the selection of the leading officers of this new international organization. With all of its top officials in place, the Court is poised to become an independent and impartial tool in the fight against impunity for the most heinous violations of international humanitarian and human rights law.

United States opposition to the Court continues

The U.S. persists in its efforts to undermine the ICC, but NGOs have continued in their fight to prevent a two-tiered system of justice and ensure that



The senior members of the Court have now been installed, pictured here after the swearing-in of the ICC Prosecutor at the Peace Palace in The Hague. Also in attendance at the swearing-in ceremony was President of the Assembly of States Parties HRH Prince Zeid Ra'ad Zeid Al-Hussein of Jordan, who administered Prosecutor Moreno Ocampo's oath of office. (Left to right, front to back row): Akua Kuenyehia; Luis Moreno Ocampo; Philippe Kirsch; Bruno Cathala; Elizabeth Odio Benito; Sang-hyun Song; Tuiloma Neroni Slade; Claude Jorda; Navanethem Pillay; Gheorghios M. Piki; Karl T. Hudson-Phillip; Sylvia H. de Figueiredo Steiner; Anita Usacka; Erkki Kourula; Maureen Harding Clark; Mauro Politi; René Blattmann; Fatoumata Dembele Diarra; and Adrian Fulford. Photo Credit: ICC-CPI/Wim Van Cappellen

the ICC is strong, effective and independent. On 1 July 2003, the U.S.-initiated UN Security Council resolution 1422 was up for renewal. This resolution requests that the ICC not proceed with the investigation or prosecution of U.S. and other UN peacekeeping personnel from non-states parties to the ICC treaty for a 12-month period. The U.S. wanted to renew 1422 without an open debate, but thanks to a push from supportive countries and NGOs, an open meeting of the Security Council took place on June 12.

The NGO Coalition for the ICC (CICC) unequivocally opposes Resolution 1422, which it considers to be in clear violation of the Rome Statute and a misuse of the UN Charter. Numerous international law experts contend that Article 16 of the Rome Statute, on which the Resolution 1422 is purportedly based, should be used only in exceptional

circumstances on a case-by-case basis, and is not intended to subject ICC investigations and prosecutions to prior Security Council authorization. Experts also argue that the resolution breaches the Security Council's Chapter VII authority, which mandates that the Council act only when there is a threat to or breach of international peace or security, or an act of aggression, which the resolution ostensibly infers the ICC would pose.

Although on June 12, 2003 twelve Security Council members voted to renew the controversial resolution 1422 (now known as 1487), the CICC is encouraged by the proceedings. First, it was an achievement that a debate even took place. Secondly, in contrast to the unanimous 2002 vote, three states (France, Germany and Syria), including one Security

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Globalization of Justice: The ICC on 3rd World Social Forum Agenda

By Jeanne Sulzer

"Globalization of justice is one of the major human rights achievement of the last 50 years. The FIDH calls the 2004 World Social Forum in India to make the ICC and the fight against impunity a cornerstone of its agenda."
- Sidiki Kaba, President of the International Federation for Human Rights (FIDH)

The issue of the International Criminal Court (ICC) was, for the first time, put on the agenda of the 3rd Annual World Social Forum, held in Porto Alegre, Brazil from 23-28 January 2003. This achievement was the result of efforts led by the International Federation for Human Rights (FIDH) to raise awareness for the idea that "another world is possible" with the ICC, drawing attention to the Court's relevance to the other issues discussed at the World Social Forum.

More than 200,000 people from all around the world - many of whom were trade union representatives and social workers - exchanged information and discussed various issues, including economic globalization, racism, intolerance and peaceful resolution of conflicts. Addressing the ICC in the context of the World Social Forum revealed the current paradox that lies in the simultaneous movements for the extension and restriction of justice. It is quite remarkable that, at a time when the world is trying to end sanctions for older forms of impunity, others are being invented or reactivated. Globalization has favored the growing interference of economic and financial actors whose activities, policies and programs have a recognized impact on human rights, but whose responsibility under international law is not correspondingly recognized.

For those reasons, FIDH believed a discussion of the impact of economic globalization on human

rights violations was essential to the World Social Forum, whereby participants could explore possible mechanisms to fight against this new form of impunity. Organized on 27 January 2003, the FIDH seminar on the "Globalization of Justice" was attended by more than 400 human rights defenders from all around the world, including Raji Sourani from Palestine and Alirio Uribe from Colombia. It was also a unique opportunity for international human rights organizations, such as FIDH and Amnesty International, to express their long-standing commitment to the fight against impunity and their support for ICC.

William R. Pace, Convenor of the Coalition for the ICC participated in the FIDH seminar and remarked, "The 3rd World Social Forum made international justice and human rights the main social subjects on the agenda. The economic pillar is not the only pillar of globalization and the globalization of justice is, in this respect, essential for democracy."

One of the highlights of the seminar was the launch of an appeal for universal ratification of the Rome Statute of the ICC, with an emphasis on the Middle East and North African regions. Several delegates to the World Social Forum urged Arab States to ratify the Rome Statute and support the establishment of this ground-breaking Court, charged with the prosecution of the most serious crimes committed against humankind. While most of the Arab States have signed the Rome Statute, only Jordan has ratified it.

Following several presentations on the ICC, a roundtable focused on the mechanisms available to investigate and prosecute the authors of the most serious economic and social crimes. Panelists included William Bourdon, lawyer and president of Sherpa;

Peter Weiss, Vice President of the U.S.-based Center for Constitutional Rights; and Paul Hoffman, Chair of the International Committee of Amnesty International. Participants in the roundtable acknowledged that while, on the one hand, corporate criminal accountability is either absent or moving slowly, on the other hand, international criminal justice is gathering momentum - through the strengthening of international and national jurisdictions, the creation of ad hoc tribunals for the former Yugoslavia and Rwanda, and the recent establishment of the International Criminal Court.

Jeanne Sulzer is Senior Legal Advisor to the International Justice Program of the International Federation for Human Rights (FIDH).



Panelists during the "Globalization of Justice" seminar, organized by FIDH. (l-r) Alirio Uribe, President of Colectivo de abogados Colombia and Vice-President of FIDH; Sidiki Kaba, President of FIDH; William Pace, CICC Convenor; Raji Sourani, President of the Palestinian Center for Human Rights and Vice President of FIDH.

Reform of the Commission on Human Rights: A House of Impunity or the Rule of Law?

By Rik Panganiban

This year's session of the Commission on Human Rights was the scene for another battle over the UN reform agenda. The 59th session of the Commission, meeting from March 17 to April 25, 2003 at the Palais des Nations in Geneva, brought to the fore the immense challenges in creating effective systems for the protection of human rights worldwide.

Reform-related Issues

There were several debates and proposed resolutions related to reform of the work of the Commission and the Office of the High Commissioner for Human Rights. The most significant ones were on the Sub-Commission on Human Rights, the Office of the High Commissioner, and standards for membership in the Commission.

Sub-Commission on Human Rights

One resolution adopted without a vote (E/CN.4/2003/L.66) focused on the Sub-commission on Human Rights, the group of independent experts that develops studies, undertakes research and provides expert advice to the Commission on specific human rights issues. The resolution confirmed the decision to not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, to "refrain from including references to specific countries". The Sub-commission would continue to be able to debate country situations, whose debates would be reflected in the summary reports that are forwarded to the Commission. In this way, violator states succeeded in silencing another independent voice within the United Nations that might criticize their human rights practices.

Reform of the Office of the High Commissioner for Human Rights

As the principle institution for the coordination, administration and technical service of the various human rights bodies in the UN system, the Office of the High Commissioner for Human Rights was the subject of much debate regarding its effectiveness, independence and mandate.

In response to the September 2002 report of the UN Secretary-General on UN reform, which suggested specific reforms of the UN human rights bodies, the High Commissioner for Human Rights reported (E/CN.4/2003/124) on what steps he and his staff were planning to take. Among the reforms mentioned, most notable was the creation of a "Special Procedures Branch" to facilitate the many thematic special procedures experts and working groups to work more coherently and effectively.

Cuba introduced a resolution (E/CN.4/2003/L.83) on the "composition of the staff of the Office of the High Commissioner for Human Rights". This resolution called for strong measures to be taken to remedy the Western predominance on the staff of the Office.

Several interventions from the High Commissioner noted the challenge of reconciling the expanding mandate of the Office of the High

The World Federalist Movement mourns the tragic deaths of Mr. Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights and principle UN envoy to Iraq, and other UN personnel killed in a blast at the UN headquarters in Baghdad on August 19. WFM extends its sincere condolences to the families of High Commissioner de Mello and the other UN personnel killed in this tragic act of violence. Mr. de Mello was a strong supporter of many WFM projects, such as the CICC, and had extensive human rights experience during his more than 30 years of service at the UN, most notably holding posts in Rwanda, the former Yugoslavia and East Timor.

Photo credit: <http://www.un.org/av/radio/portuguese/2002/oct/021002.html>



Commissioner with the relatively small budget of the Office within the overall UN budget, approximately 1.4%. The High Commissioner noted that without an increase in the Office's percentage of the regular UN budget, he had no choice but to increasingly rely on state's voluntary contributions to fund its work.

Standards for Membership in the Commission

The principle debate on reform within the Commission was centered around the issue of standards for membership in the Commission on Human Rights. The existing practice is for the 53 members of the Commission to be elected by the five regional groupings: Africa (15), Asia/Pacific (12), Latin America/Caribbean (11), Eastern Europe (5) and the Western Group (10).

The issue of standards for membership in the Commission is critical to the credibility and efficacy of the UN human rights body. For, if the Commission is to be able to fulfill its mandate to monitor and set standards for all human rights, its members themselves should not be violating those very same standards. Indeed, several observers have noted that violator countries are increasingly seeking election to the Commission in order to block resolutions that criticize their own practices.

Carried over from the debate in last year's session, the issue of standards of membership was reopened by the United States during the election of the Chairperson of the Commission. After the vote on the Chair, Phil Reeker of the US State Department suggested that there should be "substantive qualifications for participation in the UN Commission on Human Rights, rather than some rotational scheme or vote-trading." (Human Rights Features, March 24-31 Issue)

This cause was taken up by Micheline Calmy-Rey, of the Swiss Ministry of Foreign Affairs during the High Level Segment. Calmy-Rey noted the importance of the six main human rights conventions, suggesting that the Commission restrict membership to those states that have ratified or acceded to the six conventions and cooperate with the special procedures created by the Commission.

The late High Commissioner Sergio de Mello himself, in an interview with Human Rights Features (22-25 April 2003 issue), suggested similar "criteria" for membership:

[A]spir[ing] to membership or becoming a member entails, as a minimum ... ratifying all core human rights conventions, translating those into national legislation and extending a standing invitation to all special procedures, which after all, are the creation of the very commission.

Several NGOs also stated their positions on standards for membership. The Federation International des Ligues de Droits de l'Homme (FIDH) in its position paper, called for a resolution "which, submits CHR membership to criteria of cooperation with the UN mechanisms, such as the extension of a permanent invitation to UN Human rights monitoring mechanisms". The International Commission of Jurists, similarly supported cooperation with the special procedures. A Human Rights Watch representative in a briefing to NGOs suggested that members should accede to the main human rights conventions, countries that have been censured by the Commission should not sit on the Commission, and overall members should cooperate with the Commission.

Amnesty International suggested the highest bar to membership, noting that states standing for election should:

- Extend an open invitation to the special procedures of the Commission and to co-operate with their requests to undertake visits;
- Ensure full and prompt implementation of the recommendations of the special procedures;
- Ratify key international human rights treaties and their optional protocols, and provide for communications procedures and on-site investigation;
- Ensure full and prompt implementation of the recommendations of the treaty monitoring bodies; and
- Ensure timely submission of periodic reports to treaty monitoring bodies.

(From Media Briefing Paper AI INDEX: IOR 41/004/2003, March 13, 2003)

A running joke among NGOs was that if such stringent standards were adopted, only a few Nordic countries would be able to sit on the Commission. It is clear that no country can claim to be totally without blemish in its human rights record. However, developing a formulation that might keep the most serious violator countries from sitting on

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WFM Jeannette Short Fellow

Ellen Moule was WFM's Jeannette Short Fellow for World Peace Through World Law for fall 2002 - spring 2003. The fellowship, which was established to honor Jeannette Short and continue her work for a just and peaceful world through an effective and more democratic United Nations, is awarded to a female university student who has demonstrated commitment and interest in learning about the UN system and issues of international law, human security, human rights and sustainable development.

Ellen's enthusiasm and dedication truly embodies the spirit of the fellowship. Working under the supervision of CICC Information Coordinator Shantha Rau, Ellen created a quote database, Bilateral Immunity Agreement country database, and bibliography on the ICC.

Ellen is a student at Drew University in Madison, NJ where she studies Political Science, Sociology, and French. On campus, she is the

President of the College Democrats, Chair of the Sociology Club, and member of the Judicial Board. She will graduate with Phi Beta Kappa honors in the spring of 2004. After graduation, she plans to earn a joint degree in law and international relations. She hopes to pursue a career in the implementation of human rights law through multilateral organizations.

Speaking about the future of the UN, Ellen says, "Member states, along with a growing international civil society have in their hands a great opportunity. By looking beyond borders to see the innate connectedness between all human beings, societies will bond and work together. Eventually the people of the world, with respect for personal nationalities and allegiances, must unite as citizens of the United Nations. By working directly with the people and drawing cultures together, the UN can surpass the problem of unilateral foreign policies."

Students interested in internship opportunities with WFM can send inquiries to wfm@igc.org



Ellen Moule, Jeannette Short Fellow

World Federalist Perspective on a World Environment Organization (WEO)

By William Pace and Victoria Clarke

In the more than ten years since the 1992 United Nations "Earth Summit" in Rio de Janeiro, Brazil, the environmental health of our planet has not only not improved, but, in fact, has worsened. Climate instability, drastically depleted fisheries, catastrophic droughts, devastated forests, disappearing freshwater resources, polluted waterways, and poisonous mega-cities threaten delicate ecosystems and the inhabitants of the earth.

A proliferation of weak international environmental treaties and national laws has failed to address the problem of global environmental decline.

The lack of adequate international environmental governance (IEG) stems from a fundamentally flawed imbalance in the current state of global governance: tremendous power and resources have been concentrated in international finance and trade without a corresponding legal and institutional authority for the environment, social concerns and human rights. The increase in power and influence of major international trade and financial institutions such as the World Trade Organization (WTO) and the World Bank during the 1990s contrasts sharply with a weakening of the, already comparatively weak, UN environment and development programs (UNEP, UNDP).

The existence of powerful international trade and financial regimes without comparable legal and institutional structures for social and environmental standards allows the World Trade Organization (WTO) to act as the *de facto* arbiter on environmental issues. However, the WTO is an institution that not only lacks a core competency on environmental issues and policy, but views the environment as a commodity to be exploited rather than a resource requiring management and conservation. Rather than prioritizing environmental, social and human rights issues, treaties and commitments, these considerations are trumped by trade and financial interests.

Many non-governmental organizations (NGOs) argue for the elimination of the World Bank and the World Trade Organization (WTO). Even some governments criticize these institutions. However, as world federalists, our perspective is that the solution is not the elimination of such organizations, but instead the strengthening of international bodies dealing with the environment, sustainable development and human rights, while simultaneously making all international organizations more democratic and accountable. In order for the environment and social issues to be adequately addressed in the international legal order, they will have to be given equitable legal and institutional authority. We believe one potential response for promoting international environmental governance is to create a World Environment Organization (WEO, or a "Global Environment Organization" or "Sustainable Development Organization") and to strengthen and

upgrade the UN's social and development organizations so that these institutions can act as a counterbalance to the powerful trade and financial institutions. A WEO would be a designated and empowered advocate for the environment that could serve to ensure effective policy and decision-making and provide an adequate response to environmental management. WFM does not favor simply adding bureaucratic and wasteful layers to a constitutionally weak "program" structure.

World federalists believe international democracy requires not one centralized world government, but the legal and institutional structures to underpin a responsive, accountable system of democratic global governance. Accordingly, the WEO we advocate is not a world government or an institution advocating a single policy approach, but a governance organization that would increase the effectiveness of environmental management at multiple levels – national, regional and global.

Effective international environmental governance, including a comprehensive set of legal instruments and policy, could be coordinated and overseen by a World Environment Organization, which would strive to achieve the following:

- Creation of a standardized system for environmental reporting and monitoring;
- Enhanced cooperation and, where appropriate, integration and streamlining of the secretariats for multilateral environmental agreements (MEAs);
- Mechanisms for MEAs enforcement, compliance and dispute settlement, including the authority to apply effective sanctions if governments or other entities, violate laws or agreements;
- Provision of support for capacity building, and the transfer of technology and resources in order to enable the full participation of developing countries; and
- Identification of emerging relevant issues neglected in other multilateral forums and institutions.

In addition, a truly effective WEO would require:

- Stable and adequate funding. Options include "Green taxes" on environmentally destructive activities or products and, levies on the use of the global commons;
- Rights for public access. This could be established by a global convention based on the Rio Principle 10; and
- Modalities and means for genuine, effective and equitable consultative participation of NGOs from all regions.

Developing countries are resistant to the creation of a new organization that would deal only with environmental issues. Among their valid concerns are that IEG or a WEO might set conditions that could impinge on their right to develop economically or undermine their sovereign rights over natural resources. Developing countries' concerns are reinforced by indus-

trialized countries' lack of action on the Rio Principle of Common but Differentiated Responsibilities that was identified at the UN's Earth Summit in 1992. Instead of IEG, developing countries highlight the need for international sustainable development governance. Our world federalist perspective fully acknowledges the South's concerns; however, the need for sustainable development governance does not negate the need to strengthen environmental governance through the creation of a WEO. Indeed, a WEO could potentially benefit developing countries by providing them with a forum for uniting and addressing their concerns and by creating a headquarters, thus reducing the number of meetings necessary for the current system of IEG.

In the lead up to the 2002 Johannesburg Summit, a few governments offered progressive proposals for IEG through a WEO. A German government commission produced a report outlining an institutional system that included proposals for an Earth Organization, an Earth Commission and an Earth Funding organization. France also emphasized the need for a WEO, announcing at the start of its European Union presidency in 2001 their support for a World Environment Organization. France's President Chirac reiterated this position in his statements to both the Financing for Development Conference in Monterrey, Mexico in March 2002 and again at the Johannesburg Summit.

In spite of the profile given to the issue of a WEO, the Johannesburg Summit failed to even consider launching a multi-year, high-level intergovernmental process to address the main priorities and necessary commitments for adequate institutional arrangements regarding sustainable development and the environment. The negotiations for "institutional frameworks for sustainable development" on the agenda of the 2002 Johannesburg Summit consisted of another round in the global governance battles of trade and financial issues versus issues relating to the environment, society and human rights. The disappointing outcomes of the WSSD not only exhibited the imbalance in global governance; it also demonstrated an alarming lack of political will to address these broad and critical institutional issues.

Although some may say that proposing a WEO denies political realities, it is clear that historic progress is taking place in other sectors. The recently established International Criminal Court (ICC) could have wide ranging implications for international sustainable development and environmental law. While the ICC will not be a court for environmental disputes, its establishment and entry into force only four years after the adoption of its foundational treaty, the Rome Statute, bodes favorably that international justice may soon be employed to address social, environmental and economic rights as it

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NGO Accountability - Yes, But Not On These Terms

By Simon Burall

Non-governmental organisations (NGOs) are coming under increasing pressure to improve their transparency and accountability. The website NGO Watch (<http://www.ngowatch.org>), launched with some fanfare in June, aims to "bring clarity and accountability to the world of NGOs".

The two organisations behind this site, the American Enterprise Institute for Public Policy Research (AEI) and the Federalist Society for Law and Public Policy Studies are both from the right of US politics and the AEI makes it clear that it sees its role as promoting "limited government, private enterprise ... a strong foreign policy and national defence". Though claiming that "the site will, without prejudice, compile factual data about non-governmental organisations", the distinct impression is given that there is a partisan agenda at the heart of the project. This is reinforced by the list of the 165 NGOs chosen as targets to be watched, including WFM.

NGOs can never have the legitimacy of democratically elected representatives but even in fully functioning democracies, they play a crucial role in bringing the concerns of interest groups to legislators and improving the political process.

Governance at the global level provides no direct channels for democratic representation to global decision-making forums such as the UN General

Assembly and associated conferences, the Security Council, the World Bank, the World Trade Organisation (WTO) or any of the 300 other intergovernmental organisations affecting the lives of individuals around the world. Without direct channels, there is no way for competing interests to be balanced nor for a global political consensus to be developed around issues as pressing as poverty, the environment and global security; for better or for worse, NGOs are the only organisations currently able to bring the views of interest groups up to the global level and hence start the process of building consensus.

And NGOs can do much more than this. From the abolition of slavery, the drafting of the UN Charter and its subsequent formation through to the campaign for the International Criminal Court and the ban on anti-personnel mines, NGOs have made a critical difference to our world. They will continue to do so and it is for these two reasons that the accountability agenda must not be pushed by organisations with partisan agendas.

The One World Trust's report, "Power without Accountability?" was launched in January 2003. It is the first report of its kind to compare the accountability of intergovernmental organisations (IGOs), transnational corporations (TNCs) and international NGOs. It looked at two out of eight dimensions of

accountability and found that aspects of the governance of NGOs are better than for IGOs and TNCs. On the downside, NGOs are, on the whole, much less transparent than organisations in the other two

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democracy" issues related to the WSIS, which brings together various programs, initiatives, and proposals being put forward by NGOs, governments and corporations in this area.

What is Next?

This September is the third preparatory committee of the WSIS, which will hopefully make much more progress than the previous two prepcoms. At the present time, all of the text is in brackets (i.e. still open for negotiation), with the plan of action barely a skeleton. Experts following the WSIS process have noted that governments seem indecisive about what, if anything, should be the main positive outcome from the Summit. Some progressive governments and NGOs are only hoping to hold the line on agreements reached at previous world summits, which is a necessary, but far from inspiring, strategy. Others hope for breakthroughs in human rights, such as the right to information, the right to privacy, and the right to communicate. WFM was instrumental in organizing a joint letter to the UN High Commissioner for Human Rights encouraging him to participate in the WSIS. This letter was co-signed by 43 other organizations and endorsed by the WSIS Human Rights NGO caucus.

The actual summit in December will only last three days. Around the Summit, the conference organizers are encouraging organizations, governments and corporations to organize parallel events to highlight the various aspects of the Information Society. Events are being planned that may span the gamut from pop concerts to software demonstrations, as well as traditional meetings and panel discussions.

Finding new mechanisms to involve more groups in the WSIS has been a great challenge, particularly groups from the developing world. WFM has been invited by the Danish United Nations Association to advise them on how to best bring forward proposals and perspectives from the Global South into the WSIS process. In July, representatives of WFM participated in a meeting in Copenhagen on this issue, along with representatives of United Nations Associations from around the world.

Finally, it is important to note that this summit is only the first phase of a two-part process. A second summit is planned for 2005 in Tunisia, whose objectives and future still remain murky. However, one can count on there being a strong emphasis on the problems and future of Africa, given the location.

WFM is committed to being actively involved in the Summit, and using it as an occasion to draw renewed attention to democratic global governance.

Rik Panganiban is a Special Adviser for WFM and is based in Geneva. Comments and questions can be directed to rikp@bluewin.ch.

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is now being done for human rights. The ICC demonstrates that the world is ready to move rapidly towards an effective system of international law once a goal has been articulated.

Of course, a World Environment Organization alone will not solve the problems of international environmental governance and global governance. There also needs to be fundamental reform of the WTO, consistent implementation of the Rio Principle of Common but Differentiated Responsibilities, advancement of the legal and institutional system for international sustainable development governance and more.

Correcting the imbalance in global governance and the broader issue of the democratic deficit will require a multi-pronged approach. Although establishment of a WEO may be a long-term project, we believe that fundamental issues relating to the development of international democracy and global governance are inextricably bound up in these issues of international governance for sustainable development and the environment. Establishing a WEO is one step towards a more balanced, effective and accountable system of global governance.

For more information on international environmental governance and the 2002 Johannesburg Summit, contact the WFM International Secretariat at wfm1@igc.org.

William Pace is the Executive Director of WFM and Victoria Clarke is a Program Associate for WFM

Council permanent member, abstained.

Significantly, in the meeting preceding the Security Council vote, delegates speaking on behalf of more than 50 non-Security Council members representing all regions of the world voiced overwhelming support for the ICC and expressed serious concerns about the renewal of the resolution. Many stressed that the Rome Statute contained more than adequate safeguards against politically motivated prosecutions, which the U.S. says it fears from the Court - and stated their own fears at the serious harm being done to the ICC, to international law, and to the Security Council itself through the resolution.

Also speaking at the meeting before the vote, Secretary-General Kofi Annan clearly articulated his hope that renewal of the resolution not become an annual routine. "If it did so", he said, "I fear the world would interpret it as meaning that this Council wished to claim absolute and permanent immunity for people serving in the operations it establishes or authorizes. And if that were to happen, it would undermine not only the authority of the ICC but also the authority of this Council, and the legitimacy of United Nations peacekeeping". Annan also stated his opposition to the resolution at the meeting, stating, "I believe that the article was not intended to cover such a sweeping request and I do not believe this request is necessary".

Ultimately, it will be up to the ICC to decide on the legal and practical effect of Resolution 1487 (renewed version of 1422). However, as William Pace commented, "It is a significant achievement for states to have circumvented the intense pressure for a quiet and automatic renewal of this resolution". He added that, "the open meeting reflects the international community's unwillingness to accept in perpetuity a misguided resolution that creates a two-tiered system of justice".

For information on the ICC visit CICC's website at: <http://www.iccnw.org/>

For specific information on Res. 1422 and 1487 visit: <http://www.iccnw.org/documents/otherissues1422.html>



*Press briefing at the March ICC Inauguration. (L to R) Edmond Wellenstein, William Pace, Prince Zeid Ra'ad Zeid al-Husseini, and Philippe Kirsch.
Photo Credit: Iris Vetter*

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the Commission is seen by many as an important effort.

No resolution on this question was put forward by this year's Commission, but it is anticipated that the debate will continue in future sessions of the CHR. Whether or not new champions for this issue will emerge, such as Canada, Australia or the European Union, is yet to be seen.

Conclusion

As this year's Commission on Human Rights demonstrates, the UN reform debate is at its root a struggle over the rule of law. Clearly the Office of the High Commissioner, the Commission on Human Rights, and other UN human rights bodies are flawed instruments badly in need of revamping and re-visioning. With states often locked into the political battles of the moment, it is up to civil society to put forward a holistic, far-reaching, and profound vision of a more effective international human rights system. Who else will stand up for the victims? Who else will speak for the oppressed?

Rik Panganiban is a Special Adviser for the WFM and is based in Geneva.

2003 CALENDAR OF EVENTS

SEPTEMBER

*8-10 September, 2003 – New York, NY, USA
UN Department of Public Information/NGO 56th Annual Conference "Human Security and Dignity: Fulfilling the Promise of the United Nations"*

*8-12 September, 2003 – Ulaanbaatar, Mongolia
International Civil Society Forum 2003 & 5th International Conference on New or Restored Democracies, "Democracy, Good Governance, and Civil Society"*

*8-12 September, 2003 – New York, NY, USA
2nd Session Assembly of States Parties meeting for the International Criminal Court*

*9 September, 2003 – New York, NY, USA
58th Session of the UN General Assembly to Open*

*10-14 September, 2003 – Cancun, Mexico
Fifth WTO Ministerial Conference*

*21 September, 2003
International Day of Peace*

OCTOBER

*4 October, 2003 – Brussels, Belgium
Intergovernmental Conference begins meeting on the European Union final draft constitutional treaty*

*23-24 October, 2003 – London, UK
One World Trust workshop, "Increasing Accountability Through Stakeholder Engagement"*

*24-26 October, 2003 – Copenhagen, Denmark
WFM Council Meeting*

DECEMBER

*10-12 December, 2003 – Geneva, Switzerland
UN World Summit on the Information Society (WSIS)*

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groups. Failures in an area of accountability as fundamental as transparency leave NGOs open to exactly the kinds of attacks heralded by NGO Watch.

It should be noted that the most transparent organisation in One World Trust's study was an NGO, the International Federation of the Red Cross and Red Crescent Societies, which has much to teach both IGOs and TNCs in this regard.

The criticisms made by NGO Watch are not without foundation, but the conclusions drawn from them will make our world a poorer place, with even fewer mechanisms for taking the concerns of citizens around the world to international forums in order to help decision-makers build the political consensus we need to solve major problems facing us.

NGOs are already beginning to take back the initiative. One World Trust's accountability report offers one vision; the Humanitarian Accountability Partnership (HAP) offers another. HAP is a group of NGOs working in the field of disaster relief to bring greater accountability to that sector, including potential compliance mechanisms.

In the end, NGOs must build on these and other models and work together to find ways to increase their own accountability without losing their flexibility and often genuine contact with the grassroots. To ignore the issue, or to fail to address it adequately, will leave the sector open to further and more effective attacks in the future.

For an extended version of this article, including discussion of other responses to NGO Watch and recently developed mechanisms for NGO accountability and One World Trust's Global Accountability Report, visit <http://www.oneworldtrust.org>.

Simon Burall is Director of One World Trust

2003 WFM COUNCIL MEETING COPENHAGEN, DENMARK OCTOBER 24-26, 2003

The 2003 Council meeting of the World Federalist Movement (WFM) will take place from October 24-26, 2003 in Copenhagen, Denmark. This convocation brings together delegations from the 33 member and associated organizations of WFM, including some of the most astute thinkers and dedicated activists from around the world supporting the development of more democratic, just and effective global institutions and system of global governance.

WFM, in cooperation with the Danish FN-forbundet, is making the arrangements for the Council meeting. This meeting will mark the occasion of United Nations Day on October 24th with a public seminar as the official kickoff to the Council meeting. Dignitaries and leaders from the Danish parliament, the UN, national governments and leading NGOs have been invited to address the Council at its public seminar.

Tentative Schedule

Friday, October 24th (United Nations Day)

9:30am - 12pm: Public seminar, Christiansborg Palace
Danish Foreign Minister will open the conference

Public Seminar: The United Nations in the 'New World Order'
Are the Post WWII institutions facing extinction? Differing views of the future of the United Nations from Europe, the USA, and other regions and WFM will be taken into consideration.

Questions and Sub-Themes:

1. Do the threats and actions of the United States and the United Kingdom in defying the UN Charter and marginalizing the United Nations represent a serious long-term challenge?
2. Is the USA led war against terrorism creating a new model of global governance? Of imperialism?
3. Should the European Union offer an alternative and counter-political challenge to the US concerning the UN? Is such a counter-challenge by the EU possible?
4. Do other regions share the USA Government view that the UN is now a largely irrelevant?
5. Some of the objections to the UN from other regions concern the domination by the permanent members if the UN is under attack from several sides, can the UN be defended?
6. What is the WFM response?

1pm - 3pm: WFM-UEF Joint Meeting/Seminar, Christiansborg Palace

WFM-UEF Joint Meeting / Seminar: "The contribution of the EU in strengthening and democratization of the United Nations and the whole system of world institutions and organizations." The aim of this meeting is to find and formulate common denominators and common strategy that world federalists and European federalists could share.

3:30pm - 4:30pm Visit to Christiansborg Castle/tapestries

5pm - 7pm Executive Committee meeting at FN-Forbundet office

8pm Dinner sponsored by FN-Forbundet

All meetings on October 25th and 26th will take place at the FN-Forbundet office.

Saturday, October 25th

9:30am - 1pm WFM Council meeting

1pm - 2pm Lunch

2pm - 4pm Sub-Committee Meetings/Breakouts

4pm - 6pm WFM Council meeting

Sunday, October 26th

9:30am - 1pm WFM Council meeting

1pm - 3pm Executive Committee meeting

Resources

\$26 including shipping purchase online with a credit card at:
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or mail a check with your name and shipping address to:

Lawyers' Committee on Nuclear Policy
211 East 43rd Street
Suite 1204
New York, NY 10017 USA

Rule of Power or Rule of Law examines U.S. undermining of multilateral treaty regimes on nuclear, chemical, and biological weapons, landmines, global warming, and international justice. It includes a chapter on the International Criminal Court by Pam Spees, former Program Director, Women's Caucus for Gender Justice. Updates the 2002 report released by the Institute for Energy and Environmental Research and Lawyers' Committee on Nuclear Policy.

"This book provides a comprehensive overview of how, at a time when Americans are keenly aware of international threats to peace and security, the United States is systematically undermining the International Criminal Court and other mechanisms that would reduce those threats."

- Jayne Stoyles, former Program Director, NGO Coalition for the International Criminal Court, presently WFM Consultant

"A brilliantly conceived and executed study that documents unflinchingly the dangerous descent of the U.S. government into the bottomless pit of global lawlessness. It also illuminates the benefits for citizens and the world of an alternative law-guided approach based on negotiated treaty regimes."

- Richard Falk, Professor of International Law and Practice, University of California-Santa Barbara

View full announcement at <http://www.lcnp.org/pubs/rpbfler.htm>



The Center for UN Reform Education's new publication entitled "A Reader on Second Assembly and Parliamentary Proposals," edited by Professor Saul H. Mendlovitz and Barbara Walker, has been published at a time when the issue of 'parliamentary dimensions' to international organizations is moving forward much faster than anyone predicted. Proposals for UN parliamentary assemblies, peoples' assemblies, and second assemblies are as old as the UN itself. This collection of nine articles and appendices, provides current analyses that contribute to the current debate on the democratic deficit at the level of global governance.

To order visit: <http://www.unreformcenter.org>

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