

CHANGING THE UNITED NATIONS

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CHAIRMAN'S WELCOME

Welcome to our members meeting on changing the United Nations. My name is Sam Daws; I am the Executive Director of the United Nations Association of the UK and formally served as First Officer to UN Secretary General Kofi Annan. Not only do we today have a most distinguished speaker, but we also have a very high-level audience and I would in particular like to acknowledge the presence of the former President of Sri

Lanka, Her Excellency Chandrika Bandaranaike Kumaratunga and President Kumaratunga. It's a particular honour to have you with us here today.

Dr. Jayantha Dhanapala is currently the Senior Advisor to the President of Sri Lanka and was until the end of last year the Secretary General of the Secretariat for coordinating the peace process in Sri Lanka. He is better known to many of us here as a UN insider. He served for five years under Kofi Annan, as the Under Secretary General for Disarmament Affairs and was previously the President of the 1995 NPT Review Conference. Before joining the UN, Dr. Dhanapala had a distinguished career with the Sri Lankan Foreign Service, and perhaps most pertinent for today's meeting, of course, is that Dr. Dhanapala is the official candidate of Sri Lanka for the post of UN Secretary General, which will become vacant in five and a half months time. So Dr. Dhanapala, you have a reputation for being a highly engaging and eloquent speaker, so it's a great pleasure for us to welcome you to London and to Chatham House and we are most eager to hear what you have to say. Dr. Dhanapala, the floor is yours.

DR. JAYANTHA DHANAPALA:

Thank you very much for that generous introduction. Mr. Chairman, Madam Kumaratunga, the former President of Sri Lanka, Her Excellency the High Commissioner of Sri Lanka in the United Kingdom, ladies and gentlemen. At the outset, let me thank Chatham House for honouring me with this invitation to address such a distinguished audience and on an issue of critical importance to all of us as global citizens. Every time I enter these hallowed precincts, I am reminded of the great prime ministers who lived in this house and the outstanding directors who headed this institution after it was converted to the study of international relations following the Paris Peace Conference. What would their thoughts have been of our present global situation and of the greatest experiment in multilateralism, which we are now seeking to renovate and reinvigorate sixty years after its inauguration in San Francisco? Perhaps what one of them, William Pitt the Elder, later Lord Chatham, said in another context would be appropriate, and I quote "where laws end, tyranny begins". For indeed, the United Nations stands for the rule of law in

international relations, with its actions deriving legitimacy from the norms the UN maintains and continues to build. What I propose to do this evening, ladies and gentlemen, is first to set out some definitional parameters, then to proceed to describe what I think should not change, what has already changed through consensus and what remains to be changed, and finally I will attempt to draw some conclusions. You will observe that I have used as my title the word ‘changing’, rather than the more commonly used word ‘reforming’, to describe the process that is going on within the United Nations today. I have done so advisedly. Reform to my mind has a distinctly pejorative implication. I am reminded of what John Foster Dulles, the US Secretary of State during the cold war, once said, and I quote “The United Nations was not set up to be a reformatory. It was assumed that you would be good before you got in and not that being in would make you good”. But more importantly, all human made institutions have to change from time to time; not to do so will certainly result in their eventual fossilisation and atrophy. All organisations must engage regularly in introspection and review to remain responsive to the challenges of changing time – a familiar motive of challenge and response in the human condition, as one of your former directors, Arnold J. Toynbee, concluded in his monumental multi-volume ‘A study of History’. Even the highly developed continent of Europe had to undertake reforms in its multilateral institution, the European Commission, following disclosures of corruption and inefficiency. So did the International Olympic Committee in Lausanne despite being devoted to the high ideals of the Olympic movement. But change does not have to take place in response to the discovery of some malfeasance alone. Japan’s economy, whose post war miracle was widely admired, has had to undergo reforms to get out of this stagnation. The searchlight has now been turned on the International Monetary Fund. National institutions and even non-governmental organizations (NGOs) have had to make changes from time to time. Examples are of multitude, but suffice to say the need for change is not something to be defensive about. On the contrary, not to change would be indefensible. There have been attempts to change structures and procedures in the UN in the past, and there will be similar efforts in the future. The curtain can never come down on such change. At the same time, ladies and gentlemen, change must be managed and managing the change of a complex intergovernmental organisation like the UN, with the enormous diversity of its

192 member states, is indeed a challenging task. We must also be clear about what we mean by the United Nations. Some refer to three United Nations, the member states who are the primary stakeholders, the Secretariat described in the charter as one of the principal organs, and the group of NGOs representing civil society who work within the UN system, also described by the New York Times as that other superpower representing world public opinion.

I have myself distinguished three categories of changes that must take place in the UN: the change of institutions within the UN system; the change of mandates and programmes adopted by the member states; and Secretariat, or management, change. The cumulative effect of this change is to make the United Nations a more efficient, accountable and transparent institution.

Now let me move on to what not to change. I have frequently warned that when we change the UN we must be careful not to throw the baby out with the bath water – to use a homespun expression. There is a lot of good that the UN has done, and is doing, and there are many good dedicated people working effectively within the UN system where I have also worked, admittedly, for a small part of my long diplomatic career. The Intellectual History Project of the UN, led by Sir Richard Jolly and others, has documented the ideas launched by the UN system in the area of economic and social development alone. It is a glimpse of the remarkable vision and creativity of the founders of the United Nations, which must remain unchanged, to inspire us and to guide us. It shows how the UN in its economic and social development work has often been significantly ahead of governments, academics and other international institutions that later adopted its ideas. The capacity to generate these ideas must continue. As the UN Intellectual History Project stated in 2001, ideas matter, people matter and ideas that benefit the peoples of the United Nations matter the most. The UN is uniquely situated to be a vanguard of global public opinion. Transcending individual, state-centred approaches, the UN can take a synoptic view of issues, highlighting a multilateral perspective with global interdependencies clearly delineated and, because these synoptic views are based on consensus, broader public acceptance is made easier.

Over the six decades of the UN's existence we have seen many successes, although major challenges remain. The achievement of the decolonisation of scores of Asian and African countries, the focus on human rights and its mainstreaming in international relations, the emphasis on environment and sustainable development, on gender issues, and the shaping of a coordinated response to globalisation, to terrorism, and other global challenges like HIV AIDS, are some of them. At the same time, the UN has been engaged in the prevention of conflict and, where conflict has broken out, in peacekeeping, peacemaking and peacebuilding. This is truly a collective achievement. It is not the record of a 'pillion passenger', to use the phrase made memorable by Chatham House, but it also derives from a value base of the organisation. Beginning with the Charter, which sets out the purposes and principles of the UN in Chapter I, there has also been an ethical foundation built over the years. The Millennium Declaration adopted in September 2000 identified the shared values of the UN community as freedom, equality, solidarity, tolerance, respect for nature and shared responsibility. No change can affect these values, which represent powerful forces, motivating human kind through history. They provide what might be called the collective legitimation of the UN. They have been the accelerators of human progress and the benchmarks for assessing the performance of the UN.

The UN, ladies and gentlemen, is not merely a platform or a forum; it is a depository of values and ideas and an incubator of ideas. It has to generate new thinking constantly and for this an effective Secretariat is essential. There has also been a consensus established at the core areas of the UN's work i.e. in peace and security, human rights and development, and that all three of these areas are interconnected and interlaced, so that you cannot have one without the other. The budget of the UN must reflect this for the UN's institutions to function effectively. There is another guiding principle that must remain with us as we change the UN to make it a more effective vehicle of multilateral action. I am deeply convinced that the architects of the UN wisely built into the organisation an indispensable equilibrium amongst the principal organs of this world body benefiting from the experience of the League of Nations. Thus, while the General Assembly functions as the parliament of nations, based on the democratic principle of the

sovereign equality of nations making recommendations on a wide range of issues and approving the budget, it is the Security Council that acts on behalf of the UN in its primary responsibility for the maintenance of international peace and security, using the powers vested in it under Chapter VI 'Specific Settlement of Disputes' and Chapter VII 'Action with respect to threats to the peace, breaches of the peace and acts of aggression'.

Amidst the unfulfilled demands for the reform of the Security Council and especially its enlargement, tensions appear to have grown between the General Assembly and the Security Council. The current debate on UN reform has been seriously complicated by deep-seated concerns that, under the guise of reform, attempts are being made to change the equilibrium that is inherent in the Charter. The need for change is recognised; that, however, should not be an occasion for a struggle for power over the organisation by one group of countries over the other, whether it is a group enjoying the power of the purse or the power of the majority. We need to allow the equilibrium to remain, difficult as it may be. To upset it is to unravel the charter. Another important principle that has to be observed in implementing change is a need for equity as far as the member states are concerned. Change in the UN is not the object of one country or group of countries. It is the collective wish of the entire membership and the consensus documents vouch for this. Change must therefore benefit all countries equitably. It is for the purpose of making the UN deliver public goods in a more efficient and effective manner. If changes are perceived as being asymmetrical in the benefits they will confer on member states, they will be controversial, as indeed some of them have been. Often the problem is in the perception and that arises from the atmosphere of mistrust that prevails among the groups, notably between the developing and the developed countries. Urgent confidence building measures are necessary and they can be designed and led by a group of middle ground countries that enjoy the trust of all member states. The role of the Secretary General must at all times be impartial and he must not be perceived to be acting under pressure from any side, nor should his proposals for change be seen as tilting the delicate power balance to one side or another. For this, the most painstaking consultations are vital, however time-consuming they may be. We need a transparent and accountable

system of running the world's most indispensable multilateral body and we must work hard for it.

Now, let us look at what has been changed. The Secretary General's famous "fork in the road" speech in September 2003 heralded a period of accelerated change in the UN, following in the wake of the Oil for Food investigation conducted by the Volker Committee, revelations of corruption and sexual misconduct by secretariat staff and a widespread dissatisfaction with administrative systems in the UN, which had become rigid and dysfunctional. On the basis of the report of the High-Level Panel on Threats, Challenges and Change, the Secretary General issued his own report, which was the basis of the decisions taken by the members at head of state and head of government level last September. In the category of the changes of institutions, we have had institutions like the Trusteeship Council that have patently outlived their historical usefulness. Thus, the deletion of Chapter XIII of the Charter has been recommended by the High-Level Panel and accepted in the Outcome Document. The Commission on Human Rights has been controversial and widely perceived as being dysfunctional. Accordingly, its replacement by the Human Rights Council has been achieved – albeit with some reservations. The inauguration of the HRC in Geneva last month, amidst the hope that it will advance the cause of human rights without being politicised, was a landmark event. We have also seen the innovative creation of new institutions in response to demonstrable needs. The Peacebuilding Commission, recommended by the High-Level Panel, has also now come into being. It represents a synthesis of several bodies in the UN system and augurs well for concrete coordinated action among the General Assembly, the Security Council, the Economic and Social Council, different departments within the UN Secretariat, groups of countries such as donors, troop-supplying countries in peacekeeping situations and the international financial institutions. This bringing together of the different elements in a synergy is rare in the UN. It should be seen as a harbinger of direct benefits in peacebuilding, ensuring that countries recovering from conflict no longer slip back into chaos because of political instability, economic insecurity, lack of stable institutions and democratic governance and human rights violations. In the category of mandates and programmes, the Secretary General has responded to the Outcome Document's call for

the strengthening and updating of UN programmes of work and a review of mandates older than five years originating from UN General Assembly resolutions, and that is approximately 93% of the mandates. In March 2006, he issued a report and inventory of the resolutions that have to be reviewed; this is being undertaken in phases within a working group. Sensitive questions are being raised as to the political motives behind the suspension of some mandates and their replacement with others. We would be well advised to proceed in accordance with the Latin motto 'festina lente'.

Finally, in the category of Management Reform, the Secretary General has issued a comprehensive report, which needs to be supplemented with further reports expected in September this year. A wide-ranging resolution on 'Investing in the United Nations for a stronger organisation worldwide' was adopted on the 7th of July. Already an Ethics Office has been set up, whistleblower and financial disclosure policies have been finalised, the Office of Internal Oversight Services is strengthening its capacity, the Central Emergency Response Fund has been established, enabling speedy deployment of resources in response to humanitarian emergencies, and an Optional Protocol to the Convention on the Safety of UN and Associated Personnel has been adopted.

Now in spite of all this, what has not changed? In the realm of institutional change, the most glaring omission is the absence of any change in the Security Council. The expansion of this body is only one aspect of the reforms that have been called for. There are other issues regarding working methods, transparency, improved reporting procedures and greater communication between the General Assembly and the Security Council. There has been admittedly a disproportionate amount of attention paid to the question of expansion with only two possible scenarios recommended by the High-Level Panel and repeated by the Secretary General. The G4 resolution sponsored by Brazil, Germany, India and Japan focused on Model A, with six new permanent members and three non-permanent, making a total of 24, as against the present 15 member Council. Efforts to have this model accepted last year did not succeed, as opposition built up with other member states working in a Uniting-for-Consensus initiative. There is, clearly, no agreement on the issue and we would be unwise to force the pace until there are some

intensive consultations to broaden the basis for constructive action. Meanwhile, think tanks and governments must explore other models that may be feasible. The continuing perception that the Security Council is unrepresentative does undermine the authority of its resolutions and actions and that alone should prompt us to urgent change. The difficulty in finding an acceptable solution should not result in this issue being permanently on the back burner. Another area where our major changes in institutions could be expected is with the, rather ponderously titled, High-Level Panel on United Nations system wide coherence in the areas of development, humanitarian assistance and the environment – typical UN speak I am afraid! This panel is co-chaired by the Prime Ministers of Mozambique, Norway and Pakistan. The report of the panel is expected in September and a fundamental restructuring of the current institutions in these areas is anticipated so as to prevent overlap, avoid duplication and to ensure more efficient resource utilisation. A more coordinated approach, rather than the existing 'silo' edifice, is expected, but again some fears are being harboured that this exercise is being donor driven. The presence of so many eminent developing country representatives in the panel should allay those concerns, but we must await the report. Final work is also needed in Economic and Social Council reform, in shaping a counter-terrorism strategy including the adoption of a comprehensive convention on terrorism and on the revitalisation of the General Assembly. On the mandates and programme reform, as I have already said, we have some way to go. The report on legislative mandates identified the need for better procedures, the lack of a coherent system of evaluating mandates and their effectiveness, the overlap and duplication among mandates being pursued by different parts of the UN and the gap between mandates and resources allocated for their implementation. This report has been received cautiously. The review of mandates has to be undertaken as a joint exercise with the confidence that mandates of importance to particular groups such as in the development area are not going to be cut. There will have to be some basic understandings arrived at if the exercise is to succeed.

On management reforms in the Secretariat, despite the unprecedented vote in the Fifth Committee on 28th of April, followed by a similarly controversial vote in the UN General Assembly on the 8th of May rejecting some of the recommendations made by the

Secretary General for greater flexibility, there is in fact more agreement than is apparent through the fog of controversy. The creation of a post of Chief Information Technology Officer and improving ICT in the UN system, adopting international public sector accounting standards, using budget surpluses, are among the areas on which agreement does exist. However, there are areas where more clarification has been requested and where the decisions on proposals have been postponed. The latter area relates to consolidation of performance and financial reports into one, and increasing limited discretion in budgetary implementation. Postponed for consideration are human resource management changes, redesigning the system of the administration of justice, procurement reform, decisions on outsourcing and other areas. Much of this will go into the next session of the General Assembly and will spill over into the term of office of the next Secretary General.

So, ladies and gentlemen, there is clearly a great deal of unfinished business in changing the UN to make it the efficient instrument that we all want. It is over three years since I left the UN and I am deeply concerned over the serious problem of morale within the organisation. Equally worrying is the level of scepticism and even cynicism among the public over the state of affairs within the UN as a result of so much negative publicity. There is therefore a desperate need for the staff to be consulted and brought into the process. There is also a need for a better public information strategy to convey what is being done to improve the UN, especially since the UN must reach out to civil society and the taxpayers who pay the assessed dues of the member states. Communication and consensus building play key roles in the success of change initiatives. The technical and logical need for change alone is insufficient when diverse interests are involved. A primary prerequisite is the involvement and commitment of member states. We have to create a shared need for change, develop a joint vision, mobilise a commitment to change among all stakeholders and sustain the momentum. We must first achieve what is practicable given the momentum. The attempt to set artificial deadlines and impose penalties for failure to meet them has proved misguided. At the same time, all groups must cooperate and compromise. We are all on a burning platform that we must get off quickly. The UN is not a Fortune 500 company that can be changed through the

implementation of management theories better suited to the profit making private sector. Evolving a change agenda to satisfy the diverse interests of member states requires great sensitivity since the UN is essentially a consensual polity.

At the same time, let us not confuse governance of the United Nations with transaction processing. The latter can be changed to save costs and improve performance without yielding power in the governance of the UN. A higher state of productivity through change is in the interests of all. The overall output, quantitatively and qualitatively, of any organisation is a function of the number and the quality of the people employed by it, their levels of motivation, the organisation structure and the systems and processes including technology used. There has to be improvement in all of these aspects. The starting point is to communicate the compelling arguments for change, then to map the various stakeholder interests and finally to address the needs and concerns of these stakeholders. We are now at the stage in order to complete the final phase of the changes needed to make the UN a revitalized organisation.

Let me conclude with a quotation from U. Thant, the first and so far only Asian Secretary General of the UN who said just before leaving office in December 1971, and I quote, "To the impatient voices from all quarters calling for an end to the United Nations and its replacement with a more dynamic and more effective instrument for peace, this Secretary General can only reply: take care, in today's troubled world there might not be a chance to establish a new international organisation, much less one better than the United Nations. Cherish it, improve it, but do not forsake it". Almost 35 years later, ladies and gentlemen, I can do no better than endorse that advice. Thank you.

CHAIRMAN

A remarkably precise and comprehensive presentation. Dr. Dhanapala, in your extremely rich presentation, you talked a lot about reform and I hope we are going to come to that. You also stressed the importance that the Secretary General and the role of the Secretary General should be impartial. Clearly, that is not always easy. We are all aware that the Secretary General Kofi Annan was asked in a BBC interview whether he considered the coalition action in Iraq had been illegal? What would you have replied if you would have been asked that question?

DR. JAYANTHA DHANAPALA:

Well first of all, I do not think it is the province of the Secretary General to comment on the legality or the illegality of the actions of nation states. This is fundamentally a province of the Security Council, which has primary responsibility for international peace and security, or it is a matter for the International Court of Justice. It is a fact that the action taken by the coalition in Iraq was done without a formal resolution of the Security Council, we all know that, but whether that was legal or illegal is not within the competence, in my view, of the Secretary General. It is ultimately a question of what comes within the Charter. Could it have been interpreted as coming within Article 51 – the article which gives the right of nation states to exercise self-defence, or could it have been considered in some other way? We also know that the action taken in Kosovo was similarly executed and we had no judgment with regard to the legality or the illegality of that action, which was subsequently, of course, endorsed by the Security Council, but post facto. So with all respect to Kofi Annan, who I greatly admire, if I was in that situation, which is the question that you posed to me hypothetically, I would not have given the answer that he gave.

QUESTION

In June 2000 Kofi Annan said, “When the United Nations can truly call itself a Community of Democracies, the Charter’s noble ideals of protecting human rights and promoting social progress and larger freedoms would have been brought much closer”. The Community of Democracies, an intergovernmental movement of well over one hundred nations, now operates as a caucus of democracies within the United Nations. Do you welcome that caucus?

ANSWER:

The question of the Community of Democracies, certainly I welcome that. If you will remember the Outcome Document that was adopted in September of last year had a paragraph on democracy as a value and the democracy fund has now been set up and certainly the whole subject of democracy as a value in the UN is emerging as a recognisable value and I come myself from a democracy, perhaps one of the oldest democracies in Asia where the adult universal franchise was used in 1931, long before it was adopted in many European countries, and so the question of democracy as a value is particularly dear to me.

QUESTION

Over the crisis of Lebanon and Israel, do you think that the United Nations is acting in a forceful way at the moment and will be able to succeed in creating a solution with the amount of intervention and weight of the United States and Mr. John Bolton weakening all decisions? Now you want to weaken Kofi Annan, why do not you find ways to reform the United Nations to weaken people like Bolton and make it possible for the United Nations to do something, a lot of innocent people being killed and the way they are being killed?

ANSWER:

On the question of Lebanon and Israel, first of all, I was not advocating any change or reforms to weaken the Secretary General. That was certainly not my intention. What is happening, of course, is that the Secretary General has taken some initiatives, which I myself warmly welcome. He has sent three very able envoys to the region and they will report back to the Security Council on Thursday. There is already a suggestion, which the Secretary General has made, for a UN force to be introduced into the region and of course there has been a call for a ceasefire. I am not sure that anything that John Bolton has done so far has been contrary to what has been proposed by the Secretary General. Of course, we may have our own views about the statements emanating from Washington, but I believe that there has been close consultation between Secretary General Kofi Annan and the State Department as well as other foreign officers in making the initiatives that he has made, and I hope very much that a ceasefire and a UN force can be introduced into the region as quickly as possible to certainly avert the tragic loss of civilian lives that are going on.

QUESTION

Dr. Dhanapala, in your remarks, you stated the present equilibrium must be allowed to remain. I wonder if you can clarify that? I was not quite sure whether that meant the relationship of the bodies in UN themselves to each other or the composition of bodies themselves, and in particular the change of the composition of the Security Council. How can we stop the current members of the Council vetoing any change?

ANSWER

With regard to the equilibrium issue, I was really talking about the balance that has to exist between the Security Council and the General Assembly because they have very specific tasks and responsibilities and very specific powers, and it would be dangerous if

we try to infringe on these delineation of powers and responsibilities. With regard to the veto power, I think that was the price that we all had to pay for bringing the great powers into this organisation, in contrast to the League of Nations, and of course it has been abused in the past, but one hopes that it can be more wisely used because, if the permanent five do agree, we can have a forward movement in the UN. You saw that last Saturday after a great deal of debate; there was agreement about the resolution on the whole question of the missile launches from the North Koreans and there was a resolution adopted, so it is possible for the Permanent Five to agree at times. Whether they will agree on the expansion of the enlargement of the Security Council of course remains to be seen. There has been I think in principal an agreement on the part of all five that the Security Council should be enlarged, but precisely how and how many should be given permanent seats and non-permanent seats is still a matter of dispute, and the dispute is not confined to the five permanent members, it is a pretty widespread dispute because as I said there was a so-called coffee club, which is now converted into the Uniting-for-Consensus Initiative, which are solidly opposed to the G4 resolution and so a great deal of work remains to be done on that issue.

QUESTION

Dr. Dhanapala, taking into account your profound role in disarmament, I would like to ask you: how do you assess the challenge, which faces UN, posed by the necessity to reconsider a revitalisation of the nuclear disarmament regimes and disarmament mechanism, taking into account the modern circumstances and modern problems in this field; and how do you assess the future of the so-called nuclear free weapon zones, particularly in the centre of Asia?

ANSWER

I welcome the question on disarmament and nuclear weapon free zones, because as you know I worked very hard to help establish the central Asian nuclear weapon free zone, which is still a work in progress. I think the challenge posed by nuclear disarmament has

been something that the UN has faced from its inception. The very first resolution adopted by the United Nations General Assembly was on nuclear weapons and that is sometimes forgotten. However, we found that in the Outcome Document that was adopted last year there was a glaring gap in this absence of any mention of disarmament, and that was because there was no agreement on the whole subject of disarmament, whether it was weapons of mass destruction or conventional weapons or even landmines and small arms. That has to be rectified, but what is particularly distressing is that the machinery within the UN for the deliberation and negotiation of disarmament agreements is not functioning. The conference on disarmament for many years has not adopted a programme of work and has not begun doing what it should be doing, which is negotiating disarmament agreements, so I hope that the recent initiative on the part of the US delegation, to suggest that there should be a discussion of a Fissile Material Cut-Off Treaty, might be the genesis of some revival on the part of the CD. As far as nuclear weapon free zones are concerned, in general this represents affirmative action on the part of the non-nuclear weapon states to try to enlarge the areas in which nuclear weapons are forbidden and it began with the Treaty of Tlatelolco in Latin America and the Caribbean and it has spread to a number of regions within the Southern Hemisphere. The Central Asian nuclear weapon free zone was a initiative taken by the five Central Asian countries who then requested the United Nations to assist them, and the Department of the Disarmament Affairs under my leadership was able to convene many meetings and we have made substantial progress in drafting a treaty. Unfortunately, we have had resistance from some of the nuclear-weapon states to signing the protocols and so now it is a matter for the five Central Asian states to decide whether they want to go ahead with the treaty without the support of these nuclear weapon states or whether they would like to negotiate further for their agreement.

QUESTION

What role do you see after the non-proliferation treaty review conference last year, widely interpreted as a failure, added to the Norwegian initiative not coming through with anything specific? What role do you see for specific nuclear weapon states and other

major players in promoting non-proliferation in the next five to ten years? What role does the Secretary General play in those initiatives?

ANSWER

Yes the NPT review conference of 2005 failed to adopt a final document and was widely regarded as a failure, I think this is not the first time that an NPT conference has failed to adopt a review document. It has happened in 1980, it happened in 1990, but of course the subjects right now are very contentious and we have an administration in Washington which has a particular point of view. I do not think that these are permanent situations; situations change as you know and it is possible that there may be a break in the clouds where there will be some progress in nuclear disarmament and nuclear non-proliferation. The Secretary General has an important role, he made a very courageous speech before the conference on disarmament in May of this year when he addressed the conference on disarmament and I think there he did express his own dissatisfaction with the current state of affairs and urged the member states to make progress in this issue, but of course we realise that the primary initiative must come from the nuclear weapon states and there has to be movement in a number of directions. But we are making progress with regard to other areas of disarmament, which we must never forget: the landmine issue has been an issue in which civil society established a coalition with a number of nation states like Canada and Norway and was able to achieve this groundbreaking Mine-Ban Convention. Progress is being made in other areas, like conventional weapons, where there is a certain degree of transparency through the registers that are being maintained by the United Nations; and of course in small arms and light weapons there is still continuing work going on even though the last conference again failed to adopt a final document.

QUESTION

As a Sri Lankan national, I was wondering if you could comment on the current situation in Sri Lanka and what role you envisage, if any, from the international community and the UN?

ANSWER

The situation in Sri Lanka is a big subject. I could give an entire lecture on that and we have a person far more competent than I in the former President of Sri Lanka to talk on the subject. All I can tell you is that we are still theoretically in a ceasefire situation in Sri Lanka. The ceasefire was signed in 2002, but we know that there have been an overwhelming number of ceasefire violations by the Liberation Tigers of Tamil Eelam (LTTE) and this therefore is a matter of serious concern. The Norwegian government continues to play the role of a facilitator and we have the co-chairs of the Tokyo conference, which include the European Union, of which the UK is a member, functioning as a group that is backstopping the peace process. What the strategy of the current President appears to be, through his all-party conference, is to forge a consensus in the south, so that he is able in due course to make an offer at the negotiating table to the LTTE, which will bring some degree of unity in the south, because what has been an unfortunate characteristic of the peace process in Sri Lanka is that whenever a peace proposal has been made by the government, an opposition party within the south has always frustrated it. The former President herself came up with two proposals with quasi Federal Status in 1995 and again in 2000, and on both occasions not only did the LTTE reject it, but also the main opposition party in Colombo rejected it. And so this presence of spoilers in the south has always been a problem and I think the President of Sri Lanka today is trying to avoid that, so that when he gets to the point of being able to talk to the LTTE, then he would be able to present them with a proposal that enjoys the support of all parties in the south. However, whether the LTTE will accept that is a different question. They have already rejected going to Geneva for the second round of talks that was convened. They have also gone all the way to Oslo to discuss the ceasefire and the functioning of the Sri Lanka Monitoring Mission and then failed to turn up at the negotiating table, so we are still not convinced that the LTTE is capable of making the transition that other groups have been able to – from being a guerrilla organisation fighting a very brutal war using the most horrendous terrorist methods, to being able to

come into the democratic mainstream and negotiate for what they have been demanding on the battlefield.

QUESTION

You mentioned at the beginning of your address the extent to which the United Nations seeks a world based on law and order and supports a world based on law and order. My question is, I guess this a conceptual question: international law exists to the extent that it is accepted by the States in the international system, and I am just wondering if you could kindly give us your views on how the UN as a body based on the interactions between states can pursue this aim in a world that is dividing at least as much as it is uniting?

ANSWER

On the rule of law, the UN has always upheld the rule of law and has urged countries that have disputes to go to the International Court of Justice, and this has been done on many occasions (most recently Nigeria has had a border problem, which they have been able to resolve through adjudication by the International Court of Justice) and this has always been a consistent policy of the UN and where there have been settlements of these problems, they have been welcomed by the UN. We have also been, I mean the UN has also been, at the forefront of having the tribunals for the punishment of war criminals and, as you know, the tribunal in Cambodia has after many, many years been finally been set up with a view to ensuring that there is no culture of impunity there, so that the genocide that took place under the Pol-Pot regime is finally going to be judged by the tribunal and those who are responsible will be brought before the tribunal. And this has been I think done in many, many cases, so I can assure you that the rule of law is very much on the front burner of the UN's concerns.

QUESTION

What is your view with regard to Darfur and also Somalia as failed states? Many times African candidates have been asked to find solutions for African problems and yet the world does nothing there.

ANSWER

On Darfur and Somalia, two different situations – Darfur has been a continuing tragedy for far too long and despite the fact that there was an adoption of the principle of the Responsibility to Protect civilians, which has been discussed for a long time in the Canadian Commission that pronounced this principle, there has been still no intervention to protect the civilians in Darfur. However, there has recently been some kind of an agreement as you know in Darfur and the African Union has extended the mandate of the force that is present in Darfur. In Somalia, there is a much more complicated situation with the breakout of hostilities once again and different groups are engaged in fighting. I believe that the policy of entrusting the African Union with peacekeeping in Africa buttressed by the UN has been a successful one. It has worked in many cases, in Somalia, in Sierra Leone it worked and of course in Liberia, and there is no reason why it should not eventually work in these situations in Darfur and in Somalia, but it has to be a more robust presence and there has to be assistance given to the African Union. So I believe the UN is more successful in these situations when it works in synergy with regional organisations, as is provided for in the Charter.

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