



SERGIO VIEIRA DE MELLO

Born in Rio de Janeiro, in 1948. When he was a student of Philosophy and Social Sciences at the Sorbonne, at 21 of age, he began his brilliant career in the United Nations, in the course of which he accrued an enviable record of successful missions. During most of his career, he worked for the United Nations High Commissioner for Refugees (UNHCR), in Geneva. In 1981, he was appointed senior political adviser to the UN forces in Lebanon. Thereafter, he held several important posts at the UNHCR headquarters, in Cambodia and in East Africa, until he was appointed Assistant High Commissioner for Refugees, in 1996. He briefly acted as special representative of the Secretary-General in Kosovo, and as transitional administrator of East Timor. In September 12, 2002, he was appointed UN High Commissioner for Human Rights, a post from which he took leave of absence in May, 2003, to act as Special Representative of Secretary-General Kofi Annan in Iraq. While fulfilling this last mission, he died under tragic circumstances in August 19, 2003.

Here we present two texts by Mr. De Mello. The first paper comments on the role of the UN in view of the conflict in Iraq and the grievous current threats to human rights and international security. The second text deals with crucial issues for the understanding of human rights as they stand today.

ONLY MEMBER STATES CAN MAKE THE UN WORK

Sergio Vieira de Mello



The military preponderance of the US and Britain must not lead us to think international stability can be ensured by force. If the international system is to be based on something other than might, states will have to return to the institution they built: the UN. That institution is facing a major crisis. We must find ways to overcome it or face harrowing consequences.

The debates over Iraq – before the war and now in its aftermath – have shown the powers of the world unable to speak to each other in a common language. One has seen this most dramatically in global institutions. From the beginning of the UN, the Security Council has been responsible for security, whilst the Commission on Human Rights has sought to protect human rights. Yet, in the case of Iraq, the Council was and, apparently, is still unable to agree about security and the role of the UN. Likewise the Human Rights Commission, now approaching the end of its annual six-week session, is proving itself nearly unable to discuss human rights.

Is there a way to renew, or rediscover, a common language that could take us beyond this impasse? I think there is, provided we can dramatically change the relationship between security and human rights.

The Security Council debate was about weapons of mass

destruction – a classic question of security, one all too familiar to the Council since its inception. It was unable (or unwilling) to imagine its mandate extending beyond this narrow basis. Its debate was not about the many other questions of obvious interest to members, like the lack of democracy in Iraq and the acts of terror visited on political opponents, real or imagined, by its government. The Council found itself unable to talk about a wider subject, which was how to deal with the security dangers posed by a regime that flagrantly violated the human rights of its citizens and, given the tendency brutality has of pushing beyond borders, went on to attack its neighbors. In the end, the main participants in the debate were seen as talking about one issue while in fact having others in mind.

Perhaps Security Council members thought that human rights issues should more properly be discussed in the Commission on Human Rights. But in the current session of the Commission, many of the 53 states represented have been arguing that it should not consider Iraq since the Council was already doing so. Some maintained that Iraqi matters were primarily to do with security, not human rights, and so should remain with the Council. Another line of argument held that human rights in Iraq were primarily a matter of the war – given its toll in civilian lives – and not of human-rights violations that long preceded war. But the manifest desire of most states, here as in New York, has been to avoid opening a discussion of human rights in Iraq.

In the weeks before war began, I spoke with many of the principals involved in the Council debate. It should be obvious, but perhaps deserves mentioning, that none bore ill will toward the UN; none wanted the Security Council to fail in reaching a consensus. What they lacked was a way of talking about the problem – of framing it politically – so that the Council might reach consensus. The impasse at the Commission on Human Rights is similar, perhaps worse.

Both venues lacked a way to conceptualize security in human-rights terms and to recognize that gross violations of human rights are very often at the core of domestic and international insecurity. This is not a new problem. Consider the list of the UN's recent failures, most notably

its inability to prevent genocide in Rwanda and massacre in Srebrenica. What did these have in common?

They were grave emergencies, followed by horrible slaughters, the nature of which did not fit into the conceptual schemes of the Security Council or even of the Commission on Human Rights. They were not threats to international security as conventionally recognized and understood by the Council; nor was the Commission able to have any effect on their terrible progress.

This is the signal political failure of our era: the failure to understand the security threat posed by gross violations of human rights, and the failure to achieve practical consensus in acting against such a threat. Surely we can now see, as we contemplate the loss of thousands of lives in Iraq, that the price of our failure is getting higher. It was already tragically high.

We must look to the member states of the UN, especially to those sitting on the Security Council – and above all to China, France, Russia, the UK and the US – to grapple with this failure and to overcome it in a way that is based on responsibilities, not rivalries. To criticize the UN as such for failing to achieve consensus on Iraq is to miss the point altogether. When member states make a mess of their own rules or disrupt their own collective political architecture, it is wrong to blame the UN or its Secretary-General, whose good offices are not put to use often enough. Kofi Annan has tirelessly advocated consensus on these vital issues, but he cannot force consensus. Nor am I in a position to do so with the Commission on Human Rights, whose mandates are carried out by my office but which I do not direct or control. Power rightly rests with member states. They must find a way to use it in addressing human rights as a core factor in domestic and international security.

The member states of the UN have an opportunity. By their recent actions, they have further revealed some of the shortcomings of the institution they created (as well as highlighting some of its strengths). All states, especially the Security Council members, should take this opportunity to look at their relations squarely and consider the means for reform. Dysfunctional definitions of security have revealed their inutility in the current crisis. At

present, the long-suffering people of Iraq are bearing the pain, first of war, now of a contested and contentious peace. It has to be apparent that the time has arrived for all states to redefine global security – to put human rights at the center of this concept. In doing so, all nations must exercise their responsibility in a way commensurate with their strength. Only then will responsible states, rather than the merely strong powers, be able to bring lasting stability to our world.