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United Nations Update

Solomon Shinerock

American University Washington College of Law

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UNITED NATIONS UPDATE

COMINGS AND GOINGS AT THE UN

The New Year brings the departure of Secretary General Kofi Annan as well as U.S. Envoy John Bolton, two vacancies which may have a substantial impact on the UN's handling of human rights issues.

The much talked about but little known Ban Ki-moon replaced Kofi Annan as Secretary General. It is difficult to predict whether he has the political will to pursue what he terms the "high ideals, noble aspirations, and bold initiatives" of his predecessor, and whether human rights will hold a commanding position on his agenda. Mr. Ban has indicated an interest in human rights, citing his priorities as reforming the UN, meeting development goals established in 2000, promoting human rights throughout the world, confronting threats posed by terrorism and unconventional weapons, slowing environmental degradation, and curbing the spread of AIDS. He also pledged to become "directly and personally engaged" in trying to persuade Sudan to accept UN peacekeepers for Darfur. But his background and personality indicate he may not be best suited for antagonizing human rights offenders.

As a child Mr. Ban witnessed the horrors of war firsthand. He describes having to flee to remote hills and endure periods of hunger in order to avoid contact with troops from both the North and South Korean armies. Strong human rights sympathies might be expected from a person with such a background, yet the South Korean Foreign Ministry, where he served for 37 years, has been criticized for its accommodating and passive posture towards the human rights atrocities committed by North Korea. For example, South Korean officials declined to issue a passport to Kim Duk Hong, a high-ranking North Korean defector, to testify before a United States Senate committee regarding North Korea's human rights violations. Mr. Ban, who was foreign minister at the time, seemed to confirm this suspicion when he said that Seoul "shouldn't have to take unlimited responsibility for wandering North Korean defectors."

Indeed, on a personal level, some question whether Mr. Ban has the strong hand neces-

sary for pressuring resistant governments into acknowledging and correcting human rights violations. He has a notably reserved manner. Though he has asked that people accept his modest mien as a cultural attribute and not misread it as lack of decisiveness or passion, most of his public statements confirm that he is, in his own words, a "harmonizer, balancer, [and] mediator."

Yet his approach may prove effective at this time. The departure of U.S. envoy John Bolton, often described as unyielding and confrontational, may signal a movement towards renewed collaboration and cooperation in the UN. As Ambassador Mahiga of Tanzania commented, Bolton's style was "not very helpful to amenable consensus." His departure from the UN, together with the inauguration of a self proclaimed "mediator and bridge builder" as Secretary General, may herald a period of increased collaboration and commitment to consensus. Whether this can be an effective means to curbing human rights abuses remains to be seen. But it doesn't seem too optimistic to speculate that an atmosphere of mediated collaboration will at least ensure that the voices of those members for whom human rights are a motivating concern will at least be allowed to register in UN decision making processes.

Bolton is replaced by Zalmay Khalilzad, former U.S. ambassador to Iraq. His departure from Iraq seems to have evoked more of a stir than his arrival at the UN, with Shiite groups expressing eagerness to see him go while Sunni lawmakers say his openness to Sunni concerns will be missed. Khalilzad is a Sunni Muslim of Afghan descent.

IDPs IN THE U.S.A.

Despite the U.S. government's reluctance to admit it, the post-Katrina problems facing both displaced and returned evacuees remain grave and are exemplary of the problems facing the 25 million internally displaced persons (IDPs) worldwide.

Problems facing IDPs in the hurricane-affected region have included access to humanitarian aid, including shelter, food, clean water, healthcare, continued education, protection from discrimination, gender based

violence and lawlessness, and assistance with return, resettlement, and reintegration. While these problems are similar to those facing refugees, IDPs do not have the international legal protections available to people with refugee status, and too often national governments fail to provide for IDP rights.

Recently there have been calls for the U.S. to implement these international norms to provide relief to the people displaced from the Gulf Coast. From New Orleans alone, nearly 300,000 people remain displaced (out of a pre-Katrina population of 484,000). Even those who have returned remain unsettled in the sense that many lack access to healthcare and education, affordable housing, a reliable program of aid in rebuilding homes and recovering property, and assurance that measures will be taken to safeguard their communities from similar disasters in the future. There are grievances that evacuation and aid distribution procedures resulted in the disproportional harm to particularly vulnerable groups. And there are strong arguments that recovery should be available for injuries to persons and property due to the government's gross failure to properly mitigate the effects of the storm.

Groups as diverse as the Brookings-Bern Project on Internal Displacement, which is co-chaired by the UN Representative to the Secretary General on Internally Displaced Persons, Advocates for Environmental Human Rights, a small New Orleans non-profit public interest law firm dedicated to defending and advancing the human right to a healthy environment, and the UN Human Rights Committee have called on the U.S. government to review its practices and policies in light of the UN Guiding Principles to ensure that these issues are addressed. Particular attention was devoted to the rights of the poor and African-Americans.

Anticipating such calls, the Brookings-Bern Project on Internal Displacement has published "A Framework for National Responsibility" (Framework), which sets forth benchmarks for addressing internal displacement. The Framework acknowledges that because governmental treatment of IDPs usually falls within what most governments consider their exclusive sovereign responsibility, it

is not subject to international intervention. The Framework therefore offers a means for concerned groups to pursue domestic IDP legislation that comports with the general international norms articulated in the Guiding Principles.

Additionally, the UN Representative to the Secretary General on Internally Displaced Persons expects to publish a manual on IDP norms later this year. Compiled by experts, lawmakers and IDP advocates, it will meet the challenges of implementing such norms as the UN Guiding Principles on Internal Displacement. The manual will clarify in detail how domestic law should contribute to the protection of IDPs, and will address such issues as movement-related rights, documentation, education and humanitarian access.

FOLLOW-UP ON DARFUR PEACE-PROCESS

Despite conflicting reports at the end of 2006, the Sudanese Government remains committed to the deployment of a hybrid United Nations-African Union (AU) peace-keeping force in Sudan's war-torn Darfur

region. UN envoy Jan Eliasson conducted what he described as fruitful and substantive talks with Sudanese President Omar el-Bashir in the capital, Khartoum, where they discussed and agreed on the need for a political solution, including the joint UN-AU force. The agreed upon three-phase plan will culminate in the hybrid force replacing the understaffed AU monitoring mission known as AMIS. The new force is expected to have about 17,000 troops and 3,000 police officers. Under the first phase of the agreement, the UN has handed over a \$21 million "light support package" to AMIS, which includes the provision of equipment as well as military advisers, police officers and civilian staff. The UN handed over the first batch of equipment and supplies to AMIS on January 11, expecting to deliver the remainder within weeks.

SOMALIA IDPs PRESENT GROWING CHALLENGES TO UN AID AGENCIES

Tens of thousands of Somalis have been displaced by the recent fighting between the Ethiopian-backed transitional government and Islamic groups. One group of 6,000 took

refuge in a Somalian border village after fighting drove them from their homes and Kenya shut its border to asylum seekers. UN agencies have distributed a one month supply of food to this group, but some 190,000 people in urgent need of food assistance and other aid different locations could not be reached. According to UN World Food Programme (WFP) Deputy Country Director Leo van der Velden, "Somalia was already suffering badly from the worst drought in a decade followed by the worst floods in years. Now it has renewed war in some of the same areas hit by drought and floods. These people can't resist this kind of pressure and need our help." In addition to refugees who have already fled, the UN News Service reports 400,000 internally displaced persons within Somalia, and cites increasing violence and conscription of child soldiers as among the other major problems facing the country in the coming months. *HRB*

Solomon Shinerock, a J.D. candidate at the Washington College of Law, covers the United Nations Update for the Human Rights Brief.