



The G20 at the Leader's Level

The L20 and UN Reform

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(Note: In this paper, I deal specifically with the role of regional organizations in promoting and implementing some of the key ideas contained in the Report of the Secretary-General's High Level Panel on Threats, Challenges and Change, as well as the Secretary-General's Report "In Larger Freedom: Towards Development, Security and Human Rights for All." Regional organizations face, in a microcosm, the issues and challenges that confront the international community at large in ensuring peace and security. In many cases, regional action is crucial to preventing the escalation of conflicts and in containing and diffusing violence resulting in significant loss of lives and damage to states and peoples. The relationship between the UN and regional organizations is an important part of efforts to strengthen the capacity of the international community to address threats to international peace and security and thus requires careful rethinking.)

Since the establishment of the UN, the number of regional organizations dealing with peace and security issues has grown substantially. But the types of regional organization and their approach to peace and security has undergone major changes. First, the so-called "original" multi-purpose regional organizations, the Organization of American States, the League of Arab States and the Organization of African Unity (now called the African Union), has been joined by a number of subregional groupings, such as the Association of Southeast Asian Nations, the Gulf Cooperation Council, and the Economic Community of West African States. Second, regional alliances which were not usually considered to be strictly within the Chapter VIII of the UN Charter, especially NATO, are now regarded as entities which can legitimately undertake peacekeeping and other peace operations authorized by the Security Council. Third, regional organizations which previously were mainly concerned with development and integration issues, such as the European Union, are now developing a role in regional peace and security. Fourth, the mandate and role of some of these regional groupings is extending beyond their own region. In recent years, NATO, EU and the OSCE have all developed "out-of-area" missions. Fifth, regional organizations are increasingly faced with the need to undertake missions that intrude into state sovereignty, partly in response to the growing number of intra-state and transnational dangers which outnumber conventional inter-state conflicts.

But regional organizations vary widely in terms of their capacity to undertake peace and security operations, such as preventive diplomacy, peacekeeping, enforcement and peace-building. In Europe, NATO, OSCE, and the EU have developed both resources and capacity as well as the political will to undertake for peace and security operations. On the other hand, regional organizations in Africa suffer from a severe lack of resources. Moreover, regional organizations differ in terms of their political will to engage in peace and security operations. Regional organization in Latin America and Africa are increasingly willing to set aside the principle of non-intervention to prevent democratic breakdowns and undertaken humanitarian interventions. In Asia, by contrast, the non-intervention remains a resilient principle.

We should encourage the establishment of regional and sub-regional groupings in vulnerable parts of the world where there no such organization currently exist. (271). For example, currently there is no subregional grouping in Northeast Asia, although there are ongoing Six Party Talks between the US, China, Japan, North Korea, South Korea and the Soviet Union to address the security situation in the Korean Peninsula. While these talks are useful in seeking common ground on how to reduce the dangers caused by North Korean nuclear proliferation, a more permanent sub-regional grouping could be useful in building confidence, and undertaking peacekeeping and peace-building operations, should there be a breakdown of the North Korean state.

While Africa has a continental regional organization (the African Union) and several sub-regional groupings, such as the Economic Community of West African States (ECOWAS), they suffer from severe resource constrains. The High-Level Panel report recommends donor countries to commit themselves to a 10-year program of capacity-building for African regional and sub-regional organizations within the framework of the African Union. This initiative deserves support. At the same time, similar capacity-building programs should be initiated with respect to regional groupings in South Pacific and Southeast Asia, such as the South Pacific Forum (SPF) and Association of Southeast Asian Nations (ASEAN). The SPF have had to rely too much on the resources of individual members: Australia and New Zealand. ASEAN was unable to intervene in East Timor partly due to a lack of resources and experience in dealing with security threats collectively. Regional peacekeeping, peace-building and humanitarian assistance training programs are therefore vital to enhancing the capacity of these groups to cope with regional threats.

Other recommendations of the High-Level Panel Report should be endorsed. Regional organizations which already possess a capacity for conflict prevention and peacekeeping should be encouraged to place such capacities in the framework of the United Nations Standby Arrangements System. The UN should be given authority to offer equipment support from UN-owned sources to regional organizations where needed. And the UN budget rules could be amended so that operations by regional organizations undertaking security operations mandated by the Security Council could receive assessed financial support from the UN on a case-by-case basis. (272)

Security operations by regional organizations must be subject to Security Council authorization. But in cases where the need for action is urgent, regional operations need not await such authorization, but can be sought subsequently.

The UN and regional organizations need to develop new procedures and mechanisms for consultations and coordination. To this end, regional organizations should enter into formal agreements with the UN providing for meetings of heads of governments, more frequent exchange of information and early-warning, joint training of civilian and military personnel, and exchange of personnel within peace operations. (272)

Apart from developing greater capacity for regional organizations through coordination with the UN mechanisms and assistance from donor countries, we should also encourage reforms within regional organizations so as to create a more conducive political climate for conflict prevention and maintenance of stability. One issue concerns the promotion of democracy. The Organization of American States and to a lesser extent the African Union are now willing to undertaken measures to prevent recognition of governments which have come to office through coups. The OAS has developed specific procedures to discourage and sanction democratic breakdowns, (both coups and 'backsliding') under the Inter-American Democratic Charter. But there are no such agreements and procedures in regional organizations in the Middle East and Asia. Asian regional organizations, for example, have come under international pressure to encourage democratic transition in Myanmar. The pressure for democratization in the Middle East is coming almost entirely from the US, rather than from regional organizations like the Arab League, although the latter would have to face the consequences of democratic transitions and could play an important role in managing the instability that could result from the process. There is a need to carry out dialogue, both at inter-governmental

and second track levels, on the promotion of democracy and its consequences for regional stability. Regional organizations in Africa, Middle East and Asia could be asked to closely at the Inter-American Democratic Charter, so as to develop similar instruments in accordance with local conditions and need. The aim should be to develop “frameworks for minority rights and the protection of democratically elected Governments from unconstitutional overthrow.” (94)

In the spirit that regional organizations have much to learn from one another, the OSCE’s experience in developing operational norms on minority rights should be studied and adapted by regional groups in Asia, Africa and other parts of the world.

A major issue facing the international community as it searches for new approaches to peace and security is the development of criteria and rules to govern humanitarian intervention. Till now, regional organizations have not shown much receptivity to the recommendations of *The Responsibility to Protect* (R2P). The report of the High Level Panel provides strong endorsement for the principles of R2P. These include authorization of the use of force against genocide and other large-scale killing on the basis for five basic criteria of legitimacy: seriousness of threat, proper purpose, last resort, proportional means and balance of consequences. Moreover, it endorses “the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military operations as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.” (203) This norm could gain additional legitimacy and support if endorsed by regional organizations. We should therefore encourage regional organizations to endorse this norm in the declarations and statements of the forthcoming meetings their heads of governments and finds ways of incorporating it into their normative frameworks. For example, we should encourage the forthcoming summit of East Asian leaders, to be held in Malaysia in December 2005, to endorse this norm.

We should encourage and support invitations to representatives of regional and sub-regional organizations to participate in the meetings and discussions of the proposed UN Peace-building Commission.

Terrorism has emerged a major scourge of international peace and security. But the efforts of the international community to develop collective measures to combat terrorism have been stymied by failure to agree on a common definition of what constitutes terrorism. Regional organizations could play a more active role in preventing and combating terrorism. The High Level Panel Report and the Secretary-General’s Report, “In Larger Freedom”, calls for a comprehensive international convention on terrorism one key element of which is an agreed definition of terrorism. Addressing the issues which have thus far hindered an agreed definition, such as the issue of state terrorism, the High Level Panel recommends a common definition. The issue of state terrorism cannot be an obstacle to a common definition, since acts of violence committed by states are already subject to severe constraints under the UN charter and various other provisions of international law. The Secretary General’s report offers the following definition: “in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act.” Regional organizations should be encouraged to endorse this definition, and operationalize it within their regional counter-terrorism legal and political instruments.