

# **The United Nations and the European Union: An Ever Stronger Partnership**

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## **SESSION 4: The UN, the EU and the role of civil society**

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Thank you. I will try to be candid and by being candid, I risk arriving to the conclusion that my colleague Kathrin just stated, namely that people might feel that NGOs are hard to rule. But, so be it. There are a lot of ways for NGOs to engage with intergovernmental organisations, the continuum goes from oppositional tactics to open or discrete forms of cooperation or partnership. Human Rights Watch is a little bit unique in this context. Although it was created in front of the UN in 1978, by a journalist and a book publisher protesting against repression in the former Soviet Union, it does not usually demonstrate and picket in front of the UN or at rond point Schuman. Its activists do not lock themselves to gates of Embassies, nor climb on toxic ships or chimneys. Contrary to most humanitarian organisations, it does not perceive funding from public institutions nor acts as a subcontractor in emergencies on nation and democracy building. HRW was born in the US tradition of dissent. It intervenes in the name of the values on which this country proclaims to be based. In the systems of checks and balances, HRW acts like a watch dog and counterweight. To use a phrase that some might find a bit pretentious, HRW "speaks up to power". William Fulbright, the former chair of the Foreign Relations Committee of the Senate, famously expressed his idea when he wrote in 1966: "to criticise one's country, is to do it a service and pay it a compliment. It is a service, because it may spur the country to do better than it is doing; it is a compliment, because it evidently believes that the country can do better than it is doing. In a democracy, dissent is an act of faith, criticism may embarrass the country's leaders in the short run, but strengthen their hand in the long run", just have a look in Iraq. We strongly believe that criticism reinforces the democracy, enhances its soft power, as a Harvard University Professor has theorized. This philosophy has led us inevitably to disagreements and even confrontations with democratic governments. It has led us to sharply criticise the policies and the toleration of and complicity with dictatorship or abusive non-state actors, or criticise the abuse they commit in international engagements. Terrorism, by the way, is often the result of short sighted policy. Our denunciations of the stress and duress practices in US controlled prisons, in Afghanistan, Iraq or Guantanamo are the latest examples of our inconformity. We will never let a democratic government off the hook when it violates so blatantly the principles that should guide its policies anywhere, anytime. NGOs sometimes are accused of undermining states, of being part of a global movement that weakens the pillars of the world system and world order. We are not in favour, of course, of weak states. We know that Human Rights violations happen in strong states, but also, and sometimes even worse, in failed states. Somalia is no answer to North Korea. We are in favour of strong democracy states, based on the rule of law, good governance, fundamental freedoms and accountability. However, apart from these idealistic principles, principle pragmatism could be the code word that defines best our approach to governments. There are of course countries with which we can not really work, due to their fundamental hostility to the very idea of human rights. Our policy and our role is to name and shame them. For

obvious reasons, we tend to enjoy a quasi-constant honeymoon with a few countries that are usually on the good side of the human rights debate. During the campaign for the Land Mine Treaty, as well as for the ICC, we worked to build an unprecedented coalition of NGOs, but also of small and medium-sized governments, the so-called like-minded countries –among them Belgium and Canada- that helped transform the movement into a highly focused and quickly successful campaign. In this campaign we look for consistency, but also for power, the capacity to exercise a positive influence on an issue. This is why we have been increasing our advocacy for the regional powers like Mexico, Brazil, Nigeria, South Africa or India, that are bound to play a bigger role on the regional level and enhance their bargaining position on the international level. Some of these states have had a chequered human rights record, and we have not given up our scrutiny and denunciation of their failings. But we have also engaged with their diplomats and civil society representatives to advance on other issues. Mexico, for instance, has been very positive on the ICC, the Land Mine Treaty, the campaigns against small arms and was a key mover behind a human rights inspired Resolution on Counter-Terrorism, adopted on the latest session of the UN Commission on Human Rights in Geneva. For us, these countries are undoubtedly shaping the future of multilateralism and of the UN system. HRW has to be particularly consistent and transparent in its approaches towards international organisations. Although its current work and priorities truly reflect the internationalization of its activities and staff, HRW was born and its HQ are in the US. Therefore it might be legitimately seen by some as expressing typically US view points and perspectives, to be somewhat promoting a kinder and gentler version of the unilateralism articulated by US neo-conservatives. We are in favour of international law and HRW has adopted within its core mandates, the UN Bill on Human Rights. Contrary to US neo-conservatives, it does not read the UN Charter, nor the unilateral Declaration of Human Rights à la carte, it largely reflects the tradition of liberal internationalism, that was behind the creation of the UN System and is still being promoted by leading thinkers and members of the US establishment for the Council of Foreign Relations to the World Policy Institute. HRW has been consistently critical of US policies and it has particularly condemned the US government or the US Congress when it decided to opt out of the International System of Human Rights. HRW campaigned vigorously, for example, against the US opposition against the ICC or the Land Mine Treaty. We see the UN or the EU in the same way: without fear, nor favour, in a continuum that covers different forms of cooperation and disagreement. HRW has set up an EU Office in 1995, with the clear purpose of monitoring the EU Human Rights Policies, not only to scrutinize and criticise the EU Foreign Policy, but also to engage with the EU institutions and help them mainstream a few human rights components in the EU frame policy deliberation and decisions. This Brussels office is a clear recognition of the importance of the EU, of the role that it can play on the global scene, of our expectation that it will respect its proclaimed commitment to base its foreign policies on the respect of human rights and democracy. In the same way that we test the US government's promise to respect the US Constitution, we take the EU on its own words, when it comes to human rights and foreign policy. We respect the work with many officials and institutions of the EU, we are keenly aware of the complexities and of the difficult alchemy of the EU decision-making system. We believe of course in their legitimacy, and we tend to refrain from giving lessons of morality, but we cannot hide a human rights flag in our pocket. We have been critical of the EU, critical of many of its human rights decisions, critical in particular of its human rights dialogue with countries like China or Iran. But we have also positively engaged with the EU on many fronts and we still hope that the EU can help offset the negative role of its US ally that has often chosen unilateral policies that go against progress of international human rights standards.

The UN: we have a long history with the UN. HRW was created in 1978, as I said, in front of the UN, on the sidewalk where police cordons enclosed protesters. To some extent, this picketing by the two founders of HRW was a homage rendered to an institution, in recognition of its capacity to influence the state of the world. Since its creation, HRW has always engaged with the UN. We have a UN Director based in Europe, who works mostly on the Security Council. We have opened a Geneva Office that interacts with the various

UN human rights mechanisms, and we closely follow the UN Agenda. Our researchers and advocates are in regular contact with the relevant UN organisations, a division with Unicef, our HIV/AIDS project with the WHO and UNDP, our press freedom person in Unesco. Our legal experts take part in norm and legal setting, like the Declaration on Forced Disappearances, or the protection of human rights defenders. They are present in UN working groups, low in the hierarchy of the UN machinery indeed, but important in terms of legal expertise and technical skills. Our business and Human Rights Project has worked with the UN on Corporate Social Responsibility and investigators cooperate with the Office of the Prosecutor of the ICC, in providing evidence against abusers. One of our major focuses is the UN Secretariat and its role of framing debates on key issues like military intervention or counter-terrorism. We have regularly worked with all the mechanisms the UN system provides, in particular the Special Rapporteur. And we have often developed good working relationships with the UN bureaucracy. The revolving door system, the fact that we have hired former UN officials, and that some of our staff now works with the UN is an illustration of that fact. Indeed, there is a form of convergence, events of complicity between the non-governmental and the intergovernmental professionals, as the authors of the new book "The Multinationals of the Heart" have recognized. And they say 'NGOs, not far from opposing the actions of international organisations, often contribute to accelerating their development: they act less as adversaries than as ambassadors.

In the context of the Darfour human rights and humanitarian crisis in Sudan, we have particularly acknowledged the positive role of UN Officials in documenting the abuses committed by Sudanese forces and militias, against the civil population. And we have endorsed Secretary General Kofi Annan's wording on the 7th of April and his appeal to the international community to take swift and appropriate action to stop and revert the crisis. However, we also have been very critical of the UN. We have documented and condemned the abuses committed by UN peace-keeping forces against vulnerable populations that they had the mission to protect. We have been particularly critical of the UN Commission on Human Rights, due to its membership proceedings and actions. Most of its members are themselves highly abusive governments, and they have long used their membership of the Commissions to block criticism of each other's human rights records. HRW has just recently criticised the re-election by the African Group of Sudan to the UN Human Rights Commission. A government that engages in a whole set of abuses against its citizens, said Mrs. Fischler, UN Human Rights Representative for HRW, should not be eligible for a seat at that table.

To conclude I would quote Pierre Vidal Naquet, a famous historian, who wrote in his famous essay "Torture de la République": 'the society must be judged according to the norms that it proclaims'. The UN, the EU and all of its member states are based on the highest premises and promises of defending and promoting human rights. It is the mission of this side of civil society to contribute to their commitment.

Thank you.