

Task Force 4: Peace, Security, and Global Governance



Reshaping the International Order through Human Rights and “Disarmament, Demobilization, and Reintegration” Implementation in Multilateral Organizations

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Abstract

The impact of the Russian invasion of Ukraine has been felt by all nations, with significant consequences in terms of inflationary pressures, rising energy and commodity prices, food shortages, and the expenditure of billions of dollars previously earmarked to alleviate poverty and climate change. While multilateral organizations have relentlessly advocated for an immediate end to the war, shared core values are at stake as missile destruction and its mounting devastation surge, calling into question the ability of leading democratic institutions to avert human suffering. These hardships test not only

the longstanding solidarity of the United States, the European Union, and other nations, including Japan, and the strengthened resolve of the North Atlantic Treaty Organization but also the Group of Seven (G7). As the conflict positions the G7 at the epicenter of the world's hopes, it must rethink and recommend alternative pathways for the United Nations (UN) to fulfill its charter as the world's premier promoter of peace and as an arbiter of justice through international humanitarian law and international human rights law. Three recommendations are now proposed concerning the UN for G7 consideration: (i) steadily shift permanent membership in the UN Security Council, with its attendant veto power, away from the victors of World War II to nations whose recent history best reflects the UN Charter's emphasis on human rights concerning peremptory norms (*jus cogens*), obligations toward all (*ergo omnes*), and international crimes; (ii) expand the jurisdiction of the International Criminal Court, or establish a permanent tribunal to prevent and punish atrocities and create legal mechanisms to strengthen human rights orthodoxy and orthopraxis in UN member and observer states; and (iii) challenge the negative perception that the UN is a vehicle for Western dominance and imperialism over nations in the East (and vice-versa) and throughout the Global South by adhering to tools of diplomacy and development, such as the UN Integrated Disarmament, Demobilization, and Reintegration Standard. In the spirit of the UN, these recommendations collectively create an international communal society that functions by open rules rather than by force, values based on dialogical approaches rather than demonization of "the other", and democratic liberalism that values peace, justice, and national sovereignty.

Introduction

At its inception, the United Nations (UN) was perceived as a universal organization; decades later, its maintenance has been attributed exclusively to the liberal international order initiated and dominated by the United States (US). While equality among the 193 member nations is still a fundamental principle of the UN General Assembly, the UN Security Council (UNSC) is hegemonic by design. It includes three G7 countries: the US, the United Kingdom (UK), and France. The declining influence of the G7 on the global economy over the past 40 years and the emergence of economies in Asia and Africa have paved the way for repeated abuses of the veto by permanent members of the UNSC. The failure of human rights treaties to achieve their intended outcomes also looms over global inequity arguments within the UN (Posner 2014). While the resolution of these arguments remains to be determined, the People's Republic of China (PRC) steadily increases its economic and diplomatic clout. At the same time, Brazil, the Russian Federation, India, the PRC, and South Africa have collectively overtaken the G7 in terms of their share of percentage of global gross domestic product (31.5% compared to 30%) (Devonshire-Ellis 2023). As a result of the previously mentioned economic power shifts, the G7 must identify new approaches to secure its global position (Bergsten 2022).

Challenges

Regarding the need for change in the UN, Blum (2005) offered this assessment of the 2014 report of a 16-member high-level panel commissioned by United Nations Secretary-General Kofi Annan: "the panel rightly felt that, for any reform proposal of the Security Council to stand

a chance of success, the criteria of ‘responsibility’ and ‘effect’ had to be mixed with a healthy dose of ‘representation’ and ‘democracy’. Hence, in all likelihood, the proposal to enlarge the Council to twenty-four members, with the seats neatly—equally distributed—among the four regional areas”, a reference to the Americas, Africa, Asia-Pacific, and Europe. UN member nations across these regions have ratified nine different human rights treaties. Yet, the meaning of these signed treaties in terms of *jus cogens* (i.e., compelling law), *ergo omnes* (i.e., toward all), and international crimes is vastly different.

Other challenges include the failure of previous models involving the UN General Assembly Uniting for Peace Resolution (i.e., Resolution 377) adopted in 1950 and the failure to seek an advisory opinion from the International Court of Justice on how to punish war crimes appropriately (Trahan 2020); differences in the way nations adopt and enforce human rights statutes in deference to national interests (The Economist 2023); the need to reckon with the Global South as a non-homogeneous entity due to its constituent diversity and fundamental positions; and the slim likelihood that permanent UNSC members would accept any attempt to dislodge them for any reason. Despite fervent calls for the Russian Federation’s expulsion, that outcome is even less likely now that Finland has cleared its last obstacle to North Atlantic Treaty Organization membership, a move that also has the potential to reshape the global power balance (Erlanger 2023).

Recommendations

While it is questionable whether the G7 can influence a shift in the permanent membership in the UNSC away from the victors of World War II, any serious effort to do so would begin by taking steps to regain global economic dominance rather than ceding ground to Brazil, the Russian Federation, India, the PRC, and South Africa. Achieving this goal will require working deliberately and in greater harmony with nations in the Global South, where foreign direct investment will make a difference. As Prime Minister Fumio Kishida of Japan stated in his speech in Washington, DC, on 13 January 2023, “it is necessary to be humble, set aside preconceptions when engaging with the Global South, and have a solid understanding of their historical and cultural background. In addition, striving for a shared principle of the international community that is driven by rules rather than the law of the jungle or power is increasingly important. It is necessary to understand in detail what each country in the Global South seeks, recognize the international community’s diversity, and demand concrete contributions from the G7, including Japan” (Ministry of Foreign Affairs Japan 2023). Furthermore, notwithstanding the tragic war in Ukraine, the G7 can advise the members of the UNSC to emphasize the UN Charter’s emphasis on human rights concerning peremptory norms (*jus cogens*), obligations toward all (*ergo omnes*), and international crimes (Shelton 2020), and the need to improve the economic condition of the Global South and its political relevance. The G7 could pursue these goals in dialogue with the G20, including the Russian Federation, to align opinions and present clear policies. Solidarity and shared values among the G7 nations rely upon democratic ideals that should lead them away from past colonial practices of marginalization and exclusion that have undermined the confidence of key leaders in the Global South. The G7 must also step up its efforts to include the Global South in the permanent membership of the UNSC to avoid the power politics of the current permanent members and to enhance its legitimacy. This would lead to increased support from UN member states and improve the performance of the UNSC. However, attempts to unilaterally impose specific justice or morality claims on other countries, or bypass consensus-building in the international community, would result in tremendous backlash. Therefore, just as the UNSC should reflect the desires of UN member states for both international cooperation (neoliberalism) and territorial sovereignty (nationalism/neorealism), the G7 should

listen to the voices of the majority and adopt a platform of economic investment and human rights driven by the principles of self-determination of nation states and bodily integrity of individuals.

The ongoing crises of climate change disinvestment, food insecurity, and economic instability caused by the Russian invasion of Ukraine should make the jurisdictional expansion of the International Criminal Court (ICC) a leading concern for the G7. The ICC has recently charged Vladimir Putin with war crimes; however, the ICC does not have jurisdiction to investigate the crime of aggression. The crime of aggression violates international law and, in the case of the Russian Federation, has led to all subsequent violations: war crimes, crimes against humanity, and genocidal acts without aggression. While some G7 nations may not wish to participate in the ICC for fear that its citizens may be prosecuted in violation of their laws, the G7, in dialogue with the G20, remains the most viable forum outside of the UN to cultivate a permanent tribunal system to prevent and punish atrocities and create legal mechanisms to strengthen human rights orthodoxy and orthopraxis in UN member and observer states. Therefore, the G7 might consider how it could both participate in and expand the jurisdiction of the ICC.

The three key areas of jurisdiction are subject matter, structural, and personal. *Subject matter jurisdiction* refers to the specific areas where the ICC may try cases based on annexes to the Rome Statute, which refer to the possible crimes to be included under the Rome Statute, including treaties such as the four Geneva Conventions of 1949 and¹ the Additional Protocol I of 1977.² While of profound interest across the globe, transnational crimes of illicit drug trafficking, the crime of apartheid, torture, and various terrorist acts were not placed within the jurisdiction of the ICC. A distinction was also drawn between “customary crimes” and “treaty crimes” under international law. *Structural jurisdiction* implies the creation of a hybrid chamber (as opposed to a hybrid court or tribunal). The latter refers to the entire hybrid institution, based on an international and a regional or state court system, or both mixed composition and jurisdiction, encompassing national and international aspects, and usually (but not exclusively) operating within the jurisdiction where the crimes occurred. Nevertheless, the concept of a hybrid chamber with a combination of domestic and international judges may be the most readily available structural improvement to the ICC and refers specifically to the judicial body assigned to adjudicate a matter. *Personal jurisdiction* would confront corporate actors involved in many human rights violations worldwide and close accountability gaps that states are often unwilling or unable to address (Olson 2015). Article 25(3), (c), or (d), of the Rome Statute could be used as the basis to prosecute a group of individuals within a corporation or an industry for complicity. This could include, among other actions, profiting from arms sales to armed groups, propping up oppressive governmental regimes, and participating in environmental degradation and displacement of peoples for the sake of resource extraction. As noted by Calderón-Meza et al. (2016), the text of the Rome Statute does not prohibit criminal liability of corporate actors. The crises, as mentioned earlier, of the Russian invasion of Ukraine have demonstrated how a patchwork international justice system has left loopholes for

¹ International Committee of the Red Cross (ICRC), Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 12 August 1949, 75 UNTS 31; ICRC, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 12 August 1949, 75 UNTS 85; ICRC, Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), 12 August 1949, 75 UNTS 13; ICRC, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287.

² ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3.

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perpetrators and has been unsuccessful in bringing many to justice. A Harvard Law School report from 2022 established the boundaries and constraints to fill in these loopholes in the interest of a global community that is interconnected and also reliant upon its neighbors (Parliamentarians for Global Action 2022).

With three members on the UNSC, the G7 is well positioned to challenge the negative perception that the UN is a vehicle for Western dominance and imperialism over nations in the East (and vice-versa) and throughout the Global South. As the G7 provides more foreign direct investment to fledgling and war-torn countries, its strategic adherence to tools of diplomacy and development, such as the UN Integrated Disarmament, Demobilization, and Reintegration Standard, will transform them from settings of perennial impoverishment to full prosperity. While billions of US dollars have been provided to Ukraine for redevelopment with assurances of more financial support in the future, countries in Africa and South America long for an opportunity to benefit from Western benevolence and generosity. In the past, the US has been critical of the PRC for its loan diplomacy program at peak interest rates, but African leaders also feel slighted by the superior attitudes of Western diplomats and the undue financial burdens imposed on African nations by multilateral organizations such as the World Bank and the International Monetary Fund (IMF) (Kenya Digital News 2023). Also, similar high interest rates on loans given by the World Bank and IMF have stifled the growth of middle and underdeveloped nations. According to the chairman of the African Union, “it is time for a fairer, more inclusive global governance that is more adapted to the realities of our time” (Okafor 2022). In this capacity, the Global South can demand more favorable financial terms from multilateral institutions in areas of non-conflict and responsiveness to programs such as the Responsibility to Protect (R2P) in conflict areas. R2P is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P is a global political commitment that was endorsed by all member states of the UN at the 2005 World Summit to address its four key concerns to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. When coupled with favorable financial terms from the World Bank and the IMF, along with the UN Secretary General’s A4P initiative (United Nations Peacekeeping 2023a) centered around politics, women, peace and security, peace-building and sustaining peace, “Disarmament, Demobilization, and Reintegration” becomes an efficient means to respond to crises related to conflict and/or tribal war in the Global South (e.g., Ethiopia-Tigray conflict) (Jacinto 2023; McNair 2022). Despite the lack of explicit mention of peace as a global agenda item in the World Bank’s Reform Roadmap unveiled in December 2022, peace is likely to become a significant focus (World Bank 2022). This is due to the significant financial investment that will be required for post-war reconstruction in Ukraine, which has experienced a staggering decline in real GDP growth of over –30% since 2022 (IMF 2023), and also due to mounting conflicts in countries in the Global South, such as Sudan. Social tensions will be reduced and society will be able to meet the needs of many ex-combatants, their dependents, and the communities into which they reintegrate (United Nations Peacekeeping 2023b). Furthermore, the “Disarmament, Demobilization, and Reintegration” programs and tools to manage cultural violence and prevent atrocities will no longer compete with society’s broader interests, inspiring NGOs, businesses, and philanthropic institutions to cooperate for the greater good of humanity. In short, what can be seen in the efforts to rebuild Ukraine will also become the long overdue reality of the Global South, and for the benefit of its internally displaced persons who make up the vast majority of the world’s 32.5 million refugees who need employment, psychological treatment, housing, and education (Concern Worldwide 2023).

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