International Organization

International Organization

International Organization
Organization

Dr. A. Ananda Kumar

Dr. J. Mexon

skyfox

International Organization

AUTHOR INFORMATION:

Dr. A. Ananda Kumar., MBA., MHRM., M.Phil., B.Ed., Ph.D.,
Senior Lecturer
Department of Management Studies
DMI – St. Eugene University
P.O.Box: 330081, Chibombo
Zambia.

Dr. J. Mexon., M.Com., M.Phil., B.Ed., Ph.D.,
Senior Lecturer
Department of Commerce
DMI – St. Eugene University
P.O.Box: 330081, Chibombo
Zambia.

INTERNATIONAL ORGANIZATION

Dr. A. Ananda Kumar
Dr. J. Mexon

PREFACE

The book studies each of the main universal international organizations. It looks at the legal rules that constitute of International, the World Trade Organization and other organizations and then considers how these rules are used in exercise to form international politics. It is common among textbooks on international organizations with its emphasis on the communication and interaction between international politics and international law.

The book examine from the assumptions of international politics that cannot be understood without knowledge about international organizations, and that international organizations cannot be understood without thinking about their legal and their political features. From this statement we understood that the organizations as power players in global politics and to determine how governments are try to use them to advance their own interests.

The book is to think about international organizations requires paying attention to politics, law, power and more all at once. Hence it needs theoretical thinking as well as practical experiences. The chapters in this book look at the world of global governance with an eye on these big issues.And so each chapter tells stories from the details of the international organisation.

This is the first edition of the book brings forward to all the viewers and it takes to update the next edition on through the rapidly changing world of international politics and law.

Dr. A. Ananda Kumar
Dr. J.Mexon

From the desk of
Dr. T. X. A. ANANTH, BBA, MSW, MBA, MPhil, PhD,
President – University Council
Dear Learner,
Welcome to DMI – St. Eugene University!
I am sure you are expert in using the PC Tablets distributed by us. Now your world is open to Internet and using the tablet for your educational learning purposes. The very same book you are holding in your hand now is available in your V-Campus portal. All the teaching and learning materials are available in your portal.

As our Chancellor, Rev.Fr. Dr. J. E. Arulraj , mentioned, it is not just the success for DMI-St. Eugene University alone, it is success for the technology, it is success for the great nation of Zambia and it is success for the continent of Africa.

You can feel the improvement in the quality of the learning materials in the printed format. Improvement is done in quality of the content and the printing. Use it extensively and preserve it for your future references. This will help you to understand the subjects in a better way. The theories of the subjects have been explained thoroughly and the problems have been identified at learners' level. This book is made up of five units and every unit is mapped to the syllabus and discussed in detail.

I am happy at the efforts taken by the University in publishing this book not only in printed format, but also in PDF format in the Internet.

With warm regards

Dr. T. X. A. ANANTH
President – University Council

ABOUT THE AUTHORS

Dr. A. ANANDA KUMAR, Ph.D., presently is working in DMI – St. Eugene University, Zambia as Research and Publication – Head and faculty in the Department of Management and Commerce. The author has more than 15 years of experiences in teaching field itself. He is also taking opportunities to give more interested in research areas. He has done his research in more than 70 research papers in different streams. He is also a member of several professional societies.

Basically, he completed his Ph.D., (Management) in Bharathiar University in the year of 2015. Previously, his master degree that he has done MBA in Vel Tech Engineering College, Chennai. And he started his graduate degree from B.Com.Ed., in Pope John Paul College of Education – II which is located in Pondicherry. Moreover, he has done an additional degree of MHRM.,& M.Com., in different Universities. If you want any further communication, kindly drop your message to my email address: searchanandu@gmail.com

Dr.J.MEXON,M.Com., M.Phil., B.Ed., Ph.D., (NET),currently is working as a Senior lecturer in the department of Commerce and Management at DMI St.Eugene University, Zambia, Central Africa. He has 9 years of teaching experience at the college and university level and published morethan 10 research papers in the field ofCommerce and Management.He has experience in handling subjects related to Commerce (Accounts and Finance) and Management. His area of specialization is Accounts. Currently he is guiding number of Post Graduate and Ph.D students in research. As an experienced faculty, he would like to practice unique methodology of teaching that creates interest among the students.

For further communications kindly contact through email: jmexon86@gmail.com

INTRODUCTION

International organizations are important actors in the critical episodes ofinternational politics, with power in mediation, dispute resolution, peacekeeping, applyingsanctions and others. They also help in managing various key areas of internationalconcern, from global health policy to the monetary policies around the world (Abbott andSnidal, 1998).An international organizations can be defined as 'an institutional agreement betweenmembers of an international system in order to achieve objectives according to systemicconditions, reflecting attributes, aspirations and concerns of its members' (Hanrieder,1966). Moreover, what gives the basic rule of them is the sovereignty of the nation-state (Barkinand Cronin, 2009).

Modern international system has three main architectural features, built inoverlapping phases over time. The first stage concerns the definition of the state as aprimary tool of decision in international relations. The Treaty of Westphalia in 1648established peace in Europe after decades of conflicts and bloody wars. Then it was set upthe basis of global dialogue based on national sovereignty, each territory seeking politicalsolutions to their religious problems.

However, the nation-state was consolidated as anexpression of sovereignty in the 19th century and defined as an important actor in globalpolicy-making process that took place in the 20th century.The second stage refers to the agreements between states. This development isassociated with the Congress of Vienna in 1815, where European powers negotiated theendof two decades of war and redrawn the political map of the continent. The agreements signed during Cold War and even today, are considered projections of diplomaticconsensus that stabilized Europe in the 19th century.The third stage consists of the architecture of multilateral system, having in its corethe United Nations. Built largely in the period after the Second World War, it hasantecedents in the postwar

period by creating the League of Nations and the InternationalLabor Organization. Conferences at Bretton Woods, Dumbarton Oaks or San Franciscodeveloped plans for building a wide range of universal rules and specialized institutions inorder to promote international cooperation in economic, political and security areas.These three main elements of the system will remain important pillars ofinternational relations for a long period. Nevertheless, many scholars consider them to beexceeded in the whole series of economic, political, technological and social changes,which often led to debates on the legitimacy and efficiency in decision-making process atinternational level.

CHAPTER - I

INTERNATIONAL ORGANISATIONS

1.0 Learning objectives

After completion of this chapter, you should be able to:

- know the meaning, nature and scope of international organization
- differentiate between the different types of international organizations
- analyze the importance of international organizations in an highlyinterdependent and inter connected world of today

1.1 Introduction

In contemporary global politics, international organizations play an enormous role. Tomost of the world, they symbolize the hope for international peace and security throughglobal cooperation and mutual economic development. Examples of international organizations include the United Nations (UN), the World Bank (International Bank forReconstruction and Development), the International Committee of the Red Cross, andGreenpeace. Most international organizations operate as part of one or more internationalregimes. An international regime is a set of rules, standards, and procedures that governnational behavior in a particular area. Examples of international regimes include armscontrol, foreign trade, and Antarctic exploration. International organizations are oftencentral to the functioning of an international regime, giving structure and procedures tothe "rules of the game" by which nations must play. For example, the World TradeOrganization (WTO), the North American Free Trade Agreement (NAFTA), and theEuropean Union (EU) are key organizations that define the international trade regime.

International Organization

1.2 Meaning and Nature of International Organization

In general, international organization stands for membership group that operates acrossnational borders for specific purposes. The idea of international organization reflects thecooperative arrangement instituted among states, usually by a basic agreement, toperform some mutually advantageous functions implemented through periodic meetingsand staff activities. The Penguin Dictionary of International Relations definesinternational organization as "formal institutional structures transcending nationalboundaries which are created by multilateral agreement among nation states. Theirpurpose is to foster international cooperation in areas such as security, law, economic andsocial matters, and diplomacy."However, in the modern sense, an international organization, or more formallyintergovernmental organization (IGO), is an organization, such as the United Nations,European Community or the WTO, with sovereign states or other IGOs as members.Such organizations function according to the principles of inter-govern mentalism, whichmeans that unanimity is required. The European Union is however an exception to thisrule in some areas. Non-governmental organizations (NGOs) are private organizationsthat can also be international in scope.

Generally and correctly used, however, the term"international organization" is reserved for intergovernmental organizations only. It is inthe sense that the term "international organization" isused in this lesson.Bennett identifies the characteristics of international organization that include: 1.a permanent organization to carry on a continuing set of functions;2voluntary membership of eligible parties;3.a basic instrument stating goals, structure, and methods of operation;4.a permanent secretariat to carry on continuous administrative, research, andinformation functions.Legally speaking, the nature of an international organization is different fromotherorganizations in the sense that the former must be established by a treaty providing it withlegal recognition, and usually, in order to safeguard state

sovereignty, operates at thelevel of consent, recommendation, and cooperation rather than through compulsion orenforcement. International organizations so established are subjects of international law,capable of entering into agreements among themselves or with states. Thus, internationalorganizations in a legal sense are distinguished from mere groupings of states, such as theG-8 and the G-77, neither of which have been founded by treaty, though in non-legalcontexts these are sometimes referred to as international organizations as well.International organizations must also be distinguished from treaties; while allinternational organizations are founded on a treaty, many treaties (e.g., the NorthAmerican Free Trade Agreement (NAFTA)) do not establish an internationalorganization and rely purely on the parties for their administration.

1.3 Scope and Functions of International Organizations

International organizations also differ in its scope of functions, membership andmembership criteria. In terms of scope, international organizations perform a variednumber of useful functions within the state system. Their chief function is to provide themeans of cooperation among states in areas in which cooperation provides advantages forall or large number of nations. They not only work as a platform to take cooperativedecisions but also the administrative tool for translating the decisions into action. Theyalso provide multiple channels of communication among governments so that areas of accommodation are explored and easy access will be available when problem arise.In conflict situations, if states are willing to explore the possibilities of accommodationand compromise, modern international organizations have made available a newdimension beyond the previously existing channels of diplomacy and peaceful settlement.

The United Nations, the Specialized Agencies, and regional organizations providemultiple and a continuous contact point through which accommodation isreached.We must note that

international organizations generally have no independent means of carrying out coercion. However, states, needing to minimize the effects of conflict, find themany and diverse agencies of international organization useful for that end. The UnitedNations, for example, provides several major organs whose functions include theresolution of conflict. In other situations not involving conflict, international organizations, cooperation is facilitated by the existenceof these organizations for reaching agreements that have mutual advantages for all stateconcerned.The fundamental idea and reality underlying modern international organizations involvediplomacy, treaties, conferences, rules of warfare, the regulation of the use of force,peaceful settlement of disputes, the development of international law, international trade,international economic cooperation, international social cooperation, culturalrelationship, world travel, world communications, universalism, peacemovements, international administration,collective security, and movements for world government.The role of international organizations in the contemporary world order depends on theirlegal recognition by the international community. In other words, the organisation is a subject of international laws and capable of enforcing them by bringing international claims. It can make treaties; it can coordinate with other organizations to avoid unsound competition or duplication of efforts.To perform their functions effectively, international organizations are endowed withcertain privilege and immunities. The agents and servants who perform the functions of international organizations also possess privilege and immunities. Internationalorganizations are also entitled to the grant of privileges and immunities for their asset,properties and representatives.

1.4 Kinds of International Organizations

Modern International organizations may be classified, broadly, into two main categories:intergovernmental organizations (IGOs) and international nongovernmental organizations(INGOs).

1.4.1 Intergovernmental organizations:

Intergovernmental organizations have national governments as members. Hundreds of IGOs operate in all parts of the world. Member nations have created each of theseorganizations to serve a purpose that those nations find useful. Membership can rangefrom as few as two member nations to virtually all nations. The UN and its variousagencies are IGOs. So are most of the world's economic coordinating institutions, such asthe World Bank and the International Monetary Fund (IMF). The Organization of Petroleum Exporting Countries (OPEC) seeks to coordinate the production and pricingpolicies of its 12 member states. The International Atomic Energy Agency (IAEA) seeksto regulate the flow of nuclear technology to developing nations. The WTO helpsnegotiate and monitor agreements among 128 nations to lower trade barriers. Militaryalliances, such as the North Atlantic Treaty Organization (NATO) and the Southeast AsiaTreaty Organization (SEATO), and political groupings, such as the Arab League, and theAfrican Union are also IGOs. In general, regional IGOs have experienced more successthan global ones, and those with specific purposes have worked better than those withbroad aims.

1.4.2 International Nongovernmental organizations:

International Nongovernmental organizations are private organizations whosememberships and activities are international in scope. NGOs do not possess the legalstatus of national governments. However, the UN and other international forumsrecognize many NGOs as important political institutions. Examples of NGOs include theRoman Catholic Church, Greenpeace, the International Olympic Committee, and the International Committee of the Red Cross. Although multinational corporations (MNCs)share many characteristics of NGOs, they are not international organizations because theydo not coordinate the actions of members for mutual gain.The IGOs can be further categories based on the nature of their functioning, globaland regional membership, membership criteria,

---

International Organization

and cultural or historical links.Membership of some organizations (global organizations) is open to all the nations of theworld. This category includes the United Nations and its specialized agencies and theWorld Trade Organization. Other organizations are only open to members from aparticular region or continent of the world, like European Union, African Union, andASEAN and so on.Finally, some organizations base their membership on other criteria: cultural or historicallinks (the Commonwealth of Nations, La Francophone, the Community of PortugueseLanguage Countries, the Latin Union), level of economic development or type of economy (Organization for Economic Co-operation and Development (OECD), Organization of Petroleum-Exporting Countries (OPEC), or religion (Organization of theIslamic Conference).

1.5 Examples of International Organizations

1.5.1 Global organizations

United Nations, its specialized agencies, and associated organizations
- INTERPOL
- International Hydrographic Organization
- World Trade Organization
- Universal Postal Union
- International Red Cross and Red Crescent Movement

1.5.2 Regional organizations

Europe:
- European Union (EU)
- Council of Europe (COE)
- Economic Commission for Europe (ECE)
- European Free Trade Association (EFTA)
- European Space Agency (ESA)
- European Patent Organisation

Asia:
- Asia Cooperation Dialogue (ACD)
- Asian Development Bank (ADB)
- East Asian Summit (EAS)
- Association of Southeast Asian Nations (ASEAN)
- South Asian Association for Regional Cooperation (SAARC)
- Gulf Cooperation Council

Eurasia:
- Commonwealth of Independent States (CIS)
- Shanghai Cooperation Organization (SCO)
- Eurasian Economic Community
- Central Asian Cooperation Organization

Africa:
- African Union
- Economic Community of West African States (ECOWAS)
- Southern African Development Community (SADC)
- Intergovernmental Authority on Development (IGAD)
- Arab Maghreb Union

Western Hemisphere:
- Organization of American States (OAS)
- South American Community of Nations
- Caribbean Community (CARICOM)
- Organisation of Eastern Caribbean States (OECS)
- Central American Parliament
- Rio Group
- NAFTA
- Cooperation System of the American Air Forces(SICOFAA)
- Trans-atlantics
- North Atlantic Treaty Organisation (NATO)
- Organization for Security and Co-operation in Europe (OSCE)

Indian Ocean:
- Indian Ocean Rim Association for Regional Cooperation (IOR-ARC)
- Indian Ocean Commission (IOC)

Pacific:
- Asia-Pacific Economic Cooperation (APEC)
- Pacific Islands Forum
- Pacific Regional Environment Programme (SPREP)
- Secretariat of the Pacific Community

1.5.3 Organizations with Various Membership Criteria
- Organisation for Economic Co-operation and Development (OECD)
- Organization of Petroleum-Exporting Countries (OPEC)
- Commonwealth of Nations
- Non-Aligned Movement
- Arab League
- Organization of the Islamic Conference

1.5.4 Financial International Organizations
- Bank for International Settlements
- International Monetary Fund (IMF)
- World Bank Group

1.6 Importance of International Organizations:

While there are less than 200 governments in the global system, there are approximately300 intergovernmental organizations (IGOs). Such as the UN, NATO, the EuropeanUnion, or the International Coffee Organisation; and 5800 international nongovernmentalorganizations (INGOs), such as Amnesty International, the Baptist World Alliance, theInternational Chamber of Shipping, or the International Red Cross, plus a similar numberof less-well-established international caucuses and networks of NGOs. All these IGOsand INGOs play a regular part in global politics and

transnational socio-economicactivities.However, the importance of international organizations has increased in the present inter-connected and inter-dependent world. The increasing interdependence forced the modernstate to search the areas of mutual advantage such as trade, communications, economicdevelopment, and world peace. Since the states must, in so many areas, cooperate, adjust,accommodate, and compromise to promote their common welfare, to solve problems notlimited to national boundaries, and to lessen conflict, it is entirely logical for them tocreate elaborate agencies of international organizations for these ends. It is also logical toassume that they will continue to be used by states as indispensable though limited toolsfor a wide variety of purposes.

Since the trend of world events is toward increasedcontacts and a growing diversity of problems, we may reasonably expect internationalorganizations to also become increasingly diverse in number and purposes rather than todiminish in significance.One sign of the important role of international organizations is how they have endured asinternational power relations shift. In 1991, the Soviet Union dissolved and the Cold Warbetween the Soviet Union and the United States ended. At this time, one might haveexpected the NATO military alliance to Russia and other formerly Communist countriesin Eastern Europe ceased to pose a threat to the capitalist democracies of WesternEurope.

One might have expected NATO, which defended Western European nations, togo out of business, but it did not. Similarly, the creation of the WTO did not causesmaller free-trade associations such as NAFTA to end. Instead, the mosaic of International Organizations continues to expand, particularly as new communications and information-processing technologies make international groups more practical andeffective.The interdependence of nations in the modern world means that no single nation can dictate the outcome of international conflicts. Nor can private groups and individuals re Lyon national governments to

solve major world problems. Therefore, both governmentsand individuals will continue to turn to International Organizations as an important wayto address these problems and to protect their own interests.As the world shrinks, the line between domestic and international problems becomesincreasingly blurred. International events have their international implications. In thissituation, the international organizations may serve as useful tools of the states for theircooperation.

1.7 The United Nations and Its System

1.7.1 The Structure of the UN

To speak simply of the UN can be misleading, because the term can refer to a number of different things. It can refer to a set of countries, to a specific set of institutional structures located in New York City, or to the entire set of institutional structures that come under the administrative purview of the UN headquarters. More broadly, it can refer to what is known as the "UN system," which encompasses a large group of IOs, many of which are not in any way within the administrative hierarchy of the UN headquarters.

A good place to start any discussion of the UN, therefore, is with an explanation of how the various institutions that are a part of the UN system relate to one another. At its most basic, the UN refers to a set of member countries (currently 191), a constitutional document (the Charter of the UN), and six basic organs: the General Assembly (GA), the Security Council, the Secretariat, the International Court of Justice (ICJ), the Economic and Social Council (ECOSOC), and the Trusteeship Council. The Charter directly mandates these organs. Many of the organs have in turn created subsidiary agencies. There are a number of autonomous agencies that are part of the UN system but these are not administratively subsidiary to the central organs of the UN.And finally, there are regional organizations designed to provide some of the functions of the central organs for regional issues. As with autonomous agencies, these regional organizations

International Organization

are generally not administratively subsidiary to the central organs, but are encouraged within the UN system as regional mini-UNs.

The subsidiary agencies, which are often thought of as major IOs in their own right, have in common that they have been created by, are in principle overseen by, and can be disbanded by their superior organizations. In other words, they are answerable to the central organs of the UN. They usually draw at least a portion of their budgets from UN funds as well. Apart from these similarities, subsidiary agencies can be quite different in focus, scope, and scale. Their foci run the gamut from international security (such as specific peacekeeping operations), to economics and development (e.g., the United Nations Conference on Trade and Development [UNCTAD] and the Regional Economic Commissions), to human rights and humanitarian intervention (including the United Nations High Commissioner for Refugees [UNHCHR] and United Nations High Commissioner for Human Rights [UNHCR]).

Some are run from within the UN Secretariat (e.g., the Office of the UN Security Coordinator); others have their own secretariats, headquarters, and bureaucratic structures (such as the United Nations Children's Fund [UNICEF]). Some focus on research and monitoring, while others are active on the ground in implementing the goals of the UN. Some employ a handful of people while others employ thousands. The UN organ that created them actively oversees some, and others operate almost independently of the central UN bureaucracy. The autonomous agencies (some of which predate the UN) and the regional organizations have much more tenuous administrative links with the UN proper. Autonomous agencies interact with and send reports to ECOSOC but are not answerable to it, and do not draw their funding from general UN funds. They have been brought into the UN system because they perform functions that are in keeping with the UN's general mission and with the UN's multilateral approach. Nevertheless, they would in all probability function in much the same way if all formal links with the UN proper were severed. Similarly, the UN is supportive of

regional cooperation organizations as a sort of multilateralism of first resort for regional issues. This allows issues that are essentially of a regional nature to be dealt with in a way that is in keeping with that of the UN system, but without burdening the UN proper with issues that could be effectively dealt with in a local forum.

1.7.2 The UN, Sovereignty, and Power

This module started with questions about the effects of IOs on state sovereignty, and the extent to which IOs have power in contemporary international relations. To the extent that it is the central IO in the system, the UN would seem to be a good place to begin answering these questions. But the answers depend on what we mean by the UN—whether we are speaking of the central organs, these organs plus theirassociated subsidiary organizations, or the UN system as a whole. This is particularly true when asking questions about agency, that is, about IOs as actors. One can certainly speak of particular institutions and agencies within the UN, whether the UN Secretariat or a particular subsidiary agency, as a corporate actor, in the same way that international relations scholars often speak of states as if they were individuals.

Ascribing agency to the UN more broadly, including all of the subsidiary agencies, is more problematic. While all of the particular institutions within the UN are technically administratively interrelated, the links, both authoritative and operational, are often quite tenuous. In other words, the extent to which any one individual or office speaks for the UN, broadly defined, is not clear. Finally, ascribing agency to the UN system is, in most cases, inappropriate. The autonomous and regional agencies are simply not part of the authority structure of the UN proper, let alone its administrative structure. As such, the UN proper cannot authoritatively speak for them.

Does the UN system have power? The answer to this question depends on how one defines power. If one defines power in terms of agency, the ability of an actor to get something done or to

change an outcome, then the answer is no. The UN as a system has little independent agency. If one defines power in terms of changes in outcomes, without requiring that it be the result of some conscious or active attempt to change outcomes, then the UN system does have some real power, through the regime of multilateralism. This regime has significant agenda-setting power and does help to define the way actors, both states and individuals, think about international politics and what constitutes appropriate political behavior in international relations.

In short, this has become habitual practice for states to think in terms of inclusive negotiation as a first resort when confronted with international issues, either political or technical. The regime of multilateralism also has some real power in constraining conscious state behavior. An example of this is the attempt by the Bush administration to work through the UN Security Council in dealing with Iraq. Acting multilaterally became a goal in itself (although not necessarily a primary goal), even though the United States was perfectly capable of acting non-multilaterally, and even when the administration in question was among the more skeptical of the practice of multilateralism. There are limits to the constrainingpower of the regime—the United States in the end took action without multilateral support. However, the efforts made by the United States to gain this support suggest that the power is real.

1.7.3 The General Assembly (GA)

Thus, the UN as a system has a significant amount of power, but a passive sort of power, a power without agency. To find agency in the UN, one must look at its specific institutions. The remainder of this chapter examines the central organs of the UN both as institutions and as regimes. This discussion will illustrate some of the theoretical debates discussed and provide some background to the examination of the role of IOs in particular issue-areas to be undertaken in later units. The first of these organs is the GA, which is, in a way, the core organ of the UN in that it is the only organ in which

all member countries are represented all of the time. Its primary activities are to pass resolutions and to create subsidiary agencies to deal with particular issues. The resolutions are not binding; they are indicative of the majority opinion of the community of nations, but they are not considered to be international law, nor are they enforceable.

The GA works on a one-country onevote basis. Resolutions on most issues can be passed by majority vote, although "important questions,"4 including, among other things, those relating to membership in the UN and to budgetary issues, require a two-thirds majority. The GA includes both the plenary body (the GA proper) and several permanent committees, each of which, like the plenary GA, includes all countries that are members of the UN. It is in these committees that much of the actual negotiating and crafting of resolutions is done.

The GA elects a new president and seventeen vice presidents each year from among the members of the national delegations. It thus has no senior bureaucrats of its own; its senior management is drawn from within the ranks of the national delegations. The GA is therefore best seen as a forum, as a regime, rather than as an institutional actor. It is a place for the community of states to discuss issues of common concern, and is a creature of those states rather than an independent actor on the international stage. It does not have an executive function, although many of its subsidiary organizations do. It does, however, have significant budgetary powers (although in practice, it is the staff of the Secretariat that proposes budgets, subject to the approval of the GA). The structure of the GA, with its emphasis on equal representation and majority voting, yields a voting majority for developing countries, particularly the Group of 77 (G-77), a caucus of third-world countries. This gives the G-77 effective control over the distribution of much of the UN's budget. This control, however, only matters insofar as the countries with the biggest assessments of UN dues pay up. In practice, the largest donor countries, particularly the United

States, have been able to restrain the growth of UN budgets, and force a decline in the size of the UN's bureaucracy, by threatening to (and, for much of the 1990s, actually proceeding to) withhold the payment of assessed dues. The GA, therefore, is in practice more democratic as a forum than as manager of the UN's budget.

From a regime perspective, it seems easy at first glance to dismiss the GA as a talking shop, where small countries with little power on the international stage vote on resolutions that in the end have little effect on outcomes in international politics. In fact, the report of a recent high-level panel sponsored by the SecretaryGeneral criticized the GA for an "inability to reach closure on issues" and an "unwieldy and static agenda." From a rationalist perspective, a talking shop has some minor benefits in terms of transparency. It reduces transaction costs by providing a permanent structure and set of rules for communication within the community of states, and it can improve flows of information by making it easier for states to communicate their preferences effectively to the community of states as a whole. However, given that the results of GA debates rarely include specific rules of behavior or decision-making procedures, skeptics can argue that this improved transparency does not really translate into an increased efficiency of meaningful international cooperation.

This rationalist skepticism overlooks the role of the GA in facilitating the creation and oversight of its subsidiary bodies, in which role it may not be particularly efficient but is certainly more efficient than such creation and oversight would be absent the Assembly. More importantly, a rationalist examination of the GA can miss perhaps its most important function: legitimation. It may not be able to enforce its resolutions, but it nonetheless speaks with some real moral authority simply because it is the core democratic organ of the UN, and, to some extent, the voice of the community of nations.

The Assembly helps to legitimate broad principles such as the sovereign equality of nations and the cooperative settlement of

disputes, and can also be used to legitimate positions on specific issues. For example, the signatory states of the Antipersonnel Mine Ban Convention (also known as the Ottawa Convention) faced a situation in which the world's major powers refused to join them, even though they constituted a large majority of the world's states. This threatened to make the convention pointless. The signatory states then made a conscious decision to launch the convention through a GA resolution, not a normal course of action with technical treaties. Clearly, they took this route in order to legitimize the campaign against antipersonnel landmines despite the refusal of some key major military powers to cooperate. This suggests that these states, the majority of the world's states, take the GA's legitimation role seriously.

1.7.4 The Security Council

The UN Security Council is both more specialized in its focus and more unusual in its design than the GA. The Security Council is designed to focus specifically on issues of international security, and is the body charged by the UN charter to authorize the use of force to maintain collective security. The design of the Security Council is, at its core, a response to the failures of the collective security mechanisms of the League of Nations. From a regime perspective, the League's inefficiency at promoting transparency made it ineffective at contributing tocollective security. The Security Council was designed specifically both to decrease the transaction costs inherent in the League model and to specify property rights much more clearly to promote more efficient cooperation. The League failed, among other reasons, because its rules and decision-making procedures neither allowed for fast and detailed responses to threats to international security, nor clearly identified those responsible for enforcing the responses that had been agreed upon.

The Security Council was designed to overcome these shortcomings through the mechanisms of a limited membership and a clear connection between those states that made decisions about

collective security and those charged with enforcing them. Membership in the Council is restricted to fifteen states. The Council is permanently in session (unlike the GA), and the size of each national delegation is strictly limited. The effect of these organizational features is to limit transaction costs the Council can debate an issue on very short notice, and the debate can proceed relatively efficiently because of the small number of states and people participating.

The Security Council then has clear authority both to decide what issues constitute threats to international security and to mandate action—diplomatic, economic, and military to combat those threats. The Council's voting structure supports its ability to use this mandate effectively. A key problem with the League's attempts to deal with issues of collective security was a disjuncture between those who mandated action and those expected to actually undertake it. A group of small states that collectively constituted more than half of the membership, but that even collectively did not have any real enforcement capabilities could mandate action. The Security Council was designed to overcome this problem by giving the major powers in the system permanent membership, a disproportionate share of the vote, and the ability to veto potential Council decisions. This improves the "property rights" of the enforcement system by giving those who will supply enforcement more direct and individual control over the assignment of enforcement. However, the veto power innovation has not proved to be ideal. During the Cold War, Soviet and U.S. vetoes led to deadlock on the Council, resulting in a quarter century during which the Council did little. The selection of veto powers has also become increasingly dissonant with actual distributions of power more than half a century after the end of World War II. However, the innovation did nonetheless create an institution that is more effective, and certainly more long-lived, than the League. Beyond efficiency, the Security Council is an effective legitimator in international politics, perhaps even more than the GA.

One might have expected the disproportionate voice given to the major powers on the Council, in a UN that otherwise promotes the sovereign equality of states, to lead most other countries to view it as more representative of the international power structure than of international legitimacy. But this has not really turned out to be the case. The Security Council has an integral institutional role in determining the legitimacy of states, both through its authority to adjudicate questions of international security and its role in allowing countries to join the UN. Nevertheless,much of the contemporary world also sees the Security Council as the only body that can legitimately authorize international violence. A good example of its role in political legitimation is the debate that preceded the invasion of Iraq in 2003. There was never anyquestion that an invasion would be carried out overwhelmingly by U.S. forces. However, much of the world was nonetheless willing to accept such an invasion only if the Security Council authorized it, despite a widespread recognition that such an authorization would in function be a matter of political horse-trading among the permanent members.

Having said this, and as the above comment about political horse-trading suggests, the Security Council is better viewed as a forum than as an actor. A number of features of its institutional structure militate against it functioning as an independent actor in international politics. It has no bureaucracy independent of its participating members. Its president is drawn from among the delegates representing its fifteen members, and the presidency rotates on a monthly basis,13 suggesting that there is little vesting of interests in that office. In addition, while the five permanent members lend a continuity to the Council, the ten rotating members are elected for two years only and cannot be immediately reelected, meaning that the continuity is only partial. The Council also has no independent powers of enforcement. It is dependent for these on the capabilities of UN member countries, so that even were it to develop an interest separate from those of its member states, it could not do anything to promote that interest independently of them.

Nevertheless, the structure of the Security Council clearly has empowering effects. Its legal and treaty structure as the organ of the UN charged with the authority to legitimize the use of force internationally, has clearly helped to make the international community into a reality to be taken into account by states making decisions relating to issues of international security. And the membership and voting structure has had the effect of empowering the five permanent members at the expense of the rest of the membership of the UN. In the contemporary world, this is perhaps least true of the United States, which, as the world's predominant military power, is constrained by the legitimacy of the Security Council's authority as much as it is enabled by its veto on the Council. It is truer of the other four permanent members, who, through their veto power, have a greater individual say in matters of international security than their interests in the issue at hand, or their potential contribution to enforcement measures, may warrant. It can also give them a greater say than other countries that are more directly involved in an issue or that are in position to contribute more to enforcement. As an aside, this voting structure also has the incidental effect of disempowering the European Union (EU) in matters of international security. Because two EU members (the United Kingdom and France) are permanent members of the Security Council, but the EU as an institution is not represented there (unlike at many IOs dealing with economic issues), these two countries have a vested interest in acting as individuals with respect to issues that the SC deals with, rather than as members of the EU.

1.7.5 The Secretariat

The UN Secretariat, much more than any of the other five organs of the UN, can reasonably be seen as an independent actor in international politics. The Secretariat is the UN's central bureaucracy, and as such deals with the everyday details of managing a large organization. In this sense, it provides the institutional support for thetransparency and legitimation functions of the other UN organs. But it is also the only one of the organs that can speak with a strong

and (somewhat) independent voice about international politics. It can do so largely through the office of the Secretary-General.

The Secretary-General is charged in the UN Charter to "be the chief administrative officer of the Organization," but is not empowered to play an active role in international politics beyond bringing "to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." The Secretary-General is also instructed by the Charter to remain politically neutral, to maintain an "international character." Over the years, this combination of political neutrality and authority to raise issues on the international stage has increasingly given Secretaries-General a significant independent voice in international politics.

This voice is empowered by the moral authority of the UN system and by the position the UN, and the Secretariat, holds within that system. It is constrained, however, by the same factors. The UN charter gives the Secretary-General the ability to effectively put items on the Security Council's agenda. Perhaps more importantly, the moral authority of the UN gives the Secretary-General an effective bully pulpit from which to put issues on the international agenda, and an effective claim to neutrality from which to mediate in disputes. But in order to maintain this moral authority, the Secretary-General must remain within the bounds of the instructions of the Charter and must maintain a reputation both of internationalism and of political neutrality. In other words, the office empowers its occupant only insofar as he or she acts in a manner in keeping (or generally perceived to be in keeping) with the office. Furthermore, since the Secretary-General has neither the ability to legislate nor the ability to enforce, the power and effective agency of the office depends on the ability to persuade. This in turn means that the effectiveness of any given Secretary-General as an independent actor in international politics depends greatly on political skill (and the skill levels of Secretaries-General has varied greatly).

As an actor in international relations, the Secretary-General tends to play the role either of agenda-setter or of mediator. As agenda-setters, the Secretaries-General can use the authority of the position, and the access to the media that goes with that authority, to raise or promote certain issues on the international agenda, and to embarrass states into changing their behavior. This can be done through either public or private diplomacy. As mediators, the Secretaries-General have often used the office proactively to defuse escalating crises, and to monitor potentially escalatory situations. They do this personally in some cases, and in others appoint special representatives to mediate in or monitor a variety of places at the same time; the current Secretary-General, Kofi Annan, has several dozen Special Representatives, Personal Representatives, and Envoys throughout the world. These act to a certain extent as a personal foreign service for the Secretariat.

In addition to the lack of legislative and enforcement powers, and the need to maintain the legitimacy of the office, the Secretary-General is also constrained as an independent actor in international politics by the need to administer the UN. This is a substantial task, involving a Secretariat staff of 8,900 people. Kofi Annan has in fact devoted quite a bit of effort toward administrative reform within theSecretariat, an effort that is still underway. Functionally, the need to successfully administer the UN also entails remaining on good terms with member countries in general, and major donor countries and permanent members of the Security Council in particular. It also entails restrained use of the Secretary-General's independent voice: A bully pulpit used too often dilutes its message, and too much activity on the part of the Secretariat would put strain on a limited budget. Secretaries-General tend also to be relatively moderate and centrist as a function of the way in which they are chosen. The GA on the recommendation of the Security Council appoints them. This means that they must first be approved by vote of the Security Council, without a veto being cast by any of the five permanent members, and then by two-thirds of the GA. In other words, they must be approved both by the Council veto

powers and by the G-77, a process that generally leads to a compromise candidate.

1.8 International Court of Justice

1.8.1 History

The creation of the Court represented the culmination of a long development of methods for the pacific settlement of international disputes, the origins of which can be said to go back to classical times. Article 33 of the United Nations Charter lists the following methods for the pacific settlement of disputes between States: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangements, to which good offices should also be added. Among these methods, certain involve appealing to third parties. For example, mediation places the parties to a dispute in a position in which they can themselves resolve their dispute thanks to the intervention of a third party. Arbitration goes further, in the sense that the dispute is in fact submitted to the decision or award of an impartial third party, so that a binding settlement can be achieved. The same is true of judicial settlement, except that a court is subject to stricter rules than an arbitral tribunal in procedural matters, for example. Historically speaking, mediation and arbitration preceded judicial settlement. The former was known, for example, in ancient India, whilst numerous examples of the latter are to be found in ancient Greece, in China, among the Arabian tribes, in the early Islamic world, in maritime customary law in medieval Europe and in Papal practice.

The modern history of international arbitration is, however, generally recognized as dating from the so-called Jay Treaty of 1794 between the United States of America and Great Britain. This Treaty of Amity, Commerce and Navigation provided for the creation of three mixed commissions, composed of American and British nationals in equal numbers, who were tasked with settling a number of outstanding questions between the two countries, which it had not been possible to resolve by negotiation. Whilst it is true that

International Organization

these mixed commissions were not strictly speaking organs of third-party adjudication, they were intended to function to some extent as tribunals. They re-awakened interest in the process of arbitration. Throughout the nineteenth century, the United States and the United Kingdom had recourse to them, as did other States in Europe and the Americas.

The *Alabama* Claims arbitration in 1872 between the United Kingdom and the United States marked the start of a second, and still more decisive, phase in the development of international arbitration. Under the Treaty of Washington of 1871, the United States and the United Kingdom agreed to submit to arbitration claims by the former for alleged breaches of neutrality by the latter during the American Civil War. The two countries set out certain rules governing the duties of neutralgovernments that were to be applied by the tribunal, which they agreed should consist of five members, to be appointed respectively by the Heads of State of the United States, the United Kingdom, Brazil, Italy and Switzerland, the last three States not being parties to the case. The award of the arbitral tribunal ordered the United Kingdom to pay compensation, and the latter duly complied. The proceedings served as a demonstration of the effectiveness of arbitration in the settlement of a major dispute and it led during the latter years of the nineteenth century to developments in various directions, namely:

- A sharp growth in the practice of inserting clauses in treaties providing for recourse to arbitration in the event of a dispute between the parties ;
- The conclusion of general arbitration treaties for the settlement of specified classes of inter-State disputes ;
- Efforts to construct a general law of arbitration, so that countries wishing to have recourse to this means of settling disputes would not be obliged to agree each time on the procedure to be adopted, the composition of the tribunal, the rules to be followed and the factors to be taken into consideration in rendering the award ;

- Proposals for the creation of a permanent international arbitral tribunal in order to obviate the need to set up a special ad hoc tribunal to decide each dispute.

1.8.2 The ICJ is the principal judicial organ of the United Nations

The outbreak of war in September 1939 inevitably had serious consequences for the PCIJ, which had already for some years been experiencing a period of diminished activity. After its last public sitting on 4 December 1939, the PCIJ did not deal with any judicial business and no further judicial elections were held. In 1940, the Court removed to Geneva, a single judge remaining at The Hague, together with a few Registry officials of Dutch nationality. The upheavals of war led to renewed thought about the future of the Court and the creation of a new international legal order. In 1942, the United States Secretary of State and the Foreign Secretary of the United Kingdom declared themselves in favour of the establishment or re-establishment of an international court after the war, and the Inter-American Juridical Committee recommended the extension of the PCIJ's jurisdiction. Early in 1943, the British Government took the initiative of inviting a number of experts to London to constitute an informal Inter-Allied Committee to examine the matter. This Committee, under the chairmanship of Sir William Malkin (United Kingdom), held 19 meetings, which were attended by jurists from 11 countries. In its report, which was published on 10 February 1944, it recommended:that the Statute of any new international court created should be based on that of the PCIJ ; that advisory jurisdiction should be retained in the case of the new Court ; that acceptance of the jurisdiction of the new Court should not be compulsory ; that the Court should have no jurisdiction to deal with essentially political matters.

Meanwhile, on 30 October 1943, following a conference between China, the USSR, the United Kingdom and the United States, a joint declaration was issued recognizing the necessity"of establishing at the earliest practicable date a general international

organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security".

This declaration led to exchanges between the Four Powers at Dumbarton Oaks, resulting in the publication on 9 October 1944 of proposals for the establishment of a general international organization, to include an international court of justice. The next step was the convening of a meeting in Washington, in April 1945, of a committee of jurists representing 44 States. This Committee, under the chairmanship of G. H. Hackworth (United States), was entrusted with the preparation of a draft Statute for the future international court of justice, for submission to the San Francisco Conference, which during the months of April to June 1945 was to draw up the United Nations Charter. The draft Statute prepared by the Committee was based on the Statute of the PCIJ and was thus not a completely fresh text. The Committee nevertheless declined to take a position on a number of points, which it felt should be decided by the Conference: should a new court be created ? In what form should the court's mission as the principal judicial organ of the United Nations be stated? Should the court's jurisdiction be compulsory and, if so, to what extent? How should the judges be elected? The final decisions on these points, and on the definitive form of the Statute, were taken at the San Francisco Conference, in which 50 States participated.

That Conference decided against compulsory jurisdiction and in favour of the creation of an entirely new court, which would be a principal organ of the United Nations, on the same footing as the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council and the Secretariat, and with its Statute annexed to and forming part of the Charter.

1.8.3 The Statute and the Rules of Court

The Statute of the ICJ elaborates certain general principles laid down in Chapter XIV of the Charter. Whilst it forms an integral part of the Charter, it is not incorporated into it, but is simply annexed. This has avoided unbalancing the 111 articles of the Charter by the addition of the 70 articles of the Statute, and has facilitated access to the Court for States that are not members of the United Nations (see below p. 33). The articles of the Statute are divided into five chapters : "Organization of the Court" (Arts. 2-33), "Competence of the Court" (Arts. 34-38), "Procedure" (Arts. 39-64), "Advisory Opinions" (Arts. 65-68) and "Amendment" (Arts. 69-70). The procedure for amending the Statute is the same as that for amending the Charter, i.e., by a two-thirds majority vote in the General Assembly and ratification by two-thirds of the States, including the permanent members of the Security Council — the only difference being that States parties to the Statute without being members of the United Nations are allowed to participate in the vote in the General Assembly. Should the ICJ consider it desirable for its Statute to be amended, it must submit a proposal to this effect to the General Assembly by means of a written communication addressed to the Secretary-General. However, there has hitherto been no amendment of the Statute of the ICJ.

In pursuance of powers conferred upon it by the Statute, the ICJ has drawn up its own Rules of Court. These Rules are intended to supplement the general rules set forth in the Statute and to make detailed provision for the steps to be taken to comply with them; however, the Rules may not contain any provisions that are repugnant to the Statute or which confer upon the Court powers that go beyond those conferred by the Statute.

The Rules of Court refer to the provisions of the Statute concerning the Court's procedure and the working of the Court and of the Registry, so that on many points it is necessary to consult both documents. The ICJ is competent to amend its Rules of Court, and

can thus incorporate into them provisions embodying its practice as this has developed. On 5 May 1946, it adopted Rules largely based on the latest version of the Rules of Court of the PCIJ, which dated from 1936. In 1967, in the light of the experience, it had acquired and of the need to adapt theRules to changes that had taken place in the world and in the pace of international events, it embarked upon a thorough revision of its Rules and set up a standing committee for the purpose.

On 10 May 1972, it adopted certain amendments, which came into force on 1 September that year. On 14 April 1978, the Court adopted a thoroughly revised set of Rules, which came into force on 1 July 1978. The object of the changes made — at a time when the Court's activity had undeniably fallen off — was to increase the flexibility of proceedings, making them as simple and rapid as possible, and to help reduce the costs to the parties, as far as these matters depended upon the Court. On 5 December 2000, the Court amended two articles of the 1978 Rules: Article 79 on preliminary objections and Article 80 concerning counter-claims. The purpose of the new amendments was to shorten the duration of these incidental proceedings and to clarify the rules in force to reflect more faithfully the Court's practice. The amended versions of Articles 79 and 80 entered into force on 1 February 2001, with the previous versions continuing to govern all phases of cases submitted to the Court before that date. Amended and slightly simplified versions of the Preamble and of Article 52 entered into force on 14 April 2005. On 29 September 2005, a new version of Article 43 came into force, setting out the circumstances in which the Court was required to notify a public international organization that is a party to a convention whose construction may be in question in a case brought before it.

Moreover, since October 2001 the Court has issued Practice Directions for the use of States appearing before it. These Directions involve no amendment of the Rules but are supplemental to them. They are the fruit of the Court's constant review of its working

methods, responding to a need to adapt to the considerable growth in its activity over recent years.

1.8.4 The Judges and the Registry

a) The Court is a body composed of elected independent judges

The Members of the Court are elected by the Member States of the United Nations (193 in total) and other States that are parties to the Statute of the ICJ on an ad hoc basis (as in the case of Switzerland, for example, prior to its accession to the United Nations in 2002, see below p. 34). For obvious practical reasons, the number of judges cannot be equal to that of those States. It was fixed at 15 when the revised version of the Statute of the PCIJ that came into force in 1936 was drafted, and has since remained unchanged, despite occasional suggestions that the number be increased. The term of office of the judges is nine years. In order to ensure a certain measure of institutional continuity, one-third of the Court, i.e., five judges, is elected every three years. Judges are eligible for re-election. Should a judge die or resign during his or her term of office, a special election is held as soon as possible to choose a judge to fill the remainder of the term.

The ICJ being the principal judicial organ of the United Nations, it is by that Organization that the elections are conducted. Voting takes place both in the General Assembly and in the Security Council. Representatives of States parties to the Statute without being members of the United Nations are admitted to the Assembly for the occasion, whilst in the Security Council, for the purpose of these elections, no right of veto applies and the required majority is eight. The two bodies concerned vote simultaneously but separately. In order to be elected, a candidate must receive an absolute majority of the votes in both the General Assembly and the Security Council. This often requires multiple rounds of voting. There is a conciliation procedure to cover cases where one or more vacancies remain after three meetings have been held, and a further last-resort option in which the final decision is taken by those judges who have already

been elected. Neither of these two possibilities has ever been used in respect of the ICJ ; on the other hand, the conciliation procedure was used during the first elections to the PCIJ, having already been provided for in its Statute. The elections are generally held in New York on the occasion of the annual autumn session of the General Assembly. The judges elected at each triennial election (e.g., 2005, 2008, 2011, 2014, etc.) begin their term of office on 6 February of the following year, after which the Court proceeds to elect by secret ballot a President and Vice-President to hold office for three years. As is the case for all other elections by the Court, an absolute majority is necessary and there are no conditions with regard to nationality. Afterthe President and the Vice-President, the order of seniority of Members of the Court is determined by the date on which their term of office began, and, in the case of judges taking office on the same day, by their age.

The provisions of the Statute concerning the composition of the ICJ, with a view to gaining for the Court the confidence of the greatest possible number of States, are careful to ensure that no State or group of States enjoys or appears to enjoy any advantage over the others. All States parties to the Statute have the right to propose candidates. Proposals are made not by the government of the State concerned, but by a group consisting of the members of the Permanent Court of Arbitration (PCA) designated by that State, i.e., by the four jurists who can be called upon to serve as members of an arbitral tribunal under the Hague Conventions of 1899 and 1907. In the case of countries not represented on the PCA, nominations are made by a group constituted in the same way. Each group can propose up to four candidates, not more than two of whom may hold its nationality, whilst the others may be from any country whatsoever, whether a party to the Statute or not and whether or not that country has declared that it accepts the compulsory jurisdiction of the ICJ. The names of candidates must be communicated to the Secretary-General of the United Nations within a time-limit laid down by him.

The Court may not include more than one national of the same State. Should two candidates having the same nationality be elected at the same time, only the elder is considered to have been validly elected. It is possible, however, for a State party to a case before the Court to choose a judge ad hoc with the same nationality as an elected judge. There is nothing to prevent such a choice. Thus, in the case concerning the Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand), both Cambodia and Thailand chose a judge ad hoc of French nationality. Since the Court already included on its Bench an elected judge of French nationality, there were three French judges sitting in that case.

At every election of Members of the Court, the General Assembly and the Security Council are required to bear in mind "that in the body as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured". In practice, this principle has found expression in the distribution of membership of the ICJ among the principal regions of the globe. Today this distribution is as follows: Africa 3, Latin America and the Caribbean 2, Asia 3, Western Europe and other States 5, Eastern Europe 2. This corresponds to the distribution of membership within the Security Council. Although there is no entitlement to membership on the part of any country, the ICJ has generally always included judges of the nationality of the permanent members of the Security Council, with the sole exception of China. Therewas, in fact, no Chinese Member of the Court from 1967 to 1984.

b) The Court is a permanent international institution

Article 22, paragraph 1, of the Statute states that "the seat of the Court shall be established at The Hague", a city which is also the seat of the Government of the Netherlands. The Court may, if it considers it desirable, hold sittings elsewhere,but this has never

occurred. The Court occupies premises in the Peace Palace, which are placed at its disposal by the Carnegie Foundation of the Netherlands in return for a financial contribution by the United Nations, which in 2012 amounted to €1,264,152. It is assisted by its Registry and enjoys the facilities of the Peace Palace Library; the Court has as its neighbors the PCA, which was founded in 1899, and the Hague Academy of International Law, founded in 1923.

Although the ICJ is deemed to be permanently in session, only its President is obliged to reside at The Hague. However, the other Members of the Court are required to be permanently at its disposal except during judicial vacations or leaves of absence, or when they are prevented from attending by illness or other serious reason. In practice, the majority of Court Members reside at The Hague and all will normally spend the greater part of the year there.

No Member of the Court may engage in any other occupation. He or she is not allowed to exercise any political or administrative function, nor to act as agent, counsel or advocate in any case. Any doubts with regard to this question are settled by decision of the Court. The most it will permit — provided that the exigencies of his or her Court duties so allow — is that a judge may investigate, conciliate or arbitrate in certain cases not liable to be submitted to the ICJ, may be a member of learned bodies, and may give lectures or attend meetings of a purely academic nature. Members of the Court are thus subject to particularly strict rules with regard to questions of incompatibility of functions.

The Members of the Court, when engaged on the business of the Court, enjoy privileges and immunities comparable with those of the head of a diplomatic mission. At The Hague, the President takes precedence over the doyen of the diplomatic corps, after which there is an alternation of precedence as between judges and ambassadors. The annual salary of Members of the Court, as well as the annual pension they receive on leaving the Court, are determined by the General Assembly as a special section in the

United Nations budget, adopted on the proposal of the Court (the Court's total budget represented less than 2 per cent of the regular budget of the United Nations in 1946, and now accounts for less than 1 per cent of it).

The work of the ICJ is directed and its administration supervised by its President. The Court has set up the following bodies to assist him in his or her tasks : a Budgetary and Administrative Committee, a Rules Committee and a Library Committee, all of them composed of Members of the Court. In addition, other ad hoc committees have been formed to deal with issues such as information technology. The Vice-President takes the place of the President if the latter is unable to fulfill his or her duties or if the office of President becomes vacant, for which he receives a special daily allowance. In the absence of the Vice-President, this role falls to the senior judge.

c)The composition of the Court may vary from one case to another

When a case is submitted to the ICJ, various problems may arise with regard to the Court's composition. To begin with, no judge may participate in the decision of any case in which he has previously taken part in any capacity. Similarly, if a Member of the Court considers that for any special reason he ought not to participate in a case, that judge must so inform the President. It thus occasionally happens that one or more judges abstain from sitting in a given case. Since there are no deputy-judges in the ICJ, no one else is substituted for them. The President may also take the initiative in indicating to a Member of the Court that in his or her opinion that judge should not sit in a particular case. Any doubt or disagreement on this point is settled by decision of the Court. Since 1978, the Rules have provided in Article 34 that parties may inform the President confidentially in writing of facts, which they consider to be of possible relevance to the application of the provisions of the Statute in this regard. A judge who, without having taken part in a case or

having a special reason for refraining from sitting, simply happens to be a national of one of the parties, retains his or her right to sit, though should that judge be the President, his/her functions in the case will be exercised by the Vice-President.

Judges ad hoc

Under Article 31, paragraphs 2 and 3, of the Statute, a party not having a judge of its nationality on the Bench may choose a person to sit as judge ad hoc in that specific case under the conditions laid down in Articles 35 to 37 of the Rules of Court. Before taking up his duties, a judge ad hoc is required to make the same solemn declaration as an elected Member of the Court and takes part in any decision concerning the case on terms of complete equality with his or her colleagues. A judge ad hoc receives compensation for every day spent discharging his or her duties, that is to say, every day that the judge ad hoc spends in The Hague in order to take part in the Court's work, plus each day devoted to consideration of the case outside The Hague. A party must announce as soon as possible its intention of choosing a judge ad hoc. In cases which occur from time to time, where there are more than two parties to the dispute, it is laid down that parties which are in fact acting in the same interest are restricted to a single judge ad hoc between them — or, if one of them already has a judge of its nationality on the Bench, they are not entitled to choose a judge ad hoc at all. There are accordingly various possibilities, the following of which have actually occurred in practice: two regular judges having the nationality of the parties; two judges ad hoc; a regular judge of the nationality of one of the parties and a judge ad hoc; neither a regular judge having the nationality of one of the parties nor a judge ad hoc. Since 1946, 104 individuals have sat asjudges ad hoc, 17 of whom have been elected Members of the Court at another time, 15 others having been proposed as candidates for election to the Court.

CHAPTER - II

SPECIFIED AGENCIES OF UN

2.0 Learning objectives

After completion of this chapter, you should be able to:

- Identify the specified agencies of UN
- Explain the functions of UNESCO, UNICEF, FAO, and WHO

2.1 Introduction

Specified agencies are autonomous organizations working with the United Nations and each other through the coordinating machinery of the United Nations Economic and Social Council at the intergovernmental level, and through the Chief Executives Board for coordination (CEB) at the inter-secretariat level. Specified agencies may or may not have been originally created by the United Nations, but they are incorporated into the United Nations System by the United Nations Economic and Social Council acting under Articles 57 and 63 of the United Nations Charter. At present the UN has in total 15 specified agencies that carry out various functions on behalf of the UN. This unit will therefore focus on specified agencies of the UN. It will specifically discuss on the formation and functions of these agencies.

2.2 United Nations Educational, Scientific and Cultural Organization (UNESCO)

2.2.1 Organization Overview

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations (UN) with the mission of contributing to building peace, alleviating

poverty, sustainable development and intercultural dialogue, through education, sciences, culture, communication and information. UNESCO is governed by an assembly of all member states, which meets biannually, and by an executive board of 58 members, which meets twice annually. The largest segment of UNESCO's activities is a set of contributions to education, principally through advising member states on educational policy and related subjects and through operating a network of educational institutes. UNESCO's other activities include:

- providing advice to member states on science, technology and innovation; managing the international hydrological program, small island developing states, biodiversity and biosphere reserves and geoscience programs as well as a network of scientific institutes and the International Oceanographic Commission, including its contribution to climate science.

- promotion of cultural diversity and heritage, including through the Convention on World Heritage (1970) under which the World Heritage List is established, the Convention on Intangible Cultural Heritage (2003) and other conventions as well as a focus on culture and development, especially through cultural and creative industries and an Atlas of World Languages in Danger.

- promotion of for freedom of speech and media freedom.

- providing key education statistics and monitoring progress towards the Millennium Development Goals and Education for All targets via the Global Monitoring Report and International Institute for Educational Planning.

2.2.2 Demonstrates development or humanitarian results consistent with mandate.

UNESCO contributes to development outcomes through various aspects of its mandate. Education is the area of UNESCO's mandate most obviously central to development. However, other areas of UNESCO's work have development benefits. For example, its objectives include the management of clean water and sanitation, the promotion of ethical behavior in the application of science, promotion of media freedom, cultural industries and livelihoods, and acceptance of cultural diversity (including preservation of cultural and heritage sites). All of these contribute to create empowered citizens, enhance the quality of life in developing countries by developing industries such as tourism, and may help to avoid conflicts, which might otherwise disrupt their development. There are some clear indications of positive results from some of UNESCO's activities. For example in education, UNESCO's leading roles are education sector planning and policy advice on how to achieve education for all by ensuring quality and gender equality, or UNESCO's work on literacy corresponding to Millennium Development Goals (MDG) 2 and MDG 3, and compilation of global educational statistics related to various aspects of education, including on primary education enrolments. For example, in Nepal, UNESCO has worked to strengthen the capacity of approximately 450 education officials on the use and analysis of non-formal education data in planning, monitoring and evaluation. UNESCO's global education statistics work is highly regarded and widely used by stakeholders.

Clear positive results of UNESCO programs in areas other than education include are diverse including:

- the Indian Ocean tsunami warning system

- management of flood risks in Pakistan and several African countries

- training of Tunisian journalists to cover the country's first free elections

- post-conflict or post-disaster rehabilitation of world heritage sites, such as Angkor Wat

- safeguarding of intangible cultural heritage including indigenous languages, and

- global efforts to advance scientific expertise in the developing world through the International Centre for Theoretical Physics.

2.2.3 Plays critical role in improving aid effectiveness through results monitoring

UNESCO's Programme and Budget, which is approved by the General Conference every two years, sets out the expected results for the forthcoming biennium for each of the five program sectors, with performance indicators and benchmarks. The Director General reports to each of the executive board sessions on program implementation in terms of main results achieved against the expected results, as well as challenges and lessons learned. At the end of the biennium, the Director General's Report on the activities of the Organisation reports on the achievements and challenges/lessons learned for each major program.

2.2.4 Focuses on crosscutting issues, particularly gender, environment and people with disabilities

UNESCO treats gender equality as a global priority and has established a gender equality action plan for 2008–13. It makes useful contributions in its advisory work on education, integrating gender into its programming frameworks and working with UNICEF on the UN Girls Education Initiative. UNESCO routinely applies gender disaggregation in its statistical compilations. Through emphasis on education for girls and women, it has contributed to

making this a higher priority for many other agencies involved in education. UNESCO makes creditable contributions to environmental sustainability, both through elements of its education advice (education for sustainable development, including climate change education) and through its work in ecological sciences, hydrology and oceanography. Its support for scientific work is adding to the evidence base on climate change. This includes the Intergovernmental Oceanographic Commission, theInternational Hydrology Program, the Man and the Biosphere Programme (including Biosphere Reserves) and the International Geosciences Programme. Further, UNESCO has a program for improving its own environmental impact and carbon footprint. UNESCO's programs in the education sector include measures to support people with disabilities. It has produced Guidelines for Inclusion about including children with disabilities in education, and a related toolkit. Some of its educational training programs have focused on inclusive education. UNESCO has also produced a DVD, A World for Inclusion: Ensuring Education for All through the UN Disability Convention, which uses footage from Finland, Kenya and Turkey to address the situation of children with disabilities. The Education For All Global Monitoring Report 2010 focused on the theme of disability and gives attention to disability as one of the major factors holding back progress towards EFA.

2.3 United Nations International Children's Emergency Fund (UNICEF)

2.3.1 Organization Overview

The United Nations General Assembly created the United Nations International Children's Emergency Fund on December 11, 1946, to provide emergency food and healthcare to children in countries that had been devastated by World War II. The Polish physician Ludwik Rajchman is widely regarded as the founder of UNICEF and served as its first chairman from 1946. On Rajchman's suggestion, the American Maurice Pate was appointed its first

International Organization

executive director, serving from 1947 until his death in 1965. In 1950, UNICEF's mandate was extended to address the long-term needs of children and women in developing countries everywhere. In 1953 it became a permanent part of the United Nations System, and the words "international" and "emergency" were dropped from the organization's name, making it simply the United Nations Children's Fund, retaining the original acronym, "UNICEF".

UNICEF relies on contributions from governments and private donors, UNICEF's total income for 2015 was US$5,009,557,471. Governments contribute two-thirds of the organization's resources. Private groups and individuals contribute the rest through national committees. It is estimated that 92 per cent of UNICEF revenue is distributed to program services. UNICEF's programs emphasize developing community-level services to promote the health and well-being of children. UNICEF was awarded the Nobel Peace Prize in 1965 and the Prince of Asturias Award of Concord in 2006.

Most of UNICEF's work is in the field, with a presence in 190 countries and territories. UNICEF's network of over 150 country offices, headquarters and other offices, and 34 National Committees carry out UNICEF's mission through programs developed with host governments. Seven regional offices provide technical assistance to country offices as needed.

UNICEF's Supply Division is based in Copenhagen and serves as the primary point of distribution for such essential items as vaccines, antiretroviral medicines for children and mothers with HIV, nutritional supplements, emergency shelters, family reunification, and educational supplies. A 36-member executive board establishes policies, approves programs and oversees administrative and financial plans. The United Nations Economic and Social Council make up the executive board of government representatives who are elected, usually for three-year terms.

International Organization

2.3.2 Governance

Each country office carries out UNICEF's mission through a unique program of cooperation developed with the host government. This five-year program focuses on practical ways to realize the rights of children and women. Regional offices guide this work and provide technical assistance to country offices as needed. Overall management and administration of the organization takes place at headquarters, where global policy on children is shaped. Guiding and monitoring all of UNICEF's work is a **36**-member Executive Board made up of government representatives. They establish policies, approve programs and decide on administrative and financial plans and budgets. Executive Board's work is coordinated by the Bureau, comprising the President and four Vice-Presidents(Total 5), each officer representing one of the five regional groups. The Executive Board elects these five officers, each one representing one of the five regional groups, each year from among its members, with the presidency rotating among the regional groups on an annual basis. As a matter of custom, permanent members of the Security Council do not serve as officers of the Executive Board. Office of the Secretary of the Executive Board supports and services the Executive Board. It is responsible for maintaining an effective relationship between the Executive Board and the UNICEF secretariat, and helps to organize the field visits of the Executive Board.

2.3.4 Sponsorship

On 7 September 2006, an agreement between UNICEF and the Spanish Catalan association football club FC Barcelona was reached whereby the club would donate 1.5 million Euros per year to the organization for five years. As part of the agreement, FC Barcelona would wear the UNICEF logo on the front of their uniforms in the color yellow (as seen in the picture on the right of Lionel Messi). This was the first time a football club sponsored an organization rather than the other way. It was also the first time in FC

Barcelona's history that they have had another organization's name across the front of their uniform.

In January 2007, UNICEF struck a partnership with Canada's national tent pegging team. The team was officially re-flagged as "UNICEF Team Canada," and its riders wear UNICEF's logo in competition, and team members promote and raise funds for UNICEF's campaign against childhood HIV-AIDS. When the team became the 2008 tent pegging world champions, UNICEF's flag was raised alongside the Canadian flag at the games, the first time in the history of international Grand Prix equestrian competition that a non-state flag has flown over the medal podium.The Swedish club Hammarby IF followed the Spanish and Canadian lead on 14 April 2007, also raising funds for UNICEF and displaying the UNICEF name on their sportswear.

Australian A-League club Sydney FC announced they would also enter into a partnership with UNICEF raising funds for children in the Asia-Pacific region, and would also display the UNICEF logo for the remainder of the 2011-12 A-League season.In Botswana, UNICEF has funded the development of new state-of-the-art HIV/AIDS education for every schoolchild in Botswana from nonprofit organization Teach AIDS.

2.3.5 Corporate Social Responsibility

UNICEF works directly with companies to improve their business practices, bringing them in line with obligations under international law, and ensuring that they respect children's rights in the realms of the marketplace, workplace, and the community. In 2012, UNICEF worked with Save the Children and The United Nations Global Compact to develop the Children's Rights and Business Principles and now these guidelines form the basis UNICEF's advice to companies. UNICEF works with companies seeking to improve their social sustainability by guiding them through a due diligence process where issues throughout their supply chain, such as child labor, can be identified and actions to ratify them are put in place.

2.4 Food and Agriculture Organization of the United Nations (FAO)

2.4.1 Organization Overview

Food and Agriculture Organization of the United Nations (FAO), specialized United Nations agency whose main goal is to eliminate hunger on a world scale. The organization's mandate is to "raise levels of nutrition, improve agricultural productivity, better the lives of rural populations and contribute to the growth of the world economy." The FAO originated at a conference called by President Franklin D. Roosevelt in Hot Springs, Virginia, in May 1943. The 34 nations represented established the UN Interim Commission on Food and Agriculture. In October 1945, the first session of the FAO was held in Québec City, Canada.

2.4.2 Structure

At present, the organization represents 187 member countries plus the European Union; a director general heads it. Each member nation has one vote in the general conference, the policymaking body that convenes once every two years to approve programs, budgets, and rules of procedure, as well as to make recommendations on agricultural questions. The 49-member FAO council meets between conference sessions to monitor the world food situation and suggest necessary action. The council's committees deal with problems on agriculture, commodities, forestry, and fisheries. The third organ, the secretariat, is responsible for implementing FAO programs. Main headquarters is in Rome, Italy.

2.4.3 Activities

Functions of the FAO include collecting, analyzing, and distributing information about nutrition, food, and agriculture; fostering conservation of natural resources; and promoting both adequate national and international agricultural-credit policies and international agricultural-commodity arrangements. Among its

projects are the development of basic soil and water resources; the international exchange of new types of plants; the control of animal diseases and plant diseases; and the provision to needy member nations of technical assistance in such fields as nutrition, food preservation, irrigation, soil conservation, and reforestation. In recent years, the FAO has worked to develop new plant mutations by using radioactive materials, to aid developing nations in cultivating fast-growing varieties of crops such as rice and wheat, and to establish monitoring networks to warn of possible food shortages (such as the current potential for widespread starvation in Africa).In 1974, the FAO helped organize the World Food Conference, held in Rome, which considered the critical problem of maintaining adequate food supplies. On the recommendation of the conference, the FAO expanded its information-gathering services to facilitate improved worldwide food security.

2.5 World Health Organization (WHO)

The World Health Organization (WHO) is the directing and coordinating authority on international health within the United Nations' system. WHO experts produce health guidelines and standards, and help countries to address public health issues. WHO also supports and promotes health research. Through WHO, governments can jointly tackle global health problems and improve people's well-being. 193 countries and two associate members are WHO's membership. They meet every year at the World Health Assembly in Geneva to set policy for the Organization, approve the Organization's budget, and every five years, to appoint the Director-General. Their work is supported by the 34-member Executive Board, which is elected by the Health Assembly. Six regional committees focus on health matters of a regional nature.

2.5.1 A short history

When diplomats met in San Francisco to form the United Nations in 1945, one of the things they discussed was setting up a global health organization. WHO's Constitution came into force on 7

April 1948 – a date we now celebrate every year as World Health Day. Delegates from 53 of WHO's 55 original member states came to the first World Health Assembly in June 1948. They decided that WHO's top priorities would be malaria, women's and children's health, tuberculosis, venereal disease, nutrition and environmental sanitation – many of which we are still working on today. WHO's work has since grown to also cover health problems that were not even known in 1948, including relatively new diseases such as HIV/AIDS.

2.5.2 Health policy

WHO addresses government health policy with two aims: firstly, "to address the underlying social and economic determinants of health through policies and programmes that enhance health equity and integrate pro-poor, gender-responsive, and human rights-based approaches." Secondly, "to promote a healthier environment, intensify primary prevention and influence public policies in all sectors so as to address the root causes of environmental threats to health."The organization develops and promotes the use of evidence-based tools, norms and standards to support member states to inform health policy options. It oversees the implementation of the International Health Regulations, and publishes a series of medical classifications; of these, three are over-reaching "reference classifications"; The International Statistical Classification of Diseases (ICD), the International Classification of Functioning, Disability and Health (ICF) and the International Classification of Health Interventions (ICHI). Other international policy frameworks produced by WHO include the International Code of Marketing of Breast-milk Substitutes (adopted in 1981), Framework Convention on Tobacco Control (adopted in 2003) and the Global Code of Practice on the International Recruitment of Health Personnel (adopted in 2010).In terms of health services, WHO looks to improve "governance, financing, staffing and management" and the availability and quality of evidence and research to guide policy. It also strives to "ensure improved access, quality and use of

medical products and technologies." WHO – working with donor agencies and national governments can improve their use of and their reporting about their use of research evidence.

Each year, the organization marks World Health Day and other observances focusing on a specific health promotion topic. World Health Day falls on 7 April each year, timed to match the anniversary of WHO's founding. Recent themes have been vector-borne diseases (2014), healthy ageing (2012) and drug resistance (2011).

The other official global public health campaigns marked by WHO are World Tuberculosis Day, World Immunization Week, World Malaria Day, World No Tobacco Day, World Blood Donor Day, World Hepatitis Day, and World AIDS Day.As part of the United Nations, the World Health Organization supports work towards the Millennium Development Goals. Of the eight Millennium Development Goals, three – reducing child mortality by two-thirds, to reduce maternal deaths by three-quarters, and to halt and begin to reduce the spread of HIV/AIDS – relate directly to WHO's scope; the other five inter-relate and affect world health.

CHAPTER -III

SPECIALISED AGENCIES RELATED TO FINANCE, TRADE AND DEVELOPMENT

3.0 Learning objectives

After completion of this chapter, you should be able to:

- Give the historical background of the Agencies
- To explain the functions, and organizational structure of these Agencies

3.1 Introduction

The UN system, also known unofficially as the "UN family", is made up of the UN itself and many affiliated programmes, funds, and specialized agencies, all with their own membership, leadership, and budget. The programmes and funds are financed through voluntary rather than assessed contributions. The Specialized Agencies are independent international organizations funded by both voluntary and assessed contributions.

The UN specialized agencies are autonomous organizations working with the United Nations. All were brought into relationship with the UN through negotiated agreements. Some existed before the First World War. Some were associated with the League of Nations. Others were created almost simultaneously with the UN. The UN to meet emerging needs created others.

3.2 United Nations Development Programme (UNDP)

The United Nations Development Programme serves as the global development network of the UN. The main goal of this body is to forge change and advancement across the globe, and to improve

the lives of many people all around the world. UNDP offers expert advice, training and monetary aid to developing countries, with particular focus on Least Developed Countries. Right from 1966, UNDP has served as a partner to people from all lifestyles, in building nations that are capable of resisting crisis. Today, on the ground, and in more than one hundred and seventy countries and territories, it continues to offer global perspective and local insight to help countries rise from poverty into prosperity. Under the leadership of Kofi Annan, world leaders vowed to work together to achieve the Millennium Development Goals, which includes a crucial task of reducing poverty by fifty percent by the end of this year. It is therefore the responsibility of the United Nations Development Programme, to bridge global and national efforts, with the aim of achieving these eight major goals set.

UNDP's mandate is to help countries build and share solutions in four main areas: Poverty Reduction and Achievement of the MDG's, Democratic Governance, Crisis Prevention and Recovery, Environment and Energy for Sustainable Development. While carrying out all its activities, UNDP protects human rights, empowers women, minorities, and the poorest, most vulnerable people in society. Voluntary contributions from member states are used to fund all the activities of the UNDP in 177 countries. Just like other UN agencies, UNDP has enlisted the voluntary services of quite a few prominent individuals as Goodwill Ambassadors to highlight its causes. They use their fame to amplify the urgent and universal message of human development and the need for countries to cooperate in solving global matters. Their activities have also been extremely helpful in the quest to achieve the Millennium Development Goals.

3.3 Functions

3.3.1 UNDP'S Support to Democratic Governance

To consolidate and deepen democracy, free and fair elections must go hand in hand with efforts to support all people in

attaining the opportunity to participate in the decisions affecting their lives. Local, regional and national governments must use their capacity and resources to deliver effective economic and social policies that promote human development and manage the public services that citizens expect. Moreover, governance needs to be grounded in the principles of human rights; transparency and honesty, and gender equality embodied in the United Nations Charter and internationally agreed mandates. 86. At the request of programme countries, UNDP supports democratic governance goals through strengthening core institutions at all levels: national, regional and local/decentralized. The general challenges of consolidating and deepening democracy apply to develop as well as developing countries. They are most urgent in states emerging from conflict, where violence has contaminated the reservoir of social trust needed for social cohesion and mutual tolerance. UNDP collaborates with other United Nations entities such as the United Nations Department of Peacekeeping Operations and the Peace building Commission, which have related but distinct mandates, to support countries develop transitional governance structures.

A.Fostering inclusive participation

UNDP supports national authorities in strengthening civic engagement at the local, regional and national levels. Mechanisms and opportunities for this engagement include electoral laws, institutions and processes, mobilization channels (such as political parties and civil society organizations), and communications channels (access to information networks, e-governance, and independent media). UNDP democratic governance initiatives are designed to support the efforts of programme countries to enhance participation in public policy dialogues and decision-making. Collaboration with UNCDF and UNV is strong in this area, along with many other United Nations organizations and external partners.

UNDP supports governments in the identification of effective interventions strengthening participation by the poorest

social sectors, as well as by women, youth, persons living with disabilities, and indigenous people. Low or eroding civic participation is of concern for many countries, raising questions about public confidence and government legitimacy. Support to mobilize civic engagement among these groups is a foundation for strengthening their access to the policymaking process. In its work on electoral systems and processes, UNDP collaborates closely with the Electoral Administration Division of the United Nations Department of Political Affairs, following a division of labour agreed by the United Nations General Assembly.

B.Strengthening accountable and responsive governing institutions

Enhancing accountability and responsive institutions is a critical element of democratic governance for human development. UNDP support to national governments focuses upon three branches of government: (a) strengthening legislatures, regional elected bodies, and local assemblies; (b) supporting public administration reforms, in national governments and local authorities; and(c) promoting access to justice and the rule of law. In these areas, programme priority isgiven to strengthening the mechanisms of responsiveness and public accountability to the concerns and interests of poor people, women, and other vulnerable or excluded groups. UNDP supports effective national public policy processes where the public sector at local, regional and national levels develops the capacity and resources to manage policies and services. Expanded capacity of governing institutions helps create a facilitating environment for delivering other goals for poverty reduction, crisis reduction, and environmental protection. UNDP works closely with the World Bank on economic governance, with the United Nations Task Force on the Rule of Law on justice, with UNIFEM on gender equality, and with the United Nations Human Settlement Programme and UNCDF on issues of local and regional governance, decentralization, and localization of the MDGs.

International Organization

One main initiative in this area is to focus on multi-sectoral accountability mechanisms. UNDP has amassed considerable experience on specific interventions to improve accountability to the poor and those women who are excluded, such as access to justice, gender-based budgeting, parliamentary oversight, and citizen report cards. However, until now, many interventions have focused on a single sector. Challenges in accountability systems include the interaction among institutions and sectors – between government and parliament, civil society and government, or rule-making institutions and justice enforcement mechanisms, for example. In this area, UNDP and DESA collaborate in particular on public administration reform, public sector ethics, decentralized governance and e-governance.

C. Grounding democratic governance in international principles

At the 2005 World Summit, member states emphasized that the United Nations should "strengthen linkages between the normative work of the United Nations system and its operational activities". UNDP will respond to requests from national partners to build national institutional capacity for implementing human rights, gender equality, and anti-corruption standards appropriate in each context. UNDP will work closely with partner organizations, including the office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, and UNIFEM, within the framework of relevant international agreements. 92. A strategic initiative in this area will develop nationally owned democratic governance assessments. Methods and approaches will be identified for nationally owned democratic governance assessments designed to serve the needs of policymakers, identifying the institutions and processes for reform, setting milestones and benchmarks, and developing systematic indicators to monitor progress. The results will be integrated into planning exercises by national partners, and in national human development reports, poverty reduction strategy papers, the African Peer Review Mechanism, MDG reports, and localization of the MDGs.

3.3.2 Crisis prevention and recovery

More than 40 countries have suffered violent conflicts since the turn of the century, resulting in over 25 million internally displaced persons and an estimated additional 12 million refugees. Since 2000, there have been over 2,800 natural disasters affecting Africa, the Americas, Asia, Europe and Oceania. Compared to violent conflicts, the increasing frequency and scale of natural disasters pose separate but interlinked challenges, both economic and humanitarian. Today, 85 per cent of the people at risk of experiencing natural disasters live in countries with medium to low levels of human development.

While violent conflicts and natural disasters affect both developed and developing countries, their effect on countries with high levels of poverty and inequality has been to compound existing problems. This is particularly pronounced in countries suffering repeated disasters or protracted conflicts. Those countries find themselves caught in a vicious cycle of crisis, poverty and risk, which can fuel instability at the national, regional and global levels. The majority do not have the capacity to deal with these challenges on their own, often lacking sufficient resources or being caught in regional or global situations such as cross-border conflict. Global assistance to help prevent and mitigate the effects of such crises and to support government management of the process of recovery can help countries to restore the foundations to attain the MDGs, reduce human suffering and improve living conditions for the poor.

General Assembly resolution 62/208 stresses the need for transitional activities to be undertaken under national ownership, and requests the United Nations development system to contribute in this regard to the development of national capacities at all levels to manage the transition process. Overall, UNDP assists countries that are prone to natural disasters or face imminent conflict and have experienced severe disruptions in critical national or local capacities, and countries that have been designated by the Security Council or

Peace-building Commission as having a priority post-conflict situation. UNDP recognizes the unique challenges in each different country setting and adjusts its assistance to the needs and demands of each country. Some kinds of international support requested by national governments are common to both post-conflict and post-disaster situations, such as developing national and local capacities to manage risks, assess needs, and plan, lead, and coordinate recovery. However, the national capacity to manage and recover from crises varies in post-conflict and post-natural disaster situations and from country to country, with the resulting need to tailor the support offered to each specific situation. Gender empowerment will be given special emphasis throughout all UNDP activities in crisis-affected countries. The UNDP 'Eight Point Agenda for Women's Empowerment' and 'Gender Equality in Crisis Prevention and Recovery' will guide the activities within this area.

Resolution 62/208 also requests the organizations of the United Nations development system to strengthen interdepartmental and inter-agency coordination in order to ensure an integrated, coherent and coordinated approach to assistance at the country level that takes into account the complexity of the challenges that countries in those circumstances face and thecountry-specific character of those challenges. In that regard, UNDP works with the Office for the Coordination of Humanitarian Affairs and the rest of the United Nations system to assist national authorities in initiating immediate early recovery and transition activities and to move from a short- or medium-term post-crisis recovery strategy into a longer-term national development framework. Specific measures in this area include the establishment of norms and guidelines; provision of assessment and programming tools to support country level recovery processes; and advocacy support to boost funding for recovery efforts. Increased attention will be given to supporting the humanitarian/resident coordinators in (a) initiating the planning process for recovery during the humanitarian phase, based on a common understanding of each situation; (b) ensuring better integration of crisis prevention, risk reduction and

cross-cutting issues into early recovery and existing programmes, (c) developing alternatives for enhancing resource mobilization for early recovery; and (d) improving access to surge capacity.

Supporting the International Strategy for Disaster Reduction (ISDR), and in close coordination with the ISDR secretariat, UNDP will assist with the implementation of the Hyogo Framework for Action, 2005-2015 in the increasingly urgent area of disaster risk reduction. Based on internationally agreed concepts and approaches concerning its mandated role in crisis prevention and recovery, UNDP will support national efforts to achieve the goals and objectives of the Hyogo Framework in high-risk countries and will support the coordination of inter-organization thematic programmes and platforms identified as priorities in the framework in the areas of disaster recovery, risk identification and capacity development.

UNDP supports the work of the Peace-building Commission in its efforts to address the special needs of countries emerging from conflict towards sustainable development. The main support is given at the country level by assisting with the development of nationally owned, integrated peace-building strategies and implementation of project activities under the peace-building fund. In addition, UNDP functions as the administrative agent for the peace-building fund. Close cooperation has been established with the Peace-building Support Office, including development of best peace-building practices. In partnership with other United Nations entities, including the Peace-building Commission, UNDP works within its mandate for conflict prevention and recovery, focusing on the development of national capacities at all levels to manage the transition process.

Enhancing conflict prevention and disaster risk management capabilities

In response to country requests for assistance, UNDP will support national partners' conflict prevention and disaster risk management efforts by assisting with the development of long-term

national capabilities and institutions. A key element will be assistance in identifying solutions for disaster-risk and conflict management based on a common understanding of the issues.

Disaster risk reduction. UNDP will work with national partners to integrate information derived from disaster risk assessments into national development plans and programmes, and will support the development of appropriate institutional and legislative systems and coordination mechanisms for managing and reducing disaster risks. This will include measures to promote gender equality and a focus on the most vulnerable groups. UNDP will supportnational partner assessments of natural disaster risk with tools such as the global disaster risk index. UNDP programmes include a special focus on managing urban risks and climate-related risks, taking account of urbanization and climate change.

Conflict prevention. UNDP will support national partner assessments of crisis risk, as requested, with tools such as the conflict-related development analysis methodology. In terms of enhancing social cohesion and managing conflicts before they lead to violent tensions, UNDP will help strengthen national and local capacities to promote conflict-sensitive development and the non-violent management and resolution of disputes. In particular supporting South-South learning exchanges on gender, crisis management and risk reduction, and drawing on lessons learned regarding building the capacities of women's institutions for crisis prevention. When requested to do so, UNDP will also assist in building systemic capacities that address tensions before they lead to violence.

Ensuring improved governance functions post crisis

General Assembly resolution 62/208 requests the United Nations development system, upon the request of affected countries, to respond to countries affected by disasters or conflicts in transition from relief to development in support of national priorities, while recognizing the differences among those situations. In the immediate aftermath of a crisis, UNDP will provide country-specific

support by preparing, planning and implementing interventions to ensure national management of the development process, including restoring capacity for public service delivery and managing recovery aid coordination. In both natural disaster and post-conflict situations, UNDP support will facilitate an enabling environment conducive to recovery, restoration of administrative and service delivery capacity, and training of national stakeholders to strategize, negotiate and engage in dialogue with the aim of restoring governance functions. Collaboration with the World Bank will be intensified, including on the post-conflict needs assessments and post-disaster needs assessment methodologies. As part of the broader partnership efforts between the United Nations and World Bank, UNDP will continue to contribute to the establishment of institutional arrangements to facilitate reliable partnership approaches at the country level.

Post disaster. In most post-disaster situations, government systems remain functional, although commonly over-stretched. UNDP will focus on supporting country capacities to resume public service delivery as early as possible. During the humanitarian phase, UNDP will assist national governments with recovery planning as requested, by setting up aid coordination mechanisms and helping expand and strengthen the capacities of local administrations to manage the often overwhelming recovery process effectively.

Post conflict. Post-conflict environments tend to be complex and characterized by, inter alia, an erosion of human and institutional capital, economic stagnation and weak rule of law. The nature of the assistance requested to restore governance functions tends to be correspondingly wider. Assistance will include programmes contributing to the restoration of security and reconciliation. Based on the UNDP report 'Fostering post-conflict economic recovery' (forthcoming in 2007), practical policy and programming guidelines – aimed at catalyzing economic recovery by identifying essential state functions to support economic recovery – will be developed, including innovative tools, assessment methodologies and best

practice guidelines. UNDP will also developrecommendations for policies and capacity-building programmes to support reintegration and livelihood opportunities aimed at avoiding a return to conflict and reducing poverty.

3.3.3Poverty eradication and achievement of internationally agreed development goals, including the MDGs

Promoting inclusive growth, gender equality and achievement of internationally agreed development goals, including the MDGs. Poverty eradication is at the centre of United Nations work in development. As stated earlier, while economic growth is essential to human progress, it is not sufficient for achieving internationally agreed development goals, including the MDGs. UNDP will support countries in accelerating inclusive growth to ensure equitable, broad-based human development. National human development reports, involving a broad spectrum of society in cooperation with national authorities, can inform and complement national planning documents and build the necessary 'bridges' between the gross domestic product/financial accounting approach and the wider, deeper human development approach.

UNDP assists countries in formulating, implementing and monitoring national development strategies based on internationally agreed development goals, including the MDGs, centred on inclusive growth and gender equality. That includes technical support for participatory planning, reviewing existing strategies, and conducting needs assessments. Based on national requests, UNDP will help identify policy options, undertake diagnostic studies and conduct training to build local and national capacity. Emphasis will also be placed on supporting planning processes to achieve national strategies based on the goals at the sub-national level.

The contribution of UNDP will focus especially on four critical dimensions of the effort to build inclusive growth and achieve internationally agreed development goals, including the MDGs. First among those is tointegrate the pursuit of the the goals into a

national development strategy that links the goals to each other, captures synergies, and is comprehensive. 74. Second is to analyse data to help governments decide on the relative allocation of resources for health, education, irrigation, transport, and other sectors. UNDP can support analysis of the trade-offs, of the interaction between economic decisions and broader dimensions of human development, and of the overall coordination and harmonization process involving the donor community.

Third is to help create an enabling environment for access to a broad range of financial services, supporting the role of the private sector and small and micro-enterprises as potential vehicles for generating growth and employment, reducing poverty, and providing the poor with greater access to markets, goods, and services.

Fourth is to scale up public investments needed to achieve internationally agreed development goals, including the MDGs. UNDP has invested significantly in building its capacity to provide support to countries in formulating and implementing national development strategies based on the goals. The MDG support team will focus on mobilizing and organizing support from the broader United Nations system, and the support agenda will be incorporated more closely into the UNDG framework. A UNDG policy network has been established, managed by UNDP, and UNDP chairs the coordination meeting of United Nations system chief economists on matters related to internationally agreed development goals, including the MDGs,. As a specific example, an MDG 'monitor' is being established to track progress towardsachieving the MDGs. UNDP will work closely with the World Bank and the International Monetary Fund (IMF) to support countries in preparing and implementing national development strategies based on the goals, as well as medium-term expenditure frameworks, and scaling up investments related to the goals. UNDP will also work with the International Labour Organization to integrate employment strategies for poverty reduction into development strategies, and

with other United Nations organizations in sectors pertinent to their mandate.

An important part of the work will be to support countries in assessing which state interventions can have the largest impact on reducing persistent inequities in a manner consistent with achievement of internationally agreed development goals, including the MDGs, in highly unequal middle-income countries. The policy analysis that will emerge from work on inequality will address fundamental issues of the inclusive growth agenda.

Equity, inclusiveness and the effective reduction of poverty, depend on the ability of institutions to deliver public goods and social services, effectively regulate markets in the public interest and provide legal access to economic assets and opportunities in ways that are fair and equitable. UNDP will assist governments in the expansion of access to financial services for the poor. In response to country demand, it will provide support to improving regulatory frameworks for public service delivery to enhance access by the poor. In so doing, UNDP recognizes that no 'one size' fits all needs. UNDP will forge strong partnerships with the Bretton Woods institutions and relevant United Nations organizations working in this area.

3.3.4 Environment and sustainable development

Poor people depend disproportionately on the environment for their livelihoods. Despite growing attention to environmental issues over the last two decades, insufficient progress has been made in integrating environment issues into national development priorities and financing those priorities. The Millennium Ecosystem Assessment of 2005 reported that over 60 per cent of the ecosystem services provided worldwide are in decline. The poor continue tohave very limited access to energy services. Indeed, the number of people without access to modern energy services has declined only marginally over the last decades. Some 1.1 billion people in developing countries still lack access to clean water, and 2.5 billion lack access to modern fuel for cooking and heating. Added to those

challenges, climate change is a growing threat to livelihoods and development: droughts, floods and other weather-related events reverse development in many parts of the world.

In degraded environments women have to spend more of their time collecting water and fuel wood, and children suffer more from respiratory and gastrointestinal diseases. Last year alone 1.8 million children died as a result of contaminated water supplies. Many community groups and ethnic minorities lack a voice in the management of shared resources and have little security of tenure over the land, forests and fisheries they manage. In all, local administrations have limited capacities to manage natural resources and provide services to the poor.

The UNDP goal in the area of environment and energy is to strengthen national capacity to manage the environment in a sustainable manner while ensuring adequate protection of the poor. Specific results have been identified to mainstream environmental and energy issues into development planning; mobilize finance for improved environmental management; address increasing threats from climate change; and build local capacity to better manage the environment and deliver services, especially water and energy. UNDP recognizes that disaster risk reduction has many elements in common with climate risk reduction and, where appropriate, will combine its efforts in these two areas.

UNDP and UNEP are strengthening their global, regional and countrylevel cooperation to help countries accelerate progress toward sustainable development. A memorandum of understanding between the organizations establishes how each will contribute to joint activities. Benchmarks are established to facilitate joint monitoring of its implementation.

Mainstreaming environment and energy

UNDP will continue to support capacity development for countries to ensure that environment and energy are taken into

account in drawing up and implementing national policies, strategies and programmes, also considering the inclusion of multilateral environmental agreements. Such capacity will include the ability to conduct environmental and energy assessments and ensure broad public participation in policy articulation. UNDP will provide advice, methodologies and tools. Substantive support will be offered in combating land degradation and desertification (including through the Drylands Development Centre); water governance and resource management; biodiversity and ecosystem services for development; chemical management; and energy service delivery. In the case of land degradation and biodiversity conservation, UNDP will continue to mobilize GEF and other funding in its capacity as an implementing agency of the GEF. A central initiative to support environmental mainstreaming is the Poverty and Environment Facility, a Nairobi-based unit that will build on UNDP and UNEP collaboration on the Poverty and Environment Initiative. The facility will provide technical products and services to regional offices to mainstream environment into national development planning, and will extend services in the substantive areas mentioned above.

Mobilizing environmental financing

Over the past 15 years, UNDP technical assistance in environment and energy has evolved from supporting technology demonstration projects to promoting market development for environment-friendly technologies. For example, in the case of wind power, where UNDP supported pilot wind farms in the past, it now focuses on the policy change and institutional development needed to promote greater private sector investment in wind energy (such as wind tariffs and power purchase agreements). UNDP has lead in mobilizing additional financial resources to support such market development efforts in developing countries, largely from global environmental funds such as the GEF. During 2004-2006, for example, UNDP/GEF secured $2.8 billion in new commitments for environmental projects. However, even those funds are not adequate to address all the needs. UNDP will use its financial and

programme management expertise to put a broad programme of environmental financing into place. This programme will develop new approaches to stimulating markets and payments for environmental services such as environmental funds, carbon markets, and markets for eco-system services. Strategic partnerships with UNEP and with the carbon finance unit of the World Bank have been established for that purpose. 115. One UNDP initiative to increase environmental financing by developing environmental markets is the MDG Carbon Facility, launched in December 2005. The facility builds on the successful role of UNDP as a broker for GEF funding. It will identify and develop projects, mobilize co-financing, facilitate project approval and support project implementation, as well as provide Kyoto Protocol-related services such as registering project design documents with the clean development mechanism and accessing Carbon Emission Reductions Project traders.

Promoting adaptation to climate change

Evidence is mounting that climate change undermines development efforts: drought, land degradation, degraded water supplies and biodiversity loss threaten development in general, and the poor in particular. The objective of UNDP in climate change is to reduce the risk that it poses to developing countries – particularly for the poor – so as to permit attainment of the MDGs.

In addition to supporting countries in mitigating climate change (through energy efficiency programmes, for example), UNDP will enhance its capacity to respond to programme country requests for assistance in their efforts to adapt to the consequences of climate change. To achieve that objective, the strategy of UNDP focuses on supporting countries in (a) assessing vulnerability in key sectors; (b) integrating climate change risk considerations into national development plans and policies; and (c) gaining access to new funding sources to support innovative adaptation initiatives.

UNDP has a strong record of support to countries in this area. UNDP helped secure funding for preparing numerous 'second

national communications', as required by the United Nations Framework Convention on Climate Change, and is developing national adaptation programmes of action in the 30 least developed countries. The recently established Special Climate Change Fund and Least Developed Countries Fund, managed by the GEF with proceeds from the clean development mechanism for adaptation, will provide asolid financial basis for continuing work in the future. UNDP will also integrate climate risk management into its programmes across the four focus areas.

Expanding access to environmental and energy services for the poor

Access to environmental and energy services are essential for poverty reduction and economic growth. The scaling up of environmental (such as water and other ecosystem services) and energy service delivery to ensure nationwide coverage will require considerable institutional capacity development. This is especially true at the local level since service delivery is increasingly decentralized to local public authorities. In line with national policies, strategies and programmes, UNDP will strengthen the capacity of national and local authorities to undertake participatory planning processes, assessment and adoption of effective service delivery systems, including data generation and analysis as a basis for policy design. Building on extensive experience from the GEF Small Grants Programme and other initiatives, UNDP will assist local authorities in building the capacity of local agents including communities, nongovernmental organizations, micro-, small and medium-sized enterprises, financial institutions and other private sector actors to manage and stimulate business and development benefits from environmental and energy service delivery.

3.3.5 Gender equality and the empowerment of women

The Millennium Summit of 2000 reaffirmed gender equality (MDG-3) and women's empowerment as development goals, and underlined gender equality as an important means of achieving the

International Organization

other MDGs in accordance with national development strategies. UNDP will integrate a gender perspective into its four focus areas to increase development effectiveness. In addition, UNDP will set clear targets and benchmarks while creating enabling incentives and accountability systems throughout its own organization so as to achieve gender parity and gender sensitivity in the workplace. UNDP will inform its Executive Board on its progress in becoming a more gender-balanced organization, including among resident coordinators, and will continue to build internal capacity to address gender dimensions in all its work. Focus will be given to developing policy and measurement tools and indicators, regular monitoring and reporting, and advocacy. The UNDP gender strategy for 2008-2011 will build on its current gender action plan (2006-2007) to:

a) Develop capacities, in-country and in-house, to integrate gender concerns into all programmes and practice areas.

b) Provide gender-responsive policy advisory services that promote gender equality and women's empowerment in all focus areas, including in country programmes, planning instruments and sector-wide programmes.

c) Support specific interventions that benefit women and scale up innovative models developed and tested by UNIFEM.

UNDP will work across practices and in partnership with other United Nations organizations on initiatives aimed at helping national partners to: (a) incorporate gender equality into MDG-based planning and monitoring and apply gender-sensitive budgeting techniques; (b) reduce violence against women, the vulnerability of women and girls to HIV infection, and the burden of care that falls on them; (c) expand women's participation in governance and decision-making processes and strengthen women's property and inheritance rights; and (d) reduce time burdens on women and girls by mainstreaminggender into environment and energy policies.

UNDP, UNIFEM, UNFPA, and the United Nations Children's Fund (UNICEF) have prepared a background paper that outlines their collective efforts to promote gender equality and women's empowerment, and the unique role of each organization in the process, for discussion with their respective Executive Boards.

3.4 United Nations Conference on Trade and Development (UNCTAD)

3.4.1 Brief History of UNCTAD

UNCTAD was created in 1964 to fulfill a development mission. The world has changed since then. The East/West divide makes little sense after the collapse of the Berlin Wall. The North/South axis is still a fact, but a lesser one in light of the growing diversity among developing countries. The thinking on appropriate development strategy has thrown into sharp relief thewisdom of the early proponents of political democracy and economic incentives. Views on the role of the external environment within which the developing countries must function have also changed, from seeing it as a threat to considering it as an opportunity. It was established to promote development among the so-called "un-developed" and "under-developed" newly independent countries. Its purpose was to facilitate the integration of these economies into the world economy through a balanced approach. This raison d'être remains valid, as the problems of development persist.

When UNCTAD was created, the world was at the peak of the East-West conflict, and the South had emerged as an economic grouping of poor countries vis-à-vis the rich North. The member States of UNCTAD were arranged into groups reflecting these divisions: the Group of 77 (developing countries, further subdivided into regional groupings), Group B (developed countries), Group D (the then Central and Eastern European countries) and China.

With the end of the Cold War, the former communist countries of Central and Eastern Europe have been seeking to make a

successful transition from their earlier political regimes and economic systems. Some joined the European Union. Others are faced with the problems presented by their particularities; but their predicaments and aspirations are now largely in common with those of many other developing countries of the South.The South itself is not the monolithic political and economic bloc it was in the 1960s. Some developing countries have made a successful transition to the increased prosperity of the North; others are on the way; and still others have been stagnating and are even further marginalized. Developing countries on different continents and within each continent have had differing experiences and have diverse interests in issues related to international trade and investment. Asian countries generally have integrated themselves better into the world economy. Africa has generally done worse.

In addition to this focus on growth, early development thinkers in the 1950s and early 1960s considered the question of whether authoritarian government regimes, resulting from a multitude of political and historical factors, were better or worse for development than democracies. Their concern was that democracy might pose a "cruel dilemma": namely, that democracies would be unable to raise domestic savings as rapidly as draconian regimes could. This "democracies are a handicap to development" thinking gave way, as it became clearer that authoritarian regimes, among other disadvantages, could pursue wrongheaded policies without correctives at the ballot box, that incentives to grow would be greater when political freedom was available alongside the judicious use of economic freedom, and that democracies were good simply in themselves.

Furthermore, the choice of development strategies at the time of UNCTAD's creation reflected a pessimistic view of the external environment within which development would have to be pursued. In particular, there was much "export pessimism" among the finest thinkers on development, who believed that the trading system offered limited possibilities for gainful trade for developing

countries. There was also a sense that the developing countries would be harmed, rather than helped, by integration into the world economy. Furthermore, the international economic institutions and policies of the timewere perceived as being not conducive to the development of developing countries.

3.4.2 Organization of UNCTAD

The UNCTAD was set up as the permanent organ of the UN General Assembly. It has its own structure of subsidiary bodies and a full time secretariat. It has established a Trade and Development Board to take policy decisions when the conference is not in session. It has 155 members, elected from among its members in proportion to geographical distribution. The Board meets twice a year.

There are four subsidiary committees to assist the Trade and Development Board. These include

i.   the committee on commodities
ii. the committee on manufacture
iii. the committee on shipping and
iv. the committee on invisible items and financing related to trade.

Generally, these committees meet once a year. However, special sessions of committees can be convened to transact matters of urgent nature. All the members of the United Nations are entitled to become the member of the UNCTAD.

3.4.3 Basic Principles of UNCTAD

The first conference held in 1964 laid down UNCTAD's action programme and priorities. The various recommendations are based on the following principles:

1. Every country has the supreme right to freely dispose of its natural resources for the sake of its economic development. It can freely trade with other countries.

2. Principles of sovereign equality of states, self determination of people and non-interference in the internal affairs are the principles which guide trade and economic relations between countries; and

3. There shall be no discrimination on the basis of differences in socioeconomic systems. The adoption of various trading methods and policies shall be consistent with this principle.

3.4.4   Mandate and key functions

UNCTAD promotes the development-friendly integration of developing countries into the world economy. UNCTAD fulfills this mandate through three key functions:

1. Providing a forum for intergovernmental deliberations

2. Undertaking research, policy analysis and data collection to inform these deliberations

3. Providing technical assistance to developing countries

The mandate and functions of UNCTAD are reflected in the strategy of the Competition and Consumer Policies Programme.

Competition and Consumer Policies Programme - mandate and key functions

The purpose of the Competition and Consumer Policies Programme is to contribute to poverty reduction and the MDGs by strengthening markets through improved competition and consumer protection.The Competition and Consumer Policies Programme fulfils this mandate through its three key functions:

1. Providing a forum for intergovernmental deliberations.

Government representatives discuss competition and consumer protection issues. The main forum is the annual meeting of the Intergovernmental Group of Experts on Competition Law and Policy (IGE). The IGE's discussions focus on five clusters of issues:

a. The relationship between competition policy and development
b. Effectiveness of competition agencies
c. International cooperation
d. The interface between consumer and competition policies
e. Capacity building

Guidelines, tools and lessons learnt are compiled following these discussions and are disseminated to partner countries, which use them to improve the effectiveness of their competition agencies. These include the UNCTAD Model law on competition and the Handbook on competition legislation.

2. Undertaking research, policy analysis and data collection.

Competition and Consumer Policies Programme focuses its research on the four groups of issues considered by the IGE. The reports developed under the Research Partnership Platform work stream are circulated and feed into presented to the IGE and inform their discussions.

3. Providing technical assistance to developing countries.

The Programme assists partner countries to implement the recommendations and best practice identified in the previous two workstreams. To date COMPAL has been the primary delivery programme for technical assistance, working with competition and consumer protection agencies in 12 Latin American countries. Findings and lessons from the technical assistance are then fed back and used to inform the research and intergovernmental deliberation

components of theProgramme's work.The Programme aims to continue being the partner of choice for developing countries seeking high quality, development focused support for improving their competition and consumer protection systems. It achieves this objective through the following strategies:

- **Global delivery of in-depth technical assistance**. Currently countries in Latin American,African and Asian region receives comprehensive long-term technical assistance to strengthen their competition and consumer protection systems through the COMPAL and AFRICOMP programmes. The Programmes replicate best practices learned through the COMPAL approach in new geographies.

A new COMPAL Global programme is planned for 2014, providing in-depth technical assistance to forty countries and their associated regional bodies. This will increase the number of countries with effective competition and consumer protection systems, expanding UNCTAD's impact. The lessons and best practice identified through technical assistance will continue to inform the Programme's intergovernmental forums and associated research.

- **Multiplying impact through regional leaders**. The experience gained so far through capacity building activities. In the Competition and Consumer Policies Programmes found that by working with countries with strong competition and consumer protection agencies (Indonesia, Brazil, South Africa, Zambia. Serbia, Colombia and Peru, etc.), these countries became regional leaders, attracting neighbouring countries to participate in project activities and providing them with ongoing assistance.

The Programmes replicate these approach in other regions, focusing initially on countries that are willing to take on this leadership role and have the necessary economic clout and competition infrastructure. This includes building strong relationships with the UNCTAD, ICN and the OECD. This approach

allows initial donor funding to act as a catalyst, with the efforts of the regional leaders delivering increased impact and value for money.

- **Strong field-based presence**. A strong presence in the countries and regions where CCPB works make in-country delivery more effective and responsive, and ensures a free flow of information between countries and UNCTAD in Geneva. It also increases operational efficiency. The Programme rely on Resident Advisers and National Coordinators to be based in the regions where UNCTAD works, and establish Regional Centers to support technical assistance activities.

- **World-class technical expertise**. The Competition and Consumer Policies Programme provides high quality advice to counterparts, to those in countries with young and more advanced enforcement agencies. CCPB has hired senior staff to the Programme as well as highly experienced and respected Resident Advisers.

3.5   International Monetary Fund (IMF)

3.5.1 History of the IMF

The International Monetary Fund was created in 1946, a result of the 1944 international financial conference at Bretton Woods, New Hampshire. It was created in order to prevent a return of the international financial chaos that preceded — and in some ways precipitated — World War II. During the 1930s, many countries pursued "beggar-thy-neighbor" economic policies — restricting purchases from abroad in order to save scarce foreign exchange, cutting the value of their currencies in order to underprice foreign competitors, and hampering international financial flows — in ways that deepened the world depression and accelerated the decline in economic activity. The IMF was designed to limit or prevent this kind of economic behavior. Technically, the IMF is a specialized agency of the United Nations but it functions virtually independently of UN

control. The IMF must obey directives of the U.N. Security Council, but it need not comply with directives from the U.N. General Assembly or other U.N. agencies. Rather than being organized on a one-country, one-vote basis, as is the United Nations, the IMF has weighted voting. The IMF has 184 member countries, whose voting share depends on the size of their quota or financial commitment to the organization. A country's quota is determined by its size and its level of participation in the world economy. The amount a country can borrow from the IMF is determined by the size of its quota.

The United States is the largest single shareholder, with a 17.2% voting share. Together, the nine Executive Directors (EDs) representing the G-7 countries and other advanced countries in Europe have nearly 56% of the vote. Most decisions are reached by simplemajority, though a decision is generally expressed by consensus. Some special matters (changes in the Articles of Agreement or approval of new quota increases, for example) require an 85% affirmative vote. No country can block or veto loans or other operational policy decisions by the IMF. However, because the U.S. vote exceeds 15%, no quota increases, amendments or other major actions can go into effect without its consent. The same can be said for other major blocks of IMF member countries.

3.5.2 The IMF's Mandate

As set forth in its Articles of Agreement, the purposes of the IMF are (1) to promote international cooperation on international monetary problems, (2) to facilitate the expansion and balanced growth of international trade, promoting high levels of employment and real income and the development of productive resources in all member countries, (3) to promote exchange rate stability and to avoid competitive exchange rate depreciation, (4) to help establish a multilateral system of payments among countries for current transactions and to help eliminate foreign exchange restrictions which hamper world trade, (5) to make loans to member countries on a temporary basis with adequate safeguards for repayment, "thus

providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity," and (6) to shorten with such loans the duration and to lessen the degree of disequilibrium in the international balances of payments of members.

The International Monetary Fund is an international financial institution (IFI) which deals mainly with balance of payments (BOP), exchange rate, and international monetary concerns. Originally, the IMF focused primarily on macroeconomic issues. It monitored the macroeconomic and exchange rate policies of member countries and it helped countries overcome BOP crises with short-term loans conditioned on their making improvements in their macroeconomic performance. Institutional and microeconomic issues were generally considered the province of the World Bank and the other multilateral development banks (MDBs). In recent years, however, the Fund has found that these issues have a much larger impact on countries' abilities to pursue effective macroeconomic and exchange rate policies. Increasingly, it has included them among the subjects which need to be addressed in the context of its loan programs. It has also given increased attention to institutional and microeconomic issues in its consultations with member country governments, its surveillance activities, and the technical assistance it offers to member countries.

The IMF is a monetary institution, not a development agency. Its sister agency, the World Bank, was created at the same time as the IMF in order to provide longterm loans and to stimulate growth and economic development in war-damaged and developing countries. Even so, economic development and growth are core objectives of the IMF, as specified in purposes 2 and 4 above. The founders believed that international monetary stability would facilitate the growth of world trade and that this in turn would generate higher levels of employment, increased income, and expanded growth and development in the countries participating in the post-World War II international economy. The founders also

expected (purposes 5 and 6) that the IMF would be a means through which countries could remedy their domestic economic problems without resorting to the kinds of "beggar-thy-neighbor" practices, which sought to shift the burden of adjustment onto other countries. Countries with chronic balance of payments deficits could get short-term IMF loans to help them weather a balance of payments crisis. It was generally presumed that BOP deficits, inflation, unemployment and low levels of economic activity were the result of inappropriate domestic economic policies. Better policies and adjustments in the exchange rate for the country's currency were deemed to be the appropriate response to this situation.

It was expected that IMF assistance would help countries shorten the depth and duration of their economic problems and help contain or prevent the spread of monetary instability to other countries. As the largest single contributor ($50.4 billion cumulatively) to the IMF, the United States has a leading role in shaping the IMF's lending, surveillance, and advisory operations. Both House and Senate committees frequently hold hearings on IMF activities in developing countries and on IMF reform. Other countries are also concerned that steps should be taken to make the IMF more effective.

3.5.3 The IMF's Organizational Structure

The Board of Governors (BOG) is the highest authority in the IMF. All countries are represented on the BOG (usually at the Finance Minister level or equivalent). The BOG usually meets annually in the fall. A committee of the BOG, the International Monetary and Financial Committee (IMFC) meets twice annually to consider major policy issues affecting the international monetary system and make recommendations to the BOG. The Development Committee, a joint committee of the Boards of Governors of the IMF and World Bank, also meets at the same time to consider development policy issues and other matters affecting developing countries. The two committees generally issue communiqués at the close of their

meetings, summarizing their findings and recommendations. These often serve as policy guidance to the IMF and Bank, pending final action by the BOG, and as a means for airing views and for coordinating or harmonizing country policies on issues of international concern.

Day-to-day authority over operational policy, lending, and other matters is vested in the Board of Executive Directors (BED), a 24 member body that meets three or more times a week to oversee and supervise the activities of the IMF. The five largest shareholders are the United States, Japan, Germany, Britain and France; all appoint their own representatives on the Board. The remaining members are elected (for two year terms) by groups of countries, generally on the basis of geographical or historical affinity. A few countries — Saudi Arabia, China and Russia — have enough votes to elect their own executive directors (EDs). Most countries are represented on the BED, however, by EDs who also represent five to twenty other countries. The EDs each have voting authority equal in size to the combined vote of the member countries that appointed or elected them. They must cast their votes as a unit. The executive board has several committees which examine policy and budget issues and other important matters. The IMF executive board selects the Managing Director of the IMF, who serves as its chairman and as chief executive officer of the IMF.1 The Managing Director manages the ongoing operations of the Fund (under the policy direction of the executive board), supervises some 2,800 staff members, and oversees the preparation of policy papers, loan proposals, and other documents which go before the executive board for its approval. Most of the material which comes to the executive board is prepared by IMF management or staff.

However, some documents and recommendations are prepared by executive directors themselves or by the governments they represent. The Managing Director is elected for a five-year renewable term of office. The executive board also approves the selection of the Managing Director's principal assistants, the First

Deputy Managing Director and two other Deputy Managing Directors. By tradition, the European countries have the right to nominate persons who might be elected as IMF Managing Director. (The U.S. has a similar prerogative at the World Bank.) The First Deputy Managing Director of the IMF is typically a U.S. citizen. Recent controversies have prompted the board to consider possible ways the Managing Director might be selected on the basis of merit, rather than by geography or political connections.

3.5.4 The IMF's Main Functions and Activities

The IMF has three principal functions and activities: (1) surveillance of financial and monetary conditions in its member countries and of the world economy, (2) financial assistance to help countries overcome major balance of payments problems, and (3) technical assistance and advisory services to member countries.

Surveillance

Oversight. IMF members agree, as a condition of membership (Article IV), that they will "collaborate with the Fund and other members to assure orderly exchange arrangements and to promote a stable system of exchange rates."Inparticular, they agree to pursue economic and financial policies that will produce orderly economic growth with reasonable price stability, to avoid erratic disruptions in the international monetary system, not to manipulate their exchange rates in order to attain unfair competitive advantage or shift economic burdens to other countries, and to follow exchange rate policies compatible with these commitments.

The IMF Articles of Agreement require (Article IV) that it "oversee the international monetary system in order to ensure its effective operation" and to "oversee the compliance of each member with its obligations" to the Fund. In particular, "the Fund shall exercise firm surveillance over the exchange rate policies of member countries and shall adopt specific principles for the guidance of all members with respect to those policies." Countries are required to

provide the IMF with information and to consult with the IMF upon its request. The IMF staff generally meets each year with each member country for "Article IV consultations" regarding its current fiscal and monetary policies, the state of its economy, its exchange rate situation, and other relevant concerns. The IMF's reports on its annual Article IV consultations with each country are presented to the IMF executive board along with the staff's observations and recommendations about possible improvements in the country's economic policies and practices.

Access to Information. The information in these reports about their economic conditions, performance and policies is the property of the countries concerned and may not be disclosed without their consent. In recent years, however, the IMF has successfully persuaded most countries to allow publication of their Article IV consultation reports, loan documents, and other information about their economic policies and conditions. The IMF makes these available to the public on its country information page, available at [http://www.imf.org]. Most countries now also publish on their IMF country page considerable information (often the verbatim text of their letters of understanding with the IMF) concerning the stabilization programs they plan to pursue in connection with an IMF loan. These are generally the product of close discussions between IMF staff and country officials. The IMF executive board will not normally approve a loan unless the condition embodied in these plans is acceptable to it.

The IMF executive board must approve the disbursements at each stage of these loan programs. Its published remarks often give the reader considerable insight into the borrower's performance and its degree of compliance with loan "conditionality." In exercising its oversight and surveillance function, the IMF also publishes numerous reports each year on economic conditions and trends in the world economy. These include, for example, its World Economic Outlook (which provides each year an overview of conditions in the world economy) and International Financial Statistics (a monthly

compilation of detailed economic data on all countries.) The Fund is required (Article VIII, Section 7) to publish an annual report on its operations, transactions, and resources and it is authorized to publish "such other reports as it deems desirable for carrying out its purposes." These are available through its publications page, also available at the IMF website. This authority does not extend, however, to the publication of information about the internal conditions in member countries. Countries are required (Article VIII, Section 5) to provide the IMF with information about their economic and monetaryconditions and international economic and financial relationships. However, this information is generally deemed to be the property of the country which provided it and their consent is required for its release.

The Fund may not publish reports involving changes in the fundamental structure of the economic organization of members (Article XII, Section 8) without their consent. It may communicate its views informally to any member country about any relevant issue. A 70% vote of the executive board is required, however, before any report can be published on economic, monetary or balance of payments conditions in a country if the country in question does not want it released. It does not appear that the IMF executive board has ever exercised this authority.

Crisis Prevention. Some analysts are concerned that IMF surveillance is not sufficient in preventing financial crises. In a recent report, the U.S. General Accounting Office (GAO) asserted that the IMF's surveillance mechanisms, including the Fund's biannual World Economic Reports (WEOs) and its Early Warning Systems (EWS) have not performed well in predicting crises.[2] In a reply to the report, First Deputy Managing Director Anne Kreuger noted that it is difficult for the IMF to publicly predict crises. If the Fund publicly reported a country's economic weaknesses, this alone might precipitate the very economic crises everybody wishes to avoid. Some argue that the IMF should formally separate its surveillance activities from its lending operations in an attempt to get around this problem.[3] It is

difficult to see how this would solve the problem, however, since its surveillance functions are generally the means by which the IMF gets inside information about economic conditions in member countries.

The IMF would violate its rules if it released information of this sort without a country's consent and it would likely make the acquisition of accurate information about economic conditions in member countries more difficult in the future. Moreover, if a fire wall were erected between the two functions, the IMF staff responsible for its loan program would not have ready access to the information derived from surveillance as conditions became more serious in a prospective borrower country. The IMF's lending function only comes into play when a country applies for assistance to deal with a pending or current economic crisis. Countries often postpone this step until the crisis is almost upon them, since it is often seen as an admission of failure by the government. The IMF has sought for years to encourage countries to come to it for aid before their economic problems reach crisis proportions. However, it has no capacity for requiring them to do so. Similarly, theIMF cannot require countries to address economic problems — even those which are of broad international concern, such as Japan's chronic balance of payments surplus or the United States' chronic BOP deficit — if those countries have sufficient resources and they choose not to apply to it for assistance.

Some critics say that the IMF should solve this by neither doing surveillance nor lending. Instead, private lending would determine whether or not to provide capital based on confidence, economic policies, and appropriate risk premium. This is, in effect, another version of the argument that the IMF makes things worse in the world economy and that commercial financial markets would be more efficient and effective in their approach. The argument assumes that countries will share with private lenders the same types of information they currently share with the IMF and that private lenders would be willing to lend to countries in deep financial crisis on terms that they can afford. It presumes that countries will run

their economies better and will be more willing to adopt economic reforms if they have no recourse to an organization like the IMF. It also assumes that the world economy will not suffer if some countries are cut off from credit during financial crises because they cannot or will not meet whatever terms their private creditors demand. Those who oppose this view and support the IMF argue that the history of the world economy during the nineteenth and the twentieth century up to 1945 give much evidence which contradicts the assumptions stated above.

Financial Assistance

When its member countries experience balance of payments (BOP) difficulties, either through capital account or current account crises, the IMF can make loans designed to help them stabilize their international payments situation and adopt policy changes sufficient to reverse their situation and overcome their problems. In some cases, the IMF makes short-term loans to help prevent countries' economies from spiraling into financial crisis and to facilitate renewed inflows of private sector capital. Many financial crises in developing countries in recent years were the result of a lack of confidence by the international financial markets and the "sudden stop" or reversal of capital inflows to developing countries which often occurs at the outset of a crisis. In other cases, the IMF makes loans to help countries deal with BOP crises but the loan repayment period is longer and the conditionality includesproblems which are more deeply rooted and require more time than is usually possible in the IMF's usual timeline.

The IMF is required by its Articles to ensure that countries' use of its resources will be temporary and that loans will be repaid. To insure this end, as well as to guarantee oft-needed economic reforms, the Fund splits the disbursement of its loans into tranches and requires that specified economic conditions must be met for the continued disbursement of IMF funds. The IMF has redesigned its conditionality guidelines to better tailor its lending arrangements to

the specific financial needs of each recipient country. The IMF's area departments, which interact with borrower countries and prepare loan agreements, may well have a different perspective on this question than do the IMF's functional departments which must approve a prospective loan agreement before it goes to the executive board.

On one hand, the IMF wants to tailor its loan programs to the particular situation in the borrower country. On the other hand, the IMF also needs to have a consistent approach and policies which are equally applicable in all parts of the world. Officially, the amount a country is able to borrow from the IMF is related to the country's quota, its ownership and contribution share in the IMF.

In most instances, countries may borrow several multiples of their quota in response to particular circumstances. The conditionality and performance standards attached to a loan become more rigorous and demanding as its size (relative to the borrower's quota) increases. In many cases, deemed exceptional by the IMF executive board at the time, countries have received loans from the IMF, which are much larger than the normal guidelines would allow. In December 1997, for example, the IMF made a $21 billion IMF loan to South Korea, which was 1939% of its IMF quota. The IMF has several loan programs. Most are funded with money drawn from the quotas subscribed by member country governments and charge market-based repayment terms. Quotas are, in effect, lines of credit, which IMF member countries extend to the IMF in case it needs money to finance its operations. The IMF generally draws only upon the quota resources subscribed by the countries with strong currencies. The IMF charges its borrowing countries interest ("rate of charge") at a rate slightly higher than the market rate for short-term loans in major currency markets. The IMF pays interest ("rate of remuneration") to the countries, when it uses their quota resources, at this blended market rate. In some instances, particularly for loans with long repayment periods or for loans which are particularly large, compared to the size of the borrower's economy,

the borrower may be required to pay a higher interest rate (surcharge) and the IMF may borrow money on market terms to supplement its quota resources. The IMF makes loans to its poorest member countries on highly concessional repayment terms through its Poverty Reduction and Growth Facility (PRGF). These also aim to help countries overcome BOP problems, but their conditionality puts less emphasis than is usual for IMF loans on austerity and more on economic growth.

TheIMF does not use its regular quota resources to fund these loans. Rather, PRGF loans are funded with money borrowed in world capital markets and contributions from donors countries offset the interest cost of these loans. Hence, the IMF can charge its PRGF borrowers an interest rate (one-half of one percent) - similar to the rate the World Bank charges its poorest borrowers - to cover the cost of making and administering PRGF loans.

Technical Assistance

The IMF's technical assistance and advisory programs have become increasingly important in recent years. Indeed, some analysts now believe that this is IMF's most important function. While the specific types of reform vary from case to case, IMF technical assistance operations focus primarily on its core areas of expertise (principally financial and macroeconomic policy management). Any member country may request that the IMF provide it with technical assistance. Though it is a separate program, the IMF wants to make technical assistance a more integral part of its Article IV consultations and lending programs. The IMF's Technical Assistance department plays a key role in the implementation of the IMF's development-oriented strategy. Many sub-departments are reporting increased demand for assistance in areas such as government transparency, compliance with international standards and codes, strengthening domestic financial systems and poverty reduction. Demand has been especially great in the areas of fiscal policy and administration of technical assistance. In addition to helping countries design

appropriate fiscal policies, the latter areas help them build the institutions needed to support and implement them.

3.6 World Trade Organization (WTO)

3.6.1 In Brief

WTO is the acronym for World Trade Organization. The WTO came into being in 1995 and was createdafter the culmination of long intense negotiations which took place under the auspices of the GeneralAgreement on Tariffs and Trade (GATT).

The World Trade Organization (WTO) is an intergovernmental organization that regulates international trade. The WTO officially commenced on 1 January 1995 under the Marrakesh Agreement, signed by 123 nations on 15 April 1994, replacing the General Agreement on Tariffs and Trade (GATT), which commenced in 1948. It is the largest international economic organization in the world. The WTO deals with regulation of trade in goods, services and intellectual property between participating countries by providing a framework for negotiating trade agreements and a dispute resolution process aimed at enforcing participants' adherence to WTO agreements, which are signed by representatives of member governments:fol.9–10 and ratified by their parliaments. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Round (1986–1994).

The WTO's current Director-General is Roberto Azevêdo, who leads a staff of over 600 people in Geneva, Switzerland. A trade facilitation agreement, part of the Bali Package of decisions, was agreed by all members on 7 December 2013, the first comprehensive agreement in the organization's history. On 23 January 2017, the amendment to the WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement marks the first time since the organization opened its doors in 1995 that WTO accords have been

amended, and this change should secure for developing countries a legal pathway to access affordable remedies under WTO rules.

3.6.2 What is the GATT?

The GATT is an international trade agreement concluded in 1947. It contains rules and obligations that governed trade in goods for almost fifty years between its "CONTRACTING PARTIES." From 1948 to 1994, before the WTO was created, the GATT provided the legal framework for the bulk of world trade.

The negotiation of the GATT dates back to the 1940's. It was part of the post-war project to reconstruct a multilateral system of world trade through the elimination of discrimination, the reduction of tariffs and the dismantlement of other trade barriers. The initial objective was to create an International Trade Organization (the ITO) to handle the trade side of international economic cooperation, which was meant to join the two "Bretton Woods'' institutions, the World Bank and the International Monetary Fund (IMF). The project went on two tracks: (1) drafting a Charter for an International Trade Organization (the ITO); and, (2) launching tariff negotiations on a multilateral basis.

The GATT was never intended to be an international organization but only to be a subsidiary agreement under the ITO Charter. Nevertheless, the ITO did not materialize and the GATT came into force by means of a Provisional Protocol, signed on 30 October 1947 and effective since 1 January 1948. The signatory countries to the Protocol agreed to apply the provisions contained in the GATT until the ITO could take over its administration. Hence, for 47 years, the GATT served as a de facto international organization, taking up some of the functions originally intended for the ITO. The GATT developed rules for a multilateral trading system (MTS) through a series of trade negotiations or rounds. From 1947 to 1994, the GATT CONTRACTING PARTIES organized eight rounds of negotiations. The early rounds dealt mainly with tariff reductions on goods, but later rounds included other areas, such as, anti-dumping and non-tariff

barriers. The last round lasted from 1986 to 1994 and is generally known as the "Uruguay Round", which led to the creation of the WTO in 1994. The Uruguay Round brought about the biggest reform to the world trading system since the GATT was established. Since 1995, the WTO has performed the role of an international organization for trade rules.

3.6.3 Objectives of the WTO

In the Preamble to the Agreement Establishing the WTO, the parties to the Agreement recognize the objectives they wish to attain through the MTS:

- raise living standards;
- ensure full employment;
- ensure a large and steadily growing volume of real income and effective demand; and, expand the production of and trade in, goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development.

The Agreement also recognizes the need for "positive efforts to ensure that developing countries, and especially the least-developed among them, secure a share in the growth in international trade commensurate with … their economic development."

3.6.4 Functions of the WTO

(i) The WTO shall facilitate the implementation, administration and operation and further the objectives of this Agreement and of the Multilateral Trade Agreements, and shall provide the framework for the implementation, administration and operation of the plurilateral Trade Agreements.

(ii) The WTO shall provide the forum for negotiations among its members concerning their multilateral trade relations in

matters dealt with under the Agreement in the Annexes to this Agreement.

(iii) The WTO shall administer the Understanding on Rules and Procedures Governing the Settlement of Disputes.

(iv) The WTO shall administer Trade Policy Review Mechanism.

(v) With a view to achieving greater coherence in global economic policy making, the WTO shall cooperate, as appropriate, with the international Monetary Fund (IMF) and with the International Bank for Reconstruction and Development (IBRD) and its affiliated agencies.

As today's society goes on with globalization, there is a vital importance that the trading systems be managed by the need for an international organization. As there is an increase in trade volume, issues such as violation of intellectual property, subsidies, trade barriers and protectionism come up due to every nation's different rules of trading. The WTO serves as the nation's mediator when problems arise. Actually, it could be said that the World Trade Organization one of the organizations most important in the globalized society of today and it can also be referred to as the result of globalization. In addition, the World Trade Organization is an economic analysis and research center. Regular global trade picture assessments in its annual research reports and publications on specified topics are something the organization produces. The WT0 also closely cooperates with the other two system components, the World Bank and the IMF.

CHAPTER-IV

AGENCIES FOR HUMAN RIGHTS/ LABOUR WELFARE ILO

4.0 Learning objectives

After completion of this chapter, you should be able to:

1. Define Human rights
2. Explain the functions of labor welfare

4.1 Introduction

Many organizations around the world dedicate their efforts to the protection of human rights and ending human rights abuses. Major human rights organizations document violations and call for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy. United for Human Rights encourages everyone to visit the following websites and to become active in one or more of these organizations' programs.

4.2 The International Labour Organization (ILO)

The International Labour Organization (ILO) is the United Nations agency devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. The ILO is the only "tripartite" United Nations agency in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes. The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its 181

member States, the ILO seeks to ensure that labour standards are respected in practice as well as principle.

4.2.1 History

The ILO was created in 1919, as part of the Treaty of Versailles that ended World War I, to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice. The ILO's founders were committed to spreading humane working conditions and combating injustice, hardship and poverty. In 1944, during another period of international crisis, ILO members built on these aims by adopting the Declaration of Philadelphia, which states that labour is not a commodity and sets out basic human and economic rights under the principle that "poverty anywhere constitutes a danger to prosperity everywhere". The ILO in 1946 became the first specialized agency associated with the newly formed United Nations. On its 50th anniversary in 1969, the ILO was awarded the Nobel Peace Prize. The vast expansion in the number of countries belonging to the ILO in the decades after World War II brought much change. The organization launched technical assistance programmes to provide expertise and assistance to governments, workers and employers worldwide, especially in developing nations. In countries such as Poland, Chile and South Africa, the ILO's strong support for trade union rights helped in the fight for democracy and freedom.

Another important date for the ILO was 1998, when delegates to the International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work. These principles and rights are the right to freedom of association and collective bargaining and the elimination of child labour, forced labour and discrimination linked to employment. The guarantee of these fundamental principles and rights at work, according to the Declaration, is important because it enables people "to claim freely and on the basis of equality of opportunity, their fair share of the

International Organization

wealth which they have helped to generate and to achieve fully their human potential."

4.2.2.1 Functions the of ILO

a) Decent Work

Work is central to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent. Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families. Decent work means better prospects for personal development and social integration, and freedom for people to express their concerns, organize and participate in the decisions that affect their lives. It entails equality of opportunity and treatment for all women and men. Decent work is the key to the eradication of poverty. If women and men have access to decent work, they can share in the gains brought by increased international economic integration. Extending opportunities for decent work to more people is a crucial element in making globalization more inclusive and fair. Creating decent employment must therefore be at the heart of development policy.

In 2004, the role of the ILO in promoting strategies for a fair globalization was backed by the report of the World Commission on the Social Dimension of Globalization. The drive to foster decent work spans the ILO, integrating what the organization does at international, regional, national and local levels. In bringing together governments, employers and workers to set labour standards, supervise their implementation, raise awareness, develop policies and devise programmes, the ILO aims to ensure that its efforts are rooted in the needs of working women and men. The ILO works actively with the UN and other multilateral agencies to develop policies and programmes that support the creation of decent work

opportunities as a central plank of efforts to reduce and eradicate poverty.

b)Social Dialogue

Underlying the ILO's work is the importance of cooperation between governments, employers', and workers' organizations in fostering social and economic progress. Dialogue between the governments and the two "social partners" promotes consensus-building and democratic involvement of those with vital stakes in the world of work. This "social dialogue" can mean negotiation, consultation or simply an exchange of views between representatives of employers, workers and governments. It may consist of relations between labour and management, with or without direct government involvement. Social dialogue is a flexible tool that enables governments, employers', and workers' organizations to manage change and achieve economic and social goals. The very structure of the ILO, where workers and employers together have an equal voice with governments in the work of its governing councils, shows social dialogue in action. It ensures that the views of the social partners are closely reflected in ILO labour standards, policies and programmes.

At the same time, the ILO helps governments and employers and workers' organizations establish sound labour relations, adapt labour laws to changing economic and social circumstances and improve labour administration. In supporting and reinforcing employers and workers' organizations, the ILO helps to create the conditions for effective dialogue with governments and with each other.

c)Governance and Policymaking

The ILO's broad policies are set by the International Labour Conference, which meets once a year and brings together the organization's constituents. The Conference also adopts new international labour standards and approves the ILO's work plan and

budget. Between sessions of the Conference, the ILO is guided by its Governing Body, which is composed of 28 government members, 14 employer members and 14 worker members. The ILO's Secretariat, the International Labour Office, has its headquarters in Geneva, Switzerland and maintains field offices in more than 40 countries. In 1999, Juan Somavia of Chile became the ILO's ninth DirectorGeneral. He is the first person from the Southern Hemisphere to head the organization.

d)Standards

Since its early days, the ILO has sought to define and guarantee labour rights and improve conditions for working people by building a system of international labour standards expressed in the form of Conventions, Recommendations and Codes of Practice.

The ILO has since adopted more than 180 ILO Conventions and 190 Recommendations covering all aspects of the world of work. This body of international labour law was recently reviewed by the Governing Body which determined that more than 70 of the Conventions adopted before 1985 remained fully up to date and the remainder required revision or withdrawal. In addition, dozens of Codes of Practice have been developed. In areas as varied as maternity leave and protection of migrants, these standards play an important role in the drawing up of national legislation. A supervisory process helps to ensure that standards ratified by individual member States are applied and the ILO provides advice in the drafting of national labour laws.

With the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, ILO member States decided to uphold a set of core labour standards regardless of whether they had ratified the relevant conventions. These are basic human rights and a central plank of decent work.

e)Freedom of Association

The right of workers and employers to form and join organizations of their choice is an integral part of a free and open society. It is a basic civil liberty that serves as a building block for social and economic progress. Linked to this is the effective recognition of the right to collective bargaining. Voice and representation are an important part of decent work. The existence of independent organizations for workers and employers serves as a foundation to the ILO's tripartite structure, and their involvement in ILO actions and policies reinforces freedom of association, directly and indirectly. From advising governments on labour legislation to providing education and training for trade unions and employer groups, the ILO is regularly engaged in promoting freedom of association. The ILO's Committee on Freedom of Association was set up in 1951 to examine violations of workers' and employers' organizing rights. The committee has examined more than 2,000 cases, including allegations of murders, disappearances, physical attacks, arrests and forced exile of trade union officials. The committee is tripartite and handles complaints in ILO member States whether or not they have ratified freedom of association conventions. Through the Committee on Freedom of Association and other supervisory mechanisms, the ILO has frequently defended rights of trade unions and employers' organizations. In many cases, these organizations have played a significant role in their countries' democratic transformation.

Tackle forced Labour

An estimated minimum of at least 12 million people worldwide are victims of forced labour. Of those, 10 million are exploited by forced labour in the private economy, rather than that imposed directly by states. The ILO estimates that US$32 billion in annual profits are generated by the forced labour of trafficked people. Forced labour takes different forms, including debt bondage, trafficking and other forms of modern slavery. The most vulnerable

victims are women and girls forced into prostitution, migrants trapped in debt bondage, and sweatshop or farm workers kept there by clearly illegal tactics and paid little or nothing. The ILO has worked since its inception to tackle forced labour and the conditions that give rise to it and has established a Special Action Programme on Forced Labour to intensify this effort.

In partnership with workers, employers, civil society and other international organizations, the ILO seeks to address all aspects of forced labour. These range from preventive measures including livelihood improvement projects in communities where trafficking victims originate, to support for freed workers. Programmes can include microfinance, training opportunities and facilitating access to education. The ILO is also pressing for effective national laws and stronger enforcement mechanisms, such as legal sanctions and vigorous prosecution against those who exploit forced labourers. By raising public awareness, the ILO seeks to shine a spotlight on such human and labour rights violations.

TackleChild Labour

There are more than 200 million children working throughout the world, many full-time. They are deprived of adequate education, good health and basic freedoms. Of these, 126 million — or one in every 12 children worldwide — are exposed to hazardous forms of child labour, work that endangers their physical, mental or moral well-being. Over the past 15 years, the world has awakened to child labour as a pressing social, economic and human rights issue.

Today, child labour globally is on the decline, and if this trend continues, its worst forms may be eliminated in the coming decade. This is the direct result of a powerful international movement to eliminate child labour. This movement is reflected in the unprecedented pace with which countries are ratifying the ILO's Worst Forms of Child Labour Convention. Adopted in 1999, the Convention has been ratified by nine out of every 10 of the ILO's 181 member States. Similarly, four out of five ILO member States have

now ratified the ILO's Minimum Age Convention adopted in 1973. The ILO has been a principal engine behind this growing movement. The International Programme on the Elimination of Child Labour (IPEC), launched in 1992, now encompasses activities in over 80 countries. As with other aspects of decent work, eliminating child labour is a development as well as human rights issue. ILO policies and programmes aim to help ensure that children receive the education and training they need to become productive adults in decent employment.

Issues linked to discrimination

Hundreds of millions of people suffer from discrimination in the world of work. This not only violates a most basic human right, but has wider social and economic consequences. Discrimination stifles opportunities, wasting the human talent needed for economic progress and accentuating social tensions and inequalities. Combating discrimination is an essential part of promoting decent work, and success on this front is felt well beyond the workplace. Issues linked to discrimination are present throughout the ILO's sphere of work. By bolstering freedom of association, for example, the ILO seeks to prevent discrimination against trade union members and officials.

Programmes to fight forced labour and child labour include helping girls and women trapped in prostitution or coercive domestic labour. Non-discrimination is a main principle in the ILO's code of practice on HIV/AIDS and the world of work. ILO guidelines on labour law include provisions on discrimination. At the same time, gender equality is integrated into all ILO activities. This reflects the persistent and varied problems faced by women in the labour market. Women continue to earn less than men, dominating low-paid and less-protected occupations and accounting for the majority of workers in informal, atypical and unpaid situations.

The ILO works to expand employment opportunities for women enhance conditions of employment and eliminate gender

discrimination. It encourages women's entrepreneurship through support services, business development, training, microfinance and documentation of good practices. In addition, it helps workers' organizations defend and expand the rights of women at the workplace and promote their role in trade unions and society.

Employment and Income

With global unemployment at historically high levels, there has never been a greater need to put employment at the center of economic and social policies. Even among those who work, the extent of poverty underscores the need for a far greater number of productive and decent jobs.

The insufficient pace in creating decent work worldwide points to the need for greater international coordination of macro-economic policies, as well as active labour market policies at the national level.

Productive and freely chosen employment is at the core of the ILO's mandate, and the organization is committed to full employment. The ILO identifies policies that help create and maintain decent work and income — policies that are formulated in a comprehensive Global Employment Agenda worked out by the three ILO constituents. The organization carries out research and takes part in international discussion of employment strategies.

The ILO is particularly concerned about the massive unemployment of young women and men — nearly half the world's unemployed are young people — and it seeks to help them and their governments through policy advice and concrete training and employment initiatives.

The ILO has pioneered analysis and action on the informal economy. This term is used to describe work done beyond the reach of formal laws and enforcement mechanisms. In many developing countries, more than half of the non-agricultural workforce is in the

informal economy. Most women in these countries work informally often as street traders. Informal work is mostly unproductive, insecure, poorly remunerated and done under adverse conditions. Helping employers and workers to move out of informality requires comprehensive strategies to raise skills and productivity, improve laws and their application and foster self-support institutions.

Periodic ILO publications including Key Indicators of the Labour Market analyse trends and provide extensive statistical data. The ILO provides technical support and advice in areas ranging from training and skills to microfinance and small business development. It has advised countries making the transition from centrally planned to market economies on employment, labour market and human resource policies. The organization also works to promote employment-intensive investment in developing countries.

Wages and Other Conditions of Employment

While wages may rise in many countries, they often remain too low for many workers to meet their basic needs. In addition, while some workers may see decreases in the time they devote to work, the accompanying unpredictability can weaken job security and pose new difficulties for reconciling work and family. Dirty and dangerous working conditions, on the decline in industrialized countries, are still prevalent in the developing world. Meanwhile, job related stress and violence are starting to be recognized globally as major problems. Wages, working time, work organization, working conditions and adapting working life to the demands of life outside work are core elements of the employment relationship and of workers' protection, as well as key dimensions of economic performance, and thus are of principal interest to the ILO. These issues are major components of human resources management, collective bargaining and social dialogue, as well as of government policies.

Social Security

Only 20 per cent of the world's population have adequate social security coverage, and more than half lack any coverage at all. The situation reflects levels of economic development, with fewer than 10 per cent of workers in least-developed countries covered by social security. In middle-income countries, coverage ranges from 20 to 60 per cent, while in most industrial nations, it is close to 100 per cent.

Social security involves access to health care and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.

Concern among governments, employers and workers led the ILO to launch a "Global Campaign on Social Security and Coverage for All" in 2003. The campaign builds on ILO efforts already underway in more than 30 countries. These include projects to help countries extend coverage at the national level and to strengthen communitybased social security organizations. The ILO is also doing important research to identify factors that undermine security among people in the developing and developed world.

Health and Safety

Every year, more than 2 million people die from occupational accidents or work-related diseases. By conservative estimates, there are 270 million occupational accidents and 160 million cases of occupational disease.

The safety of work varies enormously between countries, economic sectors and social groups. Deaths and injuries take a particularly heavy toll in developing nations, where large numbers of people are engaged in hazardous activities such as agriculture, construction, logging, fishing and mining. Throughout the world, the

poorest and least protected — often women, children and migrants — are among the most affected.

Given the progress that many industrialized countries have made in reducing serious injuries, it is clear that improvements in workplace safety yield results. Yet there is a lack of awareness, knowledge and information about the issue. The ILO works to fill this gap through research, advocacy and technical assistance. It helps countries develop management tools, monitoring and information services, with the primary focus on hazardous occupations. The ILO places special importance on developing and applying a preventive safety and health culture in workplaces worldwide.

4.3 The UN Human Rights Council (UNHRC)

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The UN Human Rights Council (HRC) is the main UN body dealing with human rights questions. Its 47 members are elected by and from the General Assembly for up to two three-year terms. It holds three regular sessions per year of a total of at least ten weeks and can call special sessions to react quickly to urgent country and thematic situations. According to its mandate, the HRC is responsible for the promotion and protection of all human rights around the globe. The allocation of seats is organized along regional groups – Africa, Asia, Latin America and the Caribbean (GRULAC), East Europe and the Western Europe and Others Group (WEOG) – who still coordinate their actions on issues of common concern. Regarding common policy positions, the importance of those groups has been superseded in part by political or religiously defined groups such as the Non-Aligned Movement (NAM), the Organization of Islamic

Cooperation (OIC), the European Union (EU) or the non-EU members of WEOG, known as JUSCANZ.

When the HRC was established in 2006 by UN General Assembly (UNGA) resolution 60/251, it was designed to build a stronger and more effective human rights institution compared to its predecessor, the UN Commission on Human Rights. Despite its undeniable contributions to standard-setting with regard to human rights, the Commission had come more and more under fire because of the also undeniable political – detrimental to its normative – nature of some of its decisions, such as politicization, double-standards and selectivity, which increasingly provoked calls for its reform.

A new feature of the HRC addresses this issue of selectivity and double standards: the Universal Periodic Review (UPR) was set up as a mechanism to regularly review and evaluate the human rights situation in each UN member state. It is based on a report by the state under review, accompanied by a compilation of information produced by UN entities and a summary of information provided by Non-Governmental Organisations (NGOs) and National Human Rights Institutions, both prepared by the Office of the High Commissioner for Human Rights (OHCHR).

By October 2012, having been in existence for about six years, the HRC had held 21 regular sessions and 19special sessions, had completed the first round of the UPR and initiated its second round, and had adopted nearly 700 resolutions and decisions addressing human rights themes and situations around the globe. Among the special sessions were not only urgent country-specific human rights situations but also thematically emerging situations with a major impact on the economic, social and cultural rights of millions of people. Such as the financial and economic crisis (2009) or the food crisis (2008). Compared to the former Commission, the HRC has managed to shed light on human rights issues that formerly largely went unnoticed.

4.3.1 Sessions

The UNHRC holds regular sessions three times a year, in March, June, and September. The UNHRC can decide at any time to hold a special session to address human rights violations and emergencies, at the request of one-third of the member states. To date there have been 20 Special Sessions.

4.3.2 Subsidiary bodies that directly report to the UNHRC

Universal Periodic Review Working Group

An important component of the Council consists in a periodic review of all 193 UN member states, called the Universal Periodic Review (UPR). The new mechanism is based on reports coming from different sources, one of them being contributions from NGOs. Each country's situation will be examined during a three-and-a-half-hour debate.

The first cycle of the UPR took place between 2008 and 2012, and the second cycle of reviews started in 2012 and is expected to be completed in 2016.

The General Assembly resolution establishing the Council provided that "the Council shall review its work and functioning five years after its establishment". The main work of the review was undertaken in an Intergovernmental Working Group established by the Council in its Resolution 12/1 of 1 October 2009 The review was finalized in March 2011, by the adoption of an "Outcome" at the Council's sixteenth session, annexed to Resolution 16/21.

First cycle: The following terms and procedures were set out in General Assembly Resolution 60/251:

- Reviews are to occur over a four-year period (48 countries per year). Accordingly, the 192 countries that are members

---

of the United Nations shall normally all have such a Review between 2008 and 2011;

- The order of review should follow the principles of universality and equal treatment;

- All Member States of the Council will be reviewed while they sit at the Council and the initial members of the Council will be first;

- The selection of the countries to be reviewed must respect the principle of equitable geographical allocation;

- The first Member States and the first observatory States to be examined will be selected randomly in each regional group in order to guarantee full compliance with the equitable geographical allocation. Reviews shall then be conducted alphabetically.

  Second cycle: HRC Resolution 16/21 brought the following changes:

- Reviews are to occur over a four-and-a-half-year period (42 countries per year). Accordingly, the 193 countries that are members of the United Nations shall normally all have such a Review between 2012 and 2016;

- The order of review will be similar to the 1st cycle;

- The length of each Review will be extended from three to three-and-a-half hours;

- The second and subsequent cycles of the review should focus on, inter alia, the implementation of the recommendations.

Similar mechanisms exist in other organizations: International Atomic Energy Agency, Council of Europe, International Monetary Fund, Organization of American States, International Labour Bureau and the World Trade Organization.

Except for the tri-annual reports on development of human rights policies, that Member States have to submit to the Secretary General since 1956, the Human Rights Council UPR procedure constitutes a first in the area. It marks the end of the discrimination that had plagued the work of the Human Rights Commission and had caused it to be harshly criticized. Finally, this mechanism demonstrates and confirms the universal nature of human rights.

Advisory Committee

The Sub-Commission on the Promotion and Protection of Human Rights was the main subsidiary body of the CHR. The Sub-Commission was composed of 26 elected human rights experts whose mandate was to conduct studies on discriminatory practices and to make recommendations to ensure that racial, national, religious, and linguistic minorities are protected by law.

In 2006, the newly created UNHRC assumed responsibility for the Sub-Commission on the Promotion and Protection of Human Rights (previously the main subsidiary body of the CHR) consisted of 26 elected human rights experts, whose mandate was to conduct studies on discriminatory practices and to make recommendations to ensure that racial, national, religious, and linguistic minorities are protected by law. The Sub-Commission's mandate was extended for one year (to June 2007), but it met for the final time in August 2006. At its final meeting, the Sub-Commission recommended the creation of a Human Rights Consultative Committee to provide advice to the UNHRC, and in September 2007, the UNHRC decided to create an Advisory Committee to provide expert advice. The Advisory Committee has eighteen members. Those members are distributed as follows: five from African states; five from Asian states; three from

Latin American and Caribbean States; three from Western European and other states; and two members from Eastern European states.

Complaints procedure

On 18 June 2007, the UNHRC adopted Resolution 5/1by which a new complaint procedure was established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Two working groups make up the Complaint Procedure: the *Working Group on Communications* (WGC) and the *Working Group on Situations* (WGS). The WGC consists of five independent and highly qualified experts, and is geographically representative of the five regions represented by the Human Rights Council (Africa, Asia, Latin America and the Caribbean, Eastern Europe, and Western Europe and Others). The Advisory Committee designates the WGC's experts from among its members. The experts serve for three years with the possibility of one renewal. The experts determine whether a complaint deserves investigation. If a complaint deserves investigation, the WGC passes the complaint to the WGS.

The WGS has five members, appointed by the regional groups from among the States members of the Council for the period of one year (mandate renewable once). It meets twice a year for a period of five working days in order to examine the communications transferred to it by the WGC, including the replies of States thereon, as well as the situations which the Council is already seized of under the complaint procedure. The WGS, on the basis of the information and recommendations provided by the WGC, presents the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and makes recommendations to the Council on the course of actions to take.

The procedure is not in place for single victim complaints of a single incident that violates their human rights. The complaint procedure is in place to address communications submitted by individuals, groups or non-governmental organizations that claim to be victims of humans rights violations or that have direct, reliable knowledge of such violations.

The UNHRC has provided examples of cases where the events would be considered as consistent patterns of gross human rights violations. These examples include; alleged deteriorating situation of human rights of people belonging to a minority, including forced evictions, racial segregation and substandard living conditions, alleged degrading situation of prison conditions for both detainees and prison workers, resulting in violence and death of inmates.

Filing a Complaint

Complaints can be regarding any state, regardless of whether it has ratified a particular treaty. The procedure is confidential and the council will only communicate with the person or group. Until the council decides that the complaint will be addressed publicly.

The interaction with the person who made the complaint and the UNHRC during the complaints procedure will be on an as needed basis. The Council Resolution 5/1 in its paragraph 86 emphasizes that the procedure is victims-oriented. Paragraph 106 of Resolution 5/1 provides that the complaint procedure shall ensure that the author of a communication is informed of the proceedings at the key stages. In line with Council resolution 5/1, the WGC may request further information from the author of a communication or a third party if deemed necessary.The complaint must be in writing, and it is recommended that a complaint is no more than fifteen pages. There is a template on the UNHRC website. Complaints cannot be made anonymously, and should include a description of the relevant facts in as much detail as possible, providing names of

alleged victims, dates, location and other evidence. It should also include the purpose of the complaint and the rights allegedly violated.The UNHRC has provided examples on the types of complaints that would be admissible under the complaint procedure. If a complaint does not meet the following criteria:

It must be in writing and has to be submitted in one of the six unofficial languages (Arabic, Chinese, English, French, Russian and Spanish);

- It must contain a description of the relevant facts (including names of alleged victims, dates, location and other evidence), with as much detail as possible, and shall not exceed 15 pages;

- It must not be manifestly politically motivated;

- It must not be exclusively based on reports disseminated by mass media;

- It is not being already dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;

- Domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged;

- It must not use a language that is abusive or insulting;

- The complaint procedure is not mandated to seek remedies in individual cases or to provide compensation to alleged victims.

International Organization

Effectiveness of the Procedure

Due to the confidential manner of the procedure, it is almost impossible to find out what complaints have passed through the procedure and how effective the procedure is.

There is a principle of non-duplication, which means that the complaint procedure cannot take up the consideration of a case that is already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights.

On the UNHRC website under the complaints, procedure section there is a list of situations referred to the UNHRC under the complaint procedure since 2006. This was only available to the public as of last 2014, however generally does not give any details regarding the situations that were under consideration other than the state that was involved.

In some cases the information is slightly more revealing, for example a situation that was listed was the situation of trade unions and human rights defenders in Iraq that was considered in 2012, but the council decided to discontinue that consideration.

The complaints procedure has been said to be too lenient due to its confidential manner. Some have often questioned the value of the procedure, but its effectiveness should not be underestimated, 94% of states respond to the complaints raised with them. The Office of the High Commissioner for Human Rights (OHCHR) receives between 11,000 – 15,000 communications per year. During 2010-11, 1,451 out of 18,000 complaints were submitted for further action by the WGC. The UNHRC considered four complaints in their 19th session in 2012. Although the majority of the situations that have been considered have since been discontinued, the procedure should not be questioned as it still has an impact and should be continued.

History shows that the procedure works almost in a petition like way; if enough complaints are received then the UNHRC is very likely to assign a special rapporteur to the state or to the issue at hand. It has been said that an advantage of the procedure is the confidential manner, which offers the ability to engage with the state concerned through a more [diplomatic] process, which can produce better results than a more adversarial process of public accusation.

The procedure is a useful tool to have at the disposal on the international community for situations where naming and shaming has proved ineffective. Also another advantage is that a complaint can be made against any state, regardless of whether it has ratified a particular treaty.Due to the limited information that is provided on the complaints procedure it is hard to make comments on the process itself, the resources it uses versus its effectiveness. It is likely that a lot happens behind the scenes, such as communications between the WGS and the States, which would provide insight however, it remains confidential and inaccessible to the public.

4.4 The International Committee of the Red Cross (ICRC)

The International Red Cross and Red Crescent Movement consists of the International Committee of the Red Cross (ICRC), a group of up to 25 Swiss citizens, with headquarters in Geneva, Switzerland. There are more than 180 national Red Cross and Red Crescent societies; and the Geneva-based International Federation of the Red Cross and Red Crescent Societies (known until 1991 as the League of Red Cross and Red Crescent Societies) which coordinates peacetime activities of the national societies. The International Conference of the Red Cross, usually held every four years in different countries, brings together representatives of the Red Cross organizations and those governments that have ratified the Geneva conventions. In 1986, the Movement's name was changed to include the Red Crescent, the organization's name in most Muslim nations.

4.4.1 History

Initiative for founding the Red Cross came from the 19th-century Swiss philanthropist Jean Henri Dunant. Appalled by the almost complete lack of care for wounded soldiers, he appealed to the leaders of nations to found societies devoted to the aid of the wounded in wartime. Five Swiss citizens formed a committee, which later became the ICRC, and issued a call for an international conference, which was held in Geneva in October 1863 and was attended by delegates from 16 nations. Another conference was held in Geneva the following year, and official delegates of 12 nations signed the first Geneva Convention, laying down rules for the treatment of the wounded and for the protection of medical personnel and hospitals. It was also at this meeting that the famous symbol of the movement, the white flag bearing a red cross, was adopted. This symbol was later modified in non-Christian countries, with Islamic nations substituting a crescent for a cross, and in 2006, the ICRC also adopted a third, secular symbol: a red diamond emblem known as the Red Crystal. The principles enunciated in the first Geneva Convention were subsequently revised and amended at conferences held in 1906, 1929, and 1949. In 1977, additional protocols were added to the Geneva Conventions of 1949 to protect all non-combatants in all types of conflicts, international as well as domestic.

4.4.2 The ICRC's mission

Since it was founded in 1863, the ICRC has been working to protect and assist the victims of armed conflict and other situations of violence. It initially focused on wounded soldiers but over time, it extended its activities to cover all victims of these events. In A Memory of Solferino, Henry Dunant suggested creating national relief societies, recognizable by their common emblem, and an international treaty to protect the wounded on the battlefield. A permanent committee was established in Geneva to further Dunant's ideas. A red cross on a white ground was chosen as the emblem and

the committee went on to adopt the name of the International Committee of the Red Cross.

Initially, it was not the ICRC's intention to take action on the ground. However, the National Societies of countries in conflict – viewed as too close to the authorities – asked the ICRC to send its own relief workers, believing that humanitarian work in times of conflict needed to offer guarantees of neutrality and independence acceptable to all parties, which only the ICRC could do. The ICRC therefore had to build up operational activities very quickly within a framework of neutrality and independence, working on both sides of the battlefield. Formal recognition of this function came later, when the Geneva Conventions explicitly recognized the purely humanitarian and impartialnature of the ICRC's activities, and gave the organization a special role in ensuring the faithful application of international humanitarian law.

To be able to carry out its mission effectively, the ICRC needs to have the trust of all States, parties and people involved in a conflict or other situation of violence. This trust is based in particular on an awareness of the ICRC's policies and practices. The ICRC gains people's trust through continuity and predictability. Combining effectiveness and credibility irrespective of time, place or range of needs is a permanent challenge for the organization, because it must be able to prove it can be both pragmatic and creative. Within the framework of the ICRC's clearstrategy and priorities, its delegations in the field are thus given considerable autonomy to decide how best to help victims of conflict and other situations of violence.

This document describes how the ICRC was shaped, how it operates and how it distinguishes itself from other humanitarian organizations, in particular via its multidisciplinary approach. A lengthy oeuvre could be dedicated to this ambitious task, but the idea here is far more modest. The intention is to set forth within a few pages the characteristics of the ICRC's identity and of the scope and methods of its work. While this undertaking may seem

somewhat reductionist, it provides a useful synopsis of the ICRC as it is today.

4.4.3 The Fundamental Principles of the International Red Cross and Red Crescent Movement

The ICRC's endeavor is guided by seven Fundamental Principles, which the organization shares with the other components of the Movement. The principles — humanity, impartiality, neutrality, independence, voluntary service, unity and universality are set out in the Movement Statutes16 and constitute the common values that distinguish the Movementfrom other humanitarian organizations. The Movement has given the ICRC the task of upholding and disseminating these principles. The first four, which are set out below, are those most commonly cited by the ICRC and are specifically mentioned in its mission statement:

- Humanity is the supreme principle. It is based on respect for the human being and encapsulates the ideals and aims of the Movement. It is the main driving force behind the ICRC's work.

- Impartiality, a principle that rejects any form of discrimination, calls for equal treatment for people in distress, according to their needs. It enables the ICRC to prioritize its activities based on the degree of urgency and the types of needs of those affected.

- Neutrality enables the ICRC to keep everyone's trust by not taking sides in hostilities or controversies of a political, racial, religious or ideological nature. Neutrality does not mean indifference to suffering, acceptance of war or quiescence in the face of inhumanity; rather, it means not engaging in controversies that divide peoples. The ICRC's work benefits from this principle because it enables the organization to make more contacts and gain access to those affected.

- The ICRC's independence is structural: the Committee's members are all of the same nationality and they are recruited by co-optation. The ICRC is therefore independent of national and international politics, interest groups, and any other entity that may have some connection with a situation of violence. This gives the ICRC the autonomy it needs to accomplish the exclusively humanitarian task entrusted to it with complete impartiality and neutrality.

4.4.4 Scope of work and criteria for taking action

The ICRC takes action in four different situations:

1) The ICRC's endeavor to help the victims of international armed conflict and non-international armed conflict is at the heart of its mission. The ICRC offers its services based on international humanitarian law, and after taking due account of the existing or foreseeable need for humanitarian aid.

2) In other situations of violence, the ICRC offers its services if the seriousness of unmet needs and the urgency of the situation warrant such a step. It also considers whether it can do more than others owing to its status as a specifically neutral and independent organization and to its experience. In these situations, its offer of services is based not on international humanitarian law but on the Statutes of the Movement.

3) If a natural or technological disaster or a pandemic occurs in an area where the ICRC has an operational presence, meaning it can deploy quickly and make a significant contribution, the organization steps in with its unique capabilities, to the extent it is able and in cooperation with the Movement. It generally takes action during the emergency phase only.

4) In other situations, it makes its own unique contribution to the efforts of all humanitarian agencies, especially within its fields of expertise such as tracing work and disseminating international humanitarian law and the Fundamental Principles. These are all fields in which it has an explicit mandate.

4.4.5 Coordination of humanitarian activities

Both from headquarters and in the field, the ICRC coordinates its activities with other humanitarian organizations in order to improve the lives, directly or indirectly, of victims of armed conflict and other situations of violence. Coordination is only possible as far as the strictly humanitarian approach of the ICRC, as an impartial, neutral and independent organization, allows. Authority cannot be ceded to any other entity or group of entities.

Modes of action

In keeping with the emphasis it places on complementary roles, the ICRC takes into account its partners' (in and outside the Movement) strong and weak points and their fields of expertise in its strategic discussions. The ICRC's strategy is based on combining "modes of action" and on selecting the appropriate activities depending on the approach (or approaches) chosen. Modes of action are the methods or means used to persuade authorities to fulfill their obligations towards individuals or entire populations. The ICRC's modes of action are raising awareness of responsibility (persuasion, mobilization, and denunciation), support, and substitution (direct provision of services). The ICRC does not limit itself to any one of them; on the contrary, it combines them, striking a balance between them either simultaneously or consecutively.The aim of raising awareness of responsibility is to remind people of their obligations and, where necessary, to persuade them to change their behavior. This translates into three methods:

i.   Persuasion aims to convince someone to do something which falls within his area of responsibility or competence, through bilateral confidential dialogue. This is traditionally the ICRC's preferred mode of action.

ii.   The organization may also seek outside support, through mobilization of influential third parties (e.g. States, regional organizations, private companies, members of civil society or religious groups who have a good relationship with the authorities in question). The ICRC chooses such third parties with care, contacting only those who it thinks will be able to respect the confidential nature of the information that they receive.

iii. Faced with an authority which has chosen to neglect or deliberately violate its obligations, persuasion (even with the mobilization of support from influential third parties) may not be effective. In certain circumstances, therefore, the ICRC may decide to break with its tradition of confidentiality and resort to public denunciation. This mode of action is used only as part of the protection approach, which focuses on the imminent or established violation of a rule protecting individuals.

iv.   If authorities are unable to take action, the ICRC provides support where necessary to enable them to assume their responsibilities.

v.   When the competent authorities do not take or are unable to take appropriate measures (owing to lack of means, or unwillingness, or when no such authorities exist), the ICRC takes direct action in their place (substitution) to meet the needs of the people or populations affected. If the situation is critical, the ICRC acts first and then speaks to the authorities to persuade them to take appropriate measures or to help them examine possible solutions.

Guidelines for action

The above-mentioned strategy is implemented with consideration for the following guidelines:

i. The ICRC's humanitarian work is impartial, neutral and independent. Experience has taught it that this approach offers the best chance of being accepted during an armed conflict or other situation of violence, in particular given the risk that actors at a local, regional or international level may become polarized or radicalized. The integration of political, military and humanitarian means as recommended by some States is therefore a major source of difficulty for the ICRC. The organization insists on the need to avoid a blurring of lines while still allowing for the possibility of complementary action.

ii. Many of the ICRC's tasks are carried out close to the people concerned – in the field, in other words, where the organization has better access to them. The individuals and communities concerned must be consulted in order to better establish their needs and interests, and they should be associated with the action taken. Their value systems, their specific vulnerabilities and the way they perceive their needs must all be taken into consideration. The ICRC favors a participatory approach aimed at building local capacities.

iii. The ICRC has a universal vocation. Its work is not limited to certain places, or to certain types of people (such as children or refugees). With a presence in numerous regions of the world, the ICRC has an overall vision that enables it to undertake comprehensive analysis. The organization must have a coherent approach everywhere it works if it is to appear transparent and predictable.However, this does not mean that ICRC activities are uniform. Considering the context is still a key aspect of analysis and strategy.

iv.	The ICRC gets involved during the emergency phase and stays for as long as is necessary. However, the organization is careful to ensure that its involvement does not dissuade the authorities from fully assuming their responsibilities or the communities affected from relying on their usual coping mechanisms. It also takes care not to get in the way of other organizations and actors who are building up civil society's resources. Measures are taken so that the ICRC is able to leave the scene in an appropriate manner when the time comes.

v.	The ICRC engages in dialogue with all those involved in an armed conflict or other situation of violence who may have some influence on its course, whether they are recognized by the community of States or not. No one is excluded, not only because engaging in dialogue does not equate to formal recognition but also because multiple and varied contacts are essential for assessing a situation and for guaranteeing the safety of ICRC activities and personnel. The ICRC maintains a network of contacts locally, regionally and internationally. In the event of violations of international humanitarian law or other bodies of law or other fundamental rules protecting people in situations of violence, the ICRC attempts to influence the perpetrators. In the first instance, it will take bilateral confidential action. When it comes to confidential action and to communication with the public, the ICRC wants to promote transparency and present itself as organization acting in a credible and predictable manner. Moreover, reflecting the interest that States have in the unique status and role of the ICRC,the organization's right to abstain from giving evidence has been recognized by several sources of international law.

vi.	While doing what it can to help needy people, the ICRC also takes into consideration the efforts of others since there is a wide variety of agencies in the humanitarian world. The

main objective of interacting with other providers of aid is to make the best use of complementary efforts in order to meet needs. Interacting should provide the basis for building on the skills of each and hence for obtaining the best possible results, then continue to respond to needs in the long term through programme handover. Interaction should therefore be based on transparency, equality, effective operational capacities and a complementary relationship between organizations. It starts with – but is not limited to – the Movement and its universal network. Indeed, the other components emerge as the ICRC's natural and preferred partners, with whom it would like to develop and strengthen a common identity and vision.

vii. Through its work, the ICRC bears a certain responsibility for the individuals or entire populations it endeavors to protect and assist. Its fundamental concern is to have a genuinely positive impact on their lives. It has set up a framework of accountability and tools for planning, monitoring and assessing its actions; these help it examine its performance and results and hence constantly improve the quality of its work. The ICRC evaluates all of its activities using various criteria and indicators, including thresholds of success and failure, so that it can become more effective and find the most appropriate way of answering to beneficiaries and donors. Its work is regularly assessed, and reoriented if necessary.

CHAPTER -V

REGIONAL ORGANSIATIONS

5.0 Introduction

A number of regional organizations have gradually but consistently, particularly over the past two decades, transformed themselves into growing players in the humanitarian sphere. They have involved themselves – sometimes independently and sometimes in response to UN processes – not only in aid delivery and coordination but also in disaster risk reduction (DRR), conflict management, peacekeeping and the protection of civilians. For instance, in 2008 the Association of Southeast Asian Nations (ASEAN) helped to facilitate aid delivery in Myanmar following Cyclone Nargis through the ASEAN Humanitarian Task Force (AHTF), a joint humanitarian–diplomatic endeavor which also involved the United Nations and Myanmar authorities in a 'Tripartite Core Group'. Four years later, the Economic Community of West African States (ECOWAS) intervened in Mali following a military coup and rising Islamist militancy, helping to end the conflict in the country and spurring the United Nations to step in.

5.1 African Union

5.1.1 History

The Organization of African Unity (OAU) was established in 1963 by agreement of the 32 African states that had achieved independence at that time. A further 21 members joined gradually, reaching a total of 53 by the time of the AU's creation in 2002.1 In 2011, South Sudan became the 54th African Union (AU) member. The OAU's main objectives, as set out in the OAU Charter, were to promote the unity and solidarity of African states; coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa; safeguard the sovereignty and territorial integrity

of Member States; rid the continent of colonization and apartheid; promote international cooperation within the United Nations framework; and harmonize members' political, diplomatic, economic, educational, cultural, health, welfare, scientific, technical and defense policies. The OAU operated based on its Charter and, more recently, the 1991 Treaty Establishing the African Economic Community (known as the Abuja Treaty). Its major organs were the Assembly of Heads of State and Government, Council of Ministers, General Secretariat and Commission of Mediation, Conciliation and Arbitration. The Commission of Mediation, Conciliation and Arbitration was replaced by the Mechanism for Conflict Prevention, Management and Resolution in 1993.

5.1.2 Transition to the African Union

Through the 1990s, leaders debated the need to amend the OAU's structures to reflect the challenges of a changing world. In 1999, the OAU Heads of State and Government issued the Sirte Declaration calling for the establishment of a new African Union. The vision for the Union was to build on the OAU's work by establishing a body that could accelerate the process of integration in Africa, support the empowerment of African states in the global economy and address the multifaceted social, economic and political problems facing the continent. Three summits were held in the lead up to the official launching of the African Union, the:

- Lome Summit (2000), which adopted the AU Constitutive Act

- Lusaka Summit (2001), which drew the road map for implementation of the AU

- Durban Summit (2002), which launched the AU and convened its first Assembly of Heads of State and Government.

A significant number of OAU structures were carried forward into the AU. Similarly, many of the OAU's core commitments, decisions and strategy frameworks continue to frame AU policies. However, while the footprint of the OAU is still strong, the AU Constitutive Act and protocols established a significant number of new structures, both at the level of major organs and through a range of new technical and subsidiary committees. Many of these have evolved since 2002 and some are still under development.

5.1.3 Assembly

The Assembly is the African Union's (AU's) supreme decision-making organ and comprises Heads of State and Government from all Member States. It determines the AU's policies, establishes its priorities, adopts its annual programme and monitors the implementation of its policies and decisions. The Assembly is mandated to accelerate the political and socio-economic integration of the African continent. It may give directives to the AU Executive Council, Peace, and Security Council on the management of conflicts, war, and acts of terrorism, emergencies and the restoration of peace. It may also decide on intervention in or sanctions against Member States according to specific circumstances provided for in the AU Constitutive Act.

In addition, the Assembly:

- Appoints the Chairperson and Deputy Chairperson of the AU Commission
- Appoints the Commission Commissioners and determines their functions and terms of office
- Considers requests for AU membership
- Adopts the AU budget
- Receives, considers and takes decisions on reports and recommendations from the other AU organs
- Establishes new committees, specialized agencies, commissions and working groups as it deems necessary.
  Under the Rules of Procedure, it may also:

- Amend the Constitutive Act in conformity with the laid down procedures
- Interpret the Constitutive Act (pending the establishment of the Court of Justice)
- Determine the structure, functions and regulations of the Commission
- Determine the structure, functions, powers, composition and organisation of the Executive Council.

The Assembly may delegate its powers and functions to other African Union organs as appropriate. Provisions governing the Assembly's composition, functions and powers, voting and procedures are contained in articles 6 to 9 of the Act. Section 1, rule 4, of the Rules of Procedure elaborates further on the Assembly's functions and powers.

5.1.4 Membership

There are 54 Member States. The following list shows all members and their date of joining the AU or its predecessor the OAU.

Members	Date of joining
Algeria	25 May 1963
Angola	11 February 1975
Benin	25 May 1963
Botswana	31 October 1966
Burkina Faso	25 May 1963
Burundi	25 May 1963
Cameroon	25 May 1963
Cape Verde	18 July 1975
Central African Republic	25 May 1963
Chad	25 May 1963
Comoros	18 July 1975
Congo	25 May 1963
Côte d'Ivoire	25 May 1963
DR Congo	25 May 1963

Djibouti _____ 27 June 1977
Egypt _____ 25 May 1963
Equatorial Guinea _____ 12 October 1968
Eritrea _____ 24 May 1993
Ethiopia _____ 25 May 1963
Gabon _____ 25 May 1963
Gambia _____ October 1965
Ghana _____ 25 May 1963
Guinea _____ 25 May 1963
Guinea Bissau _____ 19November 1973
Kenya _____ 13 December 1963
Lesotho _____ 31 October 1966
Liberia _____ 25 May 1963
Libya _____ 25 May 1963
Madagascar _____ 25 May 1963
Malawi _____ 13 July 1964
Mali _____ 25 May 1963
Mauritania _____ 25 May 1963
Mauritius _____ August 1968
Mozambique _____ 18 July 1975
Namibia _____ June 1990
Niger _____ 25 May 1963
Nigeria _____ 25 May 1963
Rwanda _____ 25 May 1963
Senegal _____ 25 May 1963
Seychelles _____ 29 June 1976
Sierra Leone _____ 25 May 1963
Somalia _____ 25 May 1963
South Africa _____ 6 June 1994
South Sudan _____ 27 July 2011
Sudan _____ 25 May 1963
Swaziland _____ 24 Sep 1968
Togo _____ 25 May 1963
Tunisia _____ 25 May 1963
Uganda _____ 25 May 1963
UR of Tanzania _____ 25 May 1963

Zambia_____24 Oct 1964
Zimbabwe_____ 18 April 1980

5.1.5 Vision

The AU vision is: An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena. Agenda 2063, officially adopted by the AU Assembly in 2015, provides a collective vision and roadmap to build a prosperous and united Africa based on shared values and a common destiny.

5.1.6 Objectives

Under article 3 of the Constitutive Act of the African Union (2000) and the Protocol to the Act (2003), the Union's objectives are to:

- Achieve greater unity and solidarity between African countries and the peoples of Africa

- Defend the sovereignty, territorial integrity and independence of its Member States

- Accelerate the political and socio-economic integration of the continent

- Promote and defend African common positions on issues of interest to the continent and its peoples

- Encourage international cooperation, taking due account of the United Nations Charter and the Universal Declaration of Human Rights

- Promote peace, security and stability on the continent

- Promote democratic principles and institutions, popular participation and good governance

- Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments

- Ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas

- Establish the necessary conditions that enable the continent to play its rightful role in the global economy and in international negotiations

- Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies

- Promote cooperation in all fields of human activity to raise the living standards of African peoples

- Coordinate and harmonize policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union

- Advance the development of the continent by promoting research in all fields, in particular, in science and technology

- Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent • Develop and promote common policies on trade, defence and foreign relations to ensure the defence of the continent and the strengthening of its negotiating positions

- Invite and encourage the full participation of the African Diaspora, as an important part of the continent, in the building of the Union.

5.1.7 Operating structure

The AU's key decision and policy organs are the:

Assembly of Heads of State and Government. The Assembly is the AU's supreme policy and decision-making organ. It comprises all Member State Heads of State and Government.

Executive Council. The Executive Council coordinates and takes decisions on policies in areas of common interest to Member States. It is responsible to the Assembly. It considers issues referred to it and monitors the implementation of policies formulated by the Assembly. The Executive Council is composed of foreign ministers or such other ministers or authorities as are designated by the governments of Member States.

Permanent Representatives Committee (PRC). The Committee is charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It comprises Permanent Representatives to the Union and other plenipotentiaries of Member States.

Specialised Technical Committees (STCs). Thematic Committees are provided for under the AU Constitutive Act and are responsible to the Executive Council. They comprise Member State ministers or senior officials.

Peace and Security Council (PSC). The PSC is the AU's organ for the prevention, management and resolution of conflicts. It comprises 15 elected Member States.

African Union Commission (AUC). The Commission is the AU's secretariat. It is based in Addis Ababa, Ethiopia, and composed of an

elected chairperson, deputy chairperson and eight commissioners, and staff.

In January 2016, Executive Council decisions included that all AU organs shall, where applicable, have two representatives from each of the five African regions and one floating seat rotating among the regions, and that at least one member of each region shall be a woman.

5.2 ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

5.2.1 Introduction

The Association of Southeast Asian Nations (ASEAN) is a politico-economic organization in South-East Asia, which was set up in 1967. 'ASEAN has ambitions to create a single market by 2015 among its 10 member nations, which have a combined population of nearly 600 million people, twice the population of the United States.' According to the provisions of the ASEAN Declaration, the aims of the organization include the acceleration of economic growth, social progress, cultural development in the region, the protection of regional peace and stability, adherence to the rule of law and the principles of the UN Charter, promoting active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields, etc. The ASEAN Charter entered into force on 15 December 2008 giving the organization a new legal framework and establishing a number of new organs to boost its community-building process.

5.2.2 Origins and rationale

The Association of Southeast Asian Nations (ASEAN) was founded by Indonesia, Malaysia, Phillipines, Singapore and Thailand with the ASEAN Declaration (also called Bangkok Declaration) in 1967. The background to ASEAN's creation was Indonesia's relinquishment of its policy of 'konfrontasi' with Malaysia, an undeclared war in rejection of Malaysia's claim to independent

statehood. This turning point in Indonesia's foreign policy was motivated by the change of leadership from President Sukarno to President Suharto, precipitated by the failed communist coup in Indonesia of September 1965 and the ensuing anti-communist purge. The adoption of the Bangkok Declaration signified Indonesia's acceptance of the existence of Malaysia as an independent state and the willingness of countries in the region to conduct friendly relations, resolve their disputes peacefully, and to refrain from interfering in each other's' internal conflicts. The text of the ASEAN Declaration establishes as one of the aims and purposes of the organization:

"To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter" *(ASEAN Declaration, 1967).*

Member states announced their readiness to promote collaboration on matters of common interest in a broad variety of fields, economic, social, cultural, technical, scientific and administrative, with the aim of accelerating economic growth, social progress and cultural development in the region. The creation of ASEAN on the basis of the principles of strict respect for national sovereignty and non-interference in internal affairs follows diverse if closely intertwinned rationales: Firstly, it reflects the acceptance by all members of each others' existence and right to statehood (particularly against the background of Indonesia's abandonnement of military operations against Malaysia), to be replaced by the establishment of friendly relations and consolidated through the development of co-operative links through ASEAN. Secondly, fearful of a possible communist take-over, not least through the ideological penetration of the widespread ethnic Chinese minority communities in Southeast Asia, leaders established ASEAN as a de-facto anti-communist 'alliance' designed to protect their market economy systems. Finally, and closely linked to the above, the principle of non-interference in internal affairs was meant to avoid scenarios similar to

that witnessed in neighbouring Indochina: protracted internal insurgencies that would invite intervention by alien powers guided by the logic of the ideological confrontation that characterised the Cold War. The attachment to the principles of non-intervention and respect for sovereignty must be understood in the context of the national independence from foreign rule attained by most Southeastasian countries in the period from 1946 (Philippines) to 1965 (Singapore), in which context the emphasis on state sovereignty was part and parcel of the new governments' efforts at nation-building.

The attachment to the principles of respect for sovereignty and non-interference in internal affairs determined the institutional structure and modus operandi of ASEAN and has remained almost intact to our days: While some of its original rationales such as the socialist threat have disappeared, the persistence of others such as separatist movements or the fear of influence by regional powers has provided a continued political rationale for its permanence.

While the organisation has been criticised for its perceived inefficacy (Jones, D. and Smith, M. 2007), it is considered to have been successful in preserving peace in Southeast Asia in the absence of any mutualdefence agreement or participation in any collective security arrangement other than the United Nations. This is particularly remarkable in view of the diversity of security policies of its members. Indonesia was one of the leaders of the Non-Aligned Movement during the cold war. By contrast, others concluded bilateral defence agreements with the US, such as Philippines, Singapore and Thailand. In addition, the so-called "Five Powers Defence Arrangement" of 1971 formalised collective defence links between Malaysia, Singapore, Australia, New Zealand and the UK (Emmers, R. 2010). Bilateral security ties also exist between Brunei and the UK.

5.2.3 Institutional structure and modus operandi: The 'ASEAN Way'

The informality of the initial arrangements was evident: The basis for the creation of the organisation was not a legally-binding treaty but a two-page political declaration. The institutional structure foreseen in the original document was extremely thin: it established an annual meeting of foreign ministers, a standing committee composed of ambassadors of the other member countries and committees on specific subjects. The rejection of formalisation and institutionalisation was such that no central secretariat was foreseen; instead, national secretariats to service the above formations would be established. Illustratively, due to the absence of a general secretariat, files had to be shipped from one ASEAN member to another every year, depending on who was holding the chairmanship, which rotates in alphabetical order. The decision-making procedure was strictly intergovernmental, based on consensus and consultation, known as the 'ASEAN way'. No mechanism for enforcement or sanctions in the event of non-compliance were foreseen. The 'ASEAN way' emphasises informal diplomacy and restraint of public criticism on policies of other member states. When member states are unable to reach agreement, decisions are simply deferred. The consensual decision-making process, coupled with the lack of sanctions in case of non-compliance, have been made responsible for the perceived inefficacy of the organisation to implement agreed decisions, leading to criticism in academic circles (Jones, D. and Smith, M. 2007).

The process of formalisation and institutionalization has been gradual, slow and remains limited. A first step towards formalisation was undertaken in 1976, when the Treaty of Amity and Co-operation (TAC) was signed. This legally-binding document enshrined ASEAN members' attachement for national sovereignty and established the principle of non-intervention. Also, a secretariat was founded in Jakarta to support ASEAN's activities. Subsequently, ASEAN expanded its membership, first admitting Brunei (1985), and

following the end of the Cold War, Vietnam (1995), Myanmar and Laos (1997) and Cambodia (1999). Here, a parallel can be drawn between ASEAN and EU evolution after the end of the Cold War: Both organisations embraced the membership of neigbouring countries with comparatively less developed economies in favour of regional inclussiveness, but without relinquishing their integration projects (Webber, D. 2012). Thus, membership was used as a tool for socialisation of states which had previously been under Soviet influence into the practice of regional co-operation.

The breakthrough in terms of institutionalisation came about with the signing of the ASEAN Charter in 2007, which entered into force in 2009. Some of the main innovations invite comparisions with the arrangements present in the EU (Jetschke, A. and Murray, Ph. 2011). These include the establishment of an ASEAN Summit comprising head of state and goverment as the supreme decision making body, and strengthens the powers of the ASEAN Secretary General, including monitoring member states' compliance with ASEAN decisions (ASEAN Charter, 2008, p.25). It also foresees the creation of three distinct Communities governed by different Councils: the politico-security community, the sociocultural community and the economic community. A Committee of Permanent Representatives at the rank of Ambasadors, analogous to COREPER, supports the Community Councils and liases with the national secretariats and sectoral ministerial bodies (Murray, Ph. and Moxon-Browne, E. 2013).

5.2.4 Policies: Progress with the Asean Communities

The adoption of the Charter has been accompanied by a major expansion of the areas subject to ASEAN sectoral co-operation. The following section reviews progress made on selected prominent areas in each of the three communities: human rights in the socio-cultural community, defence and security cooperation in the politico-security community and economic integration in the economic community.

The Socio-cultural Community - human rights: A small first step

The ASEAN Charter foresees the creation of a human rights body; however, it only stipulates that it "shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting" (ASEAN Charter, 2008, p.19). Thus, following a practice that is not uncommon in international agreements, the treaty envisages the creation of the entity without any specifics, effectively deferring its configuration to a later date. The terms of reference were finalised in 2009 and the ASEAN Inter-governmental Commission on Human Rights was set up alongside two sectoral bodies: the ASEAN Commission on the rigths of women and children and the ASEAN Commission on the rights of migrant workers. In contrast to standard regional systems for human rights protection, which entail independent institutions tasked with monitoring the implementation of regional human rights treaties, the Inter-governmental Commission is composed of government representatives with a purely consultative function, no binding powers, and no capacity to receive complaints from individual victims where local remedies have been exhausted. The Inter-governmental Commission decides by consensus and reports directly to the ASEAN Foreign Ministers. Moreover, the agreed terms of reference, reiterating the principle of non-interference in internal affairs, provides for respecting the rights of every member state to "lead its national existence free from external interference, subversion and coercion", the "respect for the independence, sovereignty, equality, territorial integrity and national identify of all ASEAN member states", and the pursuance of a constructive and non-confrontational approach an co-operation to enhance the promotion and protection of human rights". This language, highly atypical of a human rights instrument, evidences resistance on the side of several ASEAN governments towards the creation of a monitoring body endowed with the power to denounce or even challenge their policies. It has been claimed that those members unpersuaded of the need to protect human rights agreed to the establishment of the body as a mean of self-monitoring to avoid

external scrutiny (Muntarbhorn, V. 2012). The latest output of the Inter-governmental Commission consists in the release of a non-binding ASEAN Declaration on human rights, agreed at ASEAN's 2012 summit in Phnom Penh. The declaration does notforessee any mechanisms for regional implementation. In fact, it came under fire by regional human rights organisations for the lack of transparency of its negotiating process. The UN High Commissioner for Human Rights, Navanethem Pillay, called on ASEAN governments to suspend adoption of the draft declaration because it was out of step with universal standards and the public had not been consulted. Furthermore, human rights groups such as Amnesty International and Human Rights Watch denounced the draft declaration as creating a sub-standard level of human rights protection in the region (Jetschke, A. and Portela, C. 2012).

The Politico-security Community - security co-operation: an encouraging start

In the politico-security sphere, the only defence body is the ASEAN Defence Ministers meeting, created in 2006. Rarther than co-ordinating security policies or framing joint initiatives, the meeting serves as a forum to enhance transparency and build confidence. Some co-operation has taken place in the field of non-traditional security, such as humanitarian assistance and disaster relief efforts. The measures envisaged for future co-operation activities are formulated in rather general terms: "strengthening regional defence and security cooperation"; "enhancing existing practical cooperation and developing possible cooperation in defence and security"; "promoting enhanced ties with Dialogue Partners" and "shaping and sharing of norms" (ASEAN Secretariat 2013). In recognition of the key role played by external powers in the security of the region, an ASEAN Defence Ministers Meeting Plus was put in place, with the aim of engaging ASEAN Dialogue Partners in cooperation on defence and security matters. Its priority areas reveal a more ambitious agenda, including maritime security, counterterrorism, disaster management and peacekeeping operations, among others. One the most

remarkable efforts in operational terms can be observed in antiterrorism co-operation and especially in maritime security thanks to the joint efforts of the littoral states. Threats to maritime security in Southeast Asia are primarily piracy, armed robberies against ships and maritime terrorism. In the Strait of Malacca, a 900-kilometer strait bordering Indonesia, Malaysia and Singapore, carrying about 40% of the world's trade including ca. 80% of the energy supplies of supply, maritime security has been undermined by weak regional consensus and the confluence of territorial and resource claims over the Straits of Malacca as well as the South China Sea. Although the number of attacks in the Strait of Malacca have been declining since 2004, the need to address other maritime threats such as maritime terrorism and robbery at sea remains a priority concern for Southeast Asian countries. ASEAN responses to maritime threats have been confined to trust and confidence measures, with efforts being limited to a database system, the Information Sharing Centre (ISC), which collates and shares updated information on location of attacks, types of attacks and outcomes.

The Economic Community - economic integration:

Although it was not ASEAN's initial focus, economic cooperation has been progressing gradually since the 1970s. The first substantial step toward integrating the ASEAN market came in 1992 when ASEAN agreed to establish the ASEAN Free Trade Area (AFTA), which provided for the reduction or elimination of tariffs under a Common Effective Preferential Tariff scheme and the removal of quantitative restrictions and other non-tariff measures. It also addressed other cross-border measures, such as trade facilitation and standards harmonisation. ASEAN leaders signed agreements to liberalise services trade in 1995. In the past decade ASEAN broadened cooperation on macroeconomic and financial issues, many of these together with its Northeast Asian neighbours, with which it has put in place the "ASEAN Plus 3" arrangement: China, Japan, and South Korea. However, preferential trade arrangements are usually multilateralised, in a clear example of "open regionalism."

International Organization

ASEAN has envisaged the establishment of an Economic Community by 2015, consisting of a single market and production base and characterised by high competitiveness, equitable economic development and full integration into the global economy. The master plan guiding its establishment, the ASEAN Economic Blueprint, was adopted in 2007. The project was led by Thailand and especially Singapore, which has insisted on the fact that China's economic dynamism threatens to render Southeast Asia increasingly marginal. Singapore Prime Minister Lee attempted to persuade ASEAN partners of the virtues of further economic integration, with a view to compel them to step up their efforts in this direction: "Compared to more established groupings…ASEAN is still a long way from becoming a fully integrated community….We must make greater efforts to pool our resources and deepen regional integration" (Lee 2007). ASEAN's progress on economic integration has been stimulated by external events: an international trend toward regionalism and FTAs, especially those involving ASEAN's main trading partners, the Asian financial crisis of 1997 and the rise of emerging economies that compete with ASEAN countries, particularly China. Forecasts, however, predict that there is little likelihood that ASEAN open regionalism will evolve into a deep economic integration behind a common external trade regime; thus, there is little hope that the commitment to forming an ASEAN Economic Community beginning 2015 will be realised (ADB 2010).

5.2.3 ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR)

Pursuant to Article 14 of the ASEAN Charter, the member states set up the AICHR at the 15th ASEAN summit in October 2009. Its purposes function and rules of procedure are set out in a single document entitled 'Terms of Reference' (ToR). Term 6.8. Specifies that AICHR is the overarching human rights institution in ASEAN with overall responsibility for the promotion and protection of human rights in ASEAN. Section three of ToR states that the AICHR is a

consultative intergovernmental body and an integral part of the ASEAN organizational structure.

AICHR's functions include:

- To encourage ASEAN Member States to consider acceding to and ratifying international human rights instruments [ToR: 4.5]

- To develop an ASEAN Human Rights Declaration with a view to establishing a framework for human rights cooperation through various ASEAN conventions and other instruments concerned with human rights [ToR: 4.2]

- To obtain information from ASEAN Member States on the promotion and protection of human rights [ToR: 4.10]

- To develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN Community [ToR: 4.1]

5.3 European Union(EU)

5.3.1 Introduction

European Union (EU), organization of European countries dedicated to increasing economic integration and strengthening cooperation among its members. The European Union headquarters is located in Brussels, Belgium. As of 2007, there were 27 countries in the EU.

The European Union was formally established on November 1, 1993. It is the most recent in a series of cooperative organizations in Europe that originated with the European Coal and Steel Community (ECSC) of 1951, which became the European Community (EC) in 1967. The original members of the EC were Belgium, France, West Germany (now part of the united Germany), Greece, Italy,

Luxembourg, and Netherlands. Subsequently these nations were joined by Denmark, Ireland, the United Kingdom, Portugal, and Spain. In 1991 the governments of the 12 member states signed the Treaty on European Union (commonly called the Maastricht Treaty), which was then ratified by the national legislatures of all the member countries.

The Maastricht Treaty transformed the EC into the EU. In 1995 Austria, Finland, and Sweden joined the EU. In May 2004, 10 more countries were added, bringing the total number of EU member countries to 25. The 10 new members were Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Two more countries in eastern Europe—Romania and Bulgaria—joined the EU on January 1, 2007.

The EU has a number of objectives. Its principal goal is to promote and expand cooperation among member states in economics and trade, social issues, foreign policy, security and defense, and judicial matters. Under the Maastricht Treaty, European citizenship was granted to citizens of each member state. Border controls were relaxed. Customs and immigration agreements were modified to allow European citizens greater freedom to live, work, and study in any of the member states.

Another major goal of the EU has been to implement Economic and Monetary Union (EMU), which introduced a single currency, theeuro, for EU members. In January 2002 the euro replaced the national currencies of 12 EU member nations. Fourteen EU members do not currently participate in the single currency. They are Denmark, Sweden, the United Kingdom, nine of the ten nations that joined the EU in 2004, and Bulgaria and Romania. Slovenia adopted the euro in January 2007, having become the first of the members added in 2004 to meet the necessary economic requirements.

5.3.2 History of the European Union

The dream of a united Europe is almost as old as Europe itself. The early 9th-century empire of Charlemagne covered much of western Europe. In the early 1800s the French empire of Napoleon I encompassed most of the European continent. During World War II (1939-1945), German leader Adolf Hitler nearly succeeded in uniting Europe under Nazi domination. All these efforts failed because they relied on forcibly subjugating other nations rather than fostering cooperation among them.

Attempts to create cooperative organizations fared little better until after World War II. Until then, nations strongly opposed all attempts to infringe on their powers and were unwilling to yield control over their policies. Early collaborative ventures were *international* or *intergovernmental* organizations that depended on the voluntary cooperation of their members; consequently, they had no direct powers of coercion to enforce their laws or regulations. *Supranational* organizations, on the other hand, require members to surrender at least a portion of their control over policy areas and can compel compliance with their mandates. After World War II, proposals for some kind of supranational organization in Europe became increasingly frequent.

5.3.3 Major Bodies of the EU

The European Community (EC) pillar contains all the governing institutions of the EU. The major ones are the European Commission, the Council of the European Union, the European Parliament, the European Court of Justice, and the Court of Auditors. In addition, there are many smaller bodies in the EC pillar, such as the Economic and Social Committee, and the Committee of the Regions.

European Commission

The European Commission is the highest administrative body in the EU. Unlike the European Council, which oversees all three

pillars of the EU, the commission concentrates almost solely on the EC pillar. It initiates, implements, and supervises policy. It is also responsible for the general financial management of the EU and for ensuring that member states adhere to EU decisions. The commission is meant to be the engine of European integration, and it spearheaded preparations for the single market and moves toward establishing the euro.

Commissioners are appointed by member governments and are supported by a large administrative staff. Initially, France, Germany, Italy, Spain, and the United Kingdom each appointed two commissioners, while other member countries appointed one each. The Treaty of Nice, signed in 2001, changed the structure of the commission so that by 2005 each member state could appoint only one commissioner.

However, when the EU reaches 27 member states, the European Council is obligated to determine how large the commission should be. The Treaty of Nice also altered the selection procedures for commissioners, giving the European Council and the European Parliament a role in the confirmation process.

Council of the European Union

The Council of the European Union (formerly called the Council of Ministers) represents the national governments. It is the primary decision-making authority of the EU and is the most important and powerful EU body. Although its name is similar to that of the European Council, the Council of the European Union's powers are essentially limited to the EC pillar, whereas the European Council oversees all three pillars of EU cooperation.

When the Council of the European Union meets, one government minister from each member state is present. However, the minister for each state is not the same for every meeting. Each member state sends its government minister who is most familiar with the topic at hand. For example, a council of defense ministers

might discuss foreign policy, whereas a council of agriculture ministers would meet to discuss crop prices. The Council of the European Union adopts proposals and issues instructions to the European Commission. The council is expected to accomplish two goals that are not always compatible: further EU integration on one hand and protection of the interests of the member states on the other. This contradiction could become more difficult to reconcile as the EU continues to expand.Decision-making in the council is complex. A few minor questions can be decided by a simple majority. Many issues, however, require what is called qualified majority voting (QMV). In QMV each country has an indivisible bloc of votes that is roughly proportional to its population. It takes two-thirds of the total number of votes to make a qualified majority. QMV was introduced in some policy areas to replace the need for a unanimous vote. This has made the decision-making process faster and easier because it prevents any one state from exercising a veto. Since the Single European Act, QMV has been steadily extended to more areas. Many important decisions, however, still require unanimous support.

European Parliament (EP)

The European Parliament is made up of 732 members who are directly elected by the citizens of the EU. Direct elections to the EP were implemented in 1979. Before that time, members were appointed by the legislatures of the member governments. The European Parliament was originally designed merely as an advisory body; however, its right to participate in some EU decisions was extended by the later treaties. It must be consulted about matters relating to the EU budget, which it can reject; it can remove the European Commission as a body through a vote of no confidence; and it can veto the accession of potential member states.

The European Parliament's influence is essentially negative: It can block but rarely initiate legislation, its consultative opinions can be ignored, and it has no power over the Council of the European Union. Its effectiveness is limited by two structural

problems: It conducts its business in 20 official languages, with consequent huge translation costs, and it is nomadic, using three sites in different countries for its meetings. Unless changes are made, these weaknesses will likely intensify as the union grows larger.

At the same time, there have been frequent calls for expanding the powers of the European Parliament, which would increase the democratic accountability of the EU. The weaknesses of the European Parliament can be remedied, however, only by the national governments. To cope with an increase in the number of member states due to EU enlargement, the Treaty of Nice allowed for a limit to the size of the EP by providing for a reallocation of seats among the members.

European Court of Justice (ECJ)

The European Court of Justice (ECJ) is the judicial arm of the EU. Each member country appoints one judge to the court. The ECJ is responsible for the law that the EU establishes for itself and its member states. It also ensures that other EU institutions and the member states conform with the provisions of EU treaties and legislation. The court has no direct links with national courts and no control over how they apply and interpret national law, but it has established that EU law supersedes national law.

The ECJ's assertion that EU law takes precedence over national law, and the fact that there is no appeal against it, have given the ECJ a powerful role in the EU. This role has, on occasion, drawn criticism from both national governments and national courts. The ECJ has declared both for and against EU institutions and member states.

The ECJ's historically high caseload was eased in 1989 when the Court of First Instance was created. This court hears certain categories of cases, including those brought by EU officials and cases seeking damages. Rulings by the Court of First Instance may be appealed to the ECJ, but only on points of law. Despite the

establishment of this court, the ECJ's caseload has continued to rise. As a result, the Treaty of Nice introduced further reforms to reduce the accumulated backlog of cases.

European Central Bank (ECB)

The European Central Bank (ECB) began operations in 1998. It is overseen by an executive board that is chosen by agreement of EU member governments and includes the ECB president and vice president. The ECB has exclusive authority for EU monetary policy, including such things as setting interest rates and regulating the money supply. In addition, the ECB played and continues to play a major role in overseeing the inauguration and consolidation of the euro as the single EU currency. Its authority over monetary policy and its independence from other EU institutions make the ECB a powerful body. There are misgivings in some quarters that the ECB is too independent, leading to a debate over whether it should be subject to political direction.

Other Bodies

Other important bodies in the EU include the Economic and Social Committee and the Committee of the Regions. The Economic and Social Committee is a 317-member advisory body drawn from national interest groups of employers, trade unions, and other occupational groups. It must be consulted by the European Commission and the Council of the European Union on issues dealing with economic and social welfare. The Committee of the Regions was formed in 1994 as a forum for representatives of regional and local governments. It was intended to strengthen the democratic credentials of the EU, but it has only a consultative and advisory role.

Despite some challenges, the EU is unlikely to disappear. It has become a fact of life, with the countries enmeshed together in a host of cooperative practices. The EU has had great success in developing a culture of collaboration, and it occupies a place at the

center of Europe. What is at issue is not its survival, but its form as it leads Europe in the 21st century.

5.4 Asia-Pacific Economic Cooperation (APEC)

5.4.1 Introduction

Asia-Pacific Economic Cooperation (APEC), organization of 20 nations and one administrative region dedicated to promoting regional economic integration and global free trade among countries bordering the Pacific Ocean. APEC was founded in 1989 at the prompting of the government of Australia. The APEC secretariat, the organization's administrative office, was established in 1992 in Singapore. Its members include Australia, Brunei, Canada, Chile, China, Hong Kong, Indonesia, Japan, Malaysia, Mexico, New Zealand, Papua New Guinea, the Philippines, Singapore, South Korea, Taiwan, Thailand, and the United States. Peru, Russia, and Vietnam joined the organization in 1998.

Foreign ministers and trade officials from each country have met yearly since APEC's inception. The heads of state met for the first time in 1993, while trade officials began annual meetings in 1994. At these meetings, members have discussed such issues as regional security, financing for infrastructure development, reduction of tariffs and other trade barriers, and development of global free trade. In 1994 APEC members with industrialized economies pledged to eliminate trade barriers by 2010, while those with developing economies agreed to follow by 2020. To promote global free trade, members were encouraged to reduce trade barriers to non-APEC nations as well. No legally binding agreement was signed. The group has also agreed to strive to standardize customs and international trade documentation. In 1998 APEC leaders pledged to pursue a cooperative economic growth strategy in response to economic instability in many Asian nations. Members pledged to strengthen social safety nets, financial systems, trade and investment flows, and scientific and technological infrastructure within their nations.

5.4.2 How APEC Works

Enforcement powers like the WTO. APEC, instead, works on the basis of consultation and consensus-building. New policies agreed within APEC meetings are voluntary and much of APEC's progress comes through members setting examples for each other and through peer pressure. A key element of the process is open sharing of information between members and the public, an element underlined by the central use of the Individual Action Plans available to anyone logging on to the APEC website.

The apex of each year for APEC is the meeting of Economic Leaders. Since the Chair of APEC rotates each year, there is a different host for each of these Leaders meetings. For example, last year Presidents Bush, Jiang, and Putin and Prime Minister Koizumi and the other APEC Leaders traveled to Los Cabos, Mexico, where President Vicente Fox hosted them. This year, Thailand chairs APEC and Prime Minister Thaksin Chinnawat will host the APEC Economic Leaders in Bangkok, Thailand October 20 and 21. In subsequent years, Chile (2004), the Republic of Korea (2005), Vietnam (2006), and Australia (2007) will chair APEC.

However, throughout an "APEC" year, there are many meetings held at different levels aimed at preparing issues for decision by the Leaders, as well as at carrying out directions issued by Leaders in previous years. (The schedule for these meetings can be found on the APEC website under the "APEC Calendar" at http://www.apecsec.org.sg/whatsnew/calend/calendar.html.) The meetings of APEC Ministers make up the highest level of these meetings. There are regular, although not always annual, meetings of APEC Ministers of education, energy, environment and sustainable development, finance, human resources development, science and technology, small and medium enterprises, telecommunications, trade, and transportation.

Below the level of the Ministers, APEC Senior Officials meet three or four times throughout the year. As with the meetings of the

Ministers, these "SOM" meetings both prepare for the Leaders' Meeting later in the year and respond to directions set by Leaders in earlier meetings. Below SOM are three overarching committees and 23 working level groups that work both in the sectors detailed in the Individual Action Plans (see the top of page 3) and in other areas, including:

- energy
- fisheries
- human resources development
- industrial science and technology
- marine resources conservation
- telecommunications
- trade promotion
- transportation
- tourism
- agricultural technical cooperation
- small and medium enterprises

5.4.3 The APEC Secretariat

The APEC Secretariat is based in Singapore. The Secretariat is staffed by 20 diplomats seconded from APEC member economies and by 20 local staff. An Executive Director, who is always an Ambassador seconded from that year's APEC host, heads the Secretariat. Since Thailand is this year's host of APEC, the current Executive Director, Ambassador PiamsakMilintachinda, is a Thai. The Deputy Executive Director is always from next year's APEC host and he or she becomes the Executive Director the following year when the new APEC host takes over.

The current Deputy Director, Chile's Ambassador Mario Artaza, will serve as the Secretariat's Executive Director for Chile's year as host of APEC in 2004. The other 20 second diplomats are currently from 18 of the APEC members and are from Foreign Affairs and Trade Ministries. The Secretariat works under the direction of the

APEC Senior Officials and is the core support mechanism for the APEC process. It provides advisory, operational and logistical/technical services to member economies and APEC forums. It also provides advice on the design of APEC projects, manages project funding, and evaluates the projects after they are completed. It addition to maintaining the website, it produces a range of publications and liaises with the media. Finally, it provides APEC's institutional memory through its Library, Archives and databases.