

UN Policies and Strategies: Preventing State Failures and Rebuilding Societies

BERTRAND G. RAMCHARAN*

I INTRODUCTION

The question presented to us for reflection on the occasion of the sixtieth anniversary of the United Nations is: 'celebration or wake?'. On the issues of preventing state failures and rebuilding societies, which I have been asked to address, I would submit that the proper assessment is: 'promise to be fulfilled'. In this article I set out the factors that lead me to this point of view.

The United Nations has a major role to play in the maintenance of international peace and security and it is essential to have a clear view of its core strategies in dealing with these matters. It has been the good fortune of this author, in a career that extended into four decades at the United Nations, to have been head of the Speech-writing team of the Secretary-General, to have written the first draft of Agenda for Peace and the 1992 Annual Report, to have served with UN mediators and peacekeepers in the former Yugoslavia for three-and-a-half gruelling years, to have directed an Africa Division in the Department of Political Affairs of the Secretariat, and to have occupied the posts of Deputy and then High Commissioner for Human Rights. Insights from these experiences influence the observations that follow.

In today's world, there is need for a central, defining concept of the United Nations and in my view that should be "A United Nations of Conflict Prevention". This vision has political, economic, social, humanitarian, and humanitarian dimensions. James Sutterlin's "Perspectives for the 1990s", a magisterial document he drafted for Secretary-General Perez de Cuellar, integrated these dimensions of conflict prevention superbly.¹ It is a lost vision that we must resurrect. The United Nations of the future must increasingly be "A United Nations of Conflict Prevention".

II SOME PERTINENT CONSIDERATIONS REGARDING THE ISSUE OF STATE FAILURE

The blueprint of the Charter of the United Nations is for a world of peace and justice grounded in respect for human rights and in economic and social progress. This remains a valid blueprint. The vision and the idealism of the United Nations are as

* Chancellor of the University of Guyana and Professor of International Law at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden. Former Deputy and Acting United Nations High Commissioner for Human Rights at the level of United Nations Under-Secretary-General.

¹ *Some Perspectives on the Work of the United Nations in the 1990s* UN GAOR, 42nd Sess., UN Doc. A/42/512 (1987), online: United Nations Documents Online <<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N87/209/73/img/N8720973.pdf?OpenElement>> at 11.

relevant as they have ever been. Whatever problems there are, no one can deny that the United Nations has done a great deal in contributing to peace, international law, human rights and economic and social progress.

However, as the sixtieth anniversary is marked, the United Nations is encountering problems of leadership, divisions in the membership, administration, integrity, corruption and sagging morale. This is one of the lowest points of the United Nations in its sixty-year history. But none of this can take away from the fact that it is an indispensable institution, which provides great service to humanity and that it will continue to do so in the future.

When the United Nations was established large parts of humankind were living under colonial tutelage or imperialistic domination. Colonies had been created at the whims of colonial powers and had been treated or mistreated as their colonial masters ordained. A historic contribution of the United Nations has been to work for the self-determination of these colonial and dependent territories. This process gathered pace in the 1960s and 1970s and was largely completed by the end of the twentieth century.

This means, in effect, that the newly independent states have had barely three or four decades, depending on the country in question, to put down the building blocks of nationhood. When one recalls the arbitrariness of colonial borders, or the fact that in many instances, such as Congo, new countries were set adrift with practically no administrative or governance structures or personnel, one would come to a more sympathetic understanding of the few cases of state failure that have occurred.

When one keeps in mind that a country like Somalia was a pawn on the Cold War chessboard of the superpowers, one can understand why it came to the pass it did. Rather than speaking of state failures it would be more accurate, often, to speak of problems of state building in the aftermath of colonialism and the Cold War. This diagnosis of the problem would lead us to look to a role for the United Nations in fostering state building as a way of heading off state-breakdowns.

To this picture one must also add the phenomenon of free-market globalization and international financial policies that squeeze away the economic life of new countries. How are they to find their feet and promote stability in such an environment? Those tempted to see the problem as one of state-failure must be persuaded instead to adopt the perspective of the challenges of nation building in the aftermath of colonialism and in the runaway world of free-market capitalism.

The on-going battle over the Millennium Development Goals takes on a particular poignancy when viewed through this lens. We must address not only symptoms but also root causes of State failure. But what is this phenomenon? I look at this issue next.

III A DEFINITION OF STATE FAILURE

Professor Daniel Thürer, in an article in the *International Review of the Red Cross* in 1999 offered three elements as characterising the phenomenon of the 'failed state' from the

political and legal points of view. First, there is the geographical and territorial aspect, namely, the fact that 'failed States' are essentially associated with internal and endogenous problems, even though these may incidentally have cross-border impacts. The situation confronting us there is one of an implosion rather than an explosion of the structures of power and authority, the disintegration and destructuring of States rather than their dismemberment.²

Second, there is the political aspect, namely the internal collapse of law and order. The emphasis here is on the total or near total breakdown of structures guaranteeing law and order rather than the kind of fragmentation of State authority seen in civil wars, where clearly identified military or paramilitary rebels fight either to strengthen their own position within the State or to break away from it. Third, there is the functional aspect, namely, the absence of bodies capable, on the one hand, of representing the State at the international level and, on the other, of being influenced by the outside world. Either no institution exists which has the authority to negotiate, represent and enforce, or, if one does, it is wholly unreliable, typically acting as 'statesmen by day and bandit by night'.³

Thürer further submits that from a legal point of view it could be said that a 'failed State' is a state that, though retaining legal capacity, has for all practical purposes, lost the ability to exercise it. A key element in this respect is the fact that there is no body that can commit the State internationally in an effective and legally binding way, for example, by concluding an agreement.

IV PREVENTING STATE FAILURES

Preventing state failures in the future would, in my view, require actions on a broad front, with respect to human rights, development, nation-building and conflict prevention. To think that state failure could be averted by tackling form rather than substance would be a grave error. I set out elements of a multi-pronged strategy below, beginning with the issue of human rights and risk analysis.

Human Rights and Risk Analysis

The situation of human rights in a country must be a central dimension of risk analysis for the purposes of the prevention of conflict. In the literature on risk assessment, one sees discussion of the meaning of risk, examination of political or investment risks, but one finds very little consideration of the relevance of human rights to risk assessment. It is my submission that any risk assessment of a country must start with consideration of its human rights infrastructure, record, and problems.

² Daniel Thürer, "The 'Failed State' and International Law" (1999) 836 International Review of the Red Cross 731.

³ *Ibid.* at 731.

The Adequacy of the National Protection System

In the current human rights strategies of the United Nations, increasing emphasis is placed on the concept of the national protection system. This concept includes looking at the constitution, laws and courts of a country to see the extent to which they are reflective of the international human rights norms. One must also look to see whether the country has specialized human rights institutions such as a national human rights commission or an ombudsman, whether the country is providing for the teaching of human rights in primary and secondary schools, in particular, and whether the country has monitoring arrangements to detect grievances on the part of a group or groups of the population with a view to heading off those grievances.

If significant parts of the national protection system of a country are missing, then one can conclude that the country is likely to be unstable and, depending on its configuration, could easily erupt into violence.

The Degree of Acceptance of the Core International Human Rights Conventions

The role of the Universal Declaration of Human Rights and of the core international human rights conventions is to require States to live up to international minimum standards of human rights protection in key areas, such as respect for civil and political rights; the prohibition of torture; the prohibition of racism and racial discrimination; the prohibition of discrimination against women; protection of the rights of the child; protection against torture; and protection of the rights of migrants.

The national protection system of a country should therefore be built on the Universal Declaration of Human Rights and on these core human rights conventions. If a country has not ratified the key conventions, this might be an indicator that the national consensus within the country might be shaky because the country has not yet begun to internalize what the international community has distilled as the key values that should guide nation-building and that should arbitrate relations between the government and its subjects or between the subjects themselves.

That a country has not ratified one or more of these conventions may not necessarily indicate potential instability. The United States of America, for example, largely because of the relations between the Federal and State governments, has ratified very few international conventions. Even in such instances, however, it would be fair to say that by staying outside of the conventions, a country is denying itself the opportunity of engaging in a dialogue with the international community on how key values are faring within the country.

The State of Governance in the Country

If a country is democratically governed under the rule of law, chances are that the state of respect for human rights will be better – although even this is not assured, depending on the political maturity of the country in question. Nevertheless, a good indicator in risk assessment of a country is whether it has genuine periodic elections

and whether the courts operate freely and independently of the government. If either of these conditions is absent, one can be relatively certain that the level of grievances in the country will be high and the risk of instability and even conflict serious. Political corruption and inefficient courts foment dissatisfaction and grievances and invariably lead to a weak social fabric.

The National Vision

A good indicator of the health of a country is whether there is a unifying vision for all parts of the population – whether they be from different political, economic, social, racial, ethnic or religious backgrounds. In today's multicultural world, it is fundamentally important that each country project a national vision that can give all parts of the population a feeling that they have a stake in the future of the country. In countries where there is the danger of ethnic or religious conflict, such a unifying national vision is vital and can only be constructed on the basis of the international human rights norms guaranteeing the principles of the rule of law and non-discrimination and respect for the rights of minorities, indigenous populations, migrants and other such groups.

The National Security Doctrine

The national security doctrine of a government can often provide an indicator of how stable or equitable the country is. In the contemporary world, a national security doctrine must be grounded in international human rights norms and must give priority to upholding human rights nationally, regionally and internationally. In a world of terrorist threats and global mobilization against terrorism, it is particularly important that there be safeguards against the risks of trampling upon human rights in protecting national security or of countering terrorism.

The State of Freedom of Expression and Freedom of Religion or Belief

If freedom of expression is being stifled and freedom of religion or belief is not respected, it is fairly safe to say that there are grievances lurking beneath the surface in the country that could erupt at any time. If people cannot practice their religion or give expression to their beliefs, they are often ready to fight for it, and, if necessary, to die.

Findings of International Treaty Bodies

Under the principal human rights conventions, states are required to submit reports on their actions to implement the conventions and these reports are considered by treaty monitoring bodies, such as the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, and the Committee on the Elimination of Racism and Racial Discrimination. The comments, conclusions and recommendations of these treaty monitoring bodies can be quite telling about the state of protection of human rights in the country and about whether there are seething problems or problems beneath the surface waiting to erupt. Those engaged in risk analysis must keep abreast of

what the treaty bodies are saying about the state of human rights within a given country.

Findings of United Nations Human Rights Investigations

In the United Nations these days, there are thematic human rights rapporteurs and working groups producing reports once or twice a year on problems such as: extrajudicial executions, torture, enforced disappearances, arbitrary detention, violence against women, religious freedom, the right to food, the right to education, the right to health, and housing issues. These thematic special procedures of the United Nations Commission on Human Rights, in their annual reports, cover some 60-70 countries per year. The reports of these thematic special procedures provide a good indication of whether or not there are serious problems within a country. Evidence of extrajudicial executions, torture, enforced disappearances or arbitrary detention can indicate that the storm clouds are over the country and are about to burst, if they have not already done so.

States of Emergency

If a country is operating under a de facto or de jure state of emergency, then this is a reason to look closer at the country. However, if a country is democratically governed under the rule of law, a state of emergency might not necessarily indicate instability. After all, under Article 4 of the International Covenant on Civil and Political Rights, states are entitled to derogate from certain human rights during a public emergency.

Early Warning and Prevention

Especially in today's world where people are moving across frontiers and cultures are intermingling, it would be advisable for each country to have arrangements to detect and head off grievances that could erupt in strife or conflict. One way of achieving this might be for a national commission on human rights to provide an annual assessment of the state for respect for human rights within the country. Risk assessment of a country could look at whether such arrangements for early warning and prevention exist within the country.

Civilian Control of the Police and the Military

An important question to ask in risk assessment of a country is whether the police and the military are under civilian control. Where this is not the case, there is a greater likelihood that the police and the military will be engaging in excesses on the civilian population leading to potentially explosive situations. Even if there is civilian control of the police and military, it would be important to ask whether there is abuse of power by either. Abuse by the police or the military will certainly foment discontent and possibly strife and conflict.

Prevention of Genocide, Ethnic Cleansing or Mass Killings

Furthermore, in risk assessment of a country, it is necessary to ask about the danger of genocide, ethnic cleansing or mass killing. In a 2004 initiative, the Secretary-General of the United Nations, Kofi Annan, informed the Commission on Human Rights that he intended to designate a Special Advisor on the prevention of genocide, ethnic cleansing and mass killings. This is a major innovation that could be leveraged in this respect. A related indicator is whether there is torture or arbitrary detention or enforced disappearances in the country. If evidence exists that such pernicious practices are taking place then it can be concluded that the country presents major risks of instability and possibly strife or conflict.

I would recapitulate the following checklist of issues that should be kept in mind when undertaking risk assessment through human rights lens:

- 1) What is the ethnic composition of the country? Is there a minority population? Is there an indigenous population? Is there a migrant population?
- 2) Is there a unifying vision of the country?
- 3) What is the state of governance? Is there a functioning democracy?
- 4) What is the state of the rule of law and the courts?
- 5) Is there an effective national human rights protection system?
- 6) Are there major grievances within the population?
- 7) Is there an internal system of early warning to head off grievances?
- 8) Is there a de jure or de facto state of emergency?
- 9) Are there gross violations of human rights?
- 10) What is the state of human rights of women?
- 11) Is there a problem of human trafficking in the country?
- 12) What is the state of respect for the rights of the child?
- 13) What is the state of freedoms of expression, religion or belief?
- 14) What is the national security doctrine of the state?
- 15) What are the UN human rights treaty bodies and the UN human rights investigations reporting about the country?
- 16) What are the leading international human rights organizations reporting about the country?
- 17) Are there reputable human rights NGOs in the country and what are they reporting?
- 18) Are perpetrators of gross violations of human rights being brought to justice?

Implementing the Right to Development

A more far-reaching strategy for preventing state failure is the implementation of the right to development. The right to development is a rallying concept that calls upon the international community and each country to act in a concerted manner to advance the development aspirations of every individual and all nations. It is a concept given varying emphases by different group of countries. Developing countries place the emphasis on transfers of resources from the developed countries. For developed countries, the right to development is the totality of human rights, requiring efforts to implement all human rights, civil and political and economic, social and cultural. This is the position repeatedly taken by developed countries in their statements at the United Nations.

In placing the achievement of the right to development as part of a multi-pronged strategy I am not unmindful of the difficulties being encountered internationally in discussing the practical implementation of the right to development. However, I am struck by the logic of the proposition that preventing state failures in the future would call for implementation of the right to development in each country. As the expression goes, 'develop or perish'.

The implementation of the Millennium Development Goals is closely related to the implementation of the right to development and to the prevention of state failure.

Implementing the Millennium Development Goals.

The Millennium Development Goals are an appeal to humanity. They integrate human rights and look to human rights strategies to help bring about their implementation.

Historically, the human rights idea has contributed to development goals through norms articulating policy goals and standards, advocacy, supervision, studies and the activation of the international conscience. The question that arises for reflection is how the human rights emphasis might help in the implementation of the Millennium Development Goals and in the prevention of state failure.

The United Nations campaign for the achievement of the Millennium Development Goals places emphasis on human rights in broad terms. It emphasizes the human rights underpinnings of the Millennium Goals and notes that injustice and discrimination of one kind or another are increasingly seen as key determinants of poverty, and that it is not by coincidence that the very same determinants account for most human rights abuses.⁴

The Millennium Development Goals campaign also presses the point that the human rights approach

⁴ Online: Millenium Campaign <<http://www.millenniumcampaign.org/>>.

implies that we are talking not of welfare or charity, but of rights and entitlements. This means that taking action to achieve the goals is an obligation. And the approach also creates a framework for holding various actors, including governments, *accountable*. Moreover it is widely acknowledged that sustainable development requires the active involvement of the poor and civil society. Thus without respect and fulfilment of human rights such as non-discrimination, right to participation, freedom of expression and assembly, achieving – and even more importantly sustaining – the Millennium Goals will not be possible.⁵

I agree with a great deal of this but the further question that arises is: how can practical and concrete human rights approaches contribute to the achievement of the Millennium Development Goals? I would advance six suggestions.

The first relates to the national human rights protection system of each country and how it covers key economic, social and cultural rights. A recent book examined how national human rights commissions perform the protection function⁶. I believe that there should be human rights focal points in key government ministries such as Agriculture, Health, and Housing devoted to advancing a human rights approach and watching over the principle of equality and non-discrimination. I also believe that we should place more emphasis on the role of the courts in protecting key economic, social and cultural rights. Another recent book, *Judicial Protection of Economic, Social and Cultural Rights*,⁷ contains decisions from many parts of the world and argues that judicial protection is possible.

Second, I believe that that we should bring to the fore the concept of preventable poverty. Preventive human rights strategies are not given the attention they deserve. In my view they have a special role to play when it comes to basic economic, social and cultural rights. I am aware of the international dimensions of the debate on the implementation of the Millennium Development Goals. However, I believe that alongside this debate, each country has to keep under scrutiny what could be done to prevent poverty using available national resources. Preventable poverty is something that we could also focus on in advocacy campaigns.

Third, I would raise for consideration the principle of non-discrimination. When the International Covenant on Economic, Social and Cultural Rights was drafted the obligation not to discriminate was made mandatory for state parties. The issue can be put simply: alongside preventive strategies that we are calling for, a society must be watching out for pockets of the population that are facing discrimination with regard to basic human rights and act urgently to ameliorate this situation. This kind of action can bring about tangible relief.

⁵ *Supra* note 4.

⁶ Bertrand G. Ramcharan, ed., *The Protection Role of National Human Rights Commissions*. (Leiden: Martinus Nijhoff, 2005).

⁷ Bertrand G. Ramcharan, ed., *Judicial Protection of Economic, Social and Cultural Rights*. (Leiden: Martinus Nijhoff, 2005).

Fourth, I would argue that we need to place the spotlight more on vulnerable groups of the population such as minorities, indigenous populations, migrants, and historically disadvantaged communities. Placing the spotlight on them brings their plight to the fore and enables the forging of a national consensus to act for their relief and protection.

Fifth, I would place on the table the concept of a consistent pattern of gross violation of economic, social and cultural rights. In 1975 the United Nations Commission on Human Rights adopted a decision to the effect that it would henceforth pay attention to gross violations of economic, social and cultural rights alongside civil and political rights.⁸ The follow-up to this decision has been patchy. I believe that nationally, regionally, and internationally, we should place the spotlight in the future on situations where there is a consistent pattern of gross violation of economic, social and cultural rights attributable to the policies of governments or other actors, such as corporations. This would give expression to the principle of protection on the ground.

Sixth, I would argue for the periodic publication of a World Report on Economic, Social and Cultural Rights. I believe that the periodic publication of such a report would help show, through human rights lens, what could be done to prevent and reduce poverty and act for the relief of the vulnerable and the poor.

Insisting on the principle of democratic legitimacy on the part of governments.

Achieving the right to development, drawing, to begin with, upon available national resources, calls for efficient and accountable government. In too many situations one sees undemocratic and corrupt governments impoverishing their people. It is therefore important to place emphasis on the principle of democratic legitimacy on the part of governments. Every time one mentions this point, one can expect questions about the appropriate definition of democracy. There may be room for discussion here. But at the end of the day, the Universal Declaration states the principle in simple but unimpeachable form: "the will of the people shall be the basis of the authority of governments."

Exercising the responsibility to protect

The heads of state and government gathered at United Nations Headquarters from 14 to 16 September, 2005 acknowledged that each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.⁹ This responsibility, they acknowledged, entailed the prevention of such crimes,

⁸ *Study of Situations Which Reveal a Consistent Pattern of Gross Violations of Human Rights*, ESC Dec. 1975/31, UNESCOR 1975, Supp. No. 4, UN Commission on Human Rights, 31st Sess., UN Doc. E/5635 – E/CN.4/1179 (1975), at 73.

⁹ *2005 World Summit Outcome*, GA Res. UN GA, 60th Sess., UN Doc. A/Res/60/1, September 16 (2005), at 38, online: United Nations <<http://www.un.org/Depts/dhl/resguide/r60.htm>>.

including their incitement, through appropriate and necessary means. They accepted that responsibility and pledged to act in accordance with it. They called upon the international community, as appropriate, to encourage and help states to exercise this responsibility and to support the United Nations to establish an early warning capability.

The heads of state and government declared that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and Chapter VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, they declared their preparedness to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the United Nations Charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity.

The decisions of the heads of state and government on the establishment of a Human Rights Council are relevant to the discharge of the responsibility to protect. The heads of state and governments resolved to create a Human Rights Council with a mandate to address situations of violations of human rights, including gross and systematic violations and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system. The Council will be responsible for “promoting universal respect for the protection” of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. Two things are worth noting about this formulation. The mandate of the Commission remains, fundamentally, to promote universal respect. Second, it is to do so in a “fair and equal manner”.

Implementing the principles of international cooperation and solidarity.

The Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, and similar foundation documents of international relations call for nations to cooperate for the common welfare and for countries to demonstrate solidarity towards one another. The United Nations Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among Nations, adopted on the occasion of the twenty fifth anniversary of the United Nations codified the Charter's principle of international cooperation.¹⁰

It is by giving life to the principles of international cooperation and solidarity that one can help implement the right to development, with which I began this presentation of multi-pronged strategies for the prevention of state failure. In

¹⁰ The United Nations Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among Nations, GA Res. 2625 (XXV), UN GAOR, Supp. No. 28, UN Doc. A/5217 (1970).

the blueprint of the United Nations Charter, it is the Economic and Social Council that was meant to spearhead international cooperation and solidarity.

Unfortunately, recent efforts at United Nations reform did not result in much by way of efforts to revitalize the Economic and Social Council. Instead, much store was placed in a Peace Building Commission, established following the September 2005 Summit. It remains to be seen whether it will play mainly a reactive role or whether it can have a preventive role as well.

V REBUILDING SOCIETIES

When it comes to the tasks of rebuilding societies, I would argue that four concepts are crucial: peace building, the modernization of national visions, good governance, and the emplacement of adequate and effective national systems for the promotion and protection of human rights. I deal with each in turn.

Peace-building

As noted above, the United Nations just agreed on the establishment of a Peace-building Commission. As decided by the September 2005 summit of world leaders, the main purpose of the Peace-building Commission is to bring together all relevant actors to marshal resources and to advise and propose integrated strategies for post-conflict peace-building and recovery. Representatives from the World Bank, the International Monetary Fund and other institutional donors are to be invited to participate in all meetings of the Peace-building Commission in a manner suitable to their governing arrangements, in addition to a representative of the Secretary-General. The Secretary-General was also requested to establish a multi-year Peace-building Fund for post-conflict peace-building, funded by voluntary contributions and taking due account of existing instruments. The objectives of the Peace-building Fund include ensuring the immediate release of resources needed to launch peace-building activities and the availability of appropriate financing for recovery.

The Peace-building Commission should focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundation for sustainable development. In addition, it should provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations, develop best practices, help to ensure predictable financing for early recovery activities and extend the period of attention by the international community to post-conflict recovery. The Peace-building Commission should act in all matters on the basis of consensus of its members.

Modernizing the National Vision

In the aftermath of conflicts especially, a modernized statement of the national vision might be able to help take the society forward. The contours of the renewed national vision could be traced in any peace agreement negotiated. A modernized statement of the national vision can help give people hope and optimism and contribute to pulling the nation forward.

Good Governance

When dealing with preventive strategies, I have argued for the principle of democratic legitimacy. Government, even if it is democratic, might be terribly incompetent. There is sometimes a debate about the meaning of good governance. That is fair. However, it is undeniable as a proposition that good governance can help to hold societies together and take them forward equitably.

Adequate and Effective National Protection Systems

A national protection system has six components: international human rights standards are reflected in the national constitution; international human rights conventions are incorporated into national legislation; judicial protection of human rights is available on the basis of international human rights standards; human rights education is provided at the primary, secondary, and tertiary levels; there are national institutions such as a human rights commission; and the society has in place arrangements of early warning and response in the event that problems are on the horizon.

In the aftermath of conflict, it is vital that the peace agreement concluded provide for key elements of the national protection system. Peace-building strategies must also place emphasis on the creation and strengthening of the national protection system. Unless a society is consciously working on the establishment and strengthening of its national protection system, it will land in trouble before long if it has just emerged from conflict.

I attach a great deal of importance to this concept of a national protection system as a strategic concept that should influence the human rights movement in the future. I was a part of the process that resulted in this concept becoming a prominent part of the first reform package of Secretary-General Kofi Annan, the famous Action II. Secretary-General Annan called upon all parts of the United Nations system to concert their efforts in helping member states establish or strengthen their national protection systems.

Pursuant to this call, an Action Plan was developed in the United Nations for cooperation at the country level, through the United Nations country team. This Action Plan is still on table but it has receded to the background with the debate at the recent global summit on reform of the Human Rights Commission. One would have wished that the outcome document of the global summit would have carried forward more prominently this concept of the national protection system although, when discussing the responsibility to protect, the world leaders acknowledged the importance of capacity building and early warning systems to head off genocide, war crimes, crimes against humanity, and ethnic cleansing.

When this author discharged the functions of United Nations High Commissioner for Human Rights we invited all governments to submit succinct statements of their national protection systems on the basis of a short questionnaire. I received some three dozen replies and published an analytical summary of them. I had in view the eventual publication of a periodic world report focusing on the national protection system of each country. The aim was to highlight this

dimension, and to identify opportunities for international support to countries in strengthening their national protection systems.

I strongly believe that the international human rights movement should give a central place to this concept in their future strategies and it is my hope that a research or similar body would take on the task of publishing periodically a world report on national protection systems.

VI CONCLUSION

In this article, I have sought to step back and take a look at the roots of state failures and how they might be tackled. In my view, preventive strategies should target not only conflict-prone countries but also fragile countries. At the heart of such fragility are often issues of economic opportunity, economic and social justice, and oppressive governance. I think that a multi-pronged strategy is called for when thinking about preventing state failures in the future. I have set out some elements for such a strategy in the future.

When it comes to rebuilding societies, I have placed the emphasis on the modernizing of the national vision and the establishment and strengthening of national systems for the promotion and protection of human rights. At the end of the day, we are dealing, for the most part, with challenges of nation-building in the aftermath of colonialism, the Cold War, and a Darwinian international economic system. Recognizing these factors would enable us to see the prevention of state failure and the rebuilding of societies in terms of development, conflict prevention, and the advancement of human rights.