

**HUMAN RIGHTS AND RELIGIOUS FREEDOM:
61st session of the
UN Commission on Human Rights (UNCHR)
12 March - 22 April 2005**

**Memorandum by the general secretary of the WCC to the UN secretary-general in response to Mr Kofi Annan's report, "In larger freedom", the High-Level Panel report on threats, challenges and change, and the report of the Millennium Project
21 April 2005**

Your Excellency,
Dear Mr Secretary-General,

The World Council of Churches and the UN were formed at the same time and in the same political context, with the ultimate aim to work for unity and peace in the world. We have grown and struggled together in response to the challenges of our times. The reflection on international affairs of the World Council of Churches is based on ethical and theological reflections with our 347 member churches world-wide. The concerns raised in our process are closely linked to the agenda of the UN. The WCC and UN have shared goals on justice and peace, on eradication of poverty and on the promotion and defence of human rights and human dignity.

The WCC has with interest received your report "In Larger Freedom: Towards Development, Security and Human Rights for All". We have also considered the reports from the Secretary-General's High-Level Panel on Threats, Challenges and Change as well as from the Millennium Project and would like to take this opportunity to share with you our concerns and reflections.

We consider these reports most helpful in the urgent work to reform the UN, set clearer priorities and mobilize the political will needed to fulfill its tasks.

One of the most important achievements of these reports is that they have aimed at, and to a large extent have also succeeded, in bringing together the concerns of development and security. By seeking a common and inclusive approach involving the global South and the global North, there is a basis for moving towards a reformed United Nations. In particular we appreciate the consensus achieved by the High-Level Panel on the main threats to peace and security and the correlation between them. We welcome that you, in your report, are building on this consensus and bring that concept further towards the September 2005 Summit of the UN General Assembly.

The WCC advocates a reform that empowers and strengthens the UN and achieves better representation so that the world organization can successfully address the global challenges facing humanity: wars, conflicts, nuclear arms, environmental degradation, AIDS and other diseases, under-development, extreme poverty and acts of terror. Your report is comprehensive and the interconnectedness of the issues that it addresses very timely. The WCC is encouraged by this initiative and re-commits itself to support the UN and the agenda you are proposing.

We would also like to take this opportunity to comment specifically on a number of issues in the reports: economic justice and poverty eradication, peace and security, institutional reform, environment and the role of religion.

1. Economic Justice and Poverty Eradication

The WCC shares the aspiration of the UN to end hunger and extreme poverty. The number of people who suffer from extreme poverty, hunger and lack of health and education must be reduced by at least half before 2015, if not earlier. The absence of basic living conditions are clear violations of human rights and human dignity. Fighting poverty means replacing desperation with hope, and is therefore also the best investment in security and peace. As the report rightly indicates extreme poverty is closely linked to insecurity. However, the Development Agenda should not be guided by a narrow focus on security and the threat of terror.

The ecumenical approach to the pressing concerns of economy and ecology is based on the vision of human development and life with dignity, within sustainable communities. Such a vision can become a reality only when economic, financial and ecological justice is addressed holistically, with democratic participation at all levels.

The vision can never be achieved while the material over-abundance enjoyed by a small part of the global community continues to grow side-by-side with, and often at the expense of, the extreme need of a large proportion of the same community, resulting in increasing inequity.

It is precisely this vision that WCC shares with the UN in its aspirations to end hunger and extreme poverty. The number of people who suffer from extreme poverty, hunger, lack of health and education is a violation of human rights. The WCC calls for all countries to honour the implementation of MDGs, particularly in implementing Goal eight, to "develop a global partnership for development".

The current inequitable trade policies make it difficult to achieve the goal of "creating an international partnership for development". Trade is a crucial part of global society, and, ideally, trade policies should serve the needs of development within a government's overall policy. The present tendencies and patterns of trade liberalisation have critically weakened the structures that are necessary and thereby have widened the gap between poor and wealthy countries, between those individuals that have the strength to participate in a competitive market and those that have not. The timely finalisation of the Doha Development Round should contribute to increasing resources in the developing countries to combat poverty. 100 per cent debt cancellation for poor countries and increase of Official Development Assistance, ODA, to the UN level of 0.7 are also essential. It is impossible for many developing countries to escape the poverty trap without major growth in ODA.

2. Peace and Security

The danger of war and the need to restrict and limit military violence with the help of international law is reflected in the UN Charter, in particular in Chapter VII and Article 51. The Charter was drawn up from the experiences of two world wars. The legal foundation to avoid or place limits on war remained important during the process of decolonization and the Cold War. We are therefore concerned by the far-reaching interpretation the HLP, in paragraph 188, gives to Article 51, by referring to the possibility to pre-emptively "take military action as long as the threat is imminent". For the same reason we cannot agree with the interpretation in your report, paragraph 124, that "imminent threats are fully covered by Article 51". There is no consensus among international law expertise on such a reading, and we would not wish the UN to give away so much of its responsibility.

Although there are examples prior to the UN Charter where such an interpretation would be valid, we cannot find the examples after 1945 where such principles have been relevant. Furthermore, given the developments of information technology, there is today no threat so imminent that there is no time to go to the Security Council when facing any potential threat. We understand the need for wide consensus on Article 51. However, this political goal cannot be achieved by re-interpreting the legal foundation. Given the seriousness of military action, the final resort to such action needs strict legal regulation, to be limited to self-defence when attacked, and to be the responsibility of the Security Council when international peace and security is threatened. Actors who move outside of these strict principles need to be judged legally as well as politically for their actions.

We welcome the progress made in the High-Level Panel Report and also in your report on criteria for the responsibility to protect individuals in a situation of genocide or other serious violations of International Human Rights and International Humanitarian Law. The responsibility to protect can ultimately best be met by a stronger political commitment to the responsibility to prevent – being answerable to act accordingly and appropriately in time. The difficulty of promoting human rights, democracy and a healthy society calls for the focus of our discussion to be shifted from a consideration of borderline cases at a late stage, to an emphasis on meeting our responsibility toward the vulnerable, including civilian means, police forces and peace keeping.

The WCC, together with its member churches, is undertaking a study process on “The Responsibility to Protect: Ethical and Theological Perspectives”, leading up to the WCC Assembly in 2006. We would be happy to provide you and the UN Secretariat with the results of this study.

In this context, we also wish to express the appreciation of the WCC of the importance given in your report to the International Criminal Court, ICC. As you state, “enormous progress has made been with the establishment of the International Criminal Court” (§ 138). We firmly believe the ICC provides a new framework to combat impunity and to enhance the rights of victims. WCC member churches are working in their countries for the universal ratification of the Rome Statute and are joining other religious organisations in advocating for the ICC.

The WCC furthermore appreciates the strong commitment to nuclear disarmament and non-proliferation in your report as well as in the High-Level Panel Report. The WCC was born at the same time as the Atomic Bomb and at the time when the nuclear arms race began. The concern about a possible nuclear war and commitment to nuclear disarmament has been with the Council throughout the years. Already at its Second Assembly, in Evanston in 1954, the WCC called for a new international order where nuclear weapons were eliminated and prohibited and for a mechanism for effective international inspections and control. The WCC considers that the production and deployment as well as the use of nuclear weapons are a crime against humanity and that such activities must be condemned on ethical and theological grounds.

We are concerned at the risk of collapse of the Nuclear Non-Proliferation Treaty, NPT, at its review in May 2005. The five nuclear weapon states are not honouring their commitment to disarmament and more states are looking at the nuclear option, at the same time as non-state actors, ready and able to use terror, are organised in a way that they might obtain nuclear weapons. A breakdown of this fundamental instrument for

nuclear disarmament and non-proliferation might bring us to a situation of nuclear anarchy with a clear risk that nuclear arms would be used against urban centres or in some of the asymmetric wars of today.

We are fully in agreement with you that the international community must not only urgently address the issue of terrorism and have a clear definition of the term, but also address the issues of poverty, deadly infectious diseases and environmental degradation. The comity of nations, civil society and religions, working together collectively must help to promote the values of tolerance, human rights, peace and justice in order to overcome trends directed to violence and war.

3. UN Reform

Reform of the Security Council is needed, but should not be a precondition for reforms in other areas. A permanent membership limited to five countries that derive their primacy from events that occurred sixty years ago is not acceptable. For the reasons of accountability, efficiency and necessary political guidance the permanent members need to reflect the world of today and the world that is likely tomorrow. Whatever formula for reforming the Security Council is considered, it needs to ensure more relevant representation from Asia, Africa and Latin America and a permanent seat for a country with a Muslim majority and identity. A condition for any new permanent membership should be a clear and verified status as a non-nuclear-weapon state.

Your report discusses in some detail the present structure and shortcomings of the United Nations Commission on Human Rights. The World Council of Churches supports your proposal for additional funding of the Office of the High Commissioner for Human Rights. From our own experience we feel that some important mechanisms of the Commission have suffered because of lack of funding and other resources. The proposal of setting up a Human Rights Council and the need for the High Commissioner to relate directly to the Security Council is both novel and interesting. It will go a long way to help draw attention to some of the most critical human rights situations that require immediate action from the international community. It will also allow the Security Council to have a constant and regular overview of the global human rights situation.

We identify closely with your views that human rights cannot be compromised in the name of national security. If poverty and terrorism are to be eliminated it is essential that civil and political rights as well as socio-economic cultural rights of all peoples be realised.

We have noted that the reform proposals regarding the ECOSOC are comparatively weak and lack appropriate links to the International Financial Institutions. It is of utmost importance to provide credible and relevant political mechanisms to manage a world of growing economic interdependence to ensure life in dignity for millions of people and to promote trust in the UN system. The ECOSOC could improve, for example, by using its capacity to hold short focused sessions to discuss high priority issues or emergencies, by introducing a segment of its annual session on global macro-economic management to which finance ministers should be invited and by inviting the International Financial Institutions to report to it.

4. Environment

To address the issue of Climate Change, the WCC stresses the need, beyond technical

changes in areas such as energy, transport and economic policy, for a fundamental reorientation of the socio-economic structures and personal lifestyles that are at the origins of the phenomenon. Those convictions need to be at the centre of the more inclusive international framework that is needed to ensure the follow-up required to the Kyoto Protocol, in particular beyond 2012.

The centrality of water to life and the experience of water as a gift are two sources of the WCC's affirmation of water as a basic human right. To treat water as a gift of God and as a human right implies that clean fresh water should be available to meet the basic needs of all, rather than be treated as a private commodity to be bought and sold.

The adequate financing of the Global Environmental Facility (GEF) is to be assured through increased national contributions. Eco-sustainability will require the vision and reality of economically viable alternatives; corporate accountability along with corporate social and environmental responsibility; green accounting, or full cost accounting, e.g. Genuine Progress Indicators (GPI); Environmental Indicators that account for the value in the light of Global Common Goods against Global Common Bad.

5. The Role of Religion and Culture

There is in most cultures today a growing interaction and interplay between religion and politics. This phenomenon is related to fundamental changes in our society, linked to globalisation, the decreased power of the main ideologies of the 20th century and the changing role of the nation state.

Religious influence on politics can be both destructive and constructive. If religion is used as an instrument to gain political power and emphasise the exclusiveness and primacy of one's own group at the expense of others, it will be a destructive contribution. On the other hand, by stressing fundamental ethics and humanity, by giving a voice to the voiceless, by focusing on inclusiveness and a deeper sense of hope, religion can make a much needed and constructive contribution to societies.

The High-Level Panel has in its report overlooked the increased role of religion in conflicts, international affairs and politics. We would like to encourage you to explore ways for the UN to work closely, constructively and creatively with this issue, seeking to understand and interpret the growing influence of religion, searching for ways to prevent a destructive role for religion and to promote religion's constructive role. This could mean the UN Secretariat having the capacity to analyse and understand these developments. It could also mean increased interaction between the Secretariat and the General Assembly and faith communities and academics involved in this field.

The WCC is willing to offer its experience in this field, for example by sharing our results from the interreligious conference "A Critical Moment in Interreligious Relations and Dialogue: Thinking Together, Assessing the Present, and Imagining the Future" in June this year.

Your Excellency,

On behalf of the World Council of Churches, please allow me to express my admiration for your leadership role at a time when multilateralism and multilateral reflection, commitment and action is at risk and, at the same time, more needed than ever.

The World Council of Churches has worked closely with the United Nations from the

very beginning. We will continue to offer our constructive critique and creative support. Among the first concerns raised by our representatives, already at the founding conference of the United Nations in San Francisco, was that the United Nations must be seen not just as an instrument of states, but also give expression to the aspirations of the world's peoples.

The main role of the civil society is to bring the voice that is not necessarily heard through the normal political UN channels to the attention of those that have the power to change – in member states and in the UN system. Although the relation to civil society is not discussed in the reports we discuss in this letter, it is of utmost importance that those perspectives be present in the September Summit.

I very much appreciate the opportunity we have had to meet personally to discuss some of these issues. I would be most grateful if it would be possible for us to have our next meeting before the September Summit of the General Assembly.

Yours sincerely,
Rev. Dr Samuel Kobia
General Secretary