

Pace Sounds Warning at Annual Lecture

Former UN Human Rights Head in Iraq Paints a Picture of the Future of the Great Enterprise

By Sarah Austin

There is no doubt that Human Rights have progressed in leaps and bounds since the close of World War II, and especially as a result of the advent of the United Nations. This progress, as well as the effects of recent events, notably the September 11 attacks, the invasion of Iraq and the “war on terror”, was the pivotal focus of the Castan Centre 2008 annual lecture delivered by Dr John Pace.

Dr Pace has been involved in human rights in the United Nations system for almost four decades. This included a position from 2004 to 2006 as Chief of the UN Human Rights Office in Iraq. In this position, Dr Pace was responsible for monitoring the human rights situation and participating in the reconstruction of Iraq. Dr Pace has witnessed first-hand the extremely difficult human rights environment, which persists in Iraq today.

Dr Pace began his lecture by quoting Henri Laugier’s 1946 speech at the launch of the Commission of Human Rights, where he described this early work of the United Nations in the development of human rights as a “a great enterprise”, which was especially represented by the adoption in 1948 of the Universal Declaration on Human Rights (UDHR). Dr Pace considered the “splintering” of the ideals of the UDHR into two covenants - the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – to be a loss of momentum for the “great enterprise”. It is commonly accepted that, after the advent of the two covenants in 1966, economic and social rights were subjugated beneath civil and political rights, ignoring the natural complementarity of the two sets of rights. According to Dr Pace, it was not until the end of the Cold War that the “great enterprise” again gained momentum with the creation of the Office of the High Commissioner for Human Rights in 1993 and the establishment of the International Criminal Court in 2002.

Dr Pace then moved on to consider what threat the events following the September 11 attack on the USA and the resulting “war on terror”, in particular the invasion of Iraq, have had to the advances in this great enterprise. Considering the state of human rights prior to the invasions of Afghanistan and Iraq, Dr Pace noted that the mechanisms needed to protect human rights were widely established, states had become parties to covenants enshrining these rights, tribunals existed to investigate and punish human rights violations and most states recognised the pivotal position of human rights in international affairs. Nevertheless, Dr Pace described the two wars as “what may well be the greatest challenge to the further evolution of this Great Enterprise”. An early casualty of the “war on terror” was the UN High Commissioner for Human Rights, Mary Robinson, who Dr Pace claimed was forced to resign in 2002 because of



her strong criticism of human rights abuses in Afghanistan. A further blow to the enterprise, said Mr Pace, was the view that developed in the early days of the Iraq war that “the protection of human rights, both in conflict and outside of conflict...is governed not by international law, as developed in the evolution of the Great Enterprise, but by a kind of national law custom-made for the particular purposes of the invasion and its aftermath.”

An early casualty of the invasion of Iraq, as described by Dr Pace, was international humanitarian law, which the United States sought to undermine by ignoring the measures for protection against torture, and by privatising much of the military and reconstruction work done in Iraq. By the end of this year, \$100 billion will have been paid to private contractors in Iraq. Meanwhile, the citizens of Iraq continue to bear the brunt of the war. “The slaughter of civilians, the arbitrary detention of thousands over indefinite periods (there are some 50,000 Iraqis in detention, 21,000 of which are in US custody, most held without charge), the absence of fair trial (continuing as we speak) create a grim picture of a failure of the international system to provide the protection underlying the foundations of the [international bill of rights]”, said Dr Pace.

Dr Pace was firm in his belief that the international human rights system has to once again turn its focus back to the individual and set about strengthening the institutions and systems that have been established since the end of the Second World War. Dr Pace concedes that this will be a difficult process and the commitment of not only states but also the international commercial sector will be required. However, he believes that the obstacles are not insurmountable and some progress has already begun, for example the establishment of the United Nations Global Compact. Following his consideration of the last 60 years Dr Pace concluded with the question, “is it not time for us to get our act together?”, and indeed it is.

The Castan Centre Annual Lecture was generously sponsored by Mallesons Stephen Jaques