

*New Zealand and the
United Nations*

70th Anniversary

Proceedings of a conference held in
Wellington, New Zealand,
20 November 2015



***Introduction:
United Nations at 70***

Brian Lynch

Chair, NZIIA Wellington Branch

A seminar to mark the 70th anniversary of the founding of the United Nations (UN) was held in Wellington, New Zealand, on 20 November 2015. It was jointly hosted by the New Zealand Institute of International Affairs (NZIIA) National Office, the Wellington Branch of NZIIA, and the UN Association of New Zealand (UNANZ). The half-day event attracted an audience of 140 including a pleasing number of young people. Valuable sponsorship support was provided by the Ministry of Foreign Affairs and Trade (MFAT), the Ministry of Defence, the New Zealand Defence Force, and Victoria University of Wellington.

It was to be expected for this anniversary occasion that a substantial element of reflection and review would be involved. The first three of the programme's four sessions provided a retrospective account of key aspects of New Zealand's experience over the past seven decades in the multilateral environment, flowing on from its fledging days as a founding member present 'at the creation' in 1945 at the San Francisco conference. The look backwards did not centre only on the way issues have been handled at the UN head office in New York, where for 70 years political and security themes, threats to peace and often actual hostilities have dominated the agenda. It also took some notice of New Zealand's involvement, frequently very 'hands-on', with the economic, social and trade work of the family of specialised agencies located in cities such as Geneva and Vienna.

The seminar's fourth session provided a shift of emphasis. It introduced a 'where to from here' dimension from media and independent observer standpoints, and included a presentation with

the enigmatic title “will there be a 100th anniversary?” In this final session it was fitting that the concluding address was given by the Director of the Canberra-based United Nations Information Centre (UNIC) which was also a co-sponsor of the seminar.

NZIIA and UNANZ have hosted many functions with a multilateral or specifically UN focus. There has been no precedent for the wealth of New Zealand experience and active engagement offered by the speakers and panellists assembled for this event. They included six previous New Zealand permanent representatives to the United Nations, in New York or Geneva, and others who had worked in New Zealand missions in those centres. They were joined by a former New Zealand member of the International Court of Justice in The Hague, by several long-standing members of UNANZ, and a journalist who provided a view on the seminar’s theme from a media perspective.

While it was appropriate that the primary focus of the event was on the United Nations and its agencies, it was also an opportunity to acknowledge the distinguished contributions of three special men: Tom Larkin, Merwyn (Merv) Norrish and Malcolm Templeton. Together they had formed part of the early generation of New Zealand diplomats. Their entire working lives had been dedicated, at increasingly senior levels, to the formulation and execution of an independent New Zealand foreign policy through formidably challenging years, not least in UN contexts.

Following a welcome from Sir Douglas Kidd, National President of NZIIA, the opening session of the seminar was chaired by UNANZ President *Graham Hassall*. In introductory remarks he presented the idea of ‘three UNs’: One being the UN of member countries and their representatives, the second being the UN of the international civil servants who work *for* the organisation rather than *at* it, and a third being the world of civil society, which had grown immensely to represent community voices and participation *with* the UN. UNANZ is one such organisation in the New Zealand context, which exists to promote the UN’s values, to evaluate the effectiveness of its work, and to explore perspectives concerning its future direction.

The theme of the first session was “New Zealand and the United Nations, the ongoing dynamic and why it matters”. From different

vantage points three former permanent representatives to the UN in New York addressed that topic. *David McDowell* had served in New York in the mid-1960s and had been heavily involved, along with Frank Corner, when the momentum behind the decolonisation movement in Africa, the Caribbean and the Pacific had been at its peak. He returned as permanent representative from 1985 until 1988, after being responsible at home for overseas development assistance and head of mission in Fiji and India. He cited qualified observers who described New Zealand’s contribution to the UN Charter provisions on decolonisation and the subsequent achievement by New Zealand non-self-governing territories of independence or self-government in free association with New Zealand, as one of the country’s finest foreign policy accomplishments.

McDowell observed that the decolonisation process in the South Pacific was still incomplete and regretted that impetus and commitment had waned. In this region of closest proximity and resonance to New Zealand, key milestones in the UN Millennium Development Goals had not been reached and most of New Zealand’s Pacific neighbours languished in the bottom half of the UN’s human development index. He commented that hard tasks and tough decisions lay ahead if regional governments hoped to promote economic sustainability and environmental survivability, especially in the area of climate change. Beyond the need for New Zealand to do much better in curbing greenhouse gas emissions, it is not too soon to be preparing plans for providing a haven in this country for Pacific Island people already impacted by sea level rises and more severe weather events.

Terence O’Brien was permanent representative from 1990 until 1993, which included time leading the delegation when New Zealand was on the Security Council. Prior to New York he had had regional diplomatic experience in Asia, Europe and the Pacific, and after New York he became the founding director of the Centre for Strategic Studies (CSS) at Victoria University of Wellington. O’Brien’s remarks to the seminar pursued a theme that has been prominent in his prolific writing and many public addresses in recent years: In brief, the manifold challenges faced by New Zealand in maintaining

a credible independent profile and exerting serious influence in a rapidly changing regional and global environment.

Terence O'Brien argued that New Zealand and other established powers had to accept that newly emergent economies must be given a greater role in the governance of multilateral agencies. He saw the G20 as no substitute for the broad-based institutional reform required. Of particular concern, global terrorism combined with massive refugee migration now poses a severe test for international co-operation. Are the relevant multilateral bodies up to the task? In this volatile external setting skilful stewardship of New Zealand's external relations is hugely important. There will be no greater measure of the sagacity of New Zealand's statecraft than in effective management of the country's bilateral linkages with China and the United States, which will have direct bearing on New Zealand's positioning on key issues at the UN and related institutions.

The failure of multilateral institutions to keep pace with shifts in the disposition of global power and population was also a theme in *Michael Powles'* presentation, drawing upon his head of mission experience in China, Fiji and Indonesia and later as UN permanent representative from 1996 until 2001. His assessment was that the UN electoral system had become increasingly undemocratic, weakening the organisation's standing and influence. While there has been a significant increase in UN members, none of the new entrants have joined the "Western European and Others Group" (WEOG), whose members as a result can look forward to more frequent election to UN organs like the Security Council. Clearly there are serious issues of imbalance and inequity to be resolved.

Reform of the UN electoral system would provide a context in which New Zealand could seek to resolve the dilemma it faces of a particular foreign policy 'disjunction': How to reconcile its membership since the mid-1960s of the WEOG for UN electoral purposes, and the professed desire to be treated as an Asia-Pacific country intent on extracting advantage from closer political and economic integration in that now dominant region. Powles' firm view is that New Zealand should actively promote a revised approach to

UN regional electoral group membership that will enable it to move from WEOG, where it was located only as "an accident of history", to the Asia-Pacific Group.

Session two of the seminar chaired by NZIIA Executive Director Maty Nikkhou-O'Brien featured the contribution of Hon *Sir Jim McLay*. His period as UN permanent representative (2009 to 2015) was the longest of any New Zealand diplomat serving in that top role. For McLay, the overwhelming preoccupation of his time in New York had been to manage at UN headquarters New Zealand's bid to gain election to the Security Council as a non-permanent member in 2015/2016. To that campaign he brought skills and experience acquired as deputy prime minister and senior cabinet minister. Why had the campaign been so important to New Zealand and how was success to be explained? He advanced two main reasons: First, Security Council membership was not merely a case of New Zealand 'taking its turn'. While useful work could be done through the UN General Assembly, unarguably the Council is the 'high table' for consideration of vexing international issues.

Secondly, it was essential that in its deliberations the Council was informed by the input of a small state with a distinctive independent voice, and that was acutely conscious of the benefits it and others gained from a rules-based international system. Sir Jim McLay acknowledged that there was scope for reform of the cluster of UN institutions to better reflect modern-day international power realities. However that process has to ensure that the place of small states and their ability to contribute and be listened to is protected.

The seminar's third session brought to centre-stage five case studies of significant UN activity over the past three decades where New Zealand could fairly claim to have provided leadership and influenced outcomes beyond the limits normally expected of a small player. *Colin Keating* was UN permanent representative from 1993 to 1996. He had succeeded Terence O'Brien and also led the New Zealand team during New Zealand's 1993/1994 term on the Security Council. His seminar remarks described the evolving role of the UN from an organisation focussed primarily on issues of peace and

security to a body with wider responsibilities in the fields of economic and social matters, decolonisation, human rights and environmental protection.

Keating discussed the performance of the Security Council over time and recalled the importance of New Zealand's opposition in 1945 to the veto. During the Cold War the veto had often rendered the Security Council impotent and continued to undermine the Council's efforts to foster the peaceful settlement of disputes. Even after the Cold War, national interests of permanent members almost always took precedence over what might have been seen as the common global good. A notable example during New Zealand's term in the 1990s was the Council's failure, despite strong New Zealand advocacy, to intervene over the genocide in Rwanda. Colin Keating told the seminar that the situation has become even more difficult at the present time, with current elected members like New Zealand facing increased challenges.

The address by *Sir Kenneth Keith* about the working of the International Court of Justice (ICJ) was enriched by his recent nine years of experience on the Court. He recalled that the Court's predecessor agency had been set up in the early days of the League of Nations. There was decided reluctance at that time on the part of the New Zealand government to accept the concept of the old Court having compulsory jurisdiction. Fortunately that attitude had altered by 1945, as had New Zealand's approach to international organisations in general. It took time for the ICJ to consolidate its position and even as late as the 1970s in a series of cases its role was disputed.

Sir Kenneth Keith said circumstances changed after the end of the Cold War, different political dynamics were in play, and the last 15 years have been the Court's busiest. It had heard cases from all regions of the world and across a wide range of subject matter. In high profile cases the ICJ has been successful in settling disputes that might otherwise have led to conflict. Therefore it is curious that despite being one of the five principal organs of the UN and widely supported, with its judgements achieving nearly complete compliance, much of

the constructive work of the ICJ escapes public notice. For its part, in cases as disparate as nuclear tests, nuclear weapons, and whaling, New Zealand has good reason to staunchly maintain its long-standing commitment to the ICJ.

Bill Mansfield highlighted the importance and impact of the United Nations Convention on the Law of the Sea (UNCLOS). He brought to the topic his extensive experience of international maritime law and a five-year term as a member of the UN International Law Commission. While often taken for granted and assumed to have been in place forever, UNCLOS is in fact a relatively new piece of international law. It has contributed greatly to international peace and security by settling many previously contested issues. Through the creation of the concept of the exclusive economic zone (EEZ) it bestowed huge benefits on New Zealand which has one of the world's largest EEZs. But we need to remember that New Zealand has obligations as well as rights in our EEZ and we must remain committed to UNCLOS as we grapple with current issues such as the ongoing decline in fish stocks. New Zealand's sponsorship of the South Pacific Regional Fisheries Management Organisation and the recent announcement of the Kermadec Ocean sanctuary are important examples of that commitment.

The distinction of having been New Zealand's permanent representative to the principal UN offices in both New York (2001 to 2005) and Geneva (2006 to 2008) is held to date by *Don MacKay*. He has had a major role in the negotiation of several multilateral legal instruments, and for this seminar chose to concentrate upon the demanding process that led finally to approval of the UN Convention on the Rights of Persons with Disabilities. The Convention was adopted in December 2006 and recognised as the first human rights convention of the twenty-first century.

Previously, while six core human rights treaties already existed, there had been no specific convention to guarantee the rights of those suffering serious physical or mental disability. Work began on drafting such a convention in 2002, as a Latin American initiative. Slow progress led to formation of a special Expert Working Group

chaired by New Zealand. The provisional text that emerged went in turn to an Ad Hoc Committee which duly foundered, and New Zealand was again asked to assume leadership of the process. Under Don MacKay's astute shepherding (not his personal claim) this led to a successful conclusion and acceptance of a final text. On the day of its adoption the convention had the highest number of signatories of any new UN treaty.

Lt Gen Tim Keating was appointed Chief of New Zealand Defence Force in 2014 having risen steadily through the ranks in a military career spanning more than thirty years. His observations on New Zealand's approach to and experience of UN peacekeeping was an excellent note on which to close the review of five practical case studies. General Keating made the opening point that in the twenty-first century the biggest source of regional and local instability is conflict and its associated violence. Success therefore is represented by 'stability', but this is not easily achieved, nor are lasting solutions easily found. Stabilisation missions are among the most challenging interventions to deliver, and increasingly there is an expectation that peacekeepers will when necessary step into harm's way.

For that reason the New Zealand government closely monitors the rationale for its UN deployments when these are requested. From the UN's perspective the proven professionalism of New Zealand peacekeepers is greatly appreciated. However, the Defence Force is well aware that keeping the peace is not a job just for soldiers. It is necessary for the military to work collectively with civil society in all its forms to protect sovereignty, ease human suffering, and assure the systemic stability of the international order.

The final formal session was an eclectic mix. *Tracy Watkins* is the Political Editor for Fairfax Media and contributes a widely read weekly political column to the Fairfax newspapers including *The Dominion Post* in Wellington. She has covered many visits to UN headquarters in New York by New Zealand prime ministers; for instance in 2004 when former prime minister Helen Clark launched the ultimately successful bid for current Security Council non-permanent membership. Watkins was in New York twice in an

observer capacity in 2015, including for a time in July during New Zealand's month as President of the Security Council.

Tracy Watkins contrasted the preoccupations of diplomats for whom things are never simply black and white and invariably nuanced, with those of journalists whose behavioural patterns and subject preferences are driven by the urgency and immediacy required of news coverage. On the spot interviews with a variety of sources in New York had persuaded her that New Zealand's voice was being heard and was an encouragement to other states in the same league that they too could make a difference. New Zealand was said to be breathing "some fresh life" into the Security Council proceedings, but she was left with the impression that fundamental reform of that particular UN organ would be "a long time coming".

Charlotte Darlow is Unit Manager of the United Nations Human Rights and Commonwealth Division of the Ministry of Foreign Affairs and Trade. In 15 years as a career diplomat she has built a solid background in multilateral diplomacy including work in all the major UN centres of New York, Geneva, Vienna and Nairobi. Her presentation under the heading "Will there be a 100th Anniversary?" began with a quote from *The Spectator* in 1979:

"The United Nations has been sufficiently impotent to survive 25 years, and now begins to look harmless enough to last another 50."

There was a four-fold thrust to Darlow's remarks. First, the UN system is not perfect and it inadequately reflects today's international political realities; nevertheless, by virtue of its universality it fulfils a function that no other grouping of nations can equal.

Secondly, the UN and its agencies provide an unmatched setting within which present-day challenges can be addressed through old-fashioned face-to-face diplomacy, as illustrated by the Iran nuclear deal and negotiation of UN Agenda 2030.

Thirdly, the UN is only as good as its members allow it to be. Increasingly inclusive practices (involving civil society, academia, private partnerships) are fostering innovative collaborations in areas

such as cluster munitions and finding new ways to tackle the issues facing small island developing states.

Fourthly, while the practice of ‘one state, one vote’ may lead to some chaos and frustration, it can also be the pathway to building momentum and achieving results that might be considered impossible to accomplish by any other means.

There are very few New Zealand academics who could claim their careers would parallel the deep involvement *Dr Roderic (Rod) Alley* has had over many years in the analysis and portrayal of New Zealand foreign policy and external relations. The UN has been a major point of focus in his studies, so Dr Alley was well qualified to discuss the degree of progress made in the past decade and to assess where “the course of United Nations reform” is headed. In respect of the Security Council, regrettably there has been little forward movement against the weight of vested interest, therefore that organ which is so critical in its size, composition, working methods and relationship with the General Assembly, does not yet mirror new and emerging spheres of global power and influence.

No comfort could be drawn from Rod Alley’s comment that the glacial pace of UN reform is in step with the multilateral system’s failings elsewhere, painfully exposed by the global financial crisis and by the challenge of balancing the interests of nation state sovereignty with the need to combat the scourge of cross-border afflictions like climate change, people smuggling and resource depletion. To be fair, there have been measureable advances in parts of the UN architecture with better monitoring, and expanded outreach and information sharing with non-governmental and private sector interests. However, short of major reform the system risks a gradual but inexorable decline in its relevance.

A contrary opinion to that sombre conclusion was given by the following and final speaker in the programme: *Christopher Woodthorpe* is Director of the UN Information Centre in Canberra with ‘outreach’ responsibility also as the Secretary-General’s representative to New Zealand and several South Pacific countries. He noted that the 70th anniversary of the UN coincides with a number of important reviews

of the functioning of the UN system that will help to shape the future of global governance. There are as well major new initiatives to ensure that in their substantive activities the UN and its agencies remain ‘fit for purpose’. Here the recently agreed *2030 Sustainable Development Goals* (SDGs) is a prime example. Building on the Millennium Development Goals, the SDGs offer an agenda that is “integrated, universal and transformative”, has at its core the challenge to eradicate poverty, and embody a commitment to “make sure no-one is left behind”.

The seminar closed with the gracious tribute that *Neil Walter* gave to Tom Larkin, Merv Norrish and Malcolm Templeton. Himself a previous MFAT chief executive, he was well-placed to offer in simulated form a ‘performance review’ of his three former colleagues. It was not overdone but sufficiently comprehensive to leave the audience with a firm grasp of the signal achievements for which each of the trio could claim credit, even if to do so would be totally out of character for any of them. Each had a different style and approach but all three “made an outstanding contribution at a time when New Zealand was constantly having to redefine its place in a rapidly changing world”. The presentation was finely crafted, and enlivened by the compassion, humour and lightness of touch for which Neil Walter is admired in all his professional and personal interactions. This was a moving note on which to draw the curtain on a memorable occasion.