

# Geneva Reporter

*Quaker United Nations Office - Geneva*

## Conscientious Objection to Military Service

At its 9<sup>th</sup> session, the UN Human Rights Council for the first time considered the issue of conscientious objection to military service. This issue had been on the agenda of the former UN Commission on Human Rights every second year and this periodicity is being continued in the Council.

The Council received a report from the Office of the UN High Commissioner for Human Rights (A/HRC/9/24), which provides an update of the significant developments on conscientious objection

at the international, regional and national levels. In particular, the report highlights the groundbreaking decision of the Human Rights Committee (*Mr Myung-Jin Choi and Mr Yeo-Bum Yoon*, Communications Nos. 1321/2004 and 1322/2004), reported in more detail in the QUNO Briefing Paper Vol 26, No. 1, of November-January 2007, that made clear that conscientious objection to military service is protected by the International Covenant on Civil and Political Rights' Article 18 (right to freedom of thought, conscience and religion),

and the Committee's General Comment No. 32 that repeated punishment of conscientious objectors for their continued refusal is contrary to Article 14 of the Covenant (*ne bis in idem* principle).

At the regional level, it is notable that Article 12 of the Ibero-American Convention on the Rights of Youth, which entered into force on 1 March 2008, specifically recognises the right to conscientious objection to obligatory military service, and commits States

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## Geneva Declaration Summit

The Geneva Declaration on Armed Violence and Development received a major boost on 12 September when high-level representatives from 85 of the 94 of the endorsing states met in Geneva for a Review Summit. Along with the foreign and development ministers and other governmental officials were representatives from 16 international organizations and 35 NGOs from around the world. This was an event whose major purpose was to assess progress made on achieving the goals of the Geneva Declaration and to allow states to reaffirm their commitment to those goals, the chief one

being achieving measurable reductions in the global burden of armed violence by 2015, when targets for the Millennium Development Goals are to have been met.

Since the time of the original summit in June 2006 which set the Geneva Declaration process in motion, the number of states—across all regions—committing themselves to the Declaration's goals has more than doubled. There is now greater understanding and recognition of the impact of armed violence on sustainable development as well as of the importance of a range of development and

other programming directions which can have an impact on the reduction of armed violence. And there is a growing understanding of the importance of creative partnerships by states, international organizations, and civil society organizations in making progress in reducing armed violence and promoting security for development. The Geneva Declaration process over the last two years has allowed the focus to be put where it should be—and where the politicized small arms debate within the UN Programme of Action has found it

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## Transfer of Technology and Developing countries

This article addresses the transfer of technologies (TT) in a broad perspective, notably its links with Intellectual property rights (IPRs). It follows a previous short article in this publication, regarding the issue of TT to the Least Developed Countries (LDCs) from the perspective of the Trade Related-Aspects of Intellectual Property Rights (TRIPS) agreement (article 66.2).

Defining TT and describing channels through which it occurs will help in the understanding of its effects. In their paper, Hoekman, Maskus and Saggi (2004) mentioned these channels: trade in goods and services (exports potentially transmit technological information and imported capital goods and technological inputs can directly improve productivity by being used in production process); foreign direct investment (FDI), (multinational enterprises (MNEs) generally transfer technological information to their subsidiaries); and technology licensing (within

firms, among joint ventures or between unrelated firms).

Researchers are of the view that FDI can be particularly important for LDCs and the reduction of entry barriers could be beneficial to MNEs. On licensing, it is advised that developing countries policies should improve information flows for domestic enterprises about technologies that are in the public domain.

It is widely agreed among researchers that IPRs can support markets in technology. However common findings highlight the fact that the poorest countries are unlikely to benefit from strong IPRs. Stronger patent rights can raise the rents earned by international firms as IPRs become more valuable, obliging developing countries to pay more for the protected technology. Furthermore, there are other implications: weak countries will have to seek a way to lower costs of imports of technology and raise the capacity to absorb and adapt new

technologies.

Several authors suggest that developing countries should take advantage of the flexibilities incorporated in the TRIPS agreement. Notably the fact that LDCs are expected to do little in terms of enforcing patent rights. Other authors are also of the view that a kind of special and differential treatment should be settled in order to encourage developed countries to make bound commitments to transfer technology to developing countries, and specifically to the LDCs.

TT is an instrument, among others, that could help developing countries to develop their industries. Multilateral and bilateral commitments are the best ways to make it happen, however developing countries should also carry out the necessary reforms at the national level, so as to allow a transparent and competitive environment to foreign investors and IPRs owners.

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to legislate to safeguard the exercise of this right as well as to progressively end compulsory military service, and to ensure that under-18s are not called up or involved in hostilities. This is in addition to the general right of thought, conscience and religion. So far, Bolivia, Costa Rica, Dominican Republic, Ecuador, Honduras, Spain and Uruguay are parties to this Convention. Other States members of the Ibero-American Youth Organisation should be encouraged to become parties: Andorra, Angola, Argentina, Brazil, Chile, Colombia, Cuba, El Salvador, Guatemala, México,

Nicaragua, Panamá, Paraguay, Perú, Portugal and Venezuela.

The Human Rights Council's Special Rapporteur on Freedom of Religion and Belief and its Working Group on Arbitrary Detention are also active in addressing conscientious objection issues. In particular, the Special Rapporteur raised concerns about the lack of provision in her recent visit to Turkmenistan, and the Working Group has taken up cases in Colombia, Israel and Turkey. The Working Group, which had already identified repeated imprisonment of conscientious objectors as being a form of arbitrary detention, fol-

lowing the Human Rights Committee's decision, now considers that the initial detention of a conscientious objector can be 'arbitrary'.

Regrettably, not all States yet provide for conscientious objection to military service. In our statement to the Human Rights Council, FWCC drew attention to the failure of the Republic of Korea to provide for conscientious objection as required by the Human Rights Committee's decision on the individual cases and its Concluding Observations, as well as Canada's deportation of American conscientious objectors to the USA.



## Geneva Declaration Summit

hard to aim—on the impact of the misuse of arms on lives and livelihoods. The Review Summit underscored these themes and provided a space for all actors, particularly states, to pledge further action. (See [www.genevadeclaration.org](http://www.genevadeclaration.org) for the “Summit Statement” agreed by the States).

A major feature of the Review Summit was the release of a new study which begins to provide the strong evidence base for the global burden of armed violence which is essential. The study, entitled “Global Burden of Armed Violence,” shows that “armed violence imposes a tremendous human and economic burden on individuals, families, and communities. More than 740,000 people die each year as a result of the violence associated with armed conflicts and large- and small-scale criminality. The majority of these deaths—as many as 490,000—occur outside war zones.” The study argues that armed violence “corrodes the social fabric of communities, sows fear and insecurity, destroys human and social capital, and undermines development investments and aid effectiveness.” (Study available at [www.genevadeclaration.org](http://www.genevadeclaration.org)).

The Summit also reiterated the importance of the role of civil society organizations in realizing the Dec-

laration’s goals and of governments, international organizations, and civil society organizations working in partnership. The Quaker UN Office has been much involved in recent months in trying to strengthen this role and these



Participants at the pre-summit NGO meeting, 11th September. Photo: Adam Drury

partnerships. On the important occasion of the Summit, QUNO assisted in the selection of the cross-section of NGOs invited to attend the Summit. QUNO also helped to put together a number of activities on September 11<sup>th</sup> designed to help this group of civil society organizations to discuss and relate their work to each other and to showcase the types of relevant work and the nature of government/civil society partnerships to a

wider Geneva audience. Three of these organizations were able to present to the Summit itself examples of the concrete programming they are doing on the ground aimed at reducing armed violence and building sustainable development and peace processes. One of these, Viva Rio, a Brazilian NGO, presented its armed violence reduction work with urban gangs in Port-au-Prince, Haiti, highlighting dimensions its methods such as education programmes, street carnivals, and practical material assistance.

The Geneva Declaration process is thus far very strong on words and rather short on concrete action at the national and international levels. The Review Summit was an important moment of recommitment, but really only the end of the beginning of the efforts that must be made over the coming years if measurable reductions in the burden of armed violence are to be achieved. In this, the challenge to civil society is as profound as that to governments. QUNO expects to continue to work with the expanding range of partners joining in this effort so that, by the time of the next summit in 2011, there is increasing evidence of policies and programmes making a difference in reducing the impact of armed violence on the lives and livelihoods of people around the world.

### Annual Appeal Launched

QUNO has launched its 2008 Annual Appeal, as you will see from the enclosed leaflet, which gives details of how you can donate online, by bank transfer, standing order or cheque from anywhere in the world. As well as in the Geneva Reporter, you can find out more about the work that you support on our website, or by writing to us at the address given on the front page.

As ever, we wish to thank you for helping QUNO to keep providing its unique environment of informal “small circles and quiet processes”. We seek to advance the universal causes of human rights, peace-building and economic development by ensuring all voices can be heard in Geneva and beyond.



## CD Impasse Continues - 12 Years and Counting (Out?)

For the 12th straight year, the Conference on Disarmament (CD) ended its annual session without adopting a programme of work. Initial hopes were raised by the Conference Presidents' proposed programme, which garnered wide support, mandating negotiations on banning fissile material production for nuclear weapons alongside 'substantive discussions' on nuclear disarmament, the prevention of an arms race in outer space, and assurances against nuclear attack for non-nuclear states. However, these hopes were dashed as a very few states again thwarted the wishes of most, thus preventing consensus from being achieved. (For further information, see

[www.reachingcriticalwill.org](http://www.reachingcriticalwill.org)).

It is unclear how the CD can progress. Will the US election results have a positive effect on the 2009 session? Will the 2010 Non-Proliferation Treaty Review Conference provide impetus? While the CD continues in stalemate, 2008 has demonstrated the real need for effective multilateral disarmament. Anti-satellite events—avowedly non-military—by China and the US, the US-India nuclear deal, and tensions over Iran and North Korea's nuclear intentions, illustrate a range of challenges demanding new effort, including a productive CD programme of work.

Nevertheless, 2008 has seen several signs of new impetus in

multilateral disarmament. The soon-to-be signed Convention on Cluster Munitions, although not universal, establishes a new humanitarian norm. The Third Biennial Meeting of States on the UN Programme of Action on Small Arms in July boldly voted on an outcome document, circumventing one state's recalcitrance and allowing the clear intention of most states to be visible. The Geneva Declaration on Armed Violence and Development Review Summit in September demonstrated an emerging recognition of vital security-development links. Can these hopeful signs stimulate new energy and adaptability for the CD or will this important mechanism be allowed to continue to lose effectiveness and importance?

### Staff News

**Jenny Rosenberg** and **Adam Drury** joined us in September, replacing **Yvette Issar** and **Siobhan Sparkes McNamara** as Programme Assistants.

**David Atwood** took part in the 3rd Biennial Meeting of States on the UN Programme of Action on Small Arms and Light Weapons in New York in July.

On September 22nd, **Noam Doré** took part in a meeting in Paris on Intellectual Property Rights, organised by the Stockholm Network.

### Recent Publications

- *Digging Foundations or Trenches? UN Human Rights Council: Year 2*, by Rachel Brett, August 2008.
- *Joint statement on the work of the OHCHR*, delivered to the 8<sup>th</sup> session of the Human Rights Council on Monday 2 June 2008.
- *Oral Statement on Conscientious Objection*, delivered by Rachel Brett for FWCC to the 9<sup>th</sup> session of the Human Rights Council on Tuesday 16<sup>th</sup> September 2008.
- *Ensuring Temporariness: Mechanisms to Incentivise Return Migration in the Context of GATS Mode 4 and Least Developed Country Interest*, by Uri Friedman and David Zafar Ahmed, June 2008.
  - *Women in Prison – A Commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*, by Megan Bastick and Laurel Townhead, June 2008, is now available in French, Spanish and English.
- *Geneva Forum Activities Report 2007*, available at [www.geneva-forum.org](http://www.geneva-forum.org)

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