

CHAPTER 5

THE LIMITED ROLE OF THE GROUP OF 77 IN THE THIRD COMMITTEE

by Jakob Lund

When poor people have no voice, when they are excluded and shut out, they cannot hold governments accountable for their failure to provide security or equality of access to public services. Under the agenda of “good governance,” there is an effort to reform state structures to make them fair and efficient. But this would advance much more quickly if the voices of those who stood to benefit the most were not silenced or ignored. *Irene Kahn, 2009*

As described previously, the aim of the countries constituting the G-77 is to promote the member countries’ “collective economic interests and enhance their joint negotiating capacity on all major international economic issues.” But at times this economically focused mission statement is broadened to include other issues. Human rights is one such example, which is the primary focus of this chapter. Human rights are discussed in and implemented through various parts in the UN system. Given this book’s focus on the General Assembly, we will mainly examine the human rights work in the Third Committee of the GA, and only briefly comment on other fora such as the Human Rights Council in Geneva.

The Third Committee of the GA deals with Social, Humanitarian and Cultural affairs. Human rights constitutes more than half of the Committee’s work in addition to related aspects such as the advancement of women, indigenous issues, social development, and the right to self-determination. The Third Committee also addresses other questions of social development such as issues related to family, persons with disabilities, crime prevention, and drug control.

G-77 Positions on Human Rights

In interviews with the Center, several G-77 representatives indicated that the group does not engage in human rights discussions and hardly ever formulates common positions in the Third Committee.

Some referred to the NAM and said that the G-77 simply does not talk about human rights. A representative from the G-77 told the Center that “when people are living in poverty, the most important thing for them is not their freedom of expression,” emphasizing the group’s focus on economic development. Comments such as these could easily lead one to conclude that the G-77 is not engaged in human rights. A closer look at the group’s statements and records, however, show that it is not quite that black and white.

Compared to the Second and the Fifth Committees, the G-77 is certainly both less active and less powerful as a bloc in the Third Committee. As one diplomat from an African country told the Center, there are many different cultures within the G-77, which means that there are many different views on and approaches to human rights. Nonetheless, the group tables draft resolutions and statements pertaining to human rights each year and participates in—some would argue shapes—the discussion on the issue.

Dynamics in the Third Committee

The controversial nature of most issues discussed in the Third Committee means that the tone is often remarkably sharp. Delegates from both the North and South have expressed significant levels of frustration with the dynamic in the Third Committee and some have explained how pseudo obscenities at times find their way into the negotiations due to the charged atmosphere. The official statements, of course, are more toned down, but nonetheless reflect the fierce disagreements innate to the Committee’s work. Allegations of double standards, meddling in other countries’ internal affairs under the guise of pursuing human rights, and name-calling, all are part of the negotiations.

Myanmar, for example,¹⁰¹ in one session described a vote as the “tyranny of the minority;” in response to a draft resolution on the human rights situation in his country. Myanmar’s representative stated that the resolution was “totally useless” and a “yearly ritual meant to ratchet up political pressure under the pretext of promoting and protecting human rights.” Such accusations are only

¹⁰¹ <http://www.un.org/News/Press/docs/2008/gashc3940.doc.htm>

strengthened by such actions as the refusal of the US to recognize the right to food as a human right. It had cast the sole no-vote on resolution 3941, which passed in the 63rd GA by a vote of 180 in favor to 1 against and no abstentions. The Assembly considered the consequences arising from hunger-related problems “intolerable.” While the US did change its position the following year, its initial resistance helped unite the G-77 on this issue.

Votes

Nonetheless, the Committee has recently seen some spurs of hope in terms of cooperation between the North and the South. In 2009, the resolution on the rights of the child, for example, was agreed to by consensus for the first time in eight years and the resolution on the Human Rights Council, which had been voted on the two prior years, was also agreed to unanimously. In total, more than fifty texts were passed by consensus despite the fact that most issues are historically voted on in the Third Committee, whereas the Second and the Fifth Committees¹⁰² rarely votes on issues. Many delegates from both the North and South have told us that this undoubtedly influences the dynamic in the Third Committee. Votes tend to show how polarized Member States are on a particular issue. One of the unique things about the Third Committee is that countries from the South are not as united as they are in the Second or Fifth Committees; this is especially true when it comes to human rights issues. In 2009, for example, two resolutions on human rights in the Democratic People’s Republic of Korea and Iran resulted in votes. Among those that were in favor of the resolution on North Korea were a number of Southern countries who sided with the North (Afghanistan, Bahrain, Paraguay, Saudi Arabia and others). In the case of the Iran resolution, Southern members that voted with the North included Botswana, Honduras and Timor-Leste.

A recent report from the European Council on Foreign Relations describes how a majority of G-77 members vote with the

¹⁰² It happens in the Fifth where it is considered a disaster and contrary to an agreement made in the eighties.

EU around 50% of the time on issues relating to human rights.¹⁰³ This illustrates just how split the South is in the Third Committee, causing several Northern delegates to express their amazement that the group is still operating as one unit.

But, unsurprisingly, on the issue of the right to development (discussed more fully below), the South is indeed united. The 2009 vote on this issue had 130 countries in favor (incl. the Russian Federation), comprising all G-77 members at that time. The North was not as united with 22 votes against, but also 30 abstaining. As will be shown below, the South's cohesion is, in fact, clear on a number of issues.

This all paints a rather confusing picture of the G-77's relationship to human rights and indeed this perception is only enhanced as one reviews the record. The following section describes the specific human rights issues that the group has addressed and analyzes its influence on the overall human rights agenda.

The Idiosyncrasies of the Third Committee

When matters are agreed on by majority votes rather than consensus, countries who know that they either hold a significant majority, or that find themselves in a clear minority, have very little to lose. In these cases—because the outcome of the negotiations are, in effect, already decided on—countries can make statements that might have put the outcome of an otherwise open negotiation in peril. It is useless for countries to go as far out of their way to lure other countries on board as they do in the Second Committee, if it is clear that the battle has already been lost or won.

Nevertheless, many Member States do in fact make quite an effort to persuade other countries to join them. This is particularly true when it comes to human rights. The fact that the South is not often one cohesive bloc in the Third Committee gives the North great satisfaction even though the division within the South rarely seems to be caused by the North, but is rather the result of ideological differences among the Southern group.

¹⁰³ Richard Gowan & Franziska Brantner: *A Global Force for Human Rights: An Audit of European Power at the UN*, 2008

As described in chapter 3, some observers and delegates consider the Third Committee to be of lesser importance than the Second and the Fifth. Delegates to the Third Committee, of course, deny this assertion as nonsense, but others say that this is the reason that the Third Committee delegates can all be friends at the end of the day: their decisions do not carry as much weight as those made by delegates in the Second and Fifth Committees and hence there is far less pressure to win every negotiation.

Key Issues for the G-77 in the Third Committee

Human Rights

During the Cold War, it was customary for the West to complain about the East's disregard for political freedom and civil rights; conversely, the East would criticize the West's narrow focus on individual rights and lack of concern for economic and social rights. This dichotomy has, with some variation, been transferred to the current North-South divide. Moreover, some would even argue that the divide has widened further since the Cold War days. In the book, *United Nations Politics* by Puchala et al, the authors contend that during the Cold War, there was a general agreement that human rights were universal; the only question was defining them and establishing which rights were more critical: the socio-economic or civil and political ones. This agreement on the universality of human rights, the argument goes, has eroded since the end of the cold war. Today, human rights have acquired the reputation of being a "western invention" in some circles and in the 1990s both Africa and Asia produced documents that have been interpreted to question the universality of human rights."

Despite these dire interpretations, in the *Havana Programme of Action* from the G-77's South Summit in 2000, the group specified that, "democracy, respect for all internationally recognized human rights and fundamental freedoms (...) are an essential part of the necessary foundations for the realization of people-centered sustainable development."¹⁰⁴

¹⁰⁴ http://www.G-77.org/summit/ProgrammeofAction_G77Summit.htm (or Ahmia, 2007, p. 1057)

According to an internal document, the G-77 agreed as a group to the final language of the Declaration of Principles at the World Summit on the Information Society in 2005. The first paragraph reads: “We reaffirm the universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms, including the right to development, as enshrined in the Vienna Declaration.”¹⁰⁵ An analysis of the group’s approach to a range of particular human rights issues at the UN follows below.

Right to Development

As also discussed in the chapter on the Second Committee, the language surrounding development has shifted significantly over time. One of the newer additions to the discourse on development has been the concept of “right to development,” which is a move to frame development around human rights rather than merely economic models. It has been an equally controversial shift within some human rights organizations. Amnesty International currently includes social, economic and cultural rights in their portfolio, which has caused major dissent within the organization and has attracted criticism from several observers. The right to development remains a contentious issue which some countries and commentators do not even recognize as a proper right. The Declaration on the Right to Development¹⁰⁶ was adopted in the GA in 1986 with a 146-1-8 vote and certain developed countries have traditionally been somewhat wary of the language included in the declaration as well as in the general discussion on the topic. Nonetheless, the concept has gained traction since then. In 1993 the Vienna Declaration on Human Rights, the GA adopted the following language: “the right to development, as established in the Declaration on the Right to Development, [is] a universal and inalienable right and an integral part of fundamental human rights.” In the Millennium Declaration, the leaders of the world reiterated their commitment to “making the right to development a reality for everyone and to freeing the entire human race from want.”¹⁰⁷ The right is described by UNCHR as

¹⁰⁵ <http://www.itu.int/wsis/docs/geneva/official/dop.html>

¹⁰⁶ <http://www.un-documents.net/a41r128.htm>

¹⁰⁷ <http://www.un.org/millennium/declaration/ares552e.htm>

including: “social progress and better standards of life and recognizes the right to non-discrimination, the right to participate in public affairs and the right to an adequate standard of living.”¹⁰⁸ The Declaration on the Right to Development includes, among other things:

- Full sovereignty over natural resources.
- Self-determination.
- Popular participation in development.
- The creation of favorable conditions for the enjoyment of other civil, political, economic, social and cultural rights.

Many academics and advocates have heralded the right to development as one of the chief moral issues of today’s complex world. In her book *The Unheard Truth – Poverty and Human Rights*, Irene Khan writes that a human rights approach to eradicating poverty is needed because it would address: “deprivation and exclusion, insecurity and voicelessness.” This new approach would, she writes: “acknowledge more accurately the lived experience of the poor.”

The right to development is seen by some as a bridge between those who define human rights in solely political and individual terms on the one hand, and those with a narrow focus on economic and social rights on the other. Further, it provides an opportunity to bridge the gap between those who argue development must come before human rights and vice versa. However, how exactly to interpret this right is somewhat unclear. Many developing countries fear that the right will mean an added responsibility for their governments to take care of their poor people, while developed countries fear it will be understood to mean more ODA from the North to the South. “We recognize the right to development,” one Northern diplomat told the Center, “but we maintain that human rights are individuals’ rights; and not those of governments. Right to development shouldn’t be about poor governments’ right to receive aid.”

Several G-77 diplomats have told the Center that the group has no common position in regard to the right to development and a representative of the G-77 Chair called it “a NAM issue.” Despite

¹⁰⁸ <http://www2.ohchr.org/english/issues/development/right/index.htm>

this contention, the G-77 has actually made several official statements that tell a somewhat different story. In a Ministerial declaration at the occasion of the group's 30th anniversary, it was, among other things, stated that: "The realization of the right to development as a basic human right should be given utmost priority."¹⁰⁹ Furthermore, the group reaffirmed its "determination to pursue [its] actions towards the achievement of the universal right to development." Similar language has been used in later statements.¹¹⁰

Some, however, consider the fight for the right to development to have dwindled in recent years. One Northern diplomat told the Center that lately there has been less of a push for the Convention on the Right to Development. Perhaps, this diplomat speculated, this has happened because no one really understands what the concept means in legal and practical terms, although the right is rooted in the Charter, the Declaration on Human Rights, and both human rights covenants, though its goals, however, lack explicit policy directions and remain somewhat vague. Nonetheless, the Human Rights Council in Geneva is working toward creating a Convention on the Right to Development to strengthen the existing declaration, an endeavor that has been supported by, among others, China and many of the poorest countries in the world.¹¹¹ There is also an Intergovernmental Working Group on the Right to Development,¹¹² which is monitoring progress and working to keep the issue on the agenda.¹¹³ The G-77 is not represented as a group in the Working Group and during a report by the Working Group to the Human Rights Council in 2008, Cuba spoke on behalf of the NAM and

¹⁰⁹ <http://www.G77.org/doc/DECL30.htm>

¹¹⁰ <http://74.125.47.132/search?q=cache:HcNOMC252xwJ:www.G77.org/paris/documents/communique.final.33nd2.doc+%22right+to+development+%22+G-77&cd=4&hl=en&ct=clnk&gl=us&client=firefox-a>

¹¹¹ <http://www.china-un.org/eng/chinaandun/socialhr/rqwt/t628148.htm>

¹¹² The Working Group is an open-ended working group, meaning that all UN Member and Observer States, inter-governmental organizations and non-governmental organizations with ECOSOC consultative status may attend public meetings of the Working Group.

¹¹³ http://www2.ohchr.org/english/issues/development/right/WG_Right_to_Development.htm

Egypt on behalf of the African continent, but no one spoke for the G-77.¹¹⁴

Women's Rights

The G-77's position on women's rights is limited to what was agreed to at the Beijing Conference in 1995.¹¹⁵ The conference was seen as a big victory for women and civil society alike and had massive participation from NGOs. But in terms of language on actual policies, the outcome was somewhat weak, and the commitments are quite generic. Among the agreements made, signatories concurred to: "ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms." They further agreed to build on consensus and progress made at previous conferences,¹¹⁶ none of which binds governments to specific implementation strategies or policies. In a statement delivered in the Third Committee in 2009, the G-77 said, "the Group of 77 would like (...) to commend the role of UNIFEM and its partners in ending violence against women and contributing to halting the spread of HIV/AIDS among women and girls" and further that they wished to: "ensure the full enjoyment of all human rights for women and girls."¹¹⁷ Again, these are not exactly binding commitments, but they do show that the G-77 takes explicit positions on the issue of women's rights. One G-77 diplomat told the Center that the reason the group can have a common position on women's rights is exactly because the Beijing consensus is not specific with regards to policy details. Another, however, described the outcome of the Beijing Conference as "comprehensive" which, according to this diplomat, is why the group focuses on this particular conference.

The "new gender entity" is discussed earlier in this book (with regards to the Second Committee) but we mention it here as well

¹¹⁴ A/HRC/9/17

¹¹⁵ <http://www.un.org/womenwatch/daw/beijing/>

¹¹⁶ Final Declaration: <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>

¹¹⁷ http://docs.google.com/viewer?a=v&q=cache:6A90W-eR7LoJ:www.un.org/womenwatch/daw/documents/ga64/12/G-77.pdf+G-77+%22human+rights+%22&hl=en&gl=us&sig=AHIEtbTvp1FZP6Cb5HKnqwIL_ObbwKXUw

because its significance for women's rights is potentially enormous and because women's rights are under the purview of the Third Committee. The proposal for the entity was halted on several occasions and, according to one news outlet, was moving at the "sluggish pace of a paralyzed snail."¹¹⁸ The G-77 was blamed for this extremely slow progress, some thought somewhat unfairly. Egypt received the lion's share of the criticism and as described by some of the hundreds of recent articles¹¹⁹ on this issue, it appears just a few G-77 countries actually attempted to halt progress. Only weeks before the entity was finally adopted, a Canadian diplomat said that "Egypt is speaking for the G-77 and is playing a really obstructionist role."¹²⁰ In hindsight, many believe the North wanted to ensure as much control over the new entity as possible, whereas the G-77 envisioned having a make-up similar to that of the Commission on the Status of Women,¹²¹ where donor countries hold less than 20% of the membership. Charlotte Bunch, Executive Director at the Center for Women's Global Leadership, argued that the Agency should have a small "technical board" to ensure the functionality of the entity. The developing countries, led by the G-77, on the other hand, argue that democratic principles should prevail across the board at the UN.

Social and Economic Rights

Due to its strong emphasis on economic development, the G-77 at times approaches subjects that are not necessarily linked to development in a way that makes it impossible to exclude the topic. In a draft proposal pertaining to racism from 2005, the G-77 requested that:

The Special Rapporteur give particular attention to the resurgence of racism, racial discrimination and xenophobia against national, ethnic, cultural and religious minorities, immigrant populations, asylum-seekers

¹¹⁸ <http://ipsnews.net/news.asp?idnews=50538>

¹¹⁹ http://www.wunrn.com/news/2007/01_07/01_15_07/012307_un.htm , <http://www.commondreams.org/headline/2009/05/22-6>, <http://www.guardian.co.uk/world/2009/sep/11/ratification-un-women-agency-threatened>

¹²⁰ <http://www.vancouversun.com/health/sexual—health/Canada+furious+over+role+women+rights+super+agency/3187858/story.html#ixzz0rsEQp810>

¹²¹ <http://www.un.org/womenwatch/daw/csw/>

and refugees, largely through the erosion of their economic and social rights (housing, education, health) and the gradual loss of protection systems under the relevant international instruments.¹²²

Whereas most see the issue of racial discrimination as at least partially a breach of civil and political rights, the reference to economic and social rights is explicit in this statement. So, interestingly, is the reference to the rights of refugees and different minority groups, which has otherwise been a controversial subject for many G-77 countries due to their own domestic challenges in this area.

In the social and economic rights realm migrant workers' rights is an issue of particular concern to many G-77 countries. Many have citizens that work abroad and send back remittances to their countries of origin.¹²³ One Northern delegate told the Center that migrant rights are a contentious issue because many Northern countries have "problems" living up to certain human rights standards vis-à-vis workers from non-EU countries. This is one of the few issues where delegates from developed countries will, in private, acknowledge having a somewhat bad conscience and it appears that the G-77 does what it can to capitalize on their sense of guilt.

As per the ongoing discussion on the rights-based approach to development, social and economic rights in many ways fall within the right to development. This, in turn, has meant that few G-77 statements have been dedicated explicitly and exclusively to social and economic rights; rather it has been implicitly or explicitly included in statements on other issues. This should be clear throughout this chapter as the social and economic aspects of human rights are part of almost all discussions that the G-77 is involved in.

Right to Food

One of the issues that has been highlighted in discussions on social and economic rights is the right to food. In a April 2009 statement, Ambassador Abdalmahmood Abdalhaleem Mohamad, then Sudanese Chair of the G-77, said that: "The G-77 (...) believes that eradication of hunger and the attainment of food security and the

¹²² A/C.3/60/L.63/Rev.1

¹²³ See discussion on this issue as it relates to Financing For Development in chapter 3

right to food are global imperatives.”¹²⁴ He further stated: “The international community should support national and regional food initiatives to stabilize prices and serve as emergency stock” and urged “developed countries to scale up financial support, technology transfer and technical assistance.” This illustrates one of the main reasons for the at times fierce disagreement between the developed and developing countries regarding the right to food in particular, and human rights in general. Each group sees the other as narrowly pursuing an agenda of self-interest. The developed world perceives developing countries to be selectively choosing human rights issues where they see themselves as victims (typically those involving social and economic rights), while the developing nations perceive the rich world to be focusing only on civil and political rights, thus ignoring their responsibility to ensure that all people can have the fundamental rights to food, health, shelter, etc. fulfilled.

Judging from our interviews with G-77 delegates, it appears that there is some disagreement within the G-77 in regard to the right to food, however. Insider sources have told the Center that the Latin-American countries clash with the remaining countries of the group on this issue. The fact that countries like Brazil and Argentina are major producers of bio-fuel, which is made from such things as corn, wheat, sugar beets and other forms of biomass, leads the African countries in particular to blame these two countries for not caring about what they consider to be a “food crisis.” They see these countries as diverting precious food resources to making fuel rather than feeding mouths. The bio-fuel producers, on the other hand, talk about ensuring “food security” (rather than about a “food crisis”) and say they are doing what they can to fight for everyone’s right to food. This has apparently led to some discussion and disagreement within the group, but powerful countries continue to push for the group to form a common position and the group stands firmly together, not just within itself, but with almost the entire world. As described above, the resolution on the right to food from the 63rd GA was approved with only one vote against, cast by the United States who did not want to acknowledge “inaccurate textual descriptions of

¹²⁴ <http://www.G77.org/statement/getstatement.php?id=090406a>

underlying rights.”¹²⁵ The US did, however, change its position in the 64th GA allowing the resolution to pass by consensus even though the GA stresses: “the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies.”

Racism/Discrimination

There have not been many debates or negotiations on racism, racial discrimination, xenophobia or related intolerance in the General Assembly. The G-77 does, however, coordinate a position on these issues and the negotiations that have taken place in the Third Committee have, in their eyes, ended with grand victories for the group of developing countries.

The most contentious issue on the racism-agenda over the last several years was the much-disputed *Durban Review Conference* held in Geneva. The review conference was part of the World Conference Against Racism series, which organized previous conferences in 1978 and 1983. The 2001 Durban conference ended up causing a massive brouhaha because many states felt its agenda presented a one-sided criticism of Israel. Israel and the US walked out of this conference. When the preparations began for the 2009 review conference, many feared a repetition of what they perceived to be an essentially anti-Semitic agenda. By the end of 2008, Israel had already made it clear that they would not participate in the conference and during the first months of 2009, the US, Canada, Australia, Italy, Poland, Germany, the Netherlands and New Zealand also publicly stated they would not be participating in a conference, which, in the words of Dutch Foreign Minister Maxime Verhagen was a:

wasted opportunity to address human rights violations by countries and organizations involved in discrimination on sexual, religious and racial biases.”¹²⁶

¹²⁵ <http://www.un.org/News/Press/docs/2008/gashc3941.doc.htm>

¹²⁶ Haaretz on 20/04/2009: <http://haaretz.com/hasen/spages/1079354.html>

Other countries, mostly European, also threatened to withhold their support of the conference.¹²⁷

As reported by the Center in early 2008, the fate of the review conference was ultimately decided by the Fifth Committee, not the Third, where the GA had to agree on whether or not to allocate funds for the conference. The matter was brought to a vote—a rare occurrence in the Committee where decisions are normally made by consensus—and the “G-77’s numerical majority prevailed.”¹²⁸ As a result, in spite of the criticism, discussions and boycotts, the review conference was held and more than 140 countries were represented at it. According to one diplomat from a G-77 country, this was a victory for the group in and of itself. Indeed, the group itself publicly praised the final outcome of the conference and did see it as a victory. As the Chairman of the G-77, H.E. Abdalmahmood Abdalhaleem Mohamad, said in a November 2009 statement:

The Group strongly believes that the outcome document of the Durban Review Conference creates further impetus for the accelerated implementation by States and other actors of the laudable objectives encapsulated in the Durban Declaration and Programme of Action. Together with the Durban Declaration and Programme of Action ... the outcome document provides the most comprehensive framework for addressing racism, racial discrimination, xenophobia and related intolerance.¹²⁹

Despite its strong focus on the Durban Conference, it is not the only avenue through which the G-77’s efforts in combating racism, xenophobia, and intolerance can be seen. For several years leading up to the 2009 review conference, the group proposed a draft resolution on “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.” In a statement from 2007, the group proposed to: “emphasize that it is the responsibility of States to adopt effective measures to combat criminal acts motivated

¹²⁷ *Irish Times* on March 26th, 2009, www.irishtimes.com/newspaper/opinion/2009/0326/1224243442379.html and *Europe News* on November 5th, 2008: <http://europenews.dk/en/node/15756>

¹²⁸ <http://www.centerforunreform.org/node/300>

¹²⁹ <http://www.G77.org/statement/getstatement.php?id=091102a>

by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing.”¹³⁰ This is a particularly interesting statement because it goes beyond the more abstract terms of “underlining the importance of” or “taking note of” the latest report. Here, the group went a step further and in effect called on Member States to take specific legislative action. In the same draft resolution, the G-77 proposed to “reaffirm its commitment to eliminate all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples.” This is noteworthy also because the issue of the rights of indigenous people is a contentious one, even for many developing countries.

Taking into consideration that racism has historically been, and very much continues to be, directed mainly against people who come from (or whose ancestors came from) countries represented in the G-77, it is not too surprising that the group has such a strong focus on the issue.¹³¹ Add to that the chance of shaming former colonialist nations, equating Zionism with racism, and the rise of Islamophobia in the wake of the “war on terror,” the interest in fighting racism becomes even more self-evident.¹³² In the words of one diplomat from a G-77 country: “we have a very strong position on racism.”

Human Rights Council

One G-77 diplomat told the Center that the Human Rights Council is an area dealt with by the NAM rather than the G-77 and, as shown above, the NAM actually makes common statements in the Council unlike the G-77. Nonetheless, our research shows that it would be a mistake to completely ignore the influence of the G-77.

The outcome statement of the Paris Consensus, a meeting attended by Chairpersons and coordinators of the G-77 in Paris in

¹³⁰ A/C.3/62/L.65/Rev.1

¹³¹ In 2002, the group lauded the creation of the Working Group set out to study “the problems of racial discrimination faced by people of African descent living in the Diaspora, and to propose measures to ensure full and effective access to the justice system by people of African descent.” For more information, see: <http://www.G77.org/Speeches/102302.htm>

¹³² For a statement embodying all of these factors, see: <http://www.G77.org/Speeches/110705.htm>

February 2006, stated: “the discussions of the Right to Development needs to be further invigorated in the proposed Human Rights Council.”¹³³ This contradicts the notion, presented to the Center by several delegates from G-77 countries, that the G-77 has no common position in regard to the process of creating the Human Rights Council. In a statement from November 2009, Sudan, then Chair of the G-77, said that the G-77 “deeply regrets that the Human Rights Council was not provided with adequate conference services in 2009.”¹³⁴ While clearly not constituting a coherent position on the overall framework of the Council, it is noteworthy that the group tried to influence what would end up on the Council’s agenda.

In the process leading up to the opening of the Council’s first session in 2006, a range of human rights groups complained about “vote trading agreements” and “uncompetitive elections.” Generally, this was seen as conducts carried out by developing countries in order to cover for one another in the Council.¹³⁵ While this is obviously not a practice anyone would acknowledge partaking in, one G-77 delegate did comment to the Center that the fact that members are still elected on a regional basis is considered a victory for the G-77. This set-up is seen as the reason why “uncompetitive elections” are possible at all: if a region has pre-elected the adequate number of members allocated for that region, the election will be cosmetic only.¹³⁶ Another G-77 delegate said there is a vast difference within the group with regards to the views on the regional elections, but acknowledges, “Generally, G-77 members are happy with the regional rotation.”

One Northern delegate contended that the G-77 stands strong in Geneva because of the way the seats in the Human Rights Council are allotted. The Asian and African groups each have

¹³³ Third World Network: <http://www.twinside.org.sg/title2/twinfo384.htm>

¹³⁴ <http://www.G77.org/statement/getstatement.php?id=091124>

¹³⁵ One case being cited as an example of this was when atheist China and Cuba voted in favor of resolutions condemning defamation of religion while OIC countries refrained from speaking out against the treatment of religious minorities in, say, China. An example of this discussion is found here: <http://www.reuters.com/article/idUSTRE57G4E420090817>

¹³⁶ For the latest update on the election for the Human Rights Council, check: http://www.un.org/ga/63/elections/hrc_elections.shtml

thirteen seats in the Council and Latin America holds eight. Eastern and Western Europe, by comparison, only hold a combined thirteen seats. As almost all issues in the Council are decided by votes, the developing world's numerical majority translates into a lot of power.

The Third Committee itself has some level of power over the Council, although this is an issue that is the subject of continuous debate. The Committee can comment on the recommendations made by the Council and each year since the Council's inception there has been extensive debate about whether the Third Committee has to decide on—or agree to—the Council's report before it is sent to the GA plenary. Suffice it to say, that the Third Committee is itself an avenue for the G-77 to influence the Council, even if they do not form a group at the Council's meetings in Geneva.

Why Doesn't the G-77 Promote Economic Rights More?

As discussed above, the G-77 tends to promote social, economic and cultural rather than civil and political rights. One Northern delegate speculated to the Center that the group tries to draw attention away from civil and political rights because many of the regimes represented within the group have such miserable records on those rights. Nonetheless, the group rarely explicitly uses the semantics of human rights at all. One could imagine the group would use any chance to push language on economic rights and thus shift the entire human rights discourse in that direction. This does not seem to be the case, however. Our research suggests that the reasons for the low level of activity on behalf of the G-77 in this respect are more diverse than the Northern delegate above implied.

Another factor behind the G-77's hesitation to push the agenda of economic human rights is what the group considers to be a one-sided push by the North to frame the discourse on human rights exclusively within the boundaries of civil and political rights. As discussed above, many G-77 countries have a somewhat strained relationship to this dominating take of human rights. One Ambassador from an EU country told the Center that there is a fear among the G-77 of creating a "reciprocity discourse" and it appears that on the G-77's cost-benefit scale, avoiding a discussion on civil and political rights trumps pushing the debate on economic rights.

An example of this is seen in an excerpt from the official website of the 2002 World Summit on Sustainable Development. The quote shows an observer's analysis of how language on human rights made its way into the Draft Political Declaration: "Bad news for human rights activists: the G-77 seem to be keen on having removed all references to human rights and existing agreements on human rights from the draft political declaration."¹³⁷ Several Northern delegates have expressed to the Center their opinion that this fear of reciprocity is chief among the reasons for the G-77's relative silence on economic rights.

One delegate from a country in the politically liberal end of the G-77 spectrum told the Center that some of the group's countries do not want to hear the word "rights" mentioned in G-77 conversations. They are in such fear of the naming and shaming surrounding human rights discussions at the UN that they would rather avoid it altogether, this delegate said. Another Southern delegate told the Center that there is frustration with what the South considers to be Northern exploitation of human rights: using rights as a condition for aid money. This sentiment was echoed by other delegates, while one Northern diplomat speculated that developing countries have a fear that aid will be redirected from economic development sectors to human rights work and that this is the main reason for their reluctance to talk about human rights.

Humanitarian Issues

The G-77 does not often make statements on humanitarian issues, and those that exist are somewhat vague. The group mainly partakes in the operational discussions, which are conducted in ECOSOC rather than in the Third Committee, where the discussions tend to be of a more political, value-laden character. This reflects the split within the group, which is particularly obvious on the most contentious humanitarian issue: humanitarian intervention or the Responsibility to Protect (R2P). While a few Southern leaders such as Chile's former Ambassador, Heraldo Muñoz, and Ambassador Gert Rosenthal of Guatemala, have been instrumental in keeping the

¹³⁷http://www.worldsummit2002.org/index.htm?http://www.worldsummit2002.org/guide/whatson_archive.htm

discussion of R2P on the agenda, the developing world has generally been very cautious with—if not outright opposed to—the concept. A phrase from the group’s South Summit in 2000 has been quoted in several publications as an illustration of developing countries’ aversion to R2P: “We reject the so-called “right” of humanitarian intervention, which has no legal basis in the United Nations Charter or in the general principles of international law.” At the same summit, the group said: “We stress that humanitarian assistance should be conducted in full respect of the sovereignty, territorial integrity, and political independence of host countries, and should be initiated in response to a request or with the approval of these States.”¹³⁸

As mentioned in the chapter on the Second Committee, the G-77 opposes the discretionary use of non-core funding. This issue has implications for humanitarian work as well, given that the Office for the Coordination of Humanitarian Affairs’s (OCHA) budget is almost entirely funded by voluntary contributions.¹³⁹ Some Northern delegates have told the Center that this means OCHA is at times seen as an embodiment of the perceived Western breach of the principle of sovereignty. According to one Northern European delegate, this is not necessarily an absolutely false perception. “Nordic donors like sponsoring OCHA,” this delegate said, “because we can be part of controlling the office rather than leave it up to core funding, where all countries have a say.”

According to one European delegate, the G-77, and in particular some Latin American countries, have become much more flexible in regard to humanitarian issues over the last years. This is exemplified by the fact that South Africa, Brazil, and India were among the co-sponsors of the omnibus resolution on humanitarian issues in 2009. According to a Northern diplomat interviewed by the Center, this should be seen as a sign that these countries are striving for a greater role in global politics, as their collective bids to gain permanent seats on the Security Council clearly show. This Northern diplomat told the Center: “the developing countries in the G4¹⁴⁰

¹³⁸ http://www.G77.org/summit/Declaration_G77Summit.htm

¹³⁹ <http://ochaonline.un.org/tabid/5839/language/en-US/Default.aspx>

¹⁴⁰ India, South Africa, Brazil

want to stick with the G-77 and keep the group together on humanitarian issues but it appears to be very, very difficult to do so considering the diversity of opinions within the group.”

As is the case with the human rights discussions, the developed countries seemingly do what they can to split up the G-77 on humanitarian issues. One Northern delegate said in an interview with the Center: “we always try to break their consensus by pulling the moderate voices over on our side.”

Humanitarian work oftentimes overlaps with human rights and other essentially political issues—whether the humanitarian branch themselves acknowledges it or not. This is exactly what many G-77 countries fear and an analysis made for OCHA on the normative developments in humanitarian resolutions describes how an attempt to include measures for training of humanitarian workers in human rights issues failed in the GA: “In the 2008 GA natural disaster deliberations, any attempts to acknowledge these guidelines, mentioned in the relevant Secretary-General report on natural disasters, were blocked by a group of concerned G-77 Member States. These delegations cited concerns with the human rights remit of the guidelines.”¹⁴¹

One thing that the G-77 seems to always agree on in the realm of humanitarian affairs is that the situation in the Occupied Palestinian Territories amounts to a humanitarian crisis. One delegate from a developed country told the Center that the G-77 attempts to skew humanitarian discussions against Israel—even if Israel is not part of the original discussion. A similar methodology has apparently been attempted by some of the more radical countries with regards to the US, but this was met with resistance from other member countries. After the earthquake in Haiti, some of the ALBA countries in the group apparently attempted to convince the rest of the group to condemn the American role in the relief effort, which the ALBA countries saw as a military action. According to one Latin American delegate, however, this attempt was struck down by a majority of G-77 members, much to the relief of this delegate who feared the G-77 would lose face by opposing important humanitarian assistance brought by the US.

¹⁴¹ Edward Tsui: *Analysis of normative developments in humanitarian resolutions since the adoption of 46/182*

G-77 and Self-Determination

Aside from the specific rights and humanitarian issues examined above, the group has also taken stances on issues such as the right to self-determination. This is a contentious area for many countries in both the global North and South due to the calls for autonomy in regions such as the Basque Country in Spain, Chechnya in Russia, Mapuche in Chile and Argentina, Nagorno-Karabakh in Azerbaijan, Western Sahara in Morocco and many, many others. Nonetheless, the group in October 2009 urged the international community to: “take further effective measures to remove the obstacles to the realization of the right of peoples to self-determination, in particular peoples living under colonial and foreign occupation.”¹⁴²

One Northern delegate speculated that when developing nations talk about the issue of self-determination, what they are really pointing to is the Israeli occupation of the Palestinian Territories. Indeed, in the 64th GA, three draft resolutions were introduced relating to self-determination: one on universal realization of self-determination, introduced by Pakistan; another on self-determination and the use of mercenaries, introduced by Cuba; and a third on self-determination of the Palestinian people, introduced by Egypt. While the first was passed without a vote, the two others were passed with a large majority of votes with no G-77 country voting opposing. The resolution on the use of mercenaries displayed a wide North/South gap and the fact that all three resolutions were introduced by leading G-77 members should not be ignored, even if that does not give any of them an official G-77 stamp.

Religious Tolerance

While it should be clear that the G-77 *does* on occasion make statements about human rights, it is also important to note that much of the group’s activity is of a non-binding, general, and at times even abstract character. The following quote from a statement on racial discrimination from 2002 encapsulates this point: “It is imperative that everyone everywhere, without any distinction, through education

¹⁴² <http://www.G77.org/statement/getstatement.php?id=091005>

and in all humility, should internalize human rights, especially the equal dignity of the human person, and should practice them in his or her daily life in social relationships, at both the national and the international levels.”¹⁴³ The group generally tends to support thematic debates over country specific ones and to support thematic Special Representatives such as the one suggested for South-South cooperation over Special Representatives for individual countries.¹⁴⁴

In a draft resolution on the abolition of racial discrimination referred to above, the group emphasized the “fundamental and complementary role of national human rights institutions, regional bodies or centers and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action.”¹⁴⁵ While this may not, in itself, be a huge commitment to human rights, it does show that the group has enough agreement on the concept of human rights to make statements that include references to both regional human rights bodies and civil society, i.e. human rights NGOs.

Those who accuse the group of bias against Israel¹⁴⁶ may be surprised that the group included Israel’s official faith in a statement that recognized, “with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia.” This should be seen as part of the overall battle taking place at the moment in the Third Committee—and many other fora globally—about whether religion should hold a special status and be protected from criticism, satire, and ridicule; a battle which has illustrated the North/South divide at its starkest, and where it is very difficult for the G-77 to find a common position.

Conclusion

A representative from a G-77 country told the Center that when the group forms a common position on an issue related to human rights,

¹⁴³ <http://www.G77.org/Speeches/102302.htm>

¹⁴⁴ www.G77.org/nc/journal/G-77-Fall-2004.pdf

¹⁴⁵ A/C.3/62/L.65/Rev.1

¹⁴⁶ In this presidential Statement from 2006, Israel is mentioned six times, for example: <http://www.G77.org/ammfa/30/conclusion.html>

it is “very successful” in shaping the discussion on that particular issue. The diplomat mentioned the Year of Youth and the Year of Family as examples. Supposedly, the EU initially disagreed with the G-77 on the subject of a Youth Year but the G-77 triumphed in the end. The EU ended up conceding to the G-77, in part, a diplomat told the Center, because they knew they would lose a vote on the issue in the GA. In the words of this diplomat: “you can really feel how strong the group is when it agrees.” A representative for the Chair of the G-77 told the Center that: “we’re the biggest group in the GA and because of the votes that really shows in the Third Committee.”

Asked directly about the successes of the G-77 on the issue of human rights, one G-77 delegate interviewed by the Center fell silent. “I don’t think we can talk about successes,” the delegate said, “but we have definitely had influence.” In the opinion of this delegate, the fact that the group did not adopt language on defamation of religion in the draft resolution about racism in and of itself constituted a victory, adding: “it showed that we were serious. That we have developed.”

A Southern delegate interviewed by the Center paused for a considerable amount of time when asked about G-77 successes in the Third Committee. He then referred to the Durban Conference as an example of what the G-77 has achieved. Despite the sensitivities surrounding the conference, this delegate said, it was overall a success to be able to organize such a big conference on an issue that is important to the group. This view was echoed by outside observers, who told the Center that the G-77 managed to stay in line and avoid the worst controversies and divisions, despite Israel, the US and a handful of other countries boycotting the conference. While several Northern delegates interviewed by the Center have been frustrated with the way the Durban Review Conference was negotiated, most also agree that the G-77 was effective in achieving what they wanted. One Northern delegate told the Center that the EU did not even get a chance to propose its ideas. This delegate expressed discontent with not being invited to the preparatory meetings and with the general lack of communication. Nonetheless, the outcome of the review conference was adopted with an overwhelming majority and only a handful of Northern countries voting against.

One G-77 delegate told the Center that their success in the Third Committee should not be measured only in the number of proposals the group presents. It is also important that the group has influenced the agenda and kept issues relating to poverty, such as hunger and development, as well as self-determination and racism, on the human rights agenda. This was echoed by the Chair of the group, which told the Center that the most important thing is not how many resolutions the group presents but how much language it gets in the final versions of resolutions.

Regardless of how the success of the G-77 is measured, it seems that the success of the North is, to a large extent, measured by whether they are able to break the consensus of the G-77. One Northern delegate said: “We do succeed, at times, in splitting up the G-77. It’s no secret that that’s our goal.” One example of this is the issue of capital punishment. The way to split the G-77, the delegate said, is simply to remind the moderate countries of the policies they already have at the national level. “The Latin American countries, for example, are very strong and progressive with regards to many human rights.” The North oftentimes seems to have a zero-sum approach to negotiations in the Third Committee, which may stem from a perception that they will never be able to “win over” the hardliners of the group.

Additional examples of issues perceived to have been handled successfully by the G-77 are:

- The rights of people living with disabilities.¹⁴⁷ This, according to one delegate, was “sort of a G-77 thing.”
- Gender mainstreaming, where the group for the first time recently formed a common position. This supposedly meant that the final resolution, which had been in peril, passed in the GA.¹⁴⁸
- The set-up of the Human Rights Council, particularly the way seats are allocated.

In sum, while the G-77 is less active and cohesive in the Third Committee than in the Fifth and Second, the group sees itself as being successful on the issues on which it manages to form a common position. Judging from the level of frustration expressed by

¹⁴⁷ <http://www.G77.org/statement/getstatement.php?id=090204>

¹⁴⁸ <http://www.G77.org/statement/getstatement.php?id=060725>

Nordic delegates interviewed by the Center, this may be an accurate assessment. Nonetheless, it is clear that the issues dealt with in the Third Committee are some that easily expose the divisions within the G-77 and one should not expect the group to step up its work in the Committee; in fact, some see the group dynamic in the Third Committee as an ample illustration of how difficult it is for a group as diverse as the G-77 to remain one, united unit.