

PIERCING THE CLOAK OF UN IMPUNITY

A ground-breaking study of 1989 focused on public service accountability around the world and its base in law:

"One of the fundamental concerns of the modern state is the manner in which power and authority are wielded by those who govern in the name of pursuing societal goals and objectives. ... It is obvious that the more society is administered, the more power is concentrated in the hands of ministers and public servants. [Through the performance of their several and various roles as] ... crusaders, policy makers, social change agents, crisis managers, program managers, ... public relations experts, ... spokespeople ... in addition to the traditional functions of government, ... public servants and their ministers have acquired enormous power.

Generally, public officials and their organizations are considered accountable only to the extent that they are legally required to answer for their actions. ...

Within [a global context of public concern and political responsibility] ... public service accountability involves the methods by which a public agency or a public official fulfills its duties and the process by which [it or he/she] is required to account for such actions. Viewed [in this way, public accountability is] ... a [broader] strategy to secure compliance with accepted standards and as a means to minimize the abuse of power and authority."

Joseph G. Jabbara and O. P. Dwivedi, eds., Public service accountability: A comparative perspective, Kumarian, West Hartford, CN (USA), 1989, pp. 1, 5.
[emphasis added.]

At that time, the UN was firmly "extra-territorial" and wrapped in its diplomatic immunity and considerable impunity. But in the ensuing decade-and-a-half, the UN's overall legal environment, and global programme involvement, has greatly changed. Traditional, rigid state sovereignty concepts are being increasingly challenged by individual human rights issues. New international tribunals prosecute criminal cases, and the UN advises countries on legal system enhancement.

However, it appears less and less likely that "real-world" justice systems and the fundamental rights of due process and a fair hearing which apply to all the (non-UN staff) peoples of the world will soon be established in the UN Secretariat. This dim prognosis arises from the failed General Assembly management accountability system, the rise of the "free the managers" process with its enhanced impunity, the feeble but entrenched

Secretariat "administration of justice" system, and OHRM "monitoring" as directed by the General Assembly. The processes of the UN's home-made judicial system would be laughed out (or thrown out) of a real-world court in most Member States, but they continue on within the Secretariat.)

But in fact, "the times they are a-changing." The UN itself and its top officials have for several years been on the verge of being sued in national courts, and the traditional veil of UN diplomatic immunity and impunity has been pierced, especially as the OIOS sends the cases of UN staff (at least at lower levels) to national courts for criminal or civil prosecution.

The case for finally establishing a fair and effective UN internal justice system is presently buttressed by the UN's highly-visible new war crimes tribunals, the international criminal court now operating, the UN's growing provision of advisory services to developing national judicial systems, and the tone (if not the implementation) of the UN transparency and management accountability policies. It is also highlighted by UN leaders' increasingly persistent calls for a renaissance of "moral values" and respect for individual human rights worldwide.

This section will track the emerging efforts to bring the UN and its abusive and dishonest managers into national courts, as well as the related global legal initiatives which are continuing to develop. For the time being, IO Watch offers the following quotes on the initial halting progress toward piercing immunity and impunity in the UN and other international organizations.

" International law -- so reverently invoked, so rarely defined Does it exist? Some spheres of international behavior (e.g., maritime matters, the rights of diplomats) are governed by law-like regimes: there are enduring and widely-adhered-to conventions, and institutions for arbitrating disputes.

The phrase 'international law' often is virtually an oxymoron. Law without a sword to enforce it is mere words, mere admonition or aspiration.

Law must be backed by coercion legitimized by a political process. The 'international community' has no such process. A true community exists only when there is consensus about certain matters -- the meaning of freedom, the nature of rights and duties, sources of legitimacy. Rhapsodizing about the U.N. as the 'international community' incarnate obscures this fact

If 'international law' is defined as what the 'international community' actually does, the problem deepens. Regarding force, history is clear; nations do what they think necessary and feasible.

Eager seizure of the label 'legal' encourages the fallacy that international law is explicit and exhaustive it puts policy at the mercy of a vague and volatile consensus of an 'international community' most members of which are unsuited to serve as ethicists or judges."

George F. Will, "The perils of 'legality': If international law is really law, who enacts, construes, adjudicates and enforces it?", Newsweek (US), **September 10, 1990**, p. 25. [emphasis added.]

"Geneva. "The United Nations Wednesday denied reports that it briefly suspended a senior official earlier this year for sexually harassing up to 10 women after a disciplinary committee inquiry into sexual harassment allegations by 10 secretaries

The United Nations refuses to disclose [such records, which] underscores the difficulty individual workers have in pursuing formal complaints when they believe they have been treated wrongly.

Secrecy laws at the United Nations cover a broad spectrum of regulations but there are no specific guidelines for what will be made public and what will be kept under lock and key.

U.N. staff are not allowed to speak to the press on [work-related matters] for example, nor are they allowed to start any legal proceedings in court without the permission of the Secretary-General.

Even if a senior official is brought to trial, he or she cannot be forced to testify because of diplomatic immunity. Most senior U.N. officials enjoy the protective blanket of immunity which can only be revoked by the U. N. Secretary-General.

'It's an old boy's club and when you have reached the diplomatic level, they all protect each other', said one secretary who requested anonymity."

"U.N. denies sexual harassment", UPN, **May 19, 1994**.

"Another week, another UN scandal

Why are scandals so frequent in [global] institutions ? What makes them so vulnerable to corruption, inefficiency, and personal aggrandisement?

The first problem is leadership

Second, ... international institutions [lack] ... accountability

The third problem is *the weakness of a law-governed culture*.

.... The UN Charter [Article 100, states that] 'in the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization.' ...

Here, rooted in idealism, lie the clues to what can go wrong. All too often the heads of UN [system] agencies ... abrogat[ed] to themselves the prerogatives of a head of government.

The head of an agency became a virtual monarch ... playing off the big barons of the world against each other. The agency's task, in short, became subordinate to ... instincts of self-perpetuation and resistance to outside scrutiny.

Sir Brian Urquhart has [suggested that] no secretary-general should serve more than one term in office.

[this] would remove electioneering and diminish the incentive to patronage. It ... would be a start."

"Perri 6 and Michael Sheridan, "A world order of scandal and graft: What is it about international agencies that invites corruption ... ?", The Independent (UK), **May 11, 1995**. [emphasis added]

"A U.N. panel investigating the 1994 genocide in Rwanda reported today that [United Nations] incompetence, coupled with the political paralysis of the United States and other major powers, led to the failure to stop the murder of as many as 800,000

Rwandans.

The panel also said that [recent] apologies by world leaders, including President Clinton and U.N. Secretary-General Kofi Annan, were inadequate.

'The United Nations failed the people of Rwanda during the genocide in 1994,' the panel concluded.

The 57-page report is highly critical of Annan, who was head of the United Nations peacekeeping department in 1994, and his principal deputy, Iqbal Riza.

According to the U.N. report, [they] ignored a U.N. commander in Africa, Lt. Gen. Romeo Dallaire of Canada, who had repeatedly warned that mass murder was being planned. He sought authorization to use force to disarm the plotters. But [they informed him] that he had neither the mandate nor the means.

..... the United Nations had not acknowledged its failure before.

The report comes shortly after a similarly self-critical [UN] account of its failure to prevent the killing of thousands of Muslims in the Bosnian village of Srebrenica."

Colum Lynch, "Genocide panel faults U.N. for Rwanda tragedy", Washington Post, **December 17, 1999**.

" Mr. Michael Hourigan and Mr. Geoffrey Robertson are preparing to sue the [United Nations] on behalf of two Rwandan women who lost family members in the [Rwanda genocide of 1994].

The women say UN peacekeepers sent to protect their families either handed them over to the rampaging Hutu militants or ran away when fighting broke out.

[The UN spokesman for Secretary-General Kofi Annan] said the organization did not believe that it had anything to answer for in the courts, and he warned that any legal action could compromise peacekeeping operations.

A UN official later said the organization would exercise its immunity if the matter got to a court.

Mr. Hourigan was an investigator with the UN International Criminal Tribunal for Rwanda, and uncovered diplomatic cables sent to UN headquarters warning of the impending genocide months before the killings began.

An independent [UN inquiry criticized] Mr. Annan and other senior UN officials for failing to sound the alarm earlier.

The [Security Council] met while the killings were continuing, and voted to reduce rather than increase its military presence."

Mark Riley, "UN to seek immunity on Rwanda", Sydney Morning Herald (Australia), **January 12, 2000**. [emphasis added.]

"Reports of transgressions perpetrated by the United Nations are routine, from Peru to East Timor to Kosovo. Not a day ticks by that some new story doesn't surface detailing the United Nations' mishandling of operations or outright abuse. ... Thus far the United Nations has escaped sanction. That may soon change.

Suit has been filed on behalf of two Rwandan women who charge the United Nations with complicity in the 1994 genocidal massacre of 800,000 Tutsi people ...

U. N. Secretary-General Kofi Annan ... conceded with 'deep remorse' that the U.N. had failed to respond appropriately to the genocide. Annan was head of U.N. peacekeeping operations at the time ... According to the Sydney Morning Herald, documents indicate that Annan ignored warnings of genocide sent to ... New York Headquarters by ... General Romeo Dallaire of Canada. The cables Dallaire sent under "most immediate" status ... requested additional troops and ... [reported] that government controlled radio was 'exhorting' the population to destroy all Tutsis.' Annan did not forward the cabled information to the U.N. Security Council.

This suit and others serve as stark reminders that the U.N. and its agencies are not infallible or even consistently trustworthy. ..."

Mary Jo Anderson, "Who polices the U.N. police," WorldNet Daily, **February 2, 2000**. [emphasis added.]

"Une association de survivants, Les Meres de Srebrenica, a porte plainte, vendredi 4 fevrier, devant le Tribunal penal international pour l'ex Yougoslavie (TPIY) contre des responsable et l'ONU, don't Kofi Annan, qu'elle accuse de complicité lors des massacres de juillet 1995 de plus de 7 000 civils apres l'entrée des Serbes du general Mladic dans l'enclave musselmane bosniaque, alors sous la protection formelle des Nations unies. Leur plaint vise notamment l'ex-secretaire general de l'ONU Boutros Boutros-Ghali, son successeur Kofi Annan, a l'epoque coordonateur des missions de paix de l'ONU, l'emissaire de l'ONU en ex-Yougoslavie, Yasuhi Akashi, ...et les generals francais et brittanique de l'ONU (Forpronu) ... Les Meres de Srebrenica cohabitant voir le TPI inculper les responsable de l'ONU en complicité de crimes de guerre, 'genocide and crimes contre l'humanite'. Refusant de commenter la plainte, le porte-parole du secretaire general de l'ONU, Fred Eckhard, a releve que 'le procureur [du TPI] est la seule autorite qui puisse entamer une enquete ou les poursuites d'individus devant le tribunal."

"Des survivants de Srebrenica portent plainte contre Kofi Annan," AFP, Le Monde, **6/7 fevrier 2000**.

"How not to

'UN internal reform has done little to solve what staff see as the real problems of the Organization. The U.N. has concentrated mainly on cutting staff costs, increasingly awarding temporary contracts -- some 'temps' have been with us for 15 years. [However] the combination of management incompetence, job insecurity and overwork have created a workforce beset by stress, jealousy and fear, all of which diminish the cost-effectiveness of 'human resources.'

The U.N. does not apply its own international conventions on, say, collective bargaining, on the technical grounds that not being a state, it cannot sign them.

Where there's no will, there's no way. However, *even if the U.N. really couldn't sign the conventions securing basic rights it could still consider committing itself to applying them and, to prove its good faith, even designate an independent tribunal as the ultimate arbiter. But let's stop daydreaming.*

'Staff effectively surrender their labour rights when they join [the U.N. They are] not covered by [national] labor law, and, in the event of a dispute with their employer are obliged to appeal through the internal justice system, which is administered by that same employer."

Eric Blair, "From our man in Absurdistan", UN Special (Geneva), March 2000, p. 31; the quoted material is excerpted from a letter by Nigel Lindup, a UN-Geneva staff representative, printed in the **February 18, 2000** issue of *The Guardian Weekly* (UK). [emphasis added.]

"The relation of international organizations with national courts [and] tribunals is an area which demands renewed attention and critical clarification.

The World Bank's Bangladesh Country Office has [sought full immunity from legal process with the Government] ... through the WB's Articles of Agreement ...

... [The move appears] ... prompted by a lawsuit filed by a former official whose services were terminated in 2001 ... in Dhaka.

A number of international civil society coalitions ... focus the following aspects of reform the World Bank should undergo internationally.

1. A UN-mandated investigation into the accountability of the international financial institutions involved in various projects ...
2. The establishment of a human rights evaluative body for World Bank projects

...

3. Liberalization of World Bank policies regarding access to information. ...

The traditional notion of immunity has undergone a radical change. *The era of human rights challenges the very practice of granting blanket immunity to any institution or individual for grave acts or conducts.* ...

Perhaps the most promising idea ... would exclude reasonable claims from immunity but would shield the organization from unfounded claims that threaten their existence or interfere with their core functions. ..."

A. H. Monjurul Kabir, "Blanket immunity for the World Bank?,"

www.dailystarnews.com/law, July 21, 2002. [emphasis added]

"A serious impediment to the success of any anti-corruption strategy is a corrupt judiciary. An officially compromised judiciary means that the legal and institutional mechanism designed to curb corruption, however well-targeted, efficient or honest, remains crippled. Unfortunately, evidence is steadily and increasingly surfacing of widespread corruption in the courts in many parts of the world.

To confront the problem, the UN is taking a variety of approaches. It is examining judicial corruption in detail, and seeking to identify means of addressing it both in higher and lower levels of court systems.

The objectives of strengthening judicial integrity are to:

- Design practical approaches which will result in better judicial conduct and raise public confidence in the rule of law.
- Define judicial accountability and devise ways to introduce that concept without compromising the principle of judicial independence.
- Facilitate a learning environment in which judges can be exposed to tested practices for judicial reform, management of change and the strengthening of the rule of law; and
- Raise awareness regarding the level of corruption in the judiciary, the proof that an anti-corruption strategy can and does work and the role of judges in combating corruption."

"Strengthening the integrity of the Judiciary," Excerpt from "Judicial Group on Strengthening Judicial Integrity," Record of First Meeting, Vienna Austria,

April 2000, UNODCCP, Global Programme Against Corruption, at

www.undcp.org/corruption_judiciary.html [emphasis added.]

"II. Recommendations

2.1 Suggestions for action

2.1.1. Addressing Systemic Causes of Corruption

... (3) *Monitor: There is a need to establish in every jurisdiction an institution, independent of the judicature itself, to receive, investigate and determine complaints of corruption allegedly involving judicial officers and court staff.* Such an institution should include serving and past judges. It should possibly have a wider mandate and, where appropriate, be included in a body having a more general responsibility for judicial appointments, education and action or recommendation for removal from office."

... (5) *Codes of conduct: There is a need for the adoption of judicial codes of conduct,* for the inclusion of instruction in such codes in the education of new judicial

officers and for information to the public about the existence and provision of such codes against which the conduct of judicial officers may be measured.

... (6) Adherence: There is a need ... for newly appointed judicial officers formally to subscribe to such a judicial code of conduct and to agree, in the case of proved [serious] breach ... to resign from judicial or related office."

Excerpt from "Judicial Group on Strengthening Judicial Integrity," Record of First Meeting, Vienna Austria, **April 2000**, UNODCCP, Global Programme Against Corruption, at www.undcp.org/corruption_judiciary.html

"The point is simple but urgent: all of the international human rights law in the world will not amount to much without the means to enforce this law.

... the victims of human rights abuses have a much greater incentive to pursue those who commit human rights abuses than does ... any state ... states have enormous difficulties in acknowledging their own wrongdoing. ...

... criminal prosecutions alone have not and will not provide the solution. ...

... individual victims have no effective means to enforce their rights. ...

... the international community should begin to think about creating an International Civil Court.

... such a court would allow victims to bring a civil suit in an international forum against those officials who directed or carried out atrocities against them.

... In the field of international law states have 'given' individuals a panoply of human rights. Unfortunately, [they] have not provided any effective means by which individuals can enforce 'their' rights. In practice, this has meant that states have taken away the rights that they have given ... An International Civil Court is premised on the simple idea that individuals should (finally) be empowered to enforce their own rights."

Mark Gibney, "On the need for an International Civil Court," The Fletcher Forum of World Affairs (US), vol. 26:2, **Summer/Fall 2002**, pp. 47-58.

"The Argentine Congress voted last month to annul two statutes aimed at halting criminal prosecutions against military officers. These 'impunity laws,' in essence, had granted a blanket amnesty for human rights abuses committed by the military during their rule. Annuling them is intended to re-establish the rule of law, and may have far-reaching consequences for countries that have gone through similar experiences.

The 'impunity laws' have been widely reprovved internationally. The Inter-American Commission on Human Rights has consistently condemned measures depriving victims of any remedy to vindicate their rights in courts. The Inter-American Court of Human Rights (to whose jurisdiction Argentina and two dozen Latin American countries are subject) affirmed that widespread, systematic and state-sponsored violations of human rights should be prosecuted. It also held that states were bound to abstain from blanket amnesties. Thus the Argentine Congress was merely carrying out its international obligations.

.... seizing the opportunity to hold proper trials once again gives Argentina another chance to come to terms with its past, and to establish a stronger foundation on which to build its future."

Caesar Chelala and Alejandro M. Garro, "Impunity laws: Argentina seeks to confront its dark past", International Herald Tribune, **September 30, 2003**.

[emphasis added]

"During six years as president of Liberia, Charles Taylor stole \$100 million.

Taylor is one of a fraternity of leaders who looted a significant portion of their nation's wealth.

Some progress has been made to prevent such larceny. Three years ago, a group of the world's leading banks agreed on standards to prevent money laundering

Officials who take over after a corrupt dictator's death or flight often inherit a government looted down to the light bulbs. In such chaos it is hard to prepare a trail of evidence which can stand up in U.S. or European courts and resist challenges from top lawyers paid with the same dirty money nations seek to recover. ...

The world can help with a treaty, or common set of laws, on money laundering

Jack Blum, a Washington investigator, suggests creating an international nonprofit agency to handle asset recovery. It would need a large initial loan but would later be self-financing, taking its expenses from proceeds recovered. A global group would solve the problem of how looted countries can find and pay for expertise, and it would insulate investigations from political interference."

"Recovering the loot", International Herald Tribune, **September 30, 2003**.

IO Watch believes that the above quotes illustrate the awkward nature of the UN's enthusiastic promotion of international law and human rights even as it firmly maintains its own senior officials' impunity. A few final quotes illustrate the solicitous attention of UN leaders to policies and principles of international justice, and further underline the UN Secretariat's determination to continue living in a world of public rhetoric rather than addressing the UN Secretariat's own legal deficiencies and exempt status..

"Saturday, July 18, was indeed a historic day. As I stood in the Campidoglio in Rome, it was my privilege to hand over to the Italian government the statute of the future International Criminal Court. ...

Until now, when powerful men committed crimes against humanity, they knew that so long as they remained powerful, no earthly court could judge them. ...

Now at last, thanks to the hard work that went into the Rome conference, we shall have a permanent court to judge those accused of genocide and other comparable crimes, wherever and whenever they may be committed. ...

In this year of the 50th anniversary of the Universal Declaration of Human Rights, we have taken a monumental step forward in the march toward universal human rights and the rule of law."

Kofi Annan, "At last, a court to deter despots and defend victims," International Herald Tribune, **29 July 1998**.

"Secretary-General Kofi Annan has proposed that a war crimes tribunal should prosecute minors as young as 15 for atrocities in Sierra Leone's civil conflict.

The proposal has met strenuous opposition from the UN Children's Fund, Human Rights Watch and other advocacy groups. They argue that trying minors would set a dangerous legal precedent and could undermine efforts to rehabilitate an estimate 5,400 child combatants in Sierra Leone.

These children are first and foremost victims," said Alfred Ironside, a spokesman for UNICEF. ...

Mr. Annan acknowledged that prosecuting children presented a 'difficult moral dilemma' for the United Nations. But in view of the 'horrific' conduct of child soldiers in

Sierra Leone ... they could not automatically be excluded from the court's jurisdiction, he said."

Colum Lynch, "Annan seeks to try minors for war crimes," International Herald Tribune, **October 7-8, 2000**. [emphasis added.]

"The International Criminal Court will soon come into being ...
... so it may seem strange that in February, after more than four years of talks, the United Nations Secretary-General decided to withdraw from negotiations with the Cambodian government on establishment of a court to try the leaders of the Khmer Rouge regime. ...

[In] our discussions ... the issue became whether the UN could participate in a national court as envisaged by the government ...

When ... it appeared that the UN was being asked to be part of a court that would fall short of necessary international standards of independence, impartiality and objectivity, the secretary-general decided to end UN participation.

He ... strongly believes that the UN should not be part of a court that would fail to provide victims ... with the credible justice they deserve. In addition, UN affiliation to such a court could set a precedent for lowering international standards.

we made assiduous efforts to develop a Cambodian court ... that would meet international standards of justice. ...

Under the [proposed] scenario, the United Nations name would have been attached to a judicial process over which it would have had little or no control!"

Hans Corell, "No justice for victims of the Khmer Rouge: Why the UN backed off," International Herald Tribune, **19 June 2002**. [emphasis added]

[Note: The author was until 2004 the UN Under-Secretary General for legal affairs.]

"A British tribunal has ruled that a former member of the UN police force in Bosnia was unfairly fired after she reported to her superiors that colleagues in the police force used women and children as sex slaves in connivance with Balkan traffickers.

It was at least the third scandal this year involving international aid workers and vulnerable local populations.

... the whistle blower, Kathryn Bolkovac, an American citizen ... charged that she was fired in 2000 for sending e-mails to her employer, DynCorp, [charging links with] ... prostitution rings.

... the UN Mission in Bosnia and Herzegovina said the mission was not commenting because it was not a party to the British legal action.

The UN has also disclosed that a crime syndicate infiltrated the UN refugee commissioner's office in Nairobi and extorted money from asylum seekers for services that should have been provided free.

Kofi Annan, the secretary-general of the UN, has said that there would be zero tolerance for such acts.

Bolkovac said she was delighted with the tribunal's findings because it would help her gain more international exposure for the problem posed by corrupt peacekeepers."

Barry James, "Whistleblower upheld in UN Bosnia police case: Firing of former officer unfair, court rules," International Herald Tribune, **August 8, 2002**.

[Note: IO Watch can only applaud, because this was the first time anywhere that it has found reference to an actual, successful whistleblower in any UN document or article on the UN. The secret to her right to sue in a court of law, and win, of course, was that she was employed by a UN contractor, not by the UN itself.]

In September 2004, however, and as noted at various other places in this section and archive, Secretary-General Annan issued a strong warning to the General Assembly about weaknesses in the international rule of law and the need to build and ensure its legitimacy.

“[UN Secretary-General Kofi Annan] appealed to world leaders yesterday to rally behind the rule of international law, warning that global standards were being shamelessly disregarded and selectively applied. ... ‘Today the rule of law is at risk around the world,’ he told the UN General Assembly in New York. ‘This [international] framework is riddled with gaps and weaknesses. ...

‘It lacks the teeth that turn a body of law into an effective legal system. Many feel that it is not always used fairly or effectively; those invoking it do not always practice what they preach.’”

This year’s assembly comes as leaders start to lock horns on the tortuous question of UN reform, a debate upon which Mr. Annan has pinned his and his organisation’s future.

Mr. Annan warned that the system’s legitimacy was at stake. *‘Just as within a country respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global community. All must feel that international law belongs to them, and protects their legitimate interests.’*

His speech reflected an organisation facing a sense of crisis. ... ”

Mark Turner, “Annan says global rule of law is at risk.” Financial Times (UK), **September 24, 2004.**

IO Watch also wishes to note a considerable change in the day-to-day practice and realities of diplomatic immunity. Over the past half-century, as the number of nations worldwide has jumped to some 200 and international organizations have added thousands of staff, traditional diplomatic status, privileges, and immunities have increasingly been tarnished, as nicely indicated in the following summary:

“ ... The abuse of diplomatic privileges seems to be growing. Although it most often ... [gets media attention] in cases involving crimes, traffic accidents or sequestering domestic employees, its use in divorce suits is not unknown and may be increasing.

Many poor countries sell their citizenship and diplomatic posts. An Internet search reveals many opportunities to purchase ambassadorial and other positions that confer diplomatic immunity. Some argue that poor countries lack qualified personnel and need help ... but it has nothing to do with selling governmental offices for the right price.

It is widely agreed that diplomatic immunity is limited to acts carried out while diplomats are performing their official functions ... not for the personal advantage of the diplomat. Yet when it comes to [improper use] ...

... even while lamenting the abuse, governments are lethargic. Like all large institutions, they move only when hounded.

Existing treaties impose a clear duty ... to waive ... [diplomatic immunity] when official acts are not involved. Yet under international law, individuals cannot compel enforcement of these treaties. Unless one of the governments [or international organizations] acts, ... [litigants have only a right with no hope of a remedy.]

Ronald P. Sokol, “Falling into a black hole of diplomatic immunity”, International Herald Tribune, **August 14-15, 2004.**

In conclusion, IO Watch must note that Mr. Corell (see the citation above of 19 June 2002) was, and the staff of the UN Office of Legal Affairs staff are, major participants in the UN internal justice system, as forceful "Respondents" versus the staff applicants to the UNAT in the UN's UN's homemade and defective "judicial" processes. One can only hope that, someday, the OLA can make similar "assiduous efforts" to establish a credible UN internal justice system that functions properly, and also allows UN staff access to a national court that meets the "international standards of independence, impartiality and objectivity", which the present UN internal justice system most emphatically does not.

IO Watch also hopes that someday Secretary-General Annan (see the above citation of October 7-8 2000) will eventually also recognize a long-standing "difficult moral dilemma" in the lack of human rights for "his" UN staff, and take corrective action to finally make the Universal Declaration of Human Rights truly universal and provide the UN with an "effective legal system" (the citation of September 24, 2004 above).