

# The Amateur Computerist

Webpage: <http://www.ais.org/~jrh/acn/>

December 2008

Journalism Award

Volume 17 No. 2

## Silver Medal Awarded for ‘Interesting and Provocative Coverage’ of U.N.

*Amateur Computerist* founding editor and *OhmyNews International* United Nations correspondent Ronda Hauben is the recipient of a 2008 Elizabeth Neuffer Memorial Prize for Excellence in Journalism.

The prize is to be presented at the United Nations Correspondents Association (UNCA) dinner on Thursday night Dec. 4, 2008. This prize is one of several given by UNCA annually. Elizabeth Neuffer Memorial Prizes are for Print Journalism including Online Media.

There is a gold and a silver prize in this category. In awarding Hauben the silver prize, the judges wrote she was chosen for her “interesting and provocative coverage of issues at the U.N., notably about the consequences of the permanent five’s stranglehold on the Security Council.”

Hauben has reported from the U.N. for *OhmyNews International* (OMNI) since October 2006. A collection of her OMNI articles have appeared in the *Amateur Computerist* Vol. 16 no. 1.

<http://www.ais.org/~jrh/acn/ACn16-1.pdf>

The awards this year were for articles written between September 1, 2007 and August 31, 2008. Four such articles by Hauben are on pages 3 to 11 in this Special Issue.

The UNCA Awards are for this year’s best print, electronic, and broadcast media coverage of the United Nations, its agencies and field operations as well as the best political cartoons reflecting the U.N. spirit.

The awards will be presented by United Nations Secretary General Ban Ki-moon at the dinner to honor the journalists. As part of the event, Columbia University Professor Jeffrey Sachs will receive an award for his work promoting the U.N. Millennium Development Goals. Also at the award ceremony several cartoonists will receive the United Nations Ranan Lurie Political Cartoon Award.

In addition to the Elizabeth Neuffer Memorial Prize, the UNCA Awards include the Ricardo Ortega Memorial Prize for broadcast journalism, and the United Nations Foundation prize for any entry in any medium that best covers the humanitarian and development aspects of the U.N. and its agencies.

Elizabeth Neuffer, The *Boston Globe* bureau chief at the United Nations, died while on assignment in Baghdad in 2003. Ricardo Ortega, formerly the New York correspondent for Antena 3 TV of Spain was shot on mission in Haiti in 2004 and died shortly after.

There are over 200 journalists active at the U.N. Covering the U.N. is a particular challenge because of the complexity of U.N. diplomacy and diversity of the issues considered. The awards, however, are not limited to U.N. correspondents but are open to journalists anywhere in the world. The awards are for covering the U.N. and its agencies in whatever capacity.

The *Amateur Computerist* is happy to announce this important accomplishment by our co-editor and friend Ronda Hauben.

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## **Announcing the Thirteenth Annual UNCA Award Winners!**

<http://cms.unca.com/content/view/42/10/>

UNCA is proud to announce the 2008 UNCA Awards Winners! On Thursday, December 4, 2008, Secretary General Ban Ki Moon will formally recognize the following winners at the UNCA Awards Dinner at U.N. Delegates Dining Room in NYC.

This years UNCA Awards include the Elizabeth Neuffer Memorial

Prize for written media (including online media); the United Nations Foundation prize for any entry in any medium that best covers the humanitarian and development aspects of the U.N. and its agencies; and the Ricardo Ortega Memorial Prize for broadcast (electronic) journalism.

## Winners for 2008

### Elizabeth Neuffer Memorial Award for Best Overall Print Journalism, including online media:

**John Heilprin** (Joint Gold Recipient) – Associated Press, USA – “for his coverage of Myanmar, and adroit use of his trip with the U.N. Secretary General to get in.”

**Bill Varner** (Joint Gold Recipient) – *Bloomberg News*, USA – “for his serious analysis, investigation and coverage of issues in Afghanistan.”

**Ronda Hauben** (Silver) – *OhMyNews International*, South Korea – “for her interesting and provocative coverage of issues at the U.N., notably about the consequences of the permanent five’s stranglehold on the Security Council.”

### U.N. Foundation Prize for Reporting on Humanitarian and Development Affairs:

**Imelda Abano** (Joint Gold Recipient) – *Business Mirror*, Philippines – “for her well-written, well-researched and comprehensive report and by someone from a country where misery is fairly ubiquitous but nowhere near as desperate.”

**Juan Carlos Machorro** (Joint Gold Recipient) – *Mi Ambiente*, Mexico – “for a very well written, courageous report on Mexico’s environmental problems.”

### Ricardo Ortega Memorial Prize for Broadcast Journalism:

**Jugoslav Cosic** (Joint Gold Recipient) – B92 Radio, Serbia – “A special award for courage in broadcasting in a region where accurate coverage of U.N. issues can be dangerous for a reporter’s health.”

**Marie Lora** (Joint Gold Recipient) – Agence France Press TV, Kenya – “for her coverage of Darfur’s ongoing crisis.”

**Shoichiro Beppu** (Silver) – NHK, Japan – “for a comprehensive and insightful report on the world food shortage.”

### Judges

**Rob Skinner** – U.N. Foundation

**Jeffrey Laurenti** – Century Foundation

**Francis Gomez** – ex-Foreign Service Officer and a founder of the National Association of Hispanic Journalists

**Karl Meyer** – World Policy Institute

**Jose Luis Ortega**

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U.N. Secretary General Ban Ki-moon Presents Award to Ronda Hauben  
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## Introduction and Remarks at Award Ceremony

Ian Williams, the moderator and head of the UNCA Awards Committee introduced Ronda Hauben:

“Ronda’s work the judges singled out because it took a view. She’s been reporting from the U.N. for several years now. You might almost say it is idiosyncratic because it gives a rounded view.

They were impressed with the work she did on how a lot of countries aren’t exactly happy with the permanent five running things.

And you can say this is idiosyncratic but when you look at the mess the Permanent Five have made of things for the last 50 years, I think there's a lot to be said for it. So congratulations Ronda."

Ronda Hauben remarks:

"I'm delighted not only with the honor the prize is, but also with what the judges wrote. What they wrote was 'for her interesting and provocative coverage of issues at the U.N.' And then 'notably about the consequences of the permanent five's stranglehold on the Security Council.'

What I'm delighted about is that, [though] its not the same as being out in the field certainly, but it does take a certain amount of courage to keep asking certain questions and particularly when those questions are not welcome somehow.

And that there's times you stop and you say should you keep doing that and my sense is the judges, by giving this award, have said to all of us, yes you have to ask the questions that aren't the popular questions, and that aren't the questions that you are going to be welcomed for having asked.

I think its rare to have [such] an award. I submitted four articles for this. One of the articles is about a [terrorist] list that's made up by the Security Council that has no due process involved when people have their names put on the list.

And there's legal cases that people have won [about their innocence] and yet still [their names stay on] this list.... It's an important issue and yet it gets very little attention. And there's similarly other situations like that that have to do with some of the particulars of the things that happen as you watch the Security Council and you watch what's happening at the U.N.

The spirit of the U.N. is that people want it to be something that can help with all the problems in the world.

And I think for that to happen this prize is very important and I appreciate it very much, because I think it says what it takes [is for] the journalist being willing to be out there, even when it is hard. And so this is going to give me courage and I think it's an inspiration for everybody. Thank you." The url for the webcast is :

<http://webcast.un.org/ramgen/ondemand/specialevents/2008/se08120>

[4pm.rm](#)

(Ronda Hauben is introduced at around 34:19 minutes and her talk ends around 37:22 minutes.)

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[Editor's note: In the following interview, Ronda Hauben gives some background to her award.]

## **OMNI Interview**

When did you first consider yourself a journalist?

I have been doing various forms of journalism and writing for a long time. So this question is hard to answer. Most recently I have been writing for *Telepolis* since 1999. My first article in *Telepolis* was subsequently translated into German and published in a book that *Telepolis* put out called "Cyberhypes."

I have appreciated the experience *Telepolis* provides for a journalist, as this online magazine has been in existence since 1996 and is well regarded among journalists and the online community in Germany. Also there have been very interesting discussions by readers of *Telepolis*, sometimes as interesting as the articles themselves. So it has been an important challenge to write for the participants and readers of *Telepolis*.

How did you first hear about *OhmyNews* (OMN)? Why did you choose to submit articles to OMN? When was that?

I first heard about *OhmyNews* in early 2003 when I read an article in the *Financial Times* that described how the new President of South Korea, Roh Moo-hyun had been elected by netizens. I learned that *OhmyNews* played an important role in the election and was well regarded in South Korea as a pioneering newspaper.

My first article was submitted to *OhmyNews* in Korean and English in March 2004. It was about the Howard Dean campaign for the 2004 U.S. Presidential election and I thought there were lessons to be learned from what had happened in the Roh Moo-hyun campaign of 2002. I

subsequently submitted a number of the articles I had had published in *Telepolis* which were then reprinted in *OhmyNews*. This was even before there was an *OhmyNews International (OMNI)*. I was eager to learn more about *OMN* and was happy that it expanded to start *OMNI*. I hoped that there would be a version of *OMN* begun in the U.S. and that I would be able to work as part of it.

### How do you choose the topics you write about?

I try to cover what I feel are important stories that are either not adequately covered or covered in a way that is not accurate in other media. For example, it seemed that during the lead up to the invasion of Iraq by the U.S. government, there were inaccurate reports in the media that helped to prepare the ground for this invasion.

One journalist has called such inaccurate reports, the creation of a fictitious narrative. I wondered if it would be possible in the future to counter such fictitious narratives by accurate narratives. This has been some of the goal recently of the journalism I have been working to develop.

One example of such articles are the articles I did about the U.S. government's use of the Patriot Act to freeze the assets of the Banco Delta Asia in Macao. Through investigation, I learned that the U.S. government was acting as the accuser and judge with regard to its claims of the basis for its actions against the bank. I feel my articles on this issue were an example of striving to create an accurate narrative to counter the fictitious narrative that appeared in some other media accounts of the situation.

### How did you become a U.N. correspondent?

I was able to attend the World Summit of Information Society (WSIS) in Tunis in Nov 2005 as a U.N. correspondent for *Telepolis*. This was an exciting experience to see so many heads of state and other national representatives gathered together to discuss the need for all to have access to the Internet.

After returning home in NYC, and resuming writing for *OhmyNews International* as a featured writer, I followed more of what was happening at the U.N. Also I pay attention to what is happening in South

Korea, as I do research and writing about the role of netizens in South Korea to play a greater role in their society.

When Ban Ki-moon won the nomination to be the new Secretary General, I asked *OhmyNews International* if they would sponsor me to become a correspondent at the U.N. They agreed and I was able to report on Ban's first day as Secretary General and other events related to South Korea at the U.N.

Why did you choose to submit articles to the UNCA contest? When was that?

I submitted a series of articles to the UNCA awards competition in August 2007 as I had done several articles that I felt were helping to counter the fictitious narratives on U.N.-related developments.

I was told that I had made the short list but hadn't won an award. I then submitted a new set of articles for the 2008 competition.

What is special about the U.N. as your journalistic beat?

The U.N. is a very amazing venue, but it also is a difficult one to be able to write about in a significant way.

What is amazing is that there are many people who work at the U.N. in different roles and capacities who have a vision that people cooperating and working together will be able to solve the problems that exist in our world. I have had very interesting conversations with people who feel that just working with other people from so many different countries around the world teaches them a lot about these different places and helps them to have a more cooperative perspective on the world.

Also, though, reporting for a newspaper that is not well known means that one is at a disadvantage. The journalists from more well known publications have better access to information, to asking questions of the Secretary General and a myriad of other advantages.

Often the issues in contention are hidden from public view to those who don't have inside connections at the U.N., so it is hard to know what is really going on behind the scenes. It is necessary to be able to get beneath the surface on important issues, but it is also very difficult.

What do you think is the significance of the award?



What I said when I had the chance to offer my thanks and thoughts on the award at the December 4<sup>th</sup> awards dinner, is that the award is something important.

It is an encouragement and an inspiration to have more courage when trying to deal with the difficult issues and questions that emerge when working on stories about the U.N. For example, Israel has blockaded Gaza and it has been important to report how the Security Council is blocked from condemning this blockade by political maneuvers. Several of the nonpermanent members of the Security Council spoke up to share their frustration with this activity of some of the P-5 members. One of my four articles that won this prize described this situation in the Security Council.

Some of the journalists ask at press conferences about the situation and what U.N. officials or Security Council members are doing to solve this problem. It gets frustrating to keep asking, as it seems that there is no answer given. The award, however, is an encouragement to continue to ask and to write about the situation, and not to give in to allowing it to continue in silence.

There are other similar stories that I have been working on and the award is the encouragement to work harder on them. Other journalists who feel they are at a disadvantage when reporting about the U.N. because they write for small or less well known publications have indicated to me that they are encouraged by my getting the award, that they, too, will be taken more seriously in their efforts.

Anything else you want to add?

Yes, there is. One journalist I know told me that she thought that my winning the award was the first time that she felt the UNCA journalism competition was important to pay attention to. She explained that this was redeeming the U.N. for her, as it was some of what should happen, but so rarely does.

*OMNI*: Thank you.

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[This Interview first appeared in *OMNI* at:  
[http://english.ohmynews.com/articleview/article\\_view.asp?article\\_cla](http://english.ohmynews.com/articleview/article_view.asp?article_cla)

[Following are four articles submitted for the 2008 competition.]

## **U.N. No Longer Seen as Impartial, Independent**

**What Are the Implications of a New Book on U.N.  
Diplomat Sergio Vieira De Mello?**

by Ronda Hauben

What happens when idealism meets this awful messy world we live in? asked the moderator as he introduced the program on Samantha Power's new book about Sergio Vieira de Mello at the New York Public Library<sup>1</sup>. The form of the program was a conversation between Power and Iranian human rights advocate Azar Nafisi.

The book, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World*, has recently been published by the Penguin Press. <http://www.nypl.org/research/chss/pep/pepdesc.cfm?id=3920>

Working on the biography of Vieira de Mello gave Power the chance to spend the past four years following in the footsteps of the remarkable United Nations diplomat who was killed in the bombing of the U.N.'s Iraq mission in August 2003.<sup>2</sup>

Power presented a short description of Vieira de Mello's experience from 1968 up to when he was killed in Iraq.

"He was a guy who moved with the headlines," she noted, as she described some of the many hot spots Vieira de Mello had found himself in during the 34 years that he worked for the U.N.

In 1968, as a student from Brazil at the *Sorbonne*, he had been part of the student rebellions in Paris. Like other students of the 1960s, he hated imperialism. He also hated the state, Power explained. The alternative to the state and to the polity that he found was the U.N.

He went to work for the U.N. at the age of 21 and continued to do

so for the rest of his life. Some of the hot spots he was in included Bangladesh, Sudan and Cyprus, during the earliest phases of his U.N. career. By the early 1980s he was in Lebanon, and then Cambodia. By the 1990s he was in Bosnia, Congo and Kosovo – and then East Timor and, in 2003, Iraq.

Power described how Vieira de Mello believed deeply, perhaps even to a flaw, in the power of reason. He earned two Ph.Ds., one in Hegel and the other in Kant. Deeply steeped in political theory he felt it was possible to order the world according to reason, in line with the lessons one could gain from the study of the great philosophers. His dream was that the U.N. would make possible the rule of law.

Power described how Vieira de Mello did not want to go to Iraq, but had agreed in response to Kofi Annan’s urging.

The reluctance was in part because he did not feel that Paul Bremer, the United States official in charge of the U.S. occupation, could respect an independent role for the U.N. The U.N. Security Council had not supported the U.S. invasion of Iraq; however, it did subsequently pass a resolution approving a dominant role for the U.S. in the ensuing occupation of Iraq. Security Council resolution 1483 authorizing the occupation put the U.S. in charge with no appropriate role provided for the U.N.

The bombing of the U.N. compound in Iraq was a vivid reminder that those fighting against the occupation in Iraq did not consider the U.N. to be an impartial, independent entity.<sup>3</sup>

Just before Vieira de Mello was killed, he had come to believe that there was a need to publicly criticize the U.S. occupation. He had concluded there was nothing he could do to influence Bremer. “I have to start speaking out,” he is quoted telling Marwan Ali, a political aide.<sup>4</sup>

If the U.N. was to have a legitimate function in Iraq, its obligation was to function as an impartial entity supporting the sovereignty of Iraq, not as a support for the continuing occupation. This was the conclusion he had drawn just before he was killed.

The program at the NYPL failed to grapple with this central dilemma that Vieira’s de Mello’s tragic death raises. A more focused set of questions and discussion could have been helpful to tease out the serious problems facing the U.N. when it is perceived of as taking sides

instead of upholding with impartiality and independence the tenets of its charter and international law.

This issue is once again especially timely as the U.N. is now planning to expand the scaled back U.N. presence in Iraq that followed the bombing.

Following in the footsteps of someone whose life was so steeped in the difficulties and trouble spots of our times, as Power in her book has done, can provide a painful but important education. This is the continuing legacy of Vieira de Mello's life.

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## Notes

1. "Samantha Power in Conversation with Azar Nafisi: *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World*," New York Public Library, Feb. 21, 2008.

2. Sergio Vieira de Mello was the U.N.'s special representative in Iraq at the time of the bombing and in charge of the U.N.'s Mission in Iraq.

See for example: "U.N.'s Iraq Bombing Survivors Hold Memorial Service: Concern expressed about its expanded role in Iraq."

[http://english.ohmynews.com/articleview/article\\_view.asp?menu=c10400&no=378463&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=378463&rel_no=1)

3. "Our flag that used to be a protection is becoming a target. I'm not sure we have absorbed that reality and acted on it," observed Lakhdar Brahimi at a press briefing held at the U.N. on Feb. 28, 2008. Brahimi has been appointed as the head of the panel to investigate why the U.N. has been subjected to attacks like the one in Iraq in August 2003 and another in Algeria in December 2007. In response to a question from a journalist, Brahimi responded, "I think the U.N. is not seen as an organization that is independent and impartial any more. People question the independence of the U.N. It's taking sides. A lot of people are rightly or wrongly angry with the United Nations."

The webcast of the press conference is online.

<http://webcast.un.org/ramgen/ondemand/pressconference/2008/pc080228am1.rm>

4. Samantha Power, "The Envoy," *The New Yorker*, Jan. 7, 2008.

[http://www.newyorker.com/reporting/2008/01/07/080107fa\\_fact\\_power?currentPage=1](http://www.newyorker.com/reporting/2008/01/07/080107fa_fact_power?currentPage=1)

This article appears in *OhmyNews International* at:

[http://english.ohmynews.com/articleview/article\\_view.asp?menu=c10400&no=381932&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=381932&rel_no=1)

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# **Security Council Fails to Act on Gaza Crisis**

**'The Silence Is Deafening,' Says Indonesia's U.N. Ambassador**

by Ronda Hauben

“(M)y delegation believes that silence on the situation in the Middle East is more dangerous than even meetings where there might be a raising of temperatures and heat,” explained Dumisani Kumalo, the South African ambassador to the United Nations.

Speaking in the U.N. Security Council discussion held on Jan. 30,<sup>1</sup> Kumalo was responding to a statement by the British Ambassador Sir John Sawers. The British ambassador was questioning the usefulness of the Security Council discussion on the Israeli-Palestinian question.

This exchange followed the events of the previous week. The Security Council had spent a week struggling to agree on a non-binding Presidential statement in response to the Israeli closure of all the border-crossings into the Gaza Strip. Israel's action left the Palestinians in Gaza without fresh supplies of fuel, food or other necessities vital to life upon which they relied.

By Jan. 29, however, the Council failed to agree on what such a statement should say and decided to end their efforts. No statement by the Security Council would be issued.

The original issue brought before the Council was Israel's closing of the border crossings into Gaza. From the beginning of the discussion, however, the U.S. framing, focused the statement on the rocket attacks into Israel and the right of Israel to defend itself.

Several members of the Security Council explained that such an interpretation runs counter to the obligations of Israel, as an occupying power and that punishing the whole population of Gaza for what were the acts of a few is contrary to the tenets of the prohibition in international law against collective punishment and disproportionate actions.

In his presentation to the Security Council in its public discussion on Jan. 22, Le Luong Minh, the ambassador from Vietnam said, “(W)e

consider the acts undertaken by the Israeli authorities against Palestinian civilians, like any act that literally targets the innocent civilians of a country, to be unjustifiable, even in the name of security or under any other pretext.”

Speaking in his capacity as the ambassador from Libya, Giadalla Ettalhi, who held the rotating chairmanship of the Council in January, said, “We do not believe these practices against civilians can be justified on any pretext; nor can they be equated with any other acts.”

Stating a similar view, Ambassador Michel Kufando of Burkina Faso said, “It is not for us today to engage in a rhetorical exercise but to concretely consider through a careful review of the situation what the Council and the international community can do to put an end to the blockade of Gaza. This blockade is unacceptable because it holds hostage a whole population subject to all types of privation.”

Several other ambassadors who spoke at the Jan. 22 Security Council discussion said that the right of a nation to self defense is not intended as a license to harm or blockade a civilian population as Israel is doing in Gaza.

The U.S. framing of the situation, however, is that Israel has disengaged from Gaza and therefore is no longer an occupying force in Gaza. Israel is being attacked by terrorists in Gaza. Israel has the right to self defense against Gaza. Though the U.S. framing says that Israel should, when feasible, minimize the harm to civilians, the U.S. does not propose any means of imposing such an obligation on Israel.

Others on the Security Council disagree with how the U.S. frames the situation in Gaza. The South African ambassador said that though Israel had withdrawn from Gaza, “the territory of Gaza remains under de facto Israeli occupation. Israel controls Gaza’s air space and Gaza’s territorial waters. By virtue of its illegal occupation Israel continues to be bound by the Fourth Geneva Convention.”

Article 33 of the Fourth Geneva Convention of 1949, states, “No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”

Panama’s Ambassador Ricardo Arias said that “the State of Israel

has the right to defend itself, however, measures for self-defense should be carried out in a restrained manner that is proportionate to the threat.” He further explained that “the Actions of the Government of Israel violate all humanitarian standards including the most basic rules of international law.”

Participating in the discussion but not a member of the Security Council, the Syrian Ambassador Bashar Ja’afari challenged the notion that Israel is not the occupying power in Gaza. He said that Israel’s claim, “it has withdrawn from Gaza is a blatant distortion of the facts. Israel controls international borders and all crossing points.... It controls the flow of food, medicines, water and electricity. In short, Israel, the occupying power as defined under international law has transformed Gaza into a sealed ghetto and the West Bank into besieged Bantustans.”

The Syrian ambassador attributed Israel’s belief that it does not have to abide by the 1949 Fourth Geneva Convention to the failure of the Security Council and the international community to condemn Israel.

At the Security Council discussion on Jan. 30, the Indonesian ambassador said “The humanitarian crisis in Gaza is dire and unacceptable. The people of Gaza have been suffering not only from the border crossings, but also from repeated military incursions by Israel.”

“Today,” he explained, “we wish to emphasize the importance of a common Council response on this humanitarian catastrophe.”

The South African ambassador added that “The situation in Occupied Palestine cannot be ignored any longer. Try as it might, this Security Council cannot remain silent and hope that the situation will change as time goes by when 1.5 million residents are left without water, electricity, and basic sewage situations.”

“We have to remember,” Kumalo said, “that the United Nations, particularly the Security Council, has a special responsibility in supporting a peaceful resolution in the conflict in the Middle East.”

The fact that the Council was not able to issue a statement against the Israeli blockade of Gaza led the Indonesian ambassador to observe, “It is indeed a deafening silence.”

Despite the week long effort of consultations, public meetings, various proposed draft statements, experts meeting to draft statements and public discussions, the Security Council was not been able to issue

a statement. Why?

One week earlier, on Jan. 23, 14 members of the Security Council had agreed on a statement in which the Council said it “expresses deep concern about the steep deterioration of the humanitarian situation in the Gaza Strip due to the closure of all the Gaza Strip’s border crossings.” (Draft PRST on the Middle East, Jan. 23, 2008 Rev 2)

The draft statement ended with a call that “all parties cease all acts of violence including the firing of rockets into Israeli territory and all activities which are contrary to international law and endanger civilians.”

A Presidential statement issued by the Security Council, however, requires the agreement of all 15 members. Ambassador Alejandro D. Wolff, U.S. Deputy Permanent Representative to the U.N. would not agree with the statement. Wolfe said that the issue was that Israel was under siege. “We feel very strongly“ he told reporters, “that if you are going to address this situation you can’t look to the last page of a book and say ‘Gee we don’t like the ending of this story’ without knowing what preceded it. It’s out of context. It’s not fair.”<sup>2</sup>

The following day, on Thursday, the U.S. delegation introduced a number of elements it wanted to be included in the statement. At the end of the Thursday session of the Council, Kumalo told reporters he was depressed “because we still do not have an agreement and the way its going its not hopeful.”

On Friday, the U.S. Deputy Ambassador Alejandro Wolff brought an alternative statement to the Council.

The deliberations on this statement and the consideration of modifications to it went on till late in the evening on Friday. Only a few journalists were still at the stakeout when the meeting ended and brief explanations of what had happened were presented by the few Security Council members willing to speak with the press. By then the version of the U.S. statement had been modified, but it included a description of the attacks on Israel as coming from “terrorists” and wording that Israel was suspending its closure of the crossing points.

Sources describing the Security Council’s response to the modified statement on Friday were contradictory. Some sources claimed that 14 members of the Security Council were prepared to accept the modified



U.S. statement, but that Libya would not agree. Another source indicated that the British and U.S. ambassadors had used a maneuver to make this claim as other members of the Security Council only agreed to consider the statement, not to approve it. On Friday evening the Libyan ambassador said he would send the draft statement to his government for its response, which he would present to the Council on Tuesday.

On Jan. 29, Libya offered alternative wording to modify several aspects of the Friday draft. Libya wanted the reference to those who launched the rockets into Israel as “terrorist groups” removed, but it accepted the wording condemning the launch of the rockets and calling for their immediate cessation. Libya objected to the wording indicating that Israel suspended its closure, as there had not been evidence this was true.

Journalists were told that the U.S. rejected the changes and that the Council had ended its effort to issue a statement.

While the Security Council did not issue a statement about Israel’s closing the border crossings to Gaza, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, created by the General Assembly in 1975, explained that “The Bureau deeply regrets that the Security Council, having considered the situation at a recent meeting, once again failed to act in response to the grave situation in the Occupied Palestinian Territory.”

This Committee of 22 member states and twenty-two observers created by the U.N.’s General Assembly demonstrated that it was possible to issue a statement on the situation in Gaza that is consistent with the obligations of Article 33 of the Geneva Convention.

The statement says: “The Bureau wishes to restate its position of condemning the killing of innocent civilians by both sides, including Israeli operations and the firing of rockets from Gaza. At the same time, the Bureau considers it totally unacceptable and unjust that the entire civilian population of the Gaza Strip is subjected to a suffocating economic blockade for the actions of a few militant groups. The Bureau supports the Palestinian Authority proposal to assume responsibility for the Palestinian side of all of the Gaza Strip’s border crossings.”

All 15 members of the Security Council had said they were concerned for the deteriorating situation in Gaza, it was the U.S. alone

that prevented the Council from issuing a non-binding Presidential statement on Jan. 23 expressing the concern of the Council. The U.S. introduced elements for changes in the statement in the Council and then the following day presented an alternative statement which changed how the problem was to be framed. Then it tried to shift the blame to Libya for the failure of the Council to issue a statement condemning Israel's actions in Gaza.

The Security Council, as the South African Ambassador Kumalo explained, has a special obligation with regard to peace and security in the Middle East and particularly with regard to the Israeli-Palestinian conflict. Article 24 of the U.N. Charter confers on the Security Council the "primary responsibility for the maintenance of international peace and security" and obliges the Security Council to carry out its duties on behalf of all the member nations of the U.N. When the Council is unable to act in an issue so crucial to its obligations under the U.N. charter, it is failing in its duties not only on the particular issue, but also in the obligations it has to all the member nations of the U.N. This represents a serious problem to be considered by the member nations.

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## Notes

1. See Security Council Documents:

S/PV.5824 Security Council 5824<sup>th</sup> meeting, Jan. 22, 2008, 10 a.m.

S/PV.5824 (Resumption 1) Security Council 5824<sup>th</sup> meeting, Jan. 22, 2008 3 p.m.

S/PV.5827 Security Council 5827, Jan. 30, 2008 10 a.m.

2. Ambassador Alejandro D. Wolff, U.S. Deputy Permanent Representative, on the situation in the Middle East, at the Security Council Stakeout, January 24, 2008.

This article appears in *OhmyNews International* at:

[http://english.ohmynews.com/articleview/article\\_view.asp?menu=c10400&no=381689&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=381689&rel_no=1)

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# **At Legal Crossroads**

## **Security Council Sanctions Imposed Without Due Process**

One of the most contentious issues at the United Nations is the issue of Security Council reform. Along with sharp disagreements over the proposals of member states for expanding the number of seats on the Security Council is the less apparent issue of the need for change of the procedures by which decisions are made by the Security Council.

A letter<sup>1</sup> dated 13 May to the Security Council regarding SC resolution 1267 (1999) states that the sanctions regime it established is “at a legal crossroads, with much attention focused on two challenges now on appeal before the Court of Justice of the European Communities.”

One of these challenges is the case of Yassin Abdullah Kadi. Kadi is a Saudi Arabian resident whose name was added to the security council list of persons suspected of terrorism on October 19, 2001. The individuals on this list are subject to the freezing of their funds, a ban on their travel and other punishments to be enforced by the member nations of the United Nations. It is mandatory, according to the U.N. charter, for member nations of the United Nations to enforce sanctions decided under Chapter 7 of the U.N. charter by the Security Council. The European Union subsequently passed a regulation to enforce these security council sanctions.

On December 18, 2001, Kadi filed a legal case contesting the E.U. regulation. asking that the sanctions be annulled. (See Opinion<sup>2</sup>, Kadi, I-3) When the Court of First Instance ruled against Kadi, he appealed the decision to the European Court of Justice. An opinion is expected in Fall 2008.

An opinion submitted to the Court in January 2008 by the Advocate General Poiares Maduro raised serious issues regarding the E.U.’s legal ability to enforce Security Council sanctions which have been imposed on individuals without providing due process procedures. The Advocate General recommended that the Court annul the E.U. regulations enforcing the sanctions. An article<sup>3</sup> in the Economist noted that it is still up to the Court to decide whether to rule in accord with the Advocate General’s opinion, but that the court “in the past has followed such opinions in about 80% of the cases.”

The Security Council itself realizes the potential for negative court decisions on its lack of due process. One SC report states: “The way entities or individuals are added to the terror list maintained by the Council and the absence of review or appeal for those listed raise serious accountability issues and possibly violate fundamental rights, norms and conventions.... See Opinion, I-16” The Advocate General sees as positive the ability to bring the rule of law back into the process of dealing with even the “threat of terrorism.” Quoting the words of the former President of the Supreme Court of Israel, Aharan Barak, the opinion says: “It is when the cannons roar that we especially need the laws.”

Kadi contends that the sanctions against him were imposed without any opportunity for him to be “heard on the facts and circumstances alleged and on the evidence adduced against him.” (See Opinion, I-20)

Though the procedures in the listing and delisting of individuals on these sanctions lists have undergone some change since they were first established, the Advocate General points out that “the de-listing procedure does not provide even minimal access to the information on which the decision was based to include the petitioner in the list.”

The Advocate General reasons that absent minimal due process procedures for the accused, the sanctions could be “disproportionate” or even “misdirected” on who they are imposed against and they can “remain in place indefinitely.” (See Opinion, I-22) Such a situation is “anathema in a society that respects the rule of law,” explains the Advocate General.

Six European nations have been exploring how to resolve this possible conflict between the duty of the E.U. to enforce the security council sanctions and the duty of E.U. members to uphold due process procedures as part of their obligations under the Universal Declaration of Human Rights of which they signatories. The countries are Denmark, Liechtenstein, Sweden, Switzerland, Germany, and The Netherlands. They held a meeting at the U.N. on June 13, 2008 where they discussed a Paper they prepared for the Security Council. The Discussion Paper is subtitled “Improving the Implementation of sanction regimes through ensuring ‘fair and clear’ procedures.”

In the annex to the paper [the six countries] propose that the

Secretary General recommend the appointment of 3-5 experts to a panel which the Security Council could then appoint to review the cases before them of individuals who are on their sanctions lists who ask to be delisted.

The paper proposes a procedure for the panel to review cases before [it] of individuals who ask to be delisted and to make a recommendation. It would be left to the Security Council to decide whether or not to accept the panel's recommendation.

Also present at the June 13 meeting was Yvonne Terlinger, who heads the Amnesty International Office at the U.N. She presented an open letter to all members of the security council which critiques the Discussion Paper. The letter explains the importance of four principles which would need to be part of any effective correction to the problem of how the security council imposes sanctions. These principles are:

1. The right of persons in question to be informed of measures taken and to know the case against them.
2. The right to be heard within a reasonable length of time. This would include the right to call and examine witnesses, to be represented by an attorney and to submit sworn written testimony.
3. The right to an effective review mechanism. This would include the the right to impartial, qualified persons on a review panel, and to a means to have the sanctions lifted and even reparations if the imposition of the sanctions was judged to be mistaken.
4. Periodic review of all sanctions on individuals imposed by the Security Council.

Also at the June 13 meeting was the Ambassador from Yemen. He gave the example of one individual on the list who is an eminent theologian in the Arab world. When the individual's name was placed on the list, Security Council members were given 24 hours to object. Since they said they were waiting for instructions from their governments there was actually no time to challenge the listing. After the individual was on the list the Yemeni ambassador was told that there was nothing they could do, but that they should tell the individual to write a letter to the Security Council. He did that and it had been a year

and a half since the letter was written and there had not been any response.

Terlinger pointed out that not only was Amnesty International concerned with the human rights violations due to the current sanction procedure, but it also was concerned that the U.N. charter was being construed as legitimating and requiring member nations to impose sanctions which are in opposition to the requirements of the charter that human rights be respected.

The International Federation for Human Rights (FIDH) explained a similar concern in an “Open Letter to the Members of the Security Council” dated May 21, 2008. It wrote that security council imposed sanctions “must respect internationally recognized human rights, which are fundamental to the United Nations architecture.”

It explains that though “targeted sanctions were initially conceived as preventative measures,” they “often turn into permanent punitive sanctions, and even sometimes have direct criminal consequences. Yet no effective remedy is available for individuals or entities who were wrongly listed, or whose human rights were violated.”

The FIDH letter says that “The United Nations cannot promote the universal application of human rights on the one hand and violate them within its own procedures.”

Kofi Annan, the former Secretary General of the U.N. has expressed a similar concern for the problem represented in these security council imposed sanctions in an informal paper entitled “Targeted individual sanctions: fair and clear procedures for listing and de-listing.” (June 15, 2006) He lists four basic elements “to ensure fair and clear procedures” for a process for imposing such sanctions. The four basic elements are similar to those proposed in the June 3 2008 letter by Amnesty International. This is the framework in which the Security Council on Monday, June 30 is to discuss renewing<sup>4</sup> the mandate of the Analytical Support and Sanctions Monitoring team which assists the 1267 sanctions committee.

Also the June 13 meeting, the Danish ambassador to the U.N. summed up the situation, “I definitely agree that we have an issue at hand that creates a lot of frustration with a number of people who suddenly find themselves in a situation that is Kafkaesque in a sense that

they don't know how to react or what to (do) to get normal procedures.... This is not an issue that will go away unless this is dealt with properly.”

#### Links

1. <http://www.un.org/Docs/journal/asp/ws.asp?m=S/2008/324>
2. [http://blogeuropa.eu/wp-content/2008/02/cnc\\_c\\_402\\_05\\_kadi\\_def.pdf](http://blogeuropa.eu/wp-content/2008/02/cnc_c_402_05_kadi_def.pdf)
3. [http://www.economist.com/world/international/displaystory.cfm?story\\_id=10608577](http://www.economist.com/world/international/displaystory.cfm?story_id=10608577)
4. <http://www.securitycouncilreport.org/site/pp.aspx?c=glKWLeMTIsG&b=4147109&printmode=1>

This article appears in Telepolis at: <http://www.heise.de/tp/r4/artikel/28/28217/1.html>

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## **International Cartoon Exhibit Opens at U.N.**

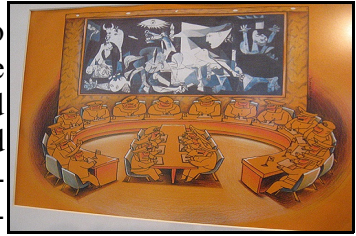
### **In ‘Cartoon Art for World Peace’ Horrors of War Contrast Yearning for Peace**

by Ronda Hauben

[Editor's Note: Note the cartoons below have no captions. From the exhibition catalog: “Artists, especially those who have the ability to convey a message without resorting to words, carry on their shoulders a huge social responsibility because their message will inspire leaders of the future to work in pursuit of peace.”]

An exhibit of cartoons has opened at the U.N.<sup>1</sup> which presents a number of striking images contrasting the frustrations of war with the difficult quest for peace.

Referring to the power of cartoons to affect public opinion, Kiyo Akasaka, the Undersecretary for Communication and Public Information at the U.N., introduced the exhibit noting that, “Cartoons can express both simple ideas and complex issues.”



Picasso's Guernica and the members of the U.N. Security Council. Cartoon by Xiao Qiang Hou 2007 / P.R. of China. (photo of cartoon ©2008 R. Hauben)

He described how these cartoons “communicate across languages and across cultures. Their message, which as you will see in this exhibition is about the cost of war and the elusiveness of peace, can be grasped by all.”

The ambassador to the U.N. from Turkey explained that the cartoons were “this time in the service of peace.” In his opening remarks, he explained that the concept of peace is more than the absence of war. It involves seeing others not as an enemy but as a friend. He expressed his hope that the current efforts at reform of the U.N. would strengthen its ability to contribute to the quest for peace.

Several of those who attended the opening of the exhibit expressed their appreciation of the cartoons in the exhibit. One of the cartoons which attracted considerable interest is a cartoon raising the question of what is the role of the U.N. Security Council. It is the cartoon by Xiao Qiang Hou of China.

In this cartoon the members of the Security Council are portrayed, each dressed in the military uniform of their different nations. The generals are seated around the table of the Security Council, each with the flag of his nation. The painting by Picasso depicting the horrors of war, Guernica, hangs on the wall of the Security Council above the heads of the generals.



Another cartoon that attracted comment was the cartoon by Jurij Kosobukin of the Ukraine. The cartoon shows someone loading a pistol with a column cut from a newspaper. The cartoon provides a commentary on the nature of the press.

The cartoon by Syouhei Otsuka of Japan presents a tank leading a group of business men who are following behind the soldier.

These are just a few of the many thought provoking images portrayed by the cartoonists.

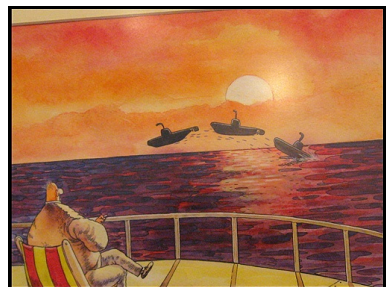
In the guest book, one person wrote that the exhibit was “Calling for world peace, one cartoon at a time.” Another wrote that “as John Lennon said, we



Column of newspaper being loaded into gun. Cartoon by Jurij Kosobukin  
1996/Ukraine  
(photo of cartoon ©2008 R. Hauben)



The business of war. Syouhei Otsuka/Japan  
2006 (photo of cartoon ©2008 R. Hauben)

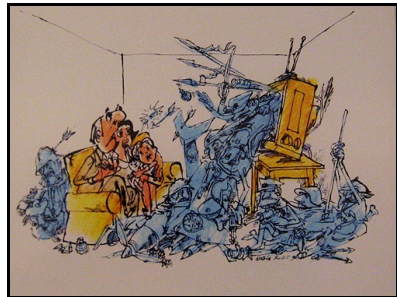


Flying subs. Cartoonist: Oleg Serena/  
Ukraine 2004 (photo of cartoon ©2008 R.  
Hauben)

can imagine....” Another said, “I’ve liked very much this exposition. I don’t know if it is possible, but people need a world of peace.”



Children playing, poor children with pitchforks, rich children with soldiers. Cartoon by Michael Kountouris/Greece 2005 (photo of cartoon ©2008 R. Hauben)



Horrors pour from the TV. Cartoonist: Nikola Runic/Yugoslavia 1996 (photo of cartoon ©2008 R. Hauben)



Following like sheep. Cartoon by Wolfgang Schlegeli/Germany 2006. (photo of cartoon ©2008 R. Hauben)



Groundhog helping U.N. to dig up land mines. Cartoon by Hideo Toyomasu 2005 / Japan (photo of cartoon ©2008 R. Hauben)



Poster opening exhibit at the U.N. (photo of cartoon ©2008 R. Hauben)

The Turkish Mission to the United Nations, along with the Aydin Dogan Foundation is sponsoring the exhibition titled “Cartoon Art for World Peace” in the main lobby. The exhibition presents but a few of the cartoons from the competition held by the Foundation each year over the past 25 years.

The exhibit opened on March 13. It will continue at U.N. headquarters in New York until April 15.

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#### Notes

1. 13 March - 15 April 2008 : Exhibition “Cartoon Art for World Peace,” Organized by the Aydin Dogan Foundation  
Co-sponsored by the Permanent Mission of Turkey to the U.N., U.N. Main Gallery – Visitor’s Lobby – New York  
The Turkish Mission to the U.N. Tel: (1-212) 949-0150, 821 U.N. Plaza, New York, NY 10017

This article appears in *OhmyNews International* at:

[http://english.ohmynews.com/articleview/article\\_view.asp?menu=c10400&no=382108&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=382108&rel_no=1)

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[Editor’s note: The following article appeared in the *U.N. Observer & International Report* (<http://www.unobserver.com/>).]

## Changing Culture of U.N. Media

by Elisa Burchett

Capturing the important stories that major news media tends to let slip by and countering “fictitious narratives,” by writing accurate accounts are two of the driving forces behind Ronda Hauben’s Journalism. Although Mrs. Hauben has been a U.N. correspondent for *OhmyNews International (OMNI)*, a South Korean publication, since 2006, her stint at the United Nations has not been an easy one. This is what makes her winning the U.N. Correspondents Association (UNCA) 2008 Elizabeth Neuffer Memorial Award for exceptional coverage of the

U.N. so pertinent.

Mrs. Hauben said of her experience, “Reporting for a newspaper that is not well known means that one is at a disadvantage. The journalists from more well-known publications have better access to information, to asking questions of the Secretary-General and a myriad of other advantages. Often the issues in contention are hidden from public view and to those who don’t have inside connections at the U.N., so it is hard to know what is really going on behind the scenes. It is necessary to be able to get beneath the surface on important issues, but it is also very difficult.”

Mrs. Hauben represents the historical shift towards independent and/or smaller media in light of big media consolidation (i.e. Rupert Murdoch) and indirectly, the expansion of the public sphere. She writes on a freelance basis, as a featured writer for *OMNI* and for *Telepolis* (Germany). She also has a blog at the German newspaper *Tageszeitung*. She has co-written, with her son Michael Hauben, a book called *Netizens: On the History and Impact of Usenet and the Internet*. It has been published in the U.S. and Japan (Japanese edition), and is available on Amazon.com or can be read online at the Columbia University website. (Please see below.)

Examples of her journalism range from articles revealing the nature of the U.S. government’s use of the Patriot Act to freeze the assets of the Banco Delta Asia in Macao – where she discovered the U.S. assumed the role of accuser and judge in its claims – to articles focusing on the U.N. Security Council’s failure to act on the Gaza crisis, one of the articles which won Mrs. Hauben the award.

The *U.N. Observer & International Report* asked Mrs. Hauben how she would describe herself and she said the term “Netizen Journalist” would describe her best. In the preface to “Netizens,” Michael Hauben explained how he discovered the emergence of a new community while researching the Internet – a community of what he called ‘netizens’ (citizens of the net or net citizens). His words evoke the formation of a new community without borders. He explained, “I found that on the Net, people willingly help each other and work together to define and address issues important to them. These are often important issues which the conventional media would never cover.... These people understand the

value of collective work and the communal aspects of public communications....”

“These are people who discuss the nature and role of this new communications medium. These are the people who, as citizens of the Net, I realized were Netizens. However, these are not ALL people. Netizens are not just anyone who comes online, and they are especially not people who come online for individual gain or profit. They are not people who come to the Net thinking it is a service. Rather they are people who understand it takes effort and action on each and everyone’s part to make the Net a regenerative and vibrant community and resource.” In this context, one can understand Mrs. Hauben’s interest and excitement about South Korea and China. In his remarks announcing Mrs. Hauben for the award, the head of the UNCA awards committee, Ian Williams, commented, “The judges were impressed with the work Ronda did on how a lot of countries aren’t exactly happy with how the permanent five are running things. And you can say this is idiosyncratic but when you look at the mess the permanent five have made of things, for the last 50 years, I think there’s a lot to be said for it.” One could feel her sense of recognition as Ban Ki-moon handed her the award.

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Elisa Burchett is the UNHQ Bureau Chief for the *U.N. Observer & International Report*. For more information about Ronda Hauben, please see: FEATURED WRITERS: Ronda Hauben

[http://english.ohmynews.com/sub\\_form/column\\_list.asp?article\\_class=9](http://english.ohmynews.com/sub_form/column_list.asp?article_class=9)

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<http://blogs.taz.de/netizenblog>

Netizens: An Anthology <http://www.columbia.edu/~rh120>

*Netizens: On the History and Impact of Usenet and the Internet* (Hardcover)

<http://www.amazon.com/Netizens-History-Impact-Internet-Perspectives/dp/0818677066>

Please also see: U.N. Correspondents Association (UNCA) <http://www.unca.com>

Winners for 2008 Elizabeth Neuffer Memorial Award for Best Overall Print Journalism, Including on Line Media: <http://cms.unca.com/content/view/42/10>

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The opinions expressed in articles are those of their authors and not necessarily the opinions of the *Amateur Computerist* newsletter. We welcome submissions from a spectrum of viewpoints.

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Jay Hauben

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# 中国互联网协会

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Dear Madam Ronda Hauben,

Getting the news that you had received the 2008 Elizabeth Neuffer Memorial Prize for excellence in Journalism presented by the United Nations Correspondents Association, on behalf of Internet Society of China (ISC), we would like to take great pleasure in sending congratulations on your winning this glory.

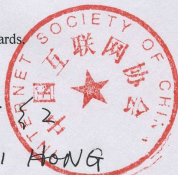
We notice that covering the U.N. is a particular challenge because of the complexity of U.N. diplomacy and diversity of the issues considered. The Prize demonstrates a wide-ranged recognition for what you have all along been making contribution at the professional field. And it is a great achievement and milestone you could be well proud of. We take this opportunity to express our best wishes to you. We wish you continuous outstanding achievements in the days coming!

How time flies! It has been near eight months since your last visit in Beijing as a speaker in the ISC Salon discussing the topic 'netizen'. You and Mr. Jay Hauben had made an impressive speech, from which we got much insight. We would like to show our permanent warm welcome and look forward for your and Mr. Jay Hauben's next visit to China. Please feel free to contact us in anytime!

Best regards



LI HONG



International Cooperation & Information Department  
Internet Society of China (ISC)

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