

## Editors' Note

Yet it is for us to decide whether this moment of uncertainty presages wider conflict, deepening inequality and the erosion of the rule of law, or is used to renew our common institutions for peace, prosperity and human rights. Now is the time to act.

—Kofi Annan, U.N. Secretary-General  
Report of the Secretary-General  
*In Larger Freedom: Towards Development,  
Security and Human Rights for All*  
March 2005

The institutional potential of the United Nations to protect and promote human rights is without parallel. Sixty years after its creation, the U.N. still enjoys credibility and legitimacy unrivaled by any other international body. Yet despite its unique position on the global stage and despite some well-known successes, the U.N. Charter's promise to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women and of nations large and small" remains largely unrealized. In its failure to prevent genocides and provide safeguards against other gross violations of human rights, the U.N.'s lofty rhetoric has not always been reflected in its actions. All now agree that if the U.N. is truly to achieve its potential, it must undergo serious reforms.

With Volume 19 of the *Harvard Human Rights Journal*, we hope make a small contribution to the lively debate on U.N. reform and human rights. A number of the articles in this volume, written by leading scholars and practitioners, address the question of what needs to be done to revive a faltering United Nations. The authors suggest necessary changes and point to dangers ahead.

This collection begins with an eloquent essay by Dr. Surakiart Sathirathai, deputy prime minister of Thailand and a leading candidate for the post of secretary-general of the United Nations, on the U.N.'s moral promise and the need for a return to cooperative multilateralism. Dr. Surakiart provides a general framework for the discussion on U.N. reform. David Tolbert, deputy prosecutor of the International Criminal Tribunal for the former Yugoslavia, and Andrew Solomon, director of research and outreach programs at the American Society of International Law, call on the U.N. to adopt new practices for securing the rule of law in post-conflict societies. Claude Bruderlein, director of the Program on Humanitarian Policy and Conflict Research at Harvard University, and Pierre Gassmann, former head of the International Committee of the Red Cross delegation in Baghdad, critique the U.N.'s current inability to manage security operations in volatile conflict zones. To better protect human rights and contain humanitarian crises, Bruderlein and Gassmann suggest that

the U.N. explore new security strategies. Professor Darren Zook of the University of California, Berkeley, writes that the reforms currently proposed are necessary but insufficient. Zook believes that until the U.N. in particular, and international human rights law in general, can create a consistent framework to address disagreements arising from identity politics, ethnic conflicts will persist.

Volume 19 of the *Harvard Human Rights Journal* also contains outstanding scholarship that goes beyond the topic of U.N. reform. Professor David Weissbrodt and Amy Bergquist provide, in an article that will undoubtedly prove helpful to human rights practitioners, a thorough analysis of the international legal arguments against the practice of extraordinary rendition. Lainie Rutkow and Joshua T. Lozman argue forcefully that the time is ripe for the United States to ratify the U.N. Convention on the Rights of the Child. Finally, Naz K. Modirzadeh, assistant professor of law and director of the International Human Rights Law Program at the American University in Cairo, outlines the strategies that international non-governmental organizations have used to avoid taking an explicit position on Islamic law. She highlights the costs of this non-engagement and suggests alternative methods to address *Shari'a*.

Continuing our tradition of publishing excellent student writing, this volume includes a note by Rachel Rebouché that closely examines the flaws, promises, and possible impact of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Both the Recent Developments section and the Book Notes also inform readers of some of the latest issues and scholarship in the world of human rights.

We wish to thank the staff of the *Harvard Human Rights Journal* and those members of the administration and faculty who provided us with valuable guidance. It is our sincere hope that Volume 19 contributes to the international discussion on U.N. reform and to other timely human rights debates.

—Amy Chen, Farah Paliwala, and Kaveh Shahrooz  
Editors-in-Chief, Volume 19