

LESSON 7 UN Reform

Abstract

There are many controversial proposals to reform the United Nations to ensure it is a relevant effective force. The Secretary General made recommendations based on the comprehensive Report of the High Level Panel on Threats, Challenges and Change. Some of the recommendations were accepted (Peacebuilding Commission, Democracy Fund and the Human Rights Council). Other recommendations were not accepted (reform of the Security Council). Others remain on the table and in play to varied extents.

Background

The UN, an organization over 60 years old, must change if it is to be relevant and effective and be perceived to be legitimate in the 21st century. The release of the Secretary General's 2005 package of proposed reforms ("In Larger Freedom") has sparked debate regarding the potential transformation of the UN and the conduct of international relations. UN members are highly divided on many of his recommendations. Some are apprehensive that change will constrain their power and dilute their influence, while others worry about undermining the principle of national sovereignty and lowering the normative barriers to external interference in internal affairs. Other members feel that the status quo is unsustainable; they foresee a continued reluctance to intervene in humanitarian crises like Rwanda; that innocent victims will be left to suffer. Some suggest that the answer to greater legitimacy lies in expanding membership of the Security Council. To date, however, the reconstitution of the UN Security Council remains paralyzed.

Despite evident divisions, there was some progress in the last year. The Peace Building Commission was created to help countries transition from war to peace, backed by a support office and a standing fund. The largely discredited Human Rights Commission has been transformed into a Council, holding its inaugural session on June 19th. A Democracy Fund has also been established. On March 6th 2006, the Secretary-General led the first meeting of the Fund, which consists of a 17-member advisory board. (See below for a more detailed overview of progress on UN reforms based on commitments outlined in the 2005 World Summit Outcome Document)

Several further transformative innovations are still on the table:

1. The adoption of the 0.7% ODA timetable and Jeffrey Sach's "Quick Wins" strategies for achieving the MDGs.

The independent UN Millennium Project has been promoting "Quick Wins" action strategies (i.e. free bed-nets, ending primary school user fees, the 3 million target for AIDS anti-retroviral treatment, expansion of school meals programs, soil nutrient replenishment, and national campaigns to reduce violence against women). Several countries have reaffirmed their commitment to reach 0.7% by a specific date.

2. The creation of an International Financial Facility.

An International Finance Facility, enabling front-loading of ODA, would multiply leverage on infrastructure investments, part of the answer to provide the requisite financial resources for development. A new version of this UK proposal may eventually be seen as a useful approach.

3. Implementation of the emerging norm of the Responsibility to Protect and endorsing guidelines on the use of force.

The "responsibility to protect" (R2P) norm is part of a continuum from prevention of conflict to re-action to severe abuses to re-building. The promotion of the emerging R2P norm leads to the need for guidelines on the use of force. The Security Council could come to a common view on guidelines (not criteria) for intervention. Examples include "the seriousness of the threat, the proper purpose of the proposed military action, whether means short of the use of force might plausibly succeed in stopping the threat, whether the military option is proportional to the threat at hand, and whether there is a reasonable chance of success". The Darfur crisis is a continuing test.

4. Adopting the definition of terrorism.

The High Level Panel has already provided a definition of terrorism:

"in addition to any actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act".

5. Embracing the IAEA "Additional Protocol".

North Korea and Iran are near the top of the news. To deal with potential nuclear proliferation, there are feasible actions with respect to civilian nuclear fuel cycle technology, especially guarantees of supply of the fissile material necessary for peaceful nuclear uses. Any package will have to extend the test ban moratorium and should provide both a fair and balanced outcome and enhance everyone's security.

6. Undertakings by the Permanent Members of self-imposed limits on use of the veto.

There has been a continuing debate to limit the scope of the veto to decisions taken under what is now Chapter VII of the UN Charter, or that the veto would be necessary only in actions entailing the use of force. Of course, Russia, China, the US, the UK and France have all refused to make such undertakings.

7. Action on regulating Small Arms traffic.

A comprehensive "Grand Bargain" could include action regulating the marketing of arms and negotiation of an instrument on illicit brokering. Effective export controls on small arms, the harmonization of national regulation of arms brokers, and a mechanism to "name and shame" of those involved in illicit exploitation of natural resources have been proposed as constructive measures to prevent the carnage caused by future conflicts.

Lesson Plan

For background on the proposed package of UN reforms read:

Report of the High Level Panel on Threats, Challenges and Change
“A More Secure World: Our Shared Responsibility”

<http://www.un.org/secureworld/report2.pdf>

Report of the Secretary-General

“In Larger Freedom: towards development, security and human rights for all”

<http://www.un.org/largerfreedom/contents.htm>

World Summit Outcomes: (15 September 2005)

<http://www.un.org/summit2005/documents.html>

Visit the UN Reform Site and ReformtheUN.org for contrasting views on progress on reforms:

-See the UN Reform Site at the UN: <http://www.un.org/reform/> for the official UN view and links to references and related materials.

-ReformtheUN.org – *Tracking Developments, Ensuring Transparency and Accountability*: <http://www.reformtheun.org/>

<http://www.reformtheun.org/index.php/issues/1732?theme=alt4>

June 2006, Progress Report on UN Reform.

<http://www.reformtheun.org/index.php/eupdate/2270>

For contrasting views on the use of the Veto in the Security Council, read the US and Mexican statements.

<http://www.globalpolicy.org/security/membership/veto2.htm>

Read the Ian Davis and Paul Ingram article for a current view on the nuclear proliferation issue: “*Proposal to Iran: Will It Be Enough to Defuse the Nuclear Crisis?*”

<http://www.basicint.org/pubs/Notes/BN060609.htm>

Discussion Questions

1. Several countries with notably poor human rights records (Saudi Arabia, Pakistan, China, Azerbaijan, Cuba, and Russia) were elected to the new Human Rights Council. Other countries previously on the Commission on Human rights were dissuaded from even running (Sudan, Zimbabwe, Syria, Libya, Nepal, Eritrea and Ethiopia). The defunct Commission was a laughingstock, with the “foxes in charge of the henhouse”.

Question: What initiatives or commitments from L20 Leaders might increase the effectiveness of the new Human Rights Council in discharging its peer review function?

2. In December 2005, the Peace building Commission was established to provide a coordinated approach to post-conflict peace building and to facilitate dialogue amongst key actors. Its functions are to:

- Bring together relevant actors to marshal resources
- Advise on integrated strategies for post-conflict peace building and sustainable development
- Focus attention on reconstruction and institution-building efforts
- Provide recommendations and information to improve coordination of all relevant actors
- Identify best practices
- Help to ensure predictable financing
- Extend the period of attention of the international community to post-conflict recovery

The UN Democracy Fund is intended to set up projects in different countries to strengthen democratic institutions, enhance democratic governments and institute the rule of law, independent courts, a free press, political parties, trade unions, etc. Thus far the fund has received pledges from 17 countries amounting to \$41 million.

Questions: Imagine it is the year 2010. In a business as usual world, what will be the highlights of the Peace building Commission Annual Report for 2009? What will be the highlights of the UN Democracy Fund Annual Report for 2009?

3. There are several current Security Council reform proposals:

- G4/3 (Germany, Brazil, India): 10 new members - 6 new permanent without veto/4 new non-permanent
- African Union: 11 new members - 6 new permanent with veto/5 new non-permanent
- Uniting for Consensus Group: 10 new non-permanent members eligible for re-election
- Japan: 6 new members/permanent seats for countries that receive 2/3 majority vote/non-permanent seats for those that receive simple majority.

The prognosis for change to the admittedly anachronistic structure of the Security Council is poor, if not nonexistent.

Question: If the focus of reform efforts should be on other ideas, such as the creation of

an early warning system on global hot spots, a UN rapid-reaction force, and/or the UN role in post-conflict reconstruction, how could they best be promoted? Is there a role for the L20?

4. Only leaders have the crosscutting authority to resolve inter-institutional and interdisciplinary issues beyond the mandates of existing international organs and portfolios of individual ministers. Leaving reform to Permanent Representatives who lack the warrant to exceed their instructions is a prescription for deadlock. Frank dialogue and problem-solving by Leaders can bring impetus and coherence to the reform imperative. Optimists' initiatives on the table include:

- The adoption of a 0.7% ODA timetable, preferably by the year 2015, and Jeffrey Sachs' "Quick Wins" strategy for the MDGs
- The creation of an International Financial Facility
- Endorsement of guidelines on the use of force
- The adoption of the emerging norm of the Responsibility to Protect
- The adoption of the High Level Panel's definition of terrorism
- The endorsement of the International Atomic Energy Agency Additional Protocol, as part of a larger understanding, including innovation on nuclear fuel supplies and a renewed commitment to reducing nuclear weapons
- Action on regulating Small Arms traffic

Question: Is a package approach feasible? Will give-and-take generate agreement? How might the L20 help define a way forward on a set of reform initiatives?

6. The Mexican statement to the meeting of the Working Group on the Reform of the Security Council on 21 April 1998, criticized the power of the veto.

"As we all know, the veto prevents action. The veto does not foster unity, nor does it promote the search of an understanding. More than a responsible act of power, exercising the veto reflects a position too weak to be sustained through reasoning. Blocking the will of others is the only way out when arguments fail to convince. He who wields the veto does not provide alternative solutions: he simply obstructs action. He prefers to impede any movement rather than to face a problem with a view to solving it. It is a paradox: the user of the veto does not impose a particular course of action. He merely stops one that he deems contrary to his interests."

Question: If a campaign to abolish the veto is quixotic, should efforts be invested in trying to reach agreement to limit the use of the veto by Permanent members to very narrowly defined issues?

Recommended Web-based Resources

Report of the High Level Panel on Threats Challenges and Change
“A More Secure World: Our Shared Responsibility”

<http://www.un.org/secureworld/report2.pdf>

Report of the Secretary-General

“In Larger Freedom: towards development, security and human rights for all”

<http://www.un.org/largerfreedom/contents.htm>

World Summit Outcomes: (15 September 2005)

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

UN Reform Site at the UN: <http://www.un.org/reform/>

ReformtheUN.org – Tracking Developments, Ensuring Transparency and Accountability:

<http://www.reformtheun.org/>

<http://www.reformtheun.org/index.php/issues/1732?theme=alt4>

Centre for International Governance Innovation

The UN: Adapting to the 21st Century, Conference Report April 2005

http://www.i20.org/publications/15_of_Unref_backgrounder.pdf

C. Raj Kumar’s op ed article in the Hindu on “*India and the U.N. Human Rights Council*”. <http://www.hindu.com/2006/06/19/stories/2006061901731000.htm>

Unrepresented Nations and People’s organization view

Progress Report on UN Reform June 2006

http://www.unpo.org/news_detail.php?arg=02&par=4679

Brett D. Schaefer *A Progress Report on U.N. Reform*, the Heritage Foundation
Backgrounder #1937

<http://www.heritage.org/Research/InternationalOrganizations/bg1937.cfm>

Edward C. Luck, *Mock Communiqué on United Nations Reform from a Hypothetical Leaders-level G-20 Meeting*

<http://www.i20.org/publications/Phase%20III/UN%20Reform/tokyo.luck.pdf>

Notes for a Presentation by Paul Heinbecker

Polycentric Governance? June 2006

<http://www.heinbecker.ca/Speeches/NPSIA-June7-2006.pdf>

Paul Heinbecker *An Institution in Crisis? The Future of the United Nations*

<http://www.heinbecker.ca/Speeches/International%20law%20Association%20presentation-June2006.pdf>

Paul Heinbecker, *The UN in the Twenty-first Century*
<http://www.heinbecker.ca/Writing/CanadaAmongNations.pdf>

For the UN Security Council veto power in general, see
<http://www.globalpolicy.org/security/membship/veto.htm>