

Discussion Paper for Panel III:  
The Role of the United Nations in the 21<sup>st</sup> Century

Kofi Annan's Reform Package and the Prospects of Implementation

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*"It took World War II to 'reform' the League of Nations into the United Nations – and it has often looked as if it might take World War III to reform the United Nations",*  
writes veteran UN journalist Ian Williams in MaximNews on 24 March 2005.

In fact, ever since its foundation the UN was highly resistant to any sort of fundamental reform requiring a revision of the UN Charter. The reforms that have taken place were basically limited to the enlargement of the Security Council and the Economic and Social Council (ECOSOC).

On the other hand major changes have been achieved without charter amendments, e.g. the creation of new organs like the Department of Peacekeeping Operations. Moreover, charter amendments were not necessary when organs like the Trusteeship Council and the Military Staff Joint Committee lost their importance in the UN system.

#### Why a reform?

In the 60 years of its existence the UN had to adapt constantly to a changing political environment. In some areas it did well, in others not. The biggest changes in the last half century were the growing membership, from 51 to 191, and the shifting majorities in the General Assembly as a consequence of it. Secondly, the end of the Cold War brought about a sea change in the international political constellation. And thirdly, the emergence of new issues that had to be addressed by the UN, e.g. climate change and environmental degradation, HIV/Aids, terrorism.

As it adapted to these challenges the UN did a fairly good job. In most cases it created new organizations. But in its main task, the maintenance of international peace and security, it was not particularly successful. Serious, long-lasting conflicts like the Arab-Israeli conflict, the disintegration of Yugoslavia, the war between Iraq and Iran, and the 2003 Iraq conflict, could not be solved within the UN, but were addressed by other major players, e.g. NATO or the US in 'coalitions of the willing'.

The reason for that is that on contentious issues a consensus among the Member States and especially among the Permanent Members of the Security Council is difficult to achieve. National interests hamper again and again the decisive action needed to solve a crisis or to prevent a war. Yet, although it is unlikely that a reform would make a real difference to this fundamental underlying problem, the voices calling for reform became more influential during the last decade.

#### Why now?

"A Time for Renewal" is the theme for the commemoration of the signing of the UN Charter 60 years ago. And as anniversaries are a typical time to take stock and think about change the preparations for a reform summit before the 60<sup>th</sup> General Assembly

(GA) have come to a very concrete stage. Four reports have been issued in the past ten months: the Cardoso-Panel worked out ideas to improve relations between the UN and the civil society in June 2004, the High-level Panel on Threats, Challenges and Change (HLP) presented its comprehensive and in most parts convincing report in December, the Millennium Project issued its report on achieving the Millennium Development Goals (MDGs) in January 2005 and Kofi Annan presented his ideas to the GA in a report referring to all these proposals on 21 March 2005. On the basis of this report, the Member States shall agree on a draft resolution during the ongoing 59<sup>th</sup> session which shall be adopted at the High-level plenary meeting in September.

## What Changes? (Annan's proposals)

### Institutional reform

#### *Security Council (SC)*

Annan seeks to reach a decision on the reform, preferably but not necessarily by consensus, before the High-level plenary meeting in September. He proposes two models the High-level Panel laid out in its December report. Model A provides for six permanent and three non-permanent new seats. Model B provides for eight semi-permanent seats (four years with renewal) and one non-permanent seat. Both models consider 24 members as best option. Whether the candidate countries forming the G4, Brazil, Germany, India and Japan, have enough in their pockets to get the support by the five Permanent Members (P5) is still highly uncertain. There seems to be no real incentive for them to weaken their position by accepting an enlargement of the Council. The US and some European states (Italy, Spain) are opposed to include Germany as a new permanent member, China is objecting Japan, and the African Union is unable to agree on two countries to fill the envisioned African permanent seats. Bargaining is underway in the current session of the GA. The reform resolution will have to be adopted by a two-third majority (128 out of 191) including the P5.

#### *Human Rights Council*

Another major reform proposal refers to a new council in addition to the two existing ones (ECOSOC and SC): the Human Rights Council. It shall replace the highly criticized Human Rights Commission. The Council shall have a smaller membership, and the members shall be elected by the GA with a two-third majority. Moreover, it is designed to be a permanent forum. Criteria like the human rights record of a state are meant to ensure that no 'rogue state' (with a strong record of human rights violations) like Libya or Sudan would become a member of the body primarily responsible for the protection of human rights. Although most states are not satisfied with the work of the Commission and wish to establish a less politicized human rights organ, the chances that this change will find a two-third majority in order to amend the charter is as low as in all other areas.

#### *Peace-building commission*

The HLP proposed the establishment of a Peace-building commission and Annan endorses this proposal. The new body shall help countries to make the transition from war to lasting peace. It shall be supported by a peace-building support section in the secretariat. This proposal is more likely to be accepted by a majority of Member States, due to the fact that the establishment of new organs is easier to implement than changes of existing ones.

## Other measures

In addition to institutional reform, Annan also proposes concrete measures in all parts of the UN's responsibilities. He divided his report into three parts. 1. Freedom from Want. 2. Freedom from Fear. 3. Freedom to Live in Dignity.

### 1. Freedom from Want

*Developing countries* are called to implement a national strategy to achieve the MDGs by 2015. They are asked to improve their governance, rule of law, combat corruption and include civil society and private sector in their approach to development.

*Developed countries* shall complete the Doha Round no later than 2006, and as a first step give duty-free and quota-free market access to all exports from LDCs. They also shall commit themselves to reach the target of 0.7% of GDP in ODA by 2015.

### 2. Freedom from Fear

Member States shall agree on a new security consensus and on criteria for the use of force. Annan thinks a charter revision for the latter is not necessary, saying that in case of imminent threat the right to self-defence (Art. 51) would apply and in all other cases only the SC could authorise the use of force. He urges Member States to adopt strict and binding guidelines for the use of force. They are also asked to sign and implement a comprehensive convention on terrorism, a convention on nuclear terrorism and the Fissile Material Cut-off Treaty.

### 3. Freedom to Live in Dignity

Annan wants Member States to embrace the principle of the "Responsibility to Protect", i.e. that in cases of ethnic cleansing or genocide the international community has the duty to intervene. Moreover, Member States shall ratify and implement all treaties relating to the protection of civilians and to contribute to a new "Democracy Fund".

## Will it happen?

Panels have been established and reports presented time and again since the founding of the UN – alas, without major impact (like the Commissions headed by Brandt, Brahimi and Razali).

The Secretary-General made clear that his proposals are no 'menu à la carte' but a package that cannot be untied. While most of the proposals require no charter amendment, there is a very small chance that this year the reform package will be adopted. Too many states have differing views on the advantages of such a reform and therefore will plead to maintain the status quo. There is a slightly better chance to see a reform implemented within the next five years.

But the most realistic scenario is that neither this year, nor in five, nor in ten years a comprehensive reform with charter amendments will take place. Institutional changes, like the establishment of new organs, however, and 'informal reforms' such as the incremental adjustment of procedures are more likely to be realized. The 'Time for Renewal' has yet to come.

***IN LARGER FREEDOM:  
Towards Development, Security and Human Rights for All***

**Executive Summary**

**Introduction: A Historic Opportunity in 2005**

In September 2005, world leaders will come together at a summit in New York to review progress since the Millennium Declaration, adopted by all Member States in 2000. The Secretary-General's report proposes an agenda to be taken up, and acted upon, at the summit. These are policy decisions and reforms that are actionable if the necessary political will can be garnered.

Events since the Millennium Declaration demand that consensus be revitalized on key challenges and priorities and converted into collective action. The guiding light in doing so must be the needs and hopes of people everywhere. The world must advance the causes of security, development and human rights together, otherwise none will succeed. Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights.

In a world of inter-connected threats and opportunities, it is in each country's self-interest that all of these challenges are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep and sustained global cooperation among States. The world needs strong and capable States, effective partnerships with civil society and the private sector, and agile and effective regional and global inter-governmental institutions to mobilize and coordinate collective action. The United Nations must be reshaped in ways not previously imagined, and with a boldness and speed not previously shown.

**I. Freedom from want**

The last 25 years have seen the most dramatic reduction in extreme poverty the world has ever experienced. Yet dozens of countries have become poorer. More than a billion people still live on less than a dollar a day. Each year, 3 million people die from HIV/AIDS and 11 million children die before reaching their fifth birthday.

Today's is the first generation with the resources and technology to make the right to development a reality for everyone and to free the entire human race from want. There is a shared vision of development. The Millennium Development Goals (MDGs), which range from halving extreme poverty to putting all children into primary school and stemming the spread of infectious diseases such as HIV/AIDS, all by 2015, have become globally accepted benchmarks of broader progress, embraced by donors, developing countries, civil society and major development institutions alike.

The MDGs can be met by 2015 - but only if all involved break with business as usual and dramatically accelerate and scale up action now.

In 2005, a "global partnership for development" -- one of the MDGs reaffirmed in 2002 at the International Conference on Financing for Development at Monterrey, Mexico and the World Summit on Sustainable Development in Johannesburg, South Africa -- needs

to be fully implemented. That partnership is grounded in mutual responsibility and accountability - developing countries must strengthen governance, combat corruption, promote private sector-led growth and maximize domestic resources to fund national development strategies, while developed countries must support these efforts through increased development assistance, a new development-oriented trade round and wider and deeper debt relief.

The following are priority areas for action in 2005:

- **National strategies:** Each developing country with extreme poverty should by 2006 adopt and begin to implement a national development strategy bold enough to meet the MDG targets for 2015. Each strategy needs to take into account seven broad “clusters” of public investments and policies: gender equality, the environment, rural development, urban development, health systems, education, and science, technology and innovation.
- **Financing for development:** Global development assistance must be more than doubled over the next few years. This does not require new pledges from donor countries, but meeting pledges already made. Each developed country that has not already done so should establish a timetable to achieve the 0.7% target of gross national income for official development assistance no later than 2015, starting with significant increases no later than 2006, and reaching 0.5% by 2009. The increase should be front-loaded through an International Finance Facility, and other innovative sources of financing should be considered for the longer term. The Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria must be fully funded and the resources provided for an expanded comprehensive strategy of prevention and treatment to fight HIV/AIDS. These steps should be supplemented by immediate action to support a series of “Quick Wins” - relatively inexpensive, high-impact initiatives with the potential to generate major short-term gains and save millions of lives, such as free distribution of anti-malarial bednets.
- **Trade:** The Doha round of trade negotiations should fulfil its development promise and be completed no later than 2006. As a first step, Member States should provide duty-free and quota-free market access for all exports from the Least Developed Countries.
- **Debt relief:** Debt sustainability should be redefined as the level of debt that allows a country to achieve the MDGs and to reach 2015 without an increase in debt ratios.

New action is also needed to ensure **environmental sustainability**. Scientific advances and technological innovation must be mobilized now to develop tools for mitigating **climate change**, and a more inclusive international framework must be developed for stabilizing greenhouse gas emissions beyond the expiry of the Kyoto Protocol in 2012, with broader participation by all major emitters and both developed and developing countries. Concrete steps are also required on **desertification** and **biodiversity**.

Other priorities for global action include stronger mechanisms for **infectious disease** surveillance and monitoring, a world-wide early warning system on **natural disasters**, support for **science and technology** for development, support for **regional infrastructure** and institutions, reform of **international financial institutions**, and more effective cooperation to manage **migration** for the benefit of all.

## II. Freedom from fear

While progress on development is hampered by weak implementation, on the security side, despite a heightened sense of threat among many, the world lacks even a basic consensus - and implementation, where it occurs, is all too often contested.

The Secretary-General fully embraces a broad vision of collective security. The threats to peace and security in the 21<sup>st</sup> century include not just international war and conflict, but terrorism, weapons of mass destruction, organized crime and civil violence. They also include poverty, deadly infectious disease and environmental degradation, since these can have equally catastrophic consequences. All of these threats can cause death or lessen life chances on a large scale. All of them can undermine States as the basic unit of the international system.

Collective security today depends on accepting that the threats each region of the world perceives as most urgent are in fact equally so for all. These are not theoretical issues, but ones of deadly urgency.

The United Nations must be transformed into the effective instrument for preventing conflict that it was always meant to be, by acting on several key policy and institutional priorities:

- **Preventing catastrophic terrorism:** States should commit to a comprehensive anti-terrorism strategy based on five pillars: dissuading people from resorting to terrorism or supporting it; denying terrorists access to funds and materials; deterring States from sponsoring terrorism; developing State capacity to defeat terrorism; and defending human rights. They should conclude a comprehensive convention on terrorism, based on a clear and agreed definition. They should also complete, without delay, the convention for the suppression of acts of nuclear terrorism.
- **Nuclear, chemical and biological weapons:** Progress on both disarmament and non-proliferation are essential. On disarmament, nuclear-weapon States should further reduce their arsenals of non-strategic nuclear weapons and pursue arms control agreements that entail not just dismantlement but irreversibility, reaffirm their commitment to negative security assurances, and uphold the moratorium on nuclear test explosions. On non-proliferation, the International Atomic Energy Agency's verification authority must be strengthened through universal adoption of the Model Additional Protocol, and States should commit themselves to complete, sign and implement a fissile material cut-off treaty.
- **Reducing the prevalence and risk of war:** Currently, half the countries emerging from violent conflict revert to conflict within five years. Member States should create an inter-governmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the UN Secretariat, so that the UN system can better meet the challenge of helping countries successfully complete the transition from war to peace. They should also take steps to strengthen collective capacity to employ the tools of mediation, sanctions and peacekeeping (including a "zero tolerance" policy on sexual exploitation of minors and other vulnerable people by members of peacekeeping contingents, to match the policy enacted by the Secretary-General).

- **Use of force:** The Security Council should adopt a resolution setting out the principles to be applied in decisions relating to the use of force and express its intention to be guided by them when deciding whether to authorize or mandate the use of force.

Other priorities for global action include more effective cooperation to combat **organized crime**, to prevent illicit trade in **small arms and light weapons**, and to remove the scourge of **landmines** which still kill and maim innocent people and hold back development in nearly half the world's countries.

### III. Freedom to live in dignity

In the Millennium Declaration, Member States said they would spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms. And over the last six decades, an impressive treaty-based normative framework has been advanced.

But without implementation, these declarations ring hollow. Without action, promises are meaningless. People who face war crimes find no solace in the unimplemented words of the Geneva Conventions. Treaties prohibiting torture are cold comfort to prisoners abused by their captors, particularly if the international human rights machinery enables those responsible to hide behind friends in high places. War-weary populations despair when, even though a peace agreement has been signed, there is little progress towards government under the rule of law. Solemn commitments to strengthen democracy remain empty words to those who have never voted for their rulers, and who see no sign that things are changing.

Therefore, the normative framework that has been so impressively advanced over the last six decades must be strengthened. Even more important, concrete steps are required to reduce selective application, arbitrary enforcement and breach without consequence. The world must move from an era of legislation to implementation.

Action is called for in the following priority areas:

- **Rule of law:** The international community should embrace the “responsibility to protect”, as a basis for collective action against genocide, ethnic cleansing and crimes against humanity. All treaties relating to the protection of civilians should be ratified and implemented. Steps should be taken to strengthen cooperation with the International Criminal Court and other international or mixed war crimes tribunals, and to strengthen the International Court of Justice. The Secretary-General also intends to strengthen the Secretariat's capacity to assist national efforts to re-establish the rule of law in conflict and post-conflict societies.
- **Human rights:** The Office of the High Commissioner for Human Rights should be strengthened with more resources and staff, and should play a more active role in the deliberations of the Security Council and of the proposed Peacebuilding Commission. The human rights treaty bodies of the UN system should also be rendered more effective and responsive.
- **Democracy:** A Democracy Fund should be created at the UN to provide assistance to countries seeking to establish or strengthen their democracy.

#### IV. Strengthening the United Nations

While purposes should be firm and constant, practice and organization need to move with the times. If the UN is to be a useful instrument for its Member States, and for the world's peoples, in responding to the challenges laid out in the previous three parts, it must be fully adapted to the needs and circumstances of the 21<sup>st</sup> century.

A great deal has been achieved since 1997 in reforming the internal structures and culture of the United Nations. But many more changes are needed, both in the executive branch - the Secretariat and the wider UN system - and in the UN's intergovernmental organs:

- **General Assembly:** The General Assembly should take bold measures to streamline its agenda and speed up the deliberative process. It should concentrate on the major substantive issues of the day, and establish mechanisms to engage fully and systematically with civil society.
- **Security Council:** The Security Council should be broadly representative of the realities of power in today's world. The Secretary-General supports the principles for reform set out in the report of the High-level Panel, and urges Member States to consider the two options, Models A and B, presented in that report, or any other viable proposals in terms of size and balance that have emerged on the basis of either Model. Member States should agree to take a decision on this important issue before the Summit in September 2005.
- **Economic and Social Council:** The Economic and Social Council should be reformed so that it can effectively assess progress in the UN's development agenda, serve as a high-level development cooperation forum, and provide direction for the efforts of the various intergovernmental bodies in the economic and social area throughout the UN system.
- **Proposed Human Rights Council:** The Commission on Human Rights suffers from declining credibility and professionalism, and is in need of major reform. It should be replaced by a smaller standing Human Rights Council, as a principal organ of the United Nations or subsidiary of the General Assembly, whose members would be elected directly by the General Assembly, by a two-thirds majority of members present and voting.
- **The Secretariat:** The Secretary-General will take steps to re-align the Secretariat's structure to match the priorities outlined in the report, and will create a cabinet-style decision-making mechanism. He requests Member States to give him the authority and resources to pursue a one-time staff buy-out to refresh and re-align staff to meet current needs, to cooperate in a comprehensive review of budget and human resources rules, and to commission a comprehensive review of the Office of Internal Oversight Services to strengthen its independence and authority.

Other priorities include creating better system coherence by strengthening the role of **Resident Coordinators**, giving the **humanitarian response system** more effective stand-by arrangements, and ensuring better protection of **internally displaced people**. **Regional organizations**, particularly the African Union, should be given greater support. The Charter itself should also be updated to abolish the "**enemy clauses**", the **Trusteeship Council** and the **Military Staff Committee**, all of which are outdated.



## **Conclusion: opportunity and challenge**

It is for the world community 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 institutions for peace, prosperity and human rights. Now is the time to act. The annex to the report lists specific items for consideration by Heads of State and Government. Action on them is possible. It is within reach. From pragmatic beginnings could emerge a visionary change of direction for the world.