

The UN: Adapting to the 21<sup>st</sup> Century

# Conference Report

The Centre for International Governance Innovation

April 3rd – 5th, 2005

*In Larger Freedom*, the report of United Nations Secretary General Kofi Annan on UN reform, is replete with good ideas. Like all good ideas, however, especially the controversial ones, they cannot be relied on to sell themselves. They have to be sold, by supporters of reform, to a UN membership on the advisability of reform.

That was the motivation for the Centre for International Governance Innovation (CIGI), in collaboration with the Academic Council on the United Nations System (ACUNS) and Wilfrid Laurier University (WLU), in assembling a group of current practitioners, leading academics, civil society representatives and United Nations officials in Waterloo, Ontario in early April, 2005, to address UN reform. This was the first collective examination of the Secretary General's Report, following its publication two weeks earlier, in the wake itself of two other major reports: the United Nations High Level Panel Report on Threats, Challenges and Change, entitled *A More Secure World*, and the UN Millennium Project Report, *Investing in Development*. Taken together, these three reports are the products of an intensive research and consultation process and provide a wealth of ideas and proposals.

With a leaders' summit looming in September, 2005, CIGI felt it imperative to provide key people an opportunity to examine the proposed reforms and start to define a way forward. The purpose of the gathering, which was as much a practitioners' retreat as an academic conference, was to examine the Secretary General's ideas and to begin determining what in practice could and should be done. The setting was meant to ensure frank and constructive discussion and to ascertain the extent to which the Secretary General's proposals would be implementable. With the President of the General Assembly present, along with most of his "facilitators, i.e., UN Ambassadors who are assisting him in managing the reforms negotiation process, the conference was an important step in the effort to reinvigorate the United Nations for the 21st century. The conference took place

according to Chatham House Rules to encourage an open airing of views. The following provides a general overview of the major themes discussed.

## Executive Summary

There was general agreement that UN reform was necessary and possible. It was all too evident from the discussion, nevertheless, that reform will be an arduous task. There was little time and a great deal on the table. While extensive proposals made cross-issue trade-offs easier, they also increased the negotiating levers geometrically. Moreover, the urgency of reform



was felt differentially from region to region, with Washington wary, the Europeans positive, the Africans cautious, the Latin Americans reserved and the Asians divided. Few wanted the whole package, as is, fearing that a "big bang" could in reality be the sound of a train wreck. More broadly, countries of the South would privilege development over security and most of the North would do the reverse, giving rise to speculation about a grand bargain, despite the fact the countries were interdependent and the issues common.



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Some feared that tying security to development risked eclipsing the latter; others thought that framing the issues in this manner would generate increasing ODA flows. There was considerable support for the richer countries' establishing timetables for achieving their ODA commitments of 0.7% of GDP.

In the Third World, the U.S. invasion of Iraq and its *ex post facto* rationalization on human security grounds had created an atmosphere of distrust that was affecting attitudes towards reform generally and undermining the emerging norm of the Responsibility to Protect, in particular. Politically motivated attacks in Congress on the UN and on the Secretary General affected the atmosphere in New York and in capitals around the world. Some observed that the Congress held the secretariat to higher standards of probity and effectiveness on the Oil for Food program than they



Former Canadian Minister of Foreign Affairs, Mr. Lloyd Axworthy's keynote speech addressed the issues of human security and the "Responsibility to Protect".

held the US administration to for its serial scandals involving Halliburton and the loss by the Coalition Provisional Authority of billions of dollars of Iraq's money. Some worried that the US was not really interested in reform and counseled working with the U.S. where that was possible and working around it where that was necessary, against the day when the US might change its position on a given issue, as it was doing on the Law of the Sea. Others believed that in these not especially propitious circumstances, the key to eliciting US cooperation was to make multilateral cooperation effective. Washington appeared circumspect, at least, about guidelines on the use of force that might constrain US freedom of action. Some others, notably certain governments in Islamic countries, did not find

them constraining enough. Participants thought it incumbent on the two sides to work together to shape the emerging norm.

No issue was taken with the Secretary General's approach to outlawing terrorism, just as piracy had been outlawed in the past. On the vexing issue of the definition of terrorism, the Secretary General's adoption of the language in the High Level Panel report, which held that the deliberate targeting of civilians for political purposes was never acceptable, was a major step forward. The absence of an international ban stigmatizing nuclear weapons and the attachment of the nuclear weapons states to these arms increased the risk of their proliferation and, therefore, of nuclear terrorism. A further concern was that improvised nuclear devices could be built on the spot and terrorists did not, therefore, need sophisticated delivery systems. Some saw advantage in making the IAEA Additional Protocol mandatory, while others feared interference in legitimate nuclear energy production. On small arms and light weapons, major killers world-wide but especially in unstable areas, the effectiveness of top down international arms control strategies, which were essentially security-oriented, was limited but the UN could, *inter alia*, create an international framework into which local, national and international policies could be embedded.

Differences among participants on Security Council reform were clear and strongly held, occasioning the warning not to make the entire reform enterprise hostage to enlargement. Most accepted that, despite its undoubted shortcomings, the Council was the most effective UN organ. Some saw enlargement and efficacy as mutually exclusive; others disagreed. Some saw the Council as having a "performance deficit," while others argued it had a "representativeness deficit." Some saw its problems such as the Iraq war as political and therefore unlikely to be solved by institutional change. Some thought the timing of this reform was not propitious. There was considerable support for other structural change, including filling a void in the UN's pre- and post- conflict capability by creating a Peace Building Commission. The replacement of the Human Rights Commission by a Human Rights Council also had its adherents, although some cautioned that no country could be satisfied with its own human rights record and that some had an exaggerated view of their own standing, cutting themselves slack, for example, on counterterrorism practices that would not stand up to scrutiny.

The Secretary General had proposed a package approach, in recognition of the reality that generating agreement





His Excellency Allan Rock, Canada's Ambassador and permanent representative to the United Nations.

inevitably entails give-and-take. Pursuant to the discussions in Waterloo and elsewhere, there appeared to be a handful of truly transformative innovations that, with the requisite statesmanship, should be collectively within reach:

1. The adoption of the 0.7% ODA timetable and the "Quick Wins" strategy
2. The creation of an International Financial Facility
3. Adoption of the emerging norm of the Responsibility to Protect
4. Endorsing guidelines on the use of force
5. Adopting the definition of terrorism
6. Embracing the IAEA Additional Protocol
7. Creating the Peace Building Commission
8. Transforming the Human Rights Commission into a Council
9. Establishing a Democracy Fund, and
10. Undertakings by the Permanent Members of self-imposed limits on recourse to the veto

Taken together, and with sufficiently agile drafting to meet various negotiating needs, these ideas would go a long way towards equipping the UN to cope with the challenges it faces in the 21st century. The temptation to engage in invidious reductive negotiations, to find the lowest common denominator, must be avoided. Effective reform of the UN will require much more of its member states than doing business as usual. An effective UN is in every member's interest.

What is needed is to couple the Secretary General's vision with political will. There are not many examples in history of where it has been possible to mobilize political will for significant change in the absence of a major political upheaval such as the appalling losses of the Second World War. Whether it can be done this time will be a test whether humanity can learn lessons other than the hard way. It is quite apparent that

leaving these problems up to Permanent Representatives in New York to resolve is a prescription for deadlock. Many lack the authority to adjust national positions for a larger interest. In any case, the reform of the UN cannot be left to diplomats alone. Capitals must become engaged at the political level, and sooner rather than later. Proponents of reform should not leave all of the selling to the Secretary General and his envoys. The world needs its leaders to take command of this issue. Although it is late to do so, engaging civil society in support of reform is also needed. Reform is scarcely on the public's radar in most member countries.

The challenge is to recognize the enormity of the stakes and to rise above the temptation to indulge animosities and the instinct to conduct business as usual. The times are not usual. An historic opportunity is at hand and those who believe in the UN will seize it.

## General

Most participants agreed that after 60 years' existence, the UN needed substantial reform. The Secretary General was proposing a "package", which should be seen not as a take-it-or-leave-it proposition but rather as a balance of interests that allowed for trade-offs across regional groups and functional issue areas. No one would be completely satisfied and none marginalized, either. But, this was not just another "Plus Five" Summit<sup>1</sup>. Our publics expected results and would progressively lose faith and interest in the UN if the reform effort failed. Negotiating a broadly acceptable outcome based on the Secretary General's package was going to be difficult; the time was short, and the membership was divided. Unholy alliances were a real threat; the perfect was the enemy of the good. Participants were urged, nevertheless, to avoid the invidious reductive process to which UN bodies so often resorted when facing strongly held disparate views and which produced results devoid of all utility. The fall's reform package should be as robust as possible and should prepare the ground for following through on the rest later, as had been done with the Brahimi Report.<sup>2</sup> The key to narrowing the gaps was effective multilateralism.

At the same time, several participants urged caution. If the reform process were to fail, particularly as regards the Security Council, arguably its most effective organ, the UN as an institution would suffer a potentially

<sup>1</sup> These are major UN conferences, such as the United Nations Conference on Women, which are routinely re-convened every five years.

<sup>2</sup> The Report of the Panel on United Nations Peace Operations to the General Assembly and Security Council, A/55/305-S/2000/809 (August 21st, 2000).



UN Deputy Secretary General Louise Fréchette opened the conference with a public keynote address on adapting the UN to the twenty-first-century.

grievous setback. Further, outcomes that produced winners and losers could be destructive of the very consensus that reform was intended to generate. Nor was it helpful to think in terms of a “grand bargain” in which the “North” got security in return for the “South” getting development. These issues were thoroughly reciprocal and member states were interdependent. Indeed, bargaining was going to be necessary within themes and within groups.

On the advisability and the urgency of reform, a discrepancy was noted between Europe (and Canada), for example, which saw change as necessary, and the United States, which was apprehensive that change was intended to constrain its power. The climate in Washington for sweeping UN reform was inauspicious; Congress was particularly skeptical. There was a tendency to lay blame for failures at the feet of the institution generally and of the Secretary General more specifically. Some suggested that national capitals were passing the buck. The argument was made that the U.S. might not really be interested in strengthening multilateral cooperation. In that case, some suggested working with the U.S. where that was possible and working around it where that was necessary, against the day when the US might change its position on a given issue, as it had on the Law of the Sea.

The immediate need was to identify priorities and to define an action plan. This would include efforts to distinguish long-term versus short-term goals, as well as stand-alone proposals versus package proposals. Managerially, the reform package was being handled in four discrete parts: Freedom from Want, Freedom from Fear, Freedom to Live in Dignity and Institutional Reform. The international calendar presented several

summits and other gatherings that could be used to move things along, but time was very tight. The goal was to consult through April and May and to produce a draft outcomes document by June, which would trigger intensive negotiations. Member states were urged to be building blocks, not stumbling blocks. A sense of urgency and a spirit of compromise would be needed. Participants were reminded that the objective was not to make the organization perfect, only to make it better. Overall, more cooks and fewer menu writers were needed.

It was observed that UN reform, although of much interest to policy professionals and scholars, was scarcely on the public’s radar. What was needed was a much greater effort by the proponents of reform to bring the issues to public notice. Most capitals were more likely to respond to pressures from their citizens than they were to the arguments of their own diplomats or the entreaties of special envoys appointed by the Secretary General. What was needed was to mobilize the large networks of citizens and organizations devoted to e.g., human rights or arms control, in order to galvanize the reform impetus into a movement. The view was expressed that civil society groups must be given some prominence in the reform process and the conclusions of the Cardoso report (The report of the High-level Panel on the Relations of the United Nations and Civil Society) must be given serious consideration. A focussed message was also needed; the current message was diffuse.

### Development – Freedom from Want

Development was recognized as a priority issue, both on the global agenda and within the UN reform debate. Furthermore, there was a growing, but not yet a consensus, view, that development was reciprocally linked to security. For example, in discussing collective security and the challenge of prevention, the High Level Panel Report stated that, “we begin with development because it is the indispensable foundation for a collective security system that takes prevention seriously” (p.21). The Secretary-General’s report argued that, “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights” (pp. 17, p.6). Development was important in its own right and security was important in its own right but, what was new, was the recognition that the link between them was, also, important. In this vein, it was argued that the “risk relationship” (as opposed to a causal relationship) between development and security should be accentuated.

The “connective tissue” between security and development was “state action and capacity”, that is, the action of developing countries to achieve real governance improvements, including effective institutions, and the assistance from developed countries to help them succeed in this process. Nevertheless, some participants, maintaining that pursuant the Monterrey<sup>3</sup> and Johannesburg<sup>4</sup> conferences, a consensus on development already existed, feared linking development to the security agenda which they worried might eclipse it or submerge it if security reform failed, that development assistance could become an unintended victim of security preoccupations. Still others thought that security trumped all politically, especially in the US, the world’s largest donor in gross terms, and that explicitly framing the development issue in security terms could be persuasive as regards inducing increases in official development assistance (ODA).

## Development and Achieving the Millennium Development Goals (MDGs)

The MDGs, accepted by governments around the world at the UN summit meeting in the autumn of 2000, are at the apex of the development agenda. They encapsulated the outcomes of the conferences and summits the UN had organized in the past decade or so. They force governments to focus on whether they are doing enough to achieve them. Participants were reminded that, the endorsement of the MDGs by leaders notwithstanding, most targets were not being met, especially in sub-Saharan Africa. It was strongly asserted that they could be achieved if development assistance was being provided by donor countries on the scale needed and at the level to which they had committed themselves. The argument that these countries were holding back because of inadequate governance in the poorer states did not stand up to close examination because, five years after the goals were established, even the best-governed, democratic, poor countries were not getting the assistance they needed and could use effectively. Without scaled-up assistance, these countries would be unable to escape the poverty trap in which they found themselves. Twenty thousand people were dying preventable deaths everyday. In the poorer countries what were required were needs-assessments to which investment strategies were linked. These strategies should in turn be linked to medium term expenditure frameworks to which donor countries would gear their official development assistance. The IMF role should be re-engineered to assist poorer countries realize their macro-economic goals, including by asking the

richer countries to give more rather than asking the poorer countries to spend less.

The High level Panel Report, the Millennium Project report, and, also, the Secretary General’s reform document, as well as presentations during the conference, all recommended that donor states commit themselves to a timetable for achieving the 30 plus year old target of official development assistance equivalent to 0.7% of Gross National Product (GNP). They should, also, commit themselves to undertaking immediate efforts



Paul Heinbecker, CIGI Distinguished Fellow in International Affairs and conference convener, addresses the conference participants at Wilfrid Laurier University.

to help those countries, of which there were a significant number, that were ready to implement sound development strategies. It was strongly argued that the MDGs were genuinely achievable if adequate action were taken promptly, an extremely valuable point to communicate to leaders and publics. The goals could still be achieved if a breakthrough in developed country commitments and contributions was made in 2005. Nevertheless, current commitments that would see ODA scaled up by \$30 billion annually by 2010 would fall \$50 billion short of what was required for realization of the MDG goals alone. Reaching a contribution of 0.5% of GDP in 2009 would help get the MDGs back on track and reaching 0.7% by 2015 would generate success. Front-loading assistance would overcome resource constraints. The focus would be on countries with a high potential for success, over those that were in conflict.

Some participants felt that such an ODA commitment would be difficult to achieve and sustain due to

<sup>3</sup> The International Conference on Financing for Development in Monterrey Mexico held in March 18th – 22th, 2002.

<sup>4</sup> The World Summit on Sustainable Development in Johannesburg South Africa held August 26th – September 4th, 2002.



fluctuations in domestic economies, whose fiscal health would always take priority, and that the focus should rather be put on finding alternative sources of funding for the MDGs. It was argued in return that there were ample examples of countries that had been able to meet and sustain the 0.7% commitment, downturns in their own economies notwithstanding; further, these were not the richest countries with the most powerful economies. Without the political commitment to make significant improvements and the will to act on the part of those with the resources, there was little chance for the vision, to which all UN members were able to agree in the Millennium Declaration, to become reality.

It was pointed out that whatever the moral or economic and security case to be made for achieving the goal of 0.7% of GDP, it did not pluck at heartstrings, the way, for example, the recent Tsunami had. That, among other reasons, was why it was necessary to launch a high impact, “Quick Wins” strategy as well, for example through the provision of proven medicines and pesticide-treated bed nets to begin to bring malaria under control, and through the elimination of school fees that put school out of reach for many poor children. “Quick wins” could produce results on the ground in the short term and resonate with donors.

On the other hand, some questioned whether achieving the MDGs, though obviously a worthy goal, actually constituted a development strategy. Development needs went well beyond the MDGs. The MDGs process would lead donors to focus on fewer countries and leave some countries and peoples behind, creating a fourth world. It was, also, argued, that the development process was multi-faceted and included, among other things, maintaining the rule of law and respecting human rights at the national and international levels.

The UN was “a” player on international development questions, not “the” player. There was a need to make the UN economic functions and those of the Bretton Woods institutions more coherent so that their respective efforts were not at cross purposes. The MDGs gave them a common agenda. The accent had moved from specialization to integration. The argument was made that while the perception persisted, especially in the Finance Ministries of donor countries, that the financial institutions were effective organizations, in reality, they had degraded. The Fund was particularly distrusted, its advice often ignored and its role disputed. Additionally, the structural adjustment policies promoted by the Bank and the Fund had been largely a failure. There was no magic formula for development. Some countries with

great potential for success a few decades earlier remained near the bottom of the development index today (e.g. Ghana), despite implementing recommended strategies. Other, larger countries had been able to ignore the “experts” advice and had grown faster. Large developing countries had succeeded in having a voice in matters that affected them. Small and medium-sized countries had not. Debt forgiveness remained a major issue because of unsustainable debts incurred as a consequence of Cold War competition or of corrupt governance.

### Security – Freedom from Fear

It is evident that a lack of consensus on contemporary security issues is at the heart of the crisis of confidence in the United Nations. The conference accordingly addressed the use of force, effective, efficient and equitable security, small arms and the nexus of terrorism and weapons of mass destruction. There were four overarching priorities: preserving international law, preventing catastrophic terrorism, revitalizing the non-proliferation and disarmament framework and improving the UN’s capacity to end civil wars.

### The Use of Force

The High Level Panel had reasoned that while during the Cold War UN member states had frequently breached the Charter proscription on the use of force, more recently a “yearning” for the rule of law had



grown and expectations about compliance with the Charter were now very much higher. Participants discussed the contentious issues of pre-emption and prevention. It was argued that the “Bush Doctrine” fit into the latter category, which international law did not countenance, at least not yet. The role of the Security Council was held to be central. The Council, rather than individual states, could authorize preventative use of force in matters concerning relations between states and in cases of pressing humanitarian necessity. The Secretary General had endorsed the precautionary principles that had been discussed extensively in the Canadian-commissioned report on the Responsibility to Protect<sup>5</sup> and subsequently by the High Level Panel, as well, and presented them in more general terms as relevant to all uses of force.

The caution was expressed that public expectations with respect to the guidelines on the use of force were high but might be disappointed. On the one hand, the United States had manifested an allergy against the constraints it considered these guidelines to entail. On the other, some developing countries did not believe the guidelines amounted to strong enough constraints to preclude unwarranted and unjustified interference in their internal affairs. It was going to be a difficult circle to square.

## The Responsibility to Protect

The Secretary General has endorsed the emerging norm of the Responsibility to Protect. His report had stressed the need to implement more fully the international law that already exists, particularly international humanitarian law, not to develop new international law. Humanity’s means to intervene in humanitarian crises, even in some of the most remote corners of the world, had increased dramatically as had the expectations of informed citizenries that their governments would act. Still, participants noted the lack of political will when it came to military intervention for humanitarian purposes. While the weaker countries feared they would be subject to too much intervention, the reality had been that there was too little, especially in Africa. Collective spinelessness and callousness had betrayed the innocent and eroded UN credibility. Nor was sovereignty an obstacle to intervention, or effective action would already have been taken in Somalia, where there was no sovereign government. Some worried that the Protection norm would be abused. Others saw it as a safeguard. The choice was not between intervention and no intervention but between unilateral or multilateral, divisive or consensual, intervention. It was incumbent on those that feared

erosion of the prohibitions against encroachment and those that wished to retain the maximum freedom of action, to work together to shape the emerging norm. An important question was what the trigger for military intervention should be, a sudden large “spike” in the number of innocent deaths or chronic, accumulative human rights abuse?

It was argued that the Responsibility to Protect was not an appeal to develop more law but rather a call to action. A reality check was in order. What hope was there for ordinary people caught up in crises like Darfur if the Security Council allowed itself to become bogged down in complexities and legal technicalities? Several intriguing ideas, none of which would require a Charter amendment, were raised for bypassing logjams in the Security Council. One was that in cases of massive human rights abuses with widespread loss of life, the General Assembly should adopt a resolution calling on the Security Council to act. Another was that the permanent members of the Security Council should agree not to use their vetoes to block military or other kinds of intervention for humanitarian purposes. Another was that the General Assembly should pass a resolution asking the Security Council to adopt the Use of Force guidelines, as the Secretary General wished. The argument was made that the importance of the use of force guidelines should not be dismissed. If the Council had already adopted them, it might have acted by now in Darfur. The caution was made, at the same time, that what some regarded as dry and inhumane Charter proscriptions against interference, others saw as bulwarks of international law and practice, upon the observance of which smaller states, especially, depended. Some expressed the belief that effective action on the humanitarian front might galvanize the reform process and go a long way towards restoring some lost UN legitimacy.

## Terrorism and Weapons of Mass Destruction

There was no quarrel with the Secretary General’s contentions that the tragedy of 9/11 could have been much worse if terrorists had had access to weapons of mass destruction (WMD) and that nuclear terrorism was too often still treated as science fiction. Participants recognized the importance of taking urgent action. Further, the “knock-on” effects of a nuclear event on a

<sup>5</sup> The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, International Development Research Centre (2001).

major financial centre would be incalculable and none, including the most remote and poor, would escape the consequences. This was not an issue that was of concern, therefore, only to the North.

There was general support for the Secretary General's approach to outlawing terrorism, just as piracy had been outlawed in the past. Doing so would be an important symbolic act on the road to controlling the use of WMD. On the vexed issue of the definition of terrorism, it was noted that the Secretary General had adopted the language in the High Level Panel report which, in effect, held that the end never justified the means, i.e., that the deliberate targeting of civilians for political purposes was never acceptable. While not perfect, for example state terrorism was not included, the definition was nonetheless a major step forward. Participants expressed satisfaction that negotiations of a nuclear terrorism convention had been successfully completed. It was predicted that a comprehensive counter-terrorism agreement would be concluded in 2006. Global norms were important, in part, because they empowered local activists and civil society to monitor the performances of their own governments.

In devising effective strategies against WMD, the disaggregation of nuclear, biological, and chemical weapons was vital because the nature and dangers of the weapons differed as did the prospects of terrorist acquisition and use of them. Further, the argument could not be indefinitely sustained that perpetual possession of nuclear weapons by some states was acceptable but not by others. The absence of an international ban stigmatizing nuclear weapons increased the risk of proliferation of nuclear weapons and therefore of nuclear terrorism. A further concern was that improvised nuclear devices could be built on the spot and terrorists did not, therefore, need sophisticated delivery systems. In addition to terrorists building bombs and stealing bombs was the danger of their "bombing bombs," i.e. targeting a nuclear facilities, as Al Qaeda had contemplated doing on 9/11. Radiological weapons were also a concern.

There were numerous steps that could and should be taken to respond to the nuclear-terrorism danger, including making the IAEA Additional Protocol mandatory (a recommendation was made to use the Security Council for this purpose and, further, to amend the Non-Proliferation Treaty), tightening up and universalizing controls on nuclear materials, criminalizing the possession of WMD and sharing of intelligence. Some argued, with Iran and North Korea in mind, that an equitable way had to be found for

supplying nuclear fuel and stopping domestic production that permitted countries to acquire weapons-making know-how. Others worried that more stringent efforts to control nuclear weapons would infringe the rights of countries legally using nuclear fuel for peaceful purposes. A fissile material cut-off treaty, which some nuclear weapons states were less keen on, was also a priority. The recommendations of the High Level panel on WMD needed to be implemented even if they were not part of the current proposals of the Secretary General.

### Small Arms; Big Killers

There were more than 640 million small arms and light weapons (SALW) in existence, which were responsible for at least 300,000 deaths annually. The central challenge in many failed and failing states was insecurity stemming primarily from the proliferation and illegal use of SALW. In some cases, this caused region-wide instability. In others, it made "child armies" possible, the consequence of which were likely to endure long after the fighting was over. One key area to emphasize was the process of disarming, demobilizing and reintegrating these soldiers into society, which requires substantive economic and social investment. The sheer complexity of policy responses was stressed as small arms challenges brought together a cluster of issues. For example, in some countries the problem was related primarily to crime and in others to the effects of protracted war and conflicts. Further "a gun culture" did not necessarily translate into

Kenneth Roth, Executive Director of Human Rights Watch, provides his reflections on the creation of a Human Rights Council, as outlined in *In Larger Freedom* to conference participants in his keynote address.





“a culture of violence”. Policy action needed to be equally subtle and there were no “silver bullets”.

The effectiveness of classic international arms control strategies, which were essentially security-oriented, was limited and much of the solution required bottom-up action, in member states, rather than top-down from the UN and other international organizations. The issue was clearly too complex and important to be left to diplomats. There were nonetheless, several things the UN could and should do. It could create an international framework into which local, national and international policies could be embedded, including the harmonization of national regulation of arms brokers, the marking and tracing of illicit weapons and the reinforcement of export control regimes. There were two other areas where UN involvement was crucial: norm-setting and the dissemination of best practices, and the incorporation of small arms reduction strategies into all humanitarian relief and post-conflict operations. Participants argued, also, that the Security Council could enhance its effectiveness by insisting on respect for its proscriptions. For example, “sanctions-busting” had gone on, largely in Africa, especially in Angola, the Congo, Cote d’Ivoire, Sierra Leone and Liberia, but beyond “naming and shaming” perpetrators and complicit government leaders, which was itself a major step forward, few had been held to account and some were living openly and prosperously in member state capitals. It was noted that the principle distributors of small arms were some of the permanent members of the Security Council.

## Structural Reform

Discussion focused primarily on three of the several structural changes that the Secretary General had proposed to enhance the effectiveness of the United Nations: the enlargement of the Security Council, the creation of a Peace Building Commission and supporting secretariat and the replacement of the Human Rights Commission with a Human Rights Council to parallel the Security Council and the Economic and social Council.

## Security Council Reform

Security Council reform was clearly a central preoccupation for participants. Differences among them were clear and strongly held, occasioning the warning not to tie the entire reform enterprise to Council enlargement, lest the latter effectively take the former hostage or become the cuckoo that marginalized everything else in the nest.



John English, Executive Director of CIGI welcomes participants to Waterloo.

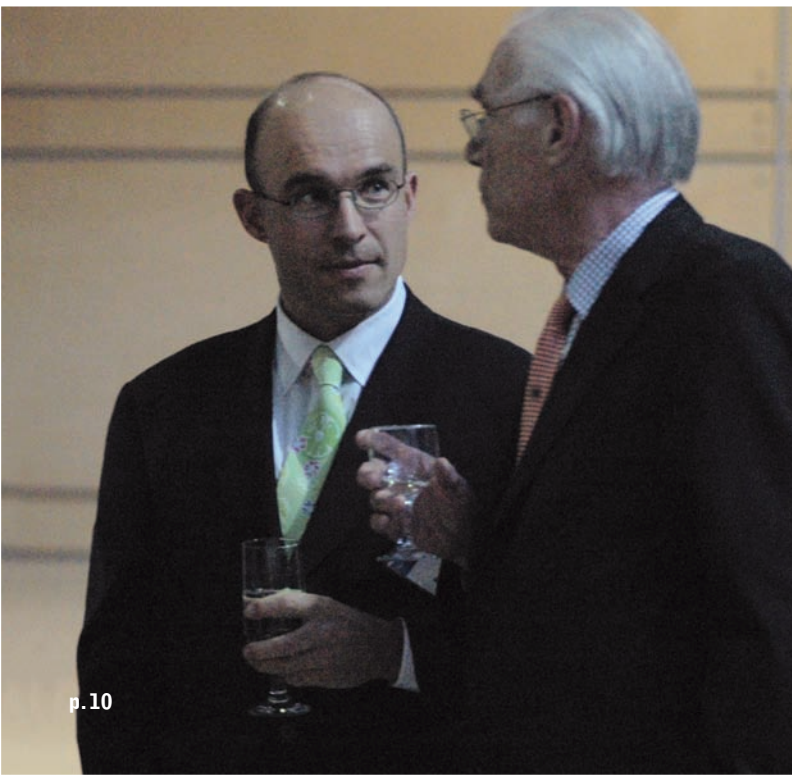
On the one hand were those who thought the case for enlargement had not been made by the Secretary General, the High Level Panel or individual enlargement proponents. Times had changed more than the Council had done and the sense that it was anachronistic was widespread. There was room for reform. But it did not follow that making the Council larger would make it more effective or even more representative. New permanent members would not necessarily feel the need, nor be welcome, to act as representatives of their regions. Nor did enlargement mean that the Council, arguably the most effective UN organ despite its problems, would necessarily function better. Enlarging ECOSOC had made it less effective; the proposed Human Rights Council was to be smaller than the failed Human Rights Commission.

The Council’s problems were political not institutional and institutional adaptations would not fix them. What was missing and, therefore, hindering the Council’s effectiveness was a consensus on the major issues of the times, such as when it was acceptable for the international community to intervene in the internal affairs of states. Adding seats to a divided Council was unlikely to facilitate achievement of that consensus. In fact, more permanent seats would diminish the middle powers’ influence that had been so beneficial to the UN and to Council effectiveness.

Suspensions were high in Washington that reform was intended to dilute American influence, a prescription for dividing the US from the Council’s purposes, not integrating it as had been a central objective of the entire enterprise in 1945. Those who were skeptical about Security Council expansion felt that attention might usefully be directed to reforming working methods first. There was a real risk in the minds of some participants that rushed or ill-considered reform could leave the UN worse off. The focus should be on

“getting it right” not “getting it done.” Member states should be very, very cautious. A big bang reform could in reality be the sound of a train wreck. Those who favoured reform wished, nonetheless, to press ahead. Council membership really was certainly anachronistic; exclusion of those who contributed the most resources or represented the most people was increasingly unacceptable. The poorer countries were underrepresented. There would never be a good time to change. The Council was moving progressively into the field of legislation through Chapter VII resolutions such as the creation of the Counterterrorism Committee which, under the Charter, had the force of law and had to be obeyed. Such legislation was legitimate only when the Council was adequately representative of the membership. Otherwise it amounted to taxation, or at least compulsion, without representation. In addition, the UN desperately needed more resources for military activities and enlargement would make available a larger pool of resources for UN purposes, including military missions. Indeed, it was just this expanded pool of resources that would likely convince the United States of the utility of the United Nations. The UN would, moreover, be able to act when the US did not see it as in its interest to do so. Further, there was a sense that the Security Council was the public face of the UN and progress on reform might well be measured by how much the Council was changed. This was said to be especially true in the poorer counties where many thought their influence on world events to be

Jim Balsillie, chair of CIGI's Board of Directors, in discussion with a conference participant.



disproportionately small and the US's influence disproportionately large. Some in the developing world saw the Council as an arm of United States foreign policy. The U.S., on the other hand, saw the Security Council as often beyond its control and antagonistic to its interests.

The differences in views on Security Council expansion were due in part to different understandings of the crisis of legitimacy facing the Council. One camp argued that legitimacy flowed from representativeness, thus favouring Security Council expansion. The other camp maintained that legitimacy flowed from performance; they favoured concentrating therefore on improving Council working methods. Some thought both were necessary. The argument was, also, made that consistency was central to legitimacy.

Many points of detail were raised. How many votes would be required in a Council of 20+ members to make a decision? Would Europe have too much influence on an enlarged Security Council? Should Europe have even greater representation given the contribution it makes to UN resources? Perhaps it would be wiser merely to add just the few permanent regional seats on which all could agree. Would a Council of 24 have a limiting effect on the use of a veto, given that a 23 to 1 outcome would suggest even greater isolation than a current 14-1 result does? Would the same process of mutual accommodation that seemed to work relatively well among the P5 work with a Council of 24? Would the P-5 become even more powerful? In addition, there was a sense that expanding the Council would not actually solve the problems that prompted calls for reform in the first place. For example, it was noted that a Council of 24 would likely have been no more effective in its handling of the Iraq war than the current Council was. Indeed, a larger Council may have even been less effective. This discussion prompted some to suggest that there were trade-offs between representativeness and effectiveness and between enlargement and accountability. Further, the last was the real issue. Creating more permanent members was the antithesis of accountability. On the veto power, all recognized that the current permanent members were highly unlikely to give it up voluntarily. Nevertheless, the idea that the veto holders should be able to vote “no” without ipso facto vetoing resolutions remained attractive. The Secretary General's criteria for enhanced Security Council membership were correct and acceptable to most countries. The 0.7 % of GDP criterion was particularly important. The attitudes of applicants towards war and peace were priority considerations. There was wide, albeit not complete, agreement that





whatever reforms were undertaken at the Security Council, a periodic review would be important to ensure that it was functioning as intended.

### The Peace-Building Commission

Few disputed the contention that one of the most serious lacunae in the UN's repertoire of instruments was a means of responding to the needs of pre- and post-conflict states. The argument that the UN was hobbled by a division between headquarters and representatives in the field was not true. The problem was that headquarters did not have answers to the field's questions. The proposed structure would help provide answers. There appeared to be wide-spread support for the Secretary General's idea to fill that gap with a Peace-Building Commission, a Peace-Building support office in the Secretariat and a Peace-Building Fund. The Commission would have two roles: formulating and implementing case-specific plans, and monitoring and adjusting them. The UN was suffering a crisis in credibility. The Peace-Building Commission was one area where success was possible if the idea could be got into leaders' heads. Function had to precede form. Delineation of goals was the first priority; process followed.

In Washington, the Peace-Building Commission was seen positively. Washington thought that it should report to the Security Council, at least initially and that its membership should comprise those member countries and institutions that brought something to the table. Congress was skeptical of the costs forecasts. But other participants maintained that peace building was unavoidably expensive. Also, where it was lodged was less important than what it did. As with the Security Council reform proposal, the devil was going to be in the details.

The idea generated numerous questions. Should the focus be on post-conflict countries, rather than on pre-conflict countries? In any case, the best conflict-prevention was conflict-resolution. Intervention at the prevention stage required great political sensitivity and discretion, and was necessarily the domain, therefore, of the Secretary General, not a very public Commission. Would the Commission exist in perpetuity, or should there be sunset provisions? Would it take decisions by consensus or would it vote? What level would representation be? Could it task UN and other agencies? While the proposal raised many issues, no one wished to risk squandering the opportunity to make the UN more effective in this area.

### Human Rights Commission Reform<sup>6</sup>

The Human Rights Commission was not just a human rights problem; it was a United Nations problem. To a large degree the Human Rights Commission had been a victim of its own success. Over the last 20 years, as it had begun to condemn governments for their gross abuses of human rights, those governments decided that the best way to avoid being condemned was to join the Commission and try to deflect its condemnations from inside. Often, countries that might otherwise have been censured were ignored and Israel was singled out for criticism. Other problems with the Commission included the fact that it met only six weeks a year, giving perfunctory consideration to the reports of the various investigative rapporteurs. There was little or no opportunity to follow up on recommendations or resolutions passed the previous year. There was little opportunity to respond to emergencies, unless they fell within that six week period, making prevention difficult. To remedy this shortcoming, the Secretary General had put forward the idea of creating a Human Rights Council, with a smaller membership than the Commission, elected by the membership at large. The means would have to be found, perhaps requiring candidates to make certain pledges of constructive conduct, to ensure that countries with poor human rights records did not highjack the process. The UN had played a leading role over the decades in setting international human rights standards. What was desperately needed now was to reform the UN's modus operandi. An argument was made that the new Council should actually report to the General Assembly. It was observed at the same time that no

<sup>6</sup> This Waterloo Meeting format precluded in-depth discussion of the issue; the following is a brief summary.





Jennifer Welsh asserted that Security Council reform was central to United Nations reform.

country could be satisfied with its own human rights record and that some had an exaggerated view of their own standing, cutting themselves slack on, for example, counterterrorism practices that would not stand up to scrutiny. It was also argued that in the context of the MDGs review in particular and of UN reform in general, it was crucial to consider the cross-cutting issues of gender equality and women's human rights, which in recent years had come under renewed pressure. It was important to move gender further up the international agenda and keep it there, treating women not only as people needing protection but also as partners in the reform of development, human rights and security.

### The General Assembly and ECOSOC

Time did not permit a full discussion of the reform of these bodies of the UN. The argument, nevertheless, was made that the size of ECOSOC should be reduced and its commissions transferred to the General Assembly. ECOSOC should constitute the governing board of the programs and funds and meet on a standing basis. It would also be the locus of monitoring progress on the implementation of the MDGs. The General assembly would remain the principle norm-creating body of the UN. It would be empowered to discuss matters of peace and security and would retain its budgetary powers.

<sup>7</sup> Taken from Prime Minister Paul Martin's article, *A Global Answer to Global Problems*, *Foreign Affairs* (May/June 2005).

### Regional Organizations

Adapting the UN to the 21st century could not be done in isolation. The High Level Panel and Secretary General's report noted the deepening relationship between regional organizations and the Security Council. Regional organizations had potential but their varying degrees of capacity were a fact of life; they were no panacea for the UN's major deficiencies. Nevertheless, some participants felt that it would assist the UN to develop a better working relationship with regional organizations.

### Leaders 20 (L20)

The L20 was raised by participants who worried that such an institution might compete with the UN; others argued that achieving consensus within an L20 would facilitate agreement on a UN reform package among the 191 member states. The L20 concept had been mentioned in the High Level Panel report as an option to give "greater coherence and impetus" to policies directed at emerging issues. According to the Canadian Government's conception of it, the L20 would be comprised of countries from North and South and would effectively represent approximately 90 percent of the world's economic output, 75 percent of all trade, and 67 percent of the world's population.<sup>7</sup> It would meet annually at the summit level. It would deal with inter-institutional and interdisciplinary issues that exceeded the writ of existing international organs and the portfolios of individual ministers. An L20 would allow countries to discuss and promote action on the major cross-cutting global issues of the day, including, for example, bioterrorism and health pandemics, the MGD targets, energy efficiency and climate change and the Doha trade round. The HLP explained that, "Such packages were difficult to negotiate and required high-level attention and leadership from those countries that had the largest economic impacts. At the moment, there was no high-level forum that provided leaders from large industrial and developing economies a regular opportunity for frank dialogue, deliberation and problem-solving". An annual L20 meeting would satisfy that need.

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The United Nations: Adapting to the 21<sup>st</sup> Century

## Conference Agenda

Waterloo, ON

April 3rd - 5th, 2005

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## Sunday, April 3, 2005

- 17:00 **Public Lecture**, Perimeter Institute,  
31 Caroline Street, Waterloo
- 17:15 Welcome by *Howard Burton*,  
Executive Director, Perimeter Institute
- Introduction of the Keynote lecturer by  
*Dr. Michael Doyle*, Columbia University,  
Chairman of the Academic Council on the  
United Nations System (ACUNS)
- Public Lecture by *Ms. Louise Fréchette*,  
Deputy Secretary General of the United Nations
- Thank you by *Jim Balsillie*, Co-CEO of RIM,  
Inc. & Chairman of the Board, Centre for  
International Governance Innovation
- 19:00 **Opening Reception and Dinner**  
The Centre for International  
Governance Innovation  
57 Erb Street West, Waterloo
- Official Welcome to the Centre for  
International Governance Innovation  
by *John English*, Executive Director
- Introduction to the Conference by  
*Paul Heinbecker*, Distinguished Fellow,  
Centre for International Governance  
Innovation and Director, Laurier Centre for  
Global Relations, Governance and Policy

## Monday, April 4, 2005

- 09:00 Welcome by *Dr. Robert Rosehart*, President,  
Wilfrid Laurier University
- Session One: From Ideas to Action:  
The Reports of the UN High Level Panel,  
the Millennium Project and the  
UN Secretary General**
- Senate and Board Chamber, Wilfrid  
Laurier University
- Moderator: *Ambassador Thomas Pickering*,  
Senior Vice-President, Boeing Corp.

- *Dr. Jeffrey Sachs*, Columbia University  
(by video)
- **Lord David Hannay**, Member, United  
Nations High Level Panel on Threats,  
Challenges and Change
- *Dr. Bruce Jones*, Senior Consultant,  
Office of the Special Advisor on Follow-  
up to the High Level Panel Report,  
United Nations
- *H.E. Mr. Jean Ping*, President of the  
United Nations General Assembly

### General Discussion

11:30 **Session Two: Rebuilding the Security  
Council**

Moderator: *H.E. Mr. Adolfo Aguilar Zinser*,  
UNAM, Mexico

- *Dr. Edward Luck*, Columbia University;  
Paper on The UN Security Council:  
Reform or Enlarge?

Discussant: *Dr. David Malone*, Assistant  
Deputy Minister, Foreign  
Affairs Canada

### General Discussion

13:00 **Lunch**, Paul Martin Centre

- Introduction by *Dr. Jennifer Welsh*,  
Oxford University
- Keynote Address by *Dr. Lloyd Axworthy*,  
former Minister of Foreign Affairs, Canada
- Thank You by *Dr. Andrew Cooper*, University  
of Waterloo and CIGI

15:00 **Session Three: Freedom from Fear**

Moderator: *Dr. Danilo Türk*, Assistant  
Secretary-General for Political Affairs, UN

- *Dr. Tom Farer*, University of Denver;  
Paper on *Legal and Legitimate Use of  
Force under the UN Charter: a Critical  
Analysis of the Report of the High  
Level Panel*

Discussant: *H.E. John Dauth* (Australia)



- *Dr. Ramesh Thakur*, Senior Vice Rector, UN University, Tokyo; Paper on *Freedom from Fear: Effective, Efficient and Equitable Security*

Discussant: *Mr. Thomas Weiss*,  
the CUNY Graduate Center

### General Discussion

17:15 **Session Four: Embracing the Reciprocal**  
19:00 **Dynamic of Development and Security**

Moderator: *Colin Bradford*, Brookings Institute

- *Dr. Nitin Desai*, London School of Economics; Paper on *The Monterey Consensus: Developing the Policy Innovations*
- *Dr. John McArthur*, Project Manager, UN Millennium Project Paper on Ensuring Adequate Resources to Meet the MDG's

Discussant: *H.E. Christopher Hackett* (Barbados) and  
*H.E. Nana Effah-Apenteng* (Ghana)

### General Discussion

19:45 **Dinner Address**, The Atrium, Science Building, Wilfrid Laurier University

Welcome by *Mr. Paul Heinbecker*, Director, International Relations and Communication Program, CIGI and, Director, Laurier Centre for Global Relations, Governance and Policy

Introduction by *H.E. Allan Rock* (Canada)

Speaker: *Mr. Kenneth Roth*, Executive Director, Human Rights Watch, New York

Commentary by: *H.E. Iftekhar Chowdhury*, (Bangladesh) and  
*H.E. Roman Kirn* (Slovenia)

### Question and Answers

20:30 **Dinner**

Tuesday, April 5, 2005

09:00 **Session Five: Peace and Security; Making**  
-11:00 **Collective Security Work for Everyone in a World of New Threats and Enduring Dangers**

Moderator: *Dr. Fen Hampson*

- *Mr. Jayantha Dhanapala*, Secretary General of the Peace Secretariat, Sri Lanka; Paper on *WMD and Terrorism: Can the UN Help to Keep the Genie in the Bottle?*

Discussant: *Dr. Wesley Wark*,  
University of Toronto

- *Dr. Keith Krause*, Graduate Institute of International Studies, Geneva; Paper on *Small Arms, Big Killers*

Discussant: *Dr. Ernie Regehr*,  
Project Ploughshares

### General Discussion

11:15 **Session Six: Teaching an Old Dog New Tricks**  
-12:30

Moderator: *Mr. Richard Stanley*,  
the Stanley Foundation

- *Dr. Shepard Forman*, Department of Politics, New York University; Paper on *Working Better Together: Implementing the High Level Panel's Recommendations on Peacekeeping*

Discussants: *H.E. Dirk Jan van den Berg* (Netherlands) and  
*H.E. Ricardo Alberto Arias* (Panama)  
*Mr. Stewart Patrick*, Centre for Global Development

13:15 **Lunch**, the Orchard Room, Langdon Hall

### Session Seven: Summary and Outcomes

*Mr. Paul Heinbecker*, Director, International Relations and Communication Program, CIGI, and Director, Laurier Centre for Global Relations, Governance and Policy

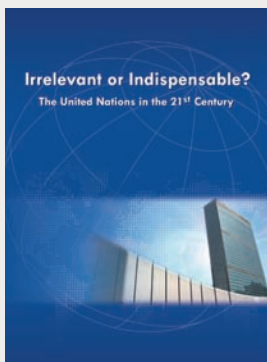


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## Irrelevant or Indispensable? The United Nations in the 21<sup>st</sup> Century. June 2005.

Edited by Paul Heinbecker and Patricia Goff

"A special look from a series of serious practitioners, academic experts and senior diplomats at what it will mean to "reform" the UN and at some of the most critical factors which must be dealt with if the organization is to serve mankind as its founders envisaged. What you should know about the coming efforts to reinvent the United Nations."

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