

Reforming the United Nations

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The process of reforming the United Nations system has begun.¹ The secretary-general kicked it off by formulating a broad, ambitious list of proposals emanating from the December 2004 report of the High Level Panel he had named² and from the Millennium Declaration³ and the Eight Goals for Development,⁴ adopted five years ago. In March 2005, then, Kofi Annan presented his plan to strengthen the United Nations,⁵ coinciding by chance with the eleventh anniversary of the genocide in Rwanda and the second of the invasion of Iraq, both events that dramatically exemplify the UN's dilemmas and weaknesses. Annan's attempt to reform the UN also takes place in the context of a apparent weakening of the figure of the secretary-general and an erosion of his political authority because of the differences between him and the United States over Iraq, the public scandals due to apparent irregularities in the Food for Oil Program, implemented in 1997 by the UN in Iraq, and by different allegations of sexual abuse on the part of

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members of the Peace Keeping Operations in Africa and UN officials. In these circumstances, Kofi Annan is attempting to overcome the UN's credibility problems with a plan of reforms that strengthens its legitimacy and effectiveness. He is hoping that his initiatives will be adopted fully and at once during the next session of the General Assembly to be held in September with the participation of heads of government and state called to review the Millennium Development Goals. His idea is to take advantage of the moment and the international climate to finally bring this reform into being after its relatively unsuccessful discussion for more than 20 years. The reasons for the secretary-general's urgency are clear; what is not so clear is whether his plan is viable.

The measures Annan suggests are, just as described in the media, the most ambitious program of changes ever attempted in the UN. One of the secretary-general's most significant contributions is the very conception he offers of security.⁶ The Annan plan is divided into several chapters, all linked by a new concept of global, collective security: his report gravitates around the freedom to live without poverty, without fear and with dignity. The secretary-general speaks in his document about the need to build a new consensus with regard to collective security based on the recognition that the threats are inter-related, that security, sustainable development, human rights, disarmament and the UN's peacekeeping ability are inter-related. Therefore, he links the development goals set by the Millennium Declaration with world security. In addition, Annan maintains that no state can protect its own security acting alone; they all need an effi-

cient collective security system and must, therefore, commit themselves to applying common strategies to avert all types of threats, from an international war with weapons of mass destruction, terrorism, the collapse of states and civilian conflicts to deadly infectious diseases, extreme poverty and the destruction of the environment.⁷ Until now, the United States has resisted linking terrorism to poverty, arguing that terrorists are motivated by hatred and fanaticism, not by injustice. The secretary-general has categorically countered that the misery of people trapped in unresolved civil conflicts or populations sunk in extreme poverty can increase the attraction of terrorism.⁸

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Another novel and central aspect of the new definition of collective security offered by the secretary-general is the incorporation of environmental issues. The destruction of ecosystems (the contamination of water, deforestation, desertification, climate change and natural disasters) is, says Annan, both a fundamental brake on development and the cause of massive displacements of peoples, new endemic diseases and new conflicts. Also, in the field of definitions, Annan proposes one for terrorism that satisfactorily bypasses the controversy about so-called state terrorism and about whether liberation movements are terrorist or not.⁹ Both issues, which have stymied the negotiations of the convention on terrorism,

have apparently been solved by Annan's proposal.¹⁰ Kofi Annan also decisively ventured into the terrain of legitimizing so-called humanitarian intervention as an extraordinary measure authorized by the UN to avert or stop acts of genocide or massive violations of human rights. The report adopts the notion of the responsibility to protect, developed by the Axworthy Commission.¹¹ This concept will be the subject of intense debates given that a large number of countries belonging to the Group of Seventy-Seven and China see in it a risk for arbitrary intervention in the Third World, motivated not by human rights but by the hegemonic interests of the powers.

The secretary-general's reform plan includes many measures in different normative and institutional fields that range from fulfilling the Millennium Goals; the signing, ratification and implementation of international treaties like the Nuclear Weapons Non-Proliferation Treaty or the Kyoto Protocol; and finishing negotiations on other conventions like the Convention against Terrorism, to the restructuring of different UN bodies like the ill-fated Human Rights Commission, expanding the Security Council and the reorganization of the secretary-general's office. Outstanding among his proposals is that of creating a Commission for the Consolidation of Peace which, after the end of hostilities, would make it possible to

continue with the tasks and commitments acquired in peace agreements through sustained, combined and participatory efforts by the entire international community that would make for a lasting peace. Despite their broad scope, Annan's proposed reforms do not include (as neither did the report of the experts) important amendments to the UN Charter, which can only be effected with the approval and ratification of at least two-thirds of the member states' legislatures, including the five permanent members of the Security Council. In any case, and despite the fact that the diplomats in New York might simplify and expedite the process of discussion and negotiation of the

tiveness even in defining and setting priorities and the organization's tasks, and that it is turning into a mere forum for declarations and repetitive, hollow, rhetorical and isolated resolutions. The Economic and Social Council (ECOSOC) is seen as a body that has been incapable of effectively organizing its tasks and deciding priorities to give effective follow-up to the compliance with important accords like the Monterrey Consensus on financing for development. In addition, there is agreement that ECOSOC operates with very poor, superficial levels of cooperation and understanding with the Bretton Woods organizations (the World Bank and the International Monetary Fund). No one defends the

how to do that. One of the bodies is, for example, the Human Rights Commission. This commission, which meets annually in Geneva, is made up of representatives from 53 member states, designated by simple, automatic criteria of regional representation. Some of them, like Cuba, are conspicuous violators of human rights which become members of the commission with the explicit aim of blocking resolutions against them. Others, like the United States, attend to selectively disqualify others according to their own political or ideological interests. Kofi Annan suggests transforming the commission into a council with the same status as the ECOSOC and the Security Council, made up of a specific number of states elected by a two-thirds majority of the General Assembly. Annan does not detail his proposal any further than that; he merely states it. Taking it as his starting point, Kenneth Roth, the executive director of the prestigious non-governmental organization Human Rights Watch, suggests adopting selective criteria for membership in that council.¹² This would be the only way of transforming the current commission into a real body for reviewing human rights throughout the world. Nevertheless, defining these criteria will surely unleash a long, torturous discussion. For example, if one of these criteria were that the aspiring member country would have to have already ratified all the international treaties in the matter, the United States, one of the sharpest critics of the current commission, would not qualify because it opposes the ratification of instruments like the Additional Protocol to the Convention on Torture.¹³ Another idea proposed by non-governmental organizations is that the commission be made up not of state

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reforms, Kofi Annan's optimism about the possibility of advancing significantly this year is not borne out by the organization's current political and diplomatic realities. It is true that there are already substantial consensuses about the diagnostic analysis, but there are also broad disagreements about the way of dealing with and overcoming different issues. What is more, some of them, like the proposal to increase the number of permanent members of the Security Council, may contaminate others in which agreements seem to be close at hand. Certainly no one is satisfied with the current functioning of the General Assembly. There is broad agreement that this, the highest body of the UN, lacks authority and effec-

performance of the Human Rights Commission, either, which now lacks all moral authority. There is also an outcry because of what is considered the lack of transparency and representativeness of the Security Council and the consistent in compliance with its resolutions. However, the secretary-general's proposals —intelligent, well thought-out and audacious— are, for that very reason, difficult to reach a consensus about, particularly in the short term.

The proposal includes issues of great transcendence that, if put into practice, would revolutionize the UN, but about which, though there is agreement that they should be the subject of reform, there is no obvious formula about

representatives but by well-known individuals or experts. This could be a very important step in the necessary link-up of the UN with international civil society.

In any case, the most controversial and contentious issue around which all the debate could hinge and which could ultimately derail it is the expansion of the Security Council. This is where the secretary-general's proposal seems most fragile and insubstantial.¹⁴ In his report, Annan seems to be equating the reform of the council to the simple expedient of increasing the number of its members. This has earned Kofi Annan's proposal severe criticisms from those who would like to see the coun-

apple of discord. Some countries, particularly those of the Group of Four (Brazil, India, Japan and Germany), claim their right to occupy a permanent seat and bring pressure to bear through different direct and indirect means so that before the September summit the General Assembly decide on the expansion. Others, members of the so-called Coffee Club (among them Pakistan, Argentina, Colombia, the Republic of Korea, Costa Rica, Spain, Italy, Mexico, Canada, Algeria, Kenya, Benin, the Ivory Coast, Egypt, Indonesia, the Arab Republic, Syria and Australia) oppose admitting new permanent members, and some of them oppose a specific country from their region becoming a

contributions.¹⁵ India and Brazil argue that their size, population and relative weight in the region give them the right to a permanent seat.

The conflict between the two sides of this argument has unleashed an intense diplomatic struggle whose outcome can not yet be foretold. This debate darkens the stage of a reform of the council's working methods to make compliance with its resolutions more effective. Neither the secretary-general nor the panel of respected figures deal with the thorny topic of demanding accountability from the Security Council, which functions as a supreme body without its decisions being subject to any review mechanism. Maintaining the council as a sovereign body that, in contrast with democratic states, is not subject to any constitutional legal control mechanism is a pragmatic approach that, while it favors decision-making and, particularly shores up the power of the five permanent members, contradicts what has been said by the secretary-general in his reform plan about the need for the UN to be subject to forms of surveillance, control and accountability in order to ensure its effectiveness and legitimacy.

The UN's credibility and prestige depends to a great extent on its ability to reform itself. The debate prior to the Iraq War put the United Nations in the limelight. International public opinion focused on the UN with an intensity that it had not experienced before because of the hope that it would be in the Security Council where the correct, necessary measures for neutralizing the possible threats of weapons of mass destruction and the guarantee of peace would be discussed and adopted. Though both the proponents of the use of force and the defenders of peace-

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cil turned into a more transparent, democratic and effective body and not simply a more representative one. The secretary-general offers two options: one, increasing council membership to 24 by adding six new non-permanent seats (without the right to veto) and three new non-permanent two-year seats; the other option is to create eight seats that could be re-elected consecutively and another seat that would exist for a single period.

The increase in seats, even if only of non-permanent members, and without thoroughly revising its working methods, could bring about serious problems for decision making and the building of consensus. In any case, the permanent seats have become the

permanent member. This is the case of China's ferocious opposition to Japan's ambitions, Pakistan's opposition to India's aspirations and Mexico's opposition to Brazil's bid for permanent status. The Group of Four has positioned itself as a formidable pressure group that actively lobbies for its cause with arguments worthy of consideration that place the UN in a serious dilemma. Japan and Germany argue that their contributions percentage-wise to the UN budget and the tangible and intangible resources they contribute to its peacekeeping tasks makes them legitimate aspirants to a permanent seat. Not having one, they say, unjustifiably places them at a disadvantage and erodes the internal political basis for their

ful containment and inspections were unsatisfied with the role played by the UN in the Iraq conflict, world public opinion's expectations about the organization's conciliatory, peace-keeping role and that of multilateralism grew significantly. In those circumstances, the reform is an opportunity to create trust and credibility among domestic opinion-makers, who determine the backing that countries and governments will give the UN in the future. This is why it is important that the reforms advance rapidly and profoundly enough to be able to comply to an acceptable degree with the hopes deposited in the UN. It would therefore be very dangerous for the future of multilateralism for the reforms to bog down and for no solid consensus to be reached in the next few months at least on a part of the changes proposed.

The possibility of achieving these consensus is conditioned by many factors, not all of which are related to the specific content of Annan's initiatives, but rather to the attitudes, perceptions and immediate interests of the great blocs. In general, the developing countries mistrust a reform centered mainly on political and security questions and in contrast demand that the greatest effort be made in promoting economic and social development, the fight against poverty and inequality. In that context, the debate about the reforms could not simply be reduced, as has been said, to a back-and-forth negotiation between the North's vision of security and the South's proposals for development.¹⁶ The secretary-general has been sensitive to this and has proposed a concept of collective security that involves development in the same equation with keeping the peace. One of the greatest obstacles to under-

standing can be U.S. hostility and reticence *vis-à-vis* the UN. The secretary-general's proposals and the very report of the panel of experts took care to include the United States' main concerns about the new scenarios of international security derived mainly from terrorism. However, it is evident that some influential sectors in Washington read in the proposed reforms an attempt to limit the United States' unilateral power. To a certain extent, this is true. In any case, in Washington there is enormous hostility to the idea that international security should be guaranteed by international, collective mechanisms articulated by the UN. Multilateralism and collective decisions are seen as very

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dangerous fetters that hamper U.S. security. There is a perception that the United States will not really want the UN reform to lead to a true strengthening of multilateral cooperation.

For all these reasons, the UN reform must be carried out using agile mechanisms for negotiations, with realistic frameworks and proposals, making the most of those understandings that do exist and making sure to advance with imagination and realism, keeping at bay any temptation to talk about winners and losers in the areas of the greatest differences. As the current president of the General Assembly, Jean Ping, has said, the idea is not to make the UN a perfect organization, but simply a better one. **NM**

NOTES

¹ This article was first published in Spanish in *Revista Universidad de México* 16, June 2005, pp. 15-21.

² UN Document A/59/565 "Un mundo más seguro: la responsabilidad que compartimos," Report of the High-Level Panel on Threats, Challenges and Changes, December 2, 2004.

³ UN Document A/RES/55/2, "Declaración del Milenio," September 13, 2000.

⁴ UN Document A/56/326, "Guía General para la Aplicación de la Declaración del Milenio," Anexo: Objetivos de Desarrollo del Milenio, September 6, 2001.

⁵ UN Document A/59/2005, "In Larger Freedom: Towards Development, Security and Human

Rights for All," Report of the Secretary-General, March 21, 2005.

⁶ His proposal states, "I fully embrace the broad vision that the report articulates and its case for a more comprehensive concept of collective security: one that tackles new threats and old and that addresses the security concerns of all States. I believe that this concept can bridge the gap between divergent views of security and give us the guidance we need to face today's dilemmas.

"The threats to peace and security in the twenty-first century include not just international war and conflict but civil violence, organized crime, terrorism and weapons of mass destruction. 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." *Ibid.*, paragraphs 77-78, p. 24-25.

⁷ Ibid., Appendix “For decision by Heads of State and Government,” paragraph 6, p. 63.

⁸ Kofi Annan, “In Larger Freedom: Decision Time at the UN,” *Foreign Affairs*, May-June 2005.

⁹ Kofi Annan writes, “It is time to set aside debates on so-called ‘State terrorism’. The use of force by States is already thoroughly regulated under international law. And the right to resist occupation must be understood in its true meaning. It cannot include the right to deliberately kill or maim civilians. I endorse fully the High-level Panel’s call for a definition of terrorism, which would make it clear that, in addition to 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.” UN Document A/59/2005, op. cit., paragraph 91, p. 26.

¹⁰ In the name of his organization, Amre Moussa, the secretary general of the Arab League of States, has validated Annan’s proposed formulation about terrorism.

¹¹ *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre for ICISS, December 2001).

¹² Kenneth Roth, presentation made at the conference “The UN Adapting to the 21st Century” held at the Centre for International Governance Innovation in Waterloo, Ontario, April 4, 2005.

¹³ The United States has not ratified the Convention on Children’s Rights (CRC), the

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) or the International Covenant on Economic, Social and Cultural Rights (ICESCR), which it has merely signed. <http://www.ohchr.org/english/countries/us/index.htm>

¹⁴ Edward C. Luck, “The UN Security Council: Reform or Enlarge?” presentation at the conference “The UN Adapting to the 21st Century at the Centre for International Governance Innovation in Waterloo, Ontario, April 4, 2005.

¹⁵ Japan contributes 19.5 percent and Germany 8.7 percent of the UN’s total budget.

¹⁶ *The UN Adapting to the 21st Century*, Conference Report, Centre for International Governance Innovation, Wilfrid Laurier University, ACUNS, held in Waterloo, Ontario, April 3-5, 2005. http://www.cigionline.ca/v.2/conf_docs/unreform.conf_report.pdf