

Reform of the UN System

Secretary-General Report: In Larger Freedom

The UN Secretary-General presented his report, *In Larger Freedom: Towards Development, Security and Human Rights for All*, in March 2005. The report outlined actions to be taken to implement the Millennium Declaration. The report was based in part on two other reports: the High-Level Panel's (HLP) *Report on Threats, Challenges and Change* (December 2004) and the UN Millennium Project's *Investing in Development* (the Project's recommendations for reaching the Millennium Development Goals, released January 2005).

The Secretary-General's report focused on development, security, democracy, and organizational reform. Concerning development, the report endorsed establishing a 0.7 percent GNP target for official development assistance (ODA) by no later than 2015 and called for increased assistance to developing countries through a more development-oriented trade system and wider debt relief. The United States believes that the level of ODA should be based on the needs of the recipient country, not on an arbitrary input target. Arbitrary input targets shift attention away from the true determinants of economic performance, which are the actions of developing countries. As noted in the Monterrey Consensus, "each country has primary responsibility for its own economic and social development, and the role of national policies and development strategies cannot be overemphasized." ODA is a complement to, not a substitute for, developing countries' efforts at policy, institutional, and governance reform.

The report called for completion of the Doha Round no later than 2006 and "quick win" initiatives such as anti-malarial measures. It also endorsed an expanded and comprehensive response to HIV/AIDS. The United States continued to support completion of the Doha Round by the end of 2006. However, experience with development projects over the past 50 years has demonstrated that "quick win" and other similar initiatives do not have long-lasting, positive results.

On the issue of security, the Secretary-General made recommendations regarding nonproliferation, terrorism, use of force, and establishment of a peacebuilding commission. The report urged full compliance with major security treaties and welcomed the Proliferation Security Initiative as a supplement to the Nuclear Non-Proliferation Treaty. The Secretary-General called for adoption of a comprehensive UN strategy for counter-terrorism; for states' accession to the 12 international conventions; and for conclusion of a comprehensive convention on terrorism before the end of the 60th UN General Assembly. He also endorsed the HLP's call for a definition of terrorism. The report concluded that the right to use force in self-

defense under Article 51 of the Charter included using force to defend against an imminent attack as well as one that had already occurred. The report also called for the UN Security Council to adopt a resolution setting out force-authorization principles and expressing its intention to be guided by them when deciding whether to authorize or mandate use of force. The United States agreed with the report on the need for a more effective international response to the threats posed by terrorism and weapons of mass destruction. Regarding the use of force, the United States welcomed the report's assertion that Article 51 of the UN Charter should not be changed and its recognition of a right of anticipatory self-defense in appropriate circumstances. The United States continued to oppose, however, a Council resolution setting out principles to guide it when deciding to authorize the use of force.

The Secretary-General endorsed the establishment of a Peacebuilding Commission with a core membership of representatives of the Security Council and Economic and Social Council (ECOSOC), leading troop contributors, and major donors to a standing fund for peacebuilding. The new commission would report to the Security Council and ECOSOC. The Secretary-General supported the creation of the UN Democracy Fund. The focus of the Fund was to support pro-democracy activities of civil society, helping fill gaps in UN work to promote elections and good governance.

The Secretary-General's report made a number of organizational reform recommendations. One of the recommended reform measures was Security Council enlargement, calling for states to consider the two models for enlargement proposed by the High-Level Panel, as well as other viable proposals. The report endorsed enlargement before the September World Summit, noting that consensus was preferable, but not an excuse for postponing action. The report also endorsed establishment of a smaller Human Rights Council to replace the Commission on Human Rights, with members elected directly by the General Assembly by two-thirds majority.

World Summit/Outcome Document

Heads of state and government met at UN headquarters September 14–16, 2005, to commemorate the 60th anniversary of the founding of the United Nations and to work to make the United Nations more effective and efficient. Throughout the spring and summer of 2005, national delegations worked with General Assembly President Jean Ping (Gabon) and thematic facilitators to draft an Outcome Document (OD) text that heads of state could adopt by consensus during the World Summit in September. With member states deadlocked on most issues only days before the Summit, a small group of permanent representatives began work to resolve outstanding issues. President Ping then produced a final document that incorporated the agreements reached by the permanent representatives and subsidiary negotiating groups.

The resulting document was widely regarded as falling far short of expectations. The United States had two specific concerns with the final OD adopted by the Heads of State. First, the section resolving to replace the discredited Commission on Human Rights with a new Human Rights Council

(HRC) was not sufficiently specific to provide a useful basis for continuing negotiations, although it did emphasize the need for an HRC to address county-specific situations of human rights abuses. Second, sections on impunity and nonproliferation and disarmament were discarded completely due to an inability to reach agreement on fundamental issues.

The document was notable, however, for its specific directives on management reform; emphasis on the importance of concluding the Comprehensive Convention on International Terrorism; reaffirmation of the Monterrey Consensus on development; and endorsement of states' "responsibility to protect" their citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity. The OD also contained acceptable language on the use of force and Security Council expansion.

Following the Summit, newly installed General Assembly President Jan Eliasson (Sweden) set about facilitating the implementation of the OD's reform decisions. He named the Permanent Representatives of Denmark and Tanzania to co-chair discussions on the Peacebuilding Commission (PBC), and the Permanent Representatives of South Africa and Panama to oversee those on the HRC. Informal General Assembly consultations on these and other subjects began in October.

A divide soon became apparent in discussions on the PBC, with the Non-Aligned Movement, G-77, and African Union member states asserting that the Commission should remain under General Assembly control. The European Union (EU), Canada, New Zealand, Russia, and China advocated a central role for the Security Council in the PBC and argued that the PBC should serve the Council in an advisory role. By December, debate had narrowed to the following two issues: membership of the PBC organizational committee and its institutional reporting lines. The final resolutions establishing the PBC, adopted simultaneously by the Security Council and the General Assembly on December 20, provided that for post-conflict matters with which the Security Council is seized, the main purpose of the PBC will be to provide advice to the Council at its request. The resolutions also provide for the PBC to submit an annual report on its work to the General Assembly, and to make the outcome of its discussions and recommendations publicly available as UN documents to all relevant bodies and actors. Following adoption of the resolutions, UN members started discussing election of members to the Organizational Committee.

Negotiations on the HRC were difficult and continued throughout 2005. They took the form of several speeches in plenary more often than efforts to forge and draft compromises. Members hoped to reach conclusion on a draft resolution by early March 2006, before the scheduled annual session of the former Commission on Human Rights.

The UN Secretariat worked to implement OD-directed management changes, including establishment of an Ethics Office, strengthening the capacity of the Office of Internal Oversight Services (IOS), creation of an Independent Audit Advisory Committee, and external review of oversight and governance, including IOS. By December, the Secretariat had acted on several of

these measures, but other key reforms were put off until 2006. Chief among them was a comprehensive review of mandates of UN programs and activities. The United States led a push for management reform to be included in the 2006–2007 budget authorization due by the end of December. In a last-minute deal brokered by the EU, the General Assembly passed a budget that imposed a spending cap of \$950 million, equivalent to approximately six months of expenses, during which time member states would work to implement management reforms. The G-77 states it did not accept a direct linkage requiring reforms before the cap would be lifted. The United States also began working with Japan to analyze UN programs, activities, and mandates in preparation for the mandate review.

General Assembly President Eliasson moved forward with plans for reform of the Economic and Social Council (ECOSOC). In November, he announced his intention to create informal consultations of the Assembly on “ECOSOC reform and development.”

Management Reform

In 2005, the United Nations, supported by the active engagement of the United States and other member states, focused a great deal of attention on management reform. In March, the Secretary-General offered his vision for transforming the United Nations to meet the challenges of the 21st century in his report entitled “In larger freedom: towards development, security and human rights for all.” The report helped set many of the themes for the September UN World Summit, including management reform. Throughout the spring and summer, national delegations worked with General Assembly President Jean Ping (Gabon) and thematic facilitators to draft the text of an outcome document that heads of state would adopt by consensus during the Summit.

With member states deadlocked on most issues only days before the Summit, a small core group of permanent representatives, including the U.S. permanent representative, began to work on resolving the impasse. Following consultations with the core group, President Ping produced a final text that incorporated the agreements reached by the permanent representatives, presented as Resolution 60/1. The final document set a wide-ranging agenda for management reform that included the following:

- Establishment of an Ethics Office;
- Improved financial disclosure procedures;
- Enhanced whistleblower policies;
- Review of UN budgetary, financial, and human resources rules and regulations;
- Review of mandates older than five years;
- Proposals for a staff buyout to refresh the UN’s workforce;
- Improved UN oversight, including strengthening the expertise, capacity, and resources of the Office of Internal Oversight Services (IOS) in

audits and investigations and ensuring the operational independence of OIOS;

- Independent external evaluation of the oversight and governance systems for the United Nations and the specialized agencies (including a review of OIOS);
- Proposal for the creation of an Independent Oversight Advisory Committee (later renamed the Independent Audit Advisory Committee);
- Proposal for OIOS to provide oversight services to interested UN agencies; and
- Comprehensive approach to victims of sexual abuse and exploitation by UN personnel.

Shortly after the Summit, Secretary Rice addressed the UN General Assembly and called upon the entire membership “to enact the vital reforms that will make the United Nations more accountable to its members, more suited to new challenges, and more faithful to its founding purposes.” To follow up on the Summit Declarations, the new General Assembly President and former Ambassador to the United States Jan Eliasson (Sweden) named Ambassadors Alan Rock (Canada) and Munir Akram (Pakistan) to co-chair discussions on implementing the management reforms.

In November, the Secretariat submitted proposals to the General Assembly for creation of an Ethics Office, expansion of the capacity of the OIOS, establishment of the Independent Audit Advisory Committee, and the external review of UN governance and oversight. In December, the United States pressed for inclusion of these proposals in the 2006–2007 budget that would be approved before the General Assembly adjourned for the year. As a result, the General Assembly, in Resolution 60/246, approved the Secretary-General proposal to provide temporary additional resources to OIOS. The Assembly also, in Resolution 60/248, approved by consensus the establishment of the Ethics Office, endorsed the external review of governance and oversight, and approved in principle the establishment of the Independent Audit Advisory Committee.

Many other reforms could not be implemented until 2006 due to their scope and complexity, chief among them the mandate review. Consequently, the U.S. permanent representative insisted that members not adopt the 2006–2007 budget, but instead agree to an interim budget with the goal of fostering continued focus by delegations on implementing the decisions from the Summit. Several delegations, particularly members of the G-77, opposed this proposal due to concerns that an interim budget could undermine the work of the Secretariat. At the last minute, the European Union brokered a consensus agreement for an alternative in which the General Assembly approved the full 2006–2007 budget but limited the Secretariat’s spending authority to \$950 million or approximately six months of expenses (see General Assembly Resolution 60/247 A-C).

Following the adoption by the General Assembly of the 2006–2007 UN budget, the U.S. deputy permanent representative stated, “It is clear that in six months we can assess progress on management reform issues and then decide how to address resource questions for the remainder of 2006. We have the ability, which the negotiators of the resolutions have acknowledged, to refrain from joining consensus on the next budget decision.”

Peacebuilding Commission

In 2005, the United States pursued the creation of a Peacebuilding Commission, a top priority within the UN reform agenda. The United States shared the belief of the Secretary-General and of other member states that the United Nations needed an institutional mechanism designed to ensure the success of countries emerging from conflict. The Peacebuilding Commission (PBC) was envisioned as a mechanism to reverse the trend in which nearly half the countries that succeed in reaching a political settlement to a conflict soon slide back into war. The PBC would provide affected countries with the best advice available from member states (including countries that had themselves successfully emerged from conflict) and would ensure better coordination between the affected countries’ economic and development goals with the response strategies developed by UN agencies, international financial institutions, and key donors.

The United States participated in extensive negotiations concerning the PBC in preparation for the September 2005 World Summit in New York. U.S. objectives concerning the PBC included ensuring that the PBC’s activities remained tied to the UN Security Council’s mandate on peace and security issues; ensuring that the PBC be created as an advisory, consensus-driven, body without operational responsibilities; ensuring that the Commission would not duplicate capabilities already found in the UN system; ensuring that the permanent members of the Security Council held seats in the Organizational Committee of the PBC; and ensuring that there would be a five year review of the PBC following its creation.

The United States attained its objectives for the PBC in the outcome document signed by the leaders of all member states at the World Summit. The document established the general outline of the PBC. It also authorized the establishment of a Peacebuilding Support Office to provide advice and support to the PBC and a voluntary Peacebuilding Fund to provide funding for Peacebuilding activities not covered by other UN mechanisms. The outcome document called for the PBC to begin its work not later than December 31.

Following the World Summit, the United States engaged in negotiations within the General Assembly and the Security Council on resolutions to formally establish the PBC. In a unique arrangement, the two UN bodies adopted concurrent resolutions establishing the PBC on December 20, 2005 (Security Council Resolution 1645 and General Assembly Resolution 60/180). Security Council Resolution 1646 of the same date specified that the permanent members of the Security Council would constitute five of the seven seats allotted to the PBC’s Organizational Committee. The Organizational

Committee also included seven members elected according to rules and procedures decided by the General Assembly, seven members of the Economic and Social Council, five of the top 10 financial contributors to the United Nations, and five of the top 10 troop contributors to UN operations.

Security Council Reform

The United States consistently stated that it supported an expansion of the Security Council that can contribute to its strength and effectiveness. In 2005, the United States publicly supported Japan for a permanent seat, while not taking a position with regard to any other countries. There was widespread international interest in expanding the Council to increase the number of permanent members and broaden regional representation, but member states were divided both on the size of any expansion and on possible new permanent members.

The United States had not publicly endorsed any specific plan for Security Council expansion, and opposed the proposals submitted in the 60th General Assembly by the African Union (AU) and the G-4 (Brazil, India, Germany, and Japan). A group of four African nations (Nigeria, Senegal, Ghana, and South Africa) tabled the AU resolution after divisive discussions within the AU, particularly with Egypt and Algeria. The AU resolution called for an expansion of the Council to 26 members, with six new permanent members (including two from Africa) and five new non-permanent seats (including two from Africa). The proposal provided for veto rights for the new permanent members.

The G-4 framework sought to increase the Council to 25 members, with six new permanent members (including two from Africa) and four new non-permanent members (including one from Africa, as opposed to two in the AU proposal). A decision on veto rights for new permanent members would be deferred for 15 years.

Both proposals divided the UN membership and neither came to a vote. In addition, the United States sought to keep the United Nations focused on more urgent reform priorities, such as management reform and the creation of the Human Rights Council.

United States Participation in the United Nations—2005