

Building Consensus for “Our Shared Responsibility”

April 22-24, 2005

Sponsored by
The Stanley Foundation

Arden Conference Center
Harriman, New York

Conference Report

In mid-February the Stanley Foundation convened a group of United Nations' permanent representatives, key Secretariat staff, and the president of the General Assembly to discuss the reform initiatives put forward by two recent UN reports: the High-level Panel on Threats, Challenges, and Change's *A More Secure World* and the Millennium Development Project's *Investing in Development*.¹

The assembled participants discussed these two reports in detail and assessed the desirability as well as the feasibility of the recommendations contained therein. Throughout the group's discussions, however, there was a feeling of anticipation for the forthcoming response of the secretary-general to these two ambitious documents. More than any other single document, participants felt that the secretary-general's synthesis report would set the agenda for the debate in the run-up to the September Millennium Review summit and beyond. That response—in the form of the recent report *In Larger Freedom: Towards Development, Security and Human Rights for All*—is now in hand.

Harking back to US President Franklin Delano Roosevelt's "four freedoms," *In Larger Freedom* is organized around four central themes: freedom from want (development); freedom from fear (peace and security); freedom to live in dignity (human rights); and organizational issues associated with strengthening the United Nations in its role as the key institution for multilateral cooperation.

In the wake of the report's release, the Stanley Foundation reconvened a similar group of experts to assess progress on the slate of reforms endorsed by Secretary-General Kofi Annan and to wrestle with the tough questions on implementation. How can the member states act efficiently and effectively to implement the secretary-general's reforms? How can the member states work together to build momentum for the reform movement?

On the specific proposals within each "cluster" of issues, there is a diversity of views among the member states. The participants were asked to review the proposals in each cluster and to assess the feasibility of the specific recommendations in the following way:

- On which decision items from the *In Larger Freedom* report will there be relatively easy agreement?
- Which items will require intensive negotiation to get them into the "package" presented to the 60th General Assembly?
- Are there items that have little or no chance of adoption this year and should be deferred for future implementation?
- Are there other items that we should discuss for possible inclusion in the "package"?

With this challenge in mind, the participants grappled with issues within all four clusters to help build consensus toward, in the words of the high-level panel, "our shared responsibility" for a more secure world.

¹*A More Secure World: Our Shared Responsibility* is a 2004 report of the secretary-general's High-level Panel on Threats, Challenges, and Change; *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* is a 2005 report of the UN Millennium Project directed by Jeffrey Sachs.

Progress to Date on Preparations for High-Level Plenary

As the assembled participants reported on progress to date on preparations for September’s high-level plenary session that will be attended by world leaders, five overarching themes emerged.

First, there is a clear sense of urgency among the member states that the current discussions represent a “now or never” moment for UN reform. Coupled with that sentiment, however, is a concern about the limited time between now and September to make progress on key issues. Unfortunately, the sense of urgency expressed by participants is not universal. “What drives me nuts,” remarked one participant, “is when people say, ‘The process of reform is just starting.’ We’ve been working diligently on reform since Kofi’s ‘fork in the road’ speech delivered in September 2003!”

Several participants were quick to point out that expectations must be managed in order to prevent the perfect from becoming the enemy of the good. The semantics of presenting the reforms as a “package” was discussed at length and there was a general consensus that while the secretary general’s proposals were not a “take-it or leave-it” package, there was an acknowledgement that all components of the *In Larger Freedom* report were interlinked and that no single issue will move on its own. If reforms are not pursued as a collective and the recommendations debated individually, they will be at risk of being picked apart very quickly.

There was no firm agreement among the members of the group on the wisdom of extending the reform timetable beyond September. Several participants wondered whether this “now or never” moment could be extended beyond September to create something akin to a “Year of UN Reform” that would persist well into

2006. A few participants took issue with this suggestion for fear there will never be a more positive mood for change than now. As such, the most dangerous thing members states could do is to “move the goalposts,” which would effectively let states off the hook. Those in favor of reducing the pressure to forge an agreement on key reforms by September argued that it would be wise to have a fallback position in case the clock runs out and key details cannot be worked out in time.

Second, participants agreed that the reform process is broadly on track. Discussions in the General Assembly have been largely fruitful thus far, but several attendees warned of landmines ahead. One participant described the reform process by using the metaphor of a train embarking on a journey from a valley to the peak of a mountain. Between now and September, we will undoubtedly encounter steep climbing, but as a first step, we have committed ourselves by loading and boarding the train. By reaching agreement on the first modality resolution in the General Assembly, we have left the station. The secretary-general has entrusted us with a cargo of issues (represented by the four clusters) and as we ascend the mountain, we will require engineers with vision, leadership, and courage. “Thus far, we have not missed any benchmarks and the process remains on track,” he concluded. “There is no way we can go back.”

Several participants acknowledged that the *In Larger Freedom* report had not (in the first instance) been received enthusiastically by some developing countries, many claiming to speak for the Non-Aligned Movement and the G-77 despite more enthusiastic responses from other members of those caucuses. Since their initial reactions, however, there has been considerable change in their position. Among the African

countries in particular, there is a great deal of interest in what benefits Africa could derive out of a potential package.

Some participants held a less sanguine view of the process thus far. On the plus side, they agreed that there is quite a bit of room for agreement between the concerns of developed and developing nations, including on some issues that many had previously ruled out as “nonstarters,” such as the definition of terrorism. On the negative side, there is a perception among UN observers that pro-reform elements are quickly losing momentum. This sentiment is driven by the fact that the old system of “horse-trading” still lingers and that some negotiating groups are being dominated by antireform obstructionists.

One participant referred to these obstructionists as “radicals,” who refuse to take the secretary-general’s report as a starting point for discussions because they believe that his report is suited to a specific set of developed country clients and not reflective enough of their concerns. These obstructionists have had a knee-jerk reaction to the idea of a “package” of reforms and are prepared to sabotage the reform process.

Third, despite the presence of such potential spoilers, there seemed to be an overwhelming sense of determination to overcome the obstacles that lie in the way of progress. But in order to transform this determination into action, key steps must be taken to bring the discussion to government leaders in capitals and carefully manage radicals who seek to derail the process. As far as radicals are concerned, if there are certain member states who want to be obstructionists, other member

states must implement a proactive strategy of “naming and shaming.”

One participant recommended that the pro-reform elements make sure that they are all on the same page with respect to the urgency and need to achieve something “big” in September. One way to do this is to make sure that there is a strategy to engage the capitals in reform discussion at the soonest possible moment. In the minds of a few participants, the secretary-general has not moved quickly enough in this regard. Participants commended the secretary-general for his move last week to appoint several special envoys to engage key capitals on reform issues, but believe that the process outside New York remains too poorly defined.² The New York process is only part and parcel of what ultimately must be a larger international discussion in world capitals to make sure that the heads of state have something to show when they convene in New York.

Participants also identified a fourth obstacle, which they defined as some countries’ obsession with structural reform. By focusing exclusively on structural reform issues, such as UN Security Council reform, many countries are losing sight of the host of other substantive issues that must be dealt with. One participant advocated a “problem-driven approach” whereby the conversation should begin with real-world threats such as terrorism and poverty and what needs to be done to defeat them, rather than arguing about the bureaucratic superstructure that needs to be assembled. As a matter of course, the structure will flow from discussion of *what* must be done. In other words, form should follow function.

²United Nations News Centre, “Seeking momentum for Annan’s reform package, UN introduces two new envoys,” April 6, 2005. Available at: <http://www.un.org/apps/news/story.asp?NewsID=13887&Cr=larger&Cr1=freedom>.

Finally, a majority of the participants identified the need for leadership during this critical time. Several participants lamented the fact that it would be very helpful to have a strong secretary-general who could press for reform, but worried aloud that with the secretary-general besieged by the Oil-for-Food scandal, member states may have to turn to another source of leadership to make sure that radicals are marginalized and capitals are brought into the process. Indeed, the General Assembly president is playing an important leadership role. At the same time, it was pointed out, the secretary-general even at his strongest could never have pushed through such an ambitious agenda on his own, and it may be helpful to have such a clear need for member states to step up and take the lead.

Freedom From Want

There was a clear consensus among the group that the “development” cluster is central to the entire process of UN reform and that the myth that development is a sideline issue has been completely dispelled. In a recent speech delivered in Jakarta, Kofi Annan himself argued that action on development is the *sine qua non* of success in September. If action on this front is stymied, the impact of this cluster on all of the others will be negative.

Participants seemed to agree that the development agenda has gotten off to a rocky start, partly due to negative reactions from some developing countries to the secretary-general’s report when it was first publicized. The G-77 initially argued that an adequate emphasis on development was lacking, but in the intervening weeks, things have markedly improved. In fact, one participant went so far as to say that achieving consensus on the development agenda would be much easier than the other three clusters.

Despite this progress, several areas of continuing resentment were identified. One developing country participant argued that developing countries still require greater clarity on how the developed countries are interpreting the secretary-general’s call for a “partnership” between the rich and poor worlds. In the minds of some developing countries, the rich countries seem to be reading the word *partnership* as code for *conditionality* and a requirement that aid recipients meet further tests before assistance is forthcoming. For progress to be made in this area, this misconception must be clarified. In addition to the partnership/conditionality debate, a timetable on ramping up development assistance, clarity on debt relief, and a renewed emphasis on the special needs of Africa were all identified as benchmarks for a meaningful outcome on development.

The discussion around benchmarks for success touched off several comments on how to distinguish between commitment and action. One participant argued that there was nothing in the secretary-general’s report that has not been discussed *ad nauseam* by the Development Committee of the World Bank. In the wake of a series of development-oriented commission reports, including those of the Millennium Project and the UK-sponsored Commission for Africa, the developing countries have grown frustrated by what they call the “implementation gap.” One participant stressed the need for a monitoring mechanism to be included in whatever agreement heads of state arrive at in September that would ensure that pledges are kept—particularly on the development front. In response, one participant noted that the international financial institutions (IFIs) already produced such a report—the *Global Monitoring Report*—which is a scorecard on development that rates the bilateral

development agencies, the regional development banks, and the IFIs themselves.³

Participants acknowledged that several concrete steps had been taken in 2005 toward meeting the lofty goals expressed by the Monterrey Consensus.⁴ Thanks to the leadership of the United Kingdom, there is a great deal of optimism throughout Europe that the major continental powers will live up to their commitments. What role the United States will play, however, is an open question. From the perspective of the Bush administration, the United States has already increased official development assistance (ODA) by threefold since entering office in 2001. The stated position of the United States, despite having signed up to Monterrey, is that it does not believe in pursuing “artificial” targets (such as increasing aid flows to 0.7 percent of GDP), but that it will seek to increase ODA as a share of GDP based on developing country needs.

Despite US reluctance to “join the race,” there have been a number of accomplishments in the development arena over the past several months, including: the successful replenishment of the International Development Association (the World Bank’s soft-loan arm) to its highest level ever; greater European consensus around the UK-sponsored International Finance Facility; momentum behind the French plan to tax aviation fuel to finance greater development expenditures; and the ambitious Paris declaration on donor harmonization, coordination, and alignment.

Even with these recent successes, participants expressed concern about how discussions on development in New York could be better linked to other international fora. Several participants

observed that the big decisions on development will not be made primarily at the United Nations. To the extent that we witness any breakthroughs, they are likely to come at the July G-8 summit at Gleneagles or the December Hong Kong ministerial meeting of WTO trade talks. Participants, therefore, expressed doubt that adequate steps were being taken to make sure the discussions in New York are being fed into discussions at other multilateral fora and vice versa. One important stumbling block in this respect is the perennial issue of policy “in-coherence” within member state bureaucracies. The lack of coordination and communication between foreign affairs, finance, and development co-operation ministers within countries could stymie efforts to use the New York discussions to deliver momentum for other high-level meetings.

Finally, several participants commented on the fact that the secretary-general’s report lacked any mention of special issues of concern to key constituencies. For instance, a few participants were surprised that the secretary-general did not mention the need for member states to address the special concerns of small-island states especially given January’s “Mauritius Strategy”—an international declaration that recognizes small island nations’ particular vulnerabilities and the need for enhanced efforts to support sustainable development in these countries.⁵ Also absent, in the minds of some, was a strong enough focus on Africa and its special development needs.

One participant noted that the secretary-general’s decision to forgo mention of special constituencies was a calculated decision to avoid having to choose a small number of special claims at the risk of annoying other constituencies who would

³World Bank and International Monetary Fund, *Global Monitoring Report 2005—Millennium Development Goals: From Consensus to Momentum*.

⁴United Nations, *Report of the International Conference on Financing for Development*, Monterrey, Mexico, March 18-22, 2002.

⁵See <http://www.un.org/smallislands2005/>.

go unmentioned. When it comes to action, the secretary-general has argued that national strategies should be the mechanism by which each country’s needs are met and resourced directly. This approach, it was argued, has the advantage of giving developing countries a chance to specify their priorities and resource needs. This approach does entail a risk that the drive toward the development goals could be atomized and bogged down with prolonged negotiation over the national strategies.

Freedom From Fear

The participants focused their discussion around six key areas in the “freedom from fear” or “peace and security” cluster on which an informal plenary in the General Assembly had just taken place (in no particular order): non-proliferation, terrorism, principles governing the use of force, peacebuilding, small arms and light weapons, and sanctions.

Nonproliferation

Several participants lamented that the framework used to discuss this issue was outdated and member states had failed to seize the opportunity to take bold steps in a new direction. The lack of a road map on nonproliferation was one of the low points of the General Assembly’s informal discussions thus far. Within the nonproliferation discussions, there were calls for the universality of the Non-Proliferation Treaty (NPT) and the ratification of the Comprehensive Test Ban Treaty (CTBT). Several member states felt that not enough attention had been paid to ensuring that countries are not precluded from pursuing the peaceful uses of nuclear fuel. In addition, there was continuing objection to the Proliferation Security Initiative (PSI), which is highly favored by the United States. One participant charged that critics of PSI are “either of ill intent or ill-informed” because PSI would be a boon to all countries, not just the United States.

One participant, sketching out a doomsday scenario, encouraged participants to envision what will happen if the upcoming NPT review conference implodes. What will happen if the United Nations proves incapable or unwilling to pick up the pieces?

Terrorism

There was broad consensus among attendees that public opinion (particularly in the United States) expects the United Nations to take some positive action in this area. On the whole, participants were optimistic that a compromise on the definition of terrorism could be achieved by September. According to one participant familiar with discussions in the General Assembly, there is virtually no divergence of views on the fact that killing civilians/noncombatants should be condemned. The discrepancy, however, is on the possible legitimization of resistance to foreign occupation and the degree to which state-sponsored terrorism will be included. Several participants argued that the definitional issue was of great importance because finding a compromise solution could open the way for progress on structural changes that are needed.

On the structural front, one participant expressed surprise that some member states perceived that Resolution 1373 and the establishment (and strengthening) of the UN Security Council Counterterrorism Committee were all that were needed. Correcting this perception and reinforcing the view that there is a need to get the whole United Nations engaged in countering terrorism will be a monumental task before September. One member of the group built on this point by saying that a greater recognition of the threat of terrorism within the UN system must coincide with a “bulking up” of UN staff with counterterrorism expertise. It would be folly if the United Nations were to take on the counterterrorism mandate without the requisite staffing.

Use of Force

One participant proclaimed the debate on the use of force the “most depressing of the lot.” Several participants regretted the fact that the positions of member states are so far apart on this issue and questioned whether the United Nations should even waste its time trying to reach consensus on principles governing the use of force. More than one participant cited the United States’ position that anticipatory self-defense is nonnegotiable as a major stumbling block. “There is absolutely no value in having a UN Security Council resolution that spells out principles on the use of force,” argued one participant. “If we think that Article 51 is good enough, why do we need to develop *new* principles?” One participant reminded the group that it was precisely disagreement on this issue—which was brought to the fore by Iraq—that launched the UN down this road of “UN reform.” To give up now, the logic goes, would be missing the point of the whole enterprise.

One of the central hang-ups that has plagued discussions on the use of force is disagreement on which organ of the UN would be the appropriate body to formally adopt any new principles. While several participants felt strongly that it was up to the Security Council to decide on principles, many participants commented that there is a growing sentiment that the Security Council is not (and has not been) acting on all members’ behalf—which would point toward action by the General Assembly.

Peacebuilding

One of the bright spots of the discussions at Arden House was the universal consensus on the need for a new peacebuilding commission that would enhance UN performance on issues that arise around the increasingly important nexus of security and development. That said, the peacebuilding commission is widely seen as

“low-hanging fruit,” and any attempt to portray it as anything but could actually symbolize failure in the broader reform endeavor. Among participants, there was widespread agreement on four principles of the new commission.

Agreed Principles on a Peacebuilding Commission

- The overarching goal of the commission should be to ensure that all of the arms of the United Nations speak with one voice on peacebuilding concerns. Several participants argued that one of the weaknesses of the UN vis-à-vis the World Bank is that the UN speaks with too many voices at the country-level, often at cross-purposes.
- The commission should not duplicate existing UN activities. Participants felt very strongly that in setting up the commission, it is crucial that we do not create yet another executing entity responsible for aspects of the peacebuilding function. Rather, what is needed is a proper coordination and priority-setting body that plays an advisory role.
- The commission should exploit the rich information-sharing opportunity vis-à-vis the Security Council especially once conflicts have fallen off that body’s agenda. The commission should make sure that the Security Council is apprised of the developmental consequences of peacekeeping and peace enforcement operations over the medium and long terms.
- In order to be effective, the commission must have assured funding.

While consensus on these four principles was quite strong, one participant worried that “we are still light-years away from agreement at the requisite level of detail on certain aspects of the commission.” In particular, precise details on the commission’s reporting structure still need to be worked out. While developing countries are coming around to the idea that sequenced reporting to the Security Council and ECOSOC is workable, several participants questioned whether ECOSOC (in its present shape) was up to the task. A few participants also expressed concern that the commission would focus too much on post-conflict activities and not enough on the conflict prevention and the preventive diplomacy capacities the secretary-general has invested in over the years. One participant urged member states to set up the commission on a provisional basis in September and then go back and make any necessary adjustments in two to three years.

Small Arms

Several participants agreed that an accord to curb small arms trafficking could be a surprise point of consensus, come September. Controlling the illicit flow of small arms and light weapons is universally recognized by member states as an urgent priority and there is an emerging consensus that a legally binding document will be necessary to enshrine this consensus. In particular, participants felt that more countries are waking up to the idea that a tougher regime on marking and tracing makes sense. One participant raised the idea of strengthening the enforcement of arms embargoes as another area of potential agreement.

Sanctions

Participants were disappointed that the sanctions issue had virtually fallen off the agenda in the General Assembly. One participant argued that the very “quiet, Class A failure” of multilateral sanctions regimes could be the “nuclear explosion that rocks the UN in July” when the

Volcker inquiry issues its final report on the Oil-for-Food scandal. In this respect, the institution as a whole (not simply the Secretariat) should take action to make sure that the UN takes positive steps toward improving the current sanctions regimes by dealing with the tough issues of enforcement, monitoring, and compensation for affected third parties.

Freedom to Live in Dignity

Discussion on this cluster focused exclusively on two central issues: the Responsibility to Protect doctrine and the proposed Human Rights Council. As background, participants outlined six major themes that have characterized the discussions in the General Assembly thus far:

Six Common Themes on the “Freedom to Live in Dignity”

1. The secretary-general’s pro-reform attitude on the human rights infrastructure of the United Nations has been embraced widely within the membership—including the United States, other key developed countries, and the majority of developing countries.
2. There is consensus among member states that development, security, and human rights form a conceptual and political triad. The three issues are interconnected and mutually reinforcing.
3. The importance of human rights in and of itself is recognized by almost all countries, at the rhetorical—if not the practical—level.
4. Countries have strong and sometimes opposing views on the need to move from legislation and norm-setting

toward implementation and capacity-building.

5. There is a common misperception that the divide between North and South on human rights concerns is large and cannot be bridged. Discussions in the General Assembly have gone a long way toward debunking this perception, with a growing recognition that a stronger approach toward human rights is needed by most countries.
6. Member states have shown an increased willingness to tackle the difficult and sensitive issues of human rights and universalized standards with an impressive and progressive open-minded spirit.

Responsibility to Protect

Reflecting the sensitivity of this issue, participants disagreed over which cluster “R2P” properly belongs in—peace and security (due to obvious links to the use of force) or “freedom to live in dignity” (human rights). Both dimensions of the issue were discussed, beginning with the implications for security and the use of force.

Several participants argued passionately that the concept of R2P is not purely an issue of forceful humanitarian intervention. The Non-Aligned Movement had previously argued that the two were one and the same, but it was ultimately unsuccessful in having the concept rejected out-of-hand on those grounds. One participant argued that the secretary-general has been very clear on what he sees are the “high bar” of conditions for which R2P can be invoked for the use of force: genocide and crimes against

humanity, ethnic cleansing, and major violations of international humanitarian law.

To avoid muddying the waters, one participant thought it would be helpful if developed countries affirmed that the principle of national sovereignty is a universal one and should be acknowledged as such. However, this should be understood as both a right *and* a responsibility for all countries: if national governments are not responsive to genocide and other crimes against humanity that are being played out within their borders, then the “international aspect of R2P” must automatically come into play.

One participant questioned whether R2P was not a redundant, extraneous concept, arguing that the UN Security Council had sufficient legal authority to intervene in Rwanda and that it was not the lack of consensus on a “responsibility to protect” that prevented countries from intervening. In other words, clarification was sought on the precise vacuum R2P is seeking to fill. Participants responded by emphasizing that codifying international principles (as proponents of R2P advocate) has an inherent value by making it known to all the countries of the world that nobody can get away with predatory behavior without facing steep consequences. The development of such a norm will hopefully, over time, make it easier to marshal political will to respond to genocide.

Several participants noted that while there are obvious “use of force” ramifications for R2P, the concept’s rightful home is in the “freedom to live in dignity” cluster. Placing it here, it was argued, would help clear up misconceptions about R2P and help “decontaminate” the discussion by keeping it from being seen as purely about armed intervention for humanitarian purposes.

Thus far, discussions in the General Assembly have centered on seven primary critiques or lingering questions surrounding R2P:

Primary Critiques of Responsibility to Protect

1. Developing country representatives have argued for the creation of adequate safeguards to protect against the abuse or misuse of the R2P concept for political purposes.
2. Any agreement that would codify R2P should specifically define the threshold for the conditions under which R2P can be invoked.
3. Questions still remain about who is responsible for making a judgment (and through what means) on when a government is not adequately protecting its citizens.
4. If a determination is made that action must be taken to deal with an unresponsive or irresponsible government, who specifically is authorized to take action?
5. Many developing countries voiced concern that appropriate emphasis be given to capacity-building for prevention. If all countries have a responsibility to protect their own peoples, the international community must ensure that individual countries have the capacity to do so.
6. Several delegations—particularly from developed countries—made the point that R2P can only work if there is suffi-

cient political will and that codifying principles will never substitute for political will needed to take action.

7. Countries have widely differing opinions on the legality of R2P. Some feel strongly that R2P is implicit in the UN Charter, while others strongly reject this view.

Moving beyond lingering questions about the concept, one participant outlined what he called the “three phases” of R2P that could frame the discussion moving forward. The first phase is the “responsibility to prevent,” which is the responsibility of sovereign states to protect their own people within their own borders. In this first phase, there should be an international system by which assistance can be provided to countries to make sure that internally displaced persons are given adequate protection. The second phase is a “responsibility to assist” where the international community (if called upon) should furnish assistance to help the internally displaced. The third and final phase is what we commonly think of as the “responsibility to protect” (when it is clear that there is no other recourse). This third phase only comes into play in very extreme situations (i.e., genocide or ethnic cleansing) where the international community must assume certain responsibilities in order to deal with clear threats to international peace and security.

Human Rights Council

Because the UN process on human rights has become so discredited, concrete changes in the way the UN human rights machinery operates are thus a critical element of the reform outcome. Many participants agreed that there was a widespread diagnosis that the UN Human Rights Commission has lost prestige and credibility in

the eyes of most member states. Developed countries, in particular, argued vociferously for a sea change in the United Nations' approach to human rights: "The failure of the Human Rights Commission represents the cornerstone of disrespect for the UN," warned one participant. "Looking forward, we need a clean slate that provides us an opportunity to start anew."

One participant suggested that a council was proposed in order to elevate the status of human rights with the United Nations as an institution and in the member states themselves. In the UN Charter, the concept of human rights plays quite a central role but this is not at all reflected in the organization as it currently stands. One of the key features of the proposed council is that it would be smaller than the Human Rights Commission. This would not only improve efficiency but would also strengthen collegiality between its members (something that the Security Council boasts, but the current commission sorely lacks). While various numbers have been tossed around for the size of the council, one participant clarified that the secretary-general has never put a specific number on the table. The key is to find a number that would maximize efficiency and collegiality—two objectives that the current size (54 members) makes impossible. While there is no election process that can guarantee that serial human rights abusers will not win seats on the new council, it was argued that in bodies where membership is subjected to a two-thirds vote, the quality of membership is often better.⁶

Several participants endorsed the idea of a standing body to address human rights concerns because of the widespread sentiment that the

brief annual session is especially susceptible to intense political pressures. "Everybody goes to Geneva and fights for six weeks," one participant remarked. "Then, they can get up and walk away." A standing body would reduce the temptation to engage in this kind of behavior. In addition, a standing body could also better relate to the UN High Commissioner for Human Rights on a day-to-day basis.

Perhaps the biggest point of contention was whether the council should be a "principal organ" of the United Nations, a status enjoyed by the Security Council, ECOSOC, and the General Assembly. Some said this would be a "slap in the face" to ECOSOC, which currently oversees human rights issues. Others thought ECOSOC should focus on its comparative advantage, for instance, monitoring social and economic outcomes such as the MDGs. Participants also disagreed on the utility of an annual UN human rights report that would perform a comparable monitoring role to the one that the annual US State Department Human Rights Report occupies in US foreign policy. Most participants were of the view that an annual report would add value by keeping the pressure on countries with human rights records to improve. A few participants felt that the production of such a report would be highly politicized and an inefficient use of resources.

Structural Issues

The discussion on the fourth and final cluster (structural reform issues) was prefaced by a brief discussion on three overarching principles that tend to guide discussions on revamping the United Nations' institutional architecture. First, it is very difficult to completely elimi-

⁶There was some objection to introducing the notion of "selectivity" when considering who should (and who should not) be a member of any UN human rights body. One participant pointed out the contradiction vis-à-vis other UN organs: "Why should there be specific requirements to join the Human Rights Council when in order to be a member of ECOSOC, you don't need to have sound economics?"

nate UN structures that are outdated or create new structures to replace or complement them. The modalities of decision making at the United Nations are skewed toward preserving the status quo—any deviation from which is inevitably perceived as threatening to countries that may have some vested interest in and identification with an issue or office. Second, there is a tendency to increase (rather than decrease) the size of UN bodies over time. Finally, the form of UN bodies rarely matches function, of which the Human Rights Commission is just one example.

Participants then turned their attention to the specific proposals to reform major UN bodies such as the Security Council, the General Assembly, ECOSOC, and the Secretariat.

Security Council

There was a palpable sense of urgency among group members when the issue of Security Council reform was discussed. As one participant put it, “The issue of Security Council reform has been discussed to death. The time is ripe for us to take a decision.” Several members worried that without greater clarity on Security Council membership, progress on other components would be stalled. A fear that was oft repeated was that if some countries don’t get their way, they will go to great ends to sabotage the remainder of the reform package. One participant called this the “filibuster” option. The participants’ sense of urgency was further prompted by “a level of polarization [among member states] that is ultimately not sustainable,” remarked one attendee. Several participants worried that the situation has deteriorated to the extent that major countries are not on speaking terms.

A persistent theme throughout the discussions in this area was the perceived lack of trust on

behalf of the majority of the members of the General Assembly vis-à-vis the Security Council. Several participants commented that colleagues in the General Assembly simply do not feel that the Security Council speaks for them. Participants wrestled with the tension between creating a body that is significantly smaller than the General Assembly yet is larger than the current Security Council while maintaining effectiveness. A few participants appeared reticent about increasing the size of the council for fear of decreasing effectiveness, but backed reform in order to increase its legitimacy. There was also some concern about the difficulty for smaller countries to gain a seat on the council under the models set forth by the high-level panel and included in the secretary-general’s report.

General Assembly

Several attendees noted that the attention given to revamping or revitalizing the General Assembly has been somewhat misplaced. At the end of the day, the General Assembly is nothing more or less than the member states themselves, one participant argued. It is the member states that are the biggest obstacles to reform of the General Assembly. Some participants felt that the secretary-general has been too vague on reform ideas and has simply issued a call on the members of the assembly to reform; what is needed now is a set of actionable and progressive ideas that can be implemented.

One starting place could be revisiting the authorities granted to the president of the General Assembly. Several members of the group complained that the president lacks sufficient authority to set the agenda and convene the General Assembly on topics of immediate relevance. There was a strong belief that the General Assembly, *not just* the Security Council, should be able to discuss major thematic issues

of importance to the majority of member states. The General Assembly, it was said, is the “heart and conscience of the world...[We] should be able to discuss any items deemed important to any segment of international community.”

To rectify these shortcomings, several participants advocated bulking up the staffing and resources of the president’s office and providing him with greater authority to control the agenda. One participant suggested using the secretary-general of the Organization for Economic Cooperation and Development (OECD) as one possible model: he/she has wide latitude in setting the agenda of the organization and plays an executive steering role that allows room for strategic initiative without the constraints of being micromanaged.

Economic and Social Council (ECOSOC)

Participants described ECOSOC as a UN body with an “identity crisis.” One participant commented that if ECOSOC were just a committee of the General Assembly (which it is often considered *de facto* by some), it would be easier to change; but because it is a principal organ, reform is much more complex. Precisely because there is confusion about its role as a principal organ versus a committee of the General Assembly, member states have differing views on its optimal size.

Beyond its structure and size, participants also conveyed the sense that ECOSOC lacks a clear mission. Participants offered five ideas of where ECOSOC could exercise its comparative advantage:

1. Millennium Development Goals (MDGs).

ECOSOC could play a leading role in monitoring the implementation of the MDGs between now and 2015. As one participant noted, the MDGs “are a growth industry, and ECOSOC should not miss the oppor-

tunity to get in on the action.” ECOSOC could ensure that both developed and developing countries are keeping up their end of the Millennium compact.

2. **Contingencies.** Several participants advocated an enhanced role for ECOSOC in staying on top of important contingencies that arise without prior warning. For instance, ECOSOC should play a central role in monitoring the international community’s response to the South Asian tsunami. Even after the immediate relief period has passed, ECOSOC could stay engaged to ensure that the relief-to-reconstruction phase proceeds apace.
3. **Peacebuilding.** One participant acknowledged that peacebuilding is one area where ECOSOC puts its toe in the water and has managed to be an effective player. Its *ad hoc* approaches to Burundi and Guinea-Bissau did add some value and forging an effective relationship with the proposed Peacebuilding Commission would be building on this experience in a structure way. Particularly if ECOSOC is to have a reporting relationship with the commission, it will have to think about when it might take the hand-off from (or lead-in to) the Security Council.
4. **Coordination With IFIs.** Several participants lamented the fact that the current relationship between the United Nations and the IFIs (which is managed by ECOSOC) is superficial and devoid of real substance. One participant familiar with the coordinating process argued that the high-level meeting between the UN and the IFIs should be transformed from a formal diplomatic event into a “roll-up-your-sleeves” working session to which actual permanent members of bodies involved are invited

rather than senior ministers. Such a working group would create a point of encounter that doesn't really exist currently and could hash out issues of agenda-setting, coordination, cooperation, and reform. Doing so would require a process of preparation that cannot take place at the eleventh hour. This would mean a departure from the current ad hoc approach where the “IFIs are treated as visitors who have come to pay their respects.”

5. Coordination Among UN Agencies.

Articles 63 and 64 spell out ECOSOC's coordination role vis-à-vis other UN organs and specialized agencies. In theory, certain UN agencies are supposed to receive policy guidance from, and report directly back to, ECOSOC. In practice, this almost never happens because most agencies act as autonomous agents. Several participants felt that a revitalized ECOSOC should reinvest in this central coordination role.

Secretariat

There was a broad consensus that the proposed reforms of the Secretariat are positive and “bold, but achievable.” The group felt strongly that: (1) there should be significantly greater authority given to the Secretariat to “get things done” and (2) at the same time, mechanisms to hold the Secretariat accountable *ex post facto* must also be strengthened.

Participants touched on the inherent tension in trying to increase the authority of the Secretariat while at the same time recognizing that it is not, legally speaking, a principal organ of the United Nations. One participant commended the secretary-general on the creation of a deputy post (currently occupied by Louise Fréchette) and argued that in the future that role should be considered a “chief operating officer.” (Doing so would allow the deputy to focus on day-to-day,

“hard-nosed management” while allowing the secretary-general to focus on his broader, world-wide mediation/conciliation role). There was virtually no disagreement about the fact that the current extent of micromanagement of the Secretariat by member states is “absurd” and that the leadership of the UN has their hands tied when they try to carry out their jobs. There were some who thought that even more sweeping reforms of the Secretariat were needed, but conceded that this decision is up to the member states.

Despite this consensus among participants, several potential roadblocks were identified. First, participants expressed concern that the secretary-general's stated desire to reallocate resources to deal with new, emerging challenges could be interpreted as a *de facto* “sunset clause,” the very notion that has been rejected time and time again by the member states. While member states can understand that the secretary-general needs flexible resources, reallocation—in the eyes of many developing countries—most often means a shift away from the priorities of developing countries toward things like terrorism and weapons of mass destruction. Second, participants did not make a judgment on the secretary-general's proposal for a one-time staff buyout, though some said this would have to pass muster with the UN staff association. Third, although participants welcomed the proposal to conduct a broad review of the Office of Internal Oversight Services (OIOS), they acknowledged that the last two General Assemblies rejected a similar review. One participant worried: “If we can't agree that we need to hold ourselves to a higher standard [by agreeing to a review that would strengthen OIOS], then the UN as a whole is in a lot of trouble.” Another participant placed partial blame with the secretary-general, saying that by ignoring the OIOS report on former UN High Commissioner for Refugees Ruud Lubbers,

the secretary-general did himself a disservice with regard to strengthening internal oversight. “We need to change the UN’s ‘authoritarian culture,’” remarked one participant. “Too often staff are wholly dependent on their bosses and don’t dare to speak up” in light of an offense.

In pushing for sweeping modernization of the United Nations, Kofi Annan has placed a political wager that the world community sees an urgent compelling need for constructive change. In the September 2003 speech in which he launched this process, the secretary-general highlighted the dangerous divisions among member states over the Iraq war. As a first step, he commissioned panels to recommend

ways member states can tackle 21st-century world problems.

Indeed, what is most striking about the recent UN reports is that they are quite specific and practical about what needs to be done. For every contemporary threat—from terrorism and infectious diseases to weapons of mass destruction and extreme poverty—proposed actions are on the table. It is as if the authors of the UN reports have issued a challenge to world leaders: “If you want safer, healthier, more productive lives for your people, and people everywhere, here is what you must do.” Now in the run-up to the September summit, we will see whether they rise to this challenge.

Chairmen’s Observations

By Richard H. Stanley

I left Arden House with feelings of encouragement, urgency, and determination. The level of effort and attention directed toward reform and renewal of the United Nations is most encouraging. Conference participants, many directly engaged in advancing the secretary-general’s recommendations contained in his report *In Larger Freedom: Towards Development, Security and Human Rights For All*, reflected their understanding that the international community has a “now or never” opportunity to equip the United Nations to deal with the threats and challenges of the twenty-first century.

The process, which began in the fall of 2003, is on track and working. The new security understanding that global and regional problems are interconnected and require integrated solutions is receiving wide support. Development, security, and human rights comprise the triad of issue clusters that must be addressed. Along with institutional reform, they form the agenda for renewal.

It would be hard to overstate the importance of a successful outcome when the 60th General Assembly meets this fall. Yet the time is exceedingly short. The president of the General Assembly and his facilitators are moving ahead with discussions and consultations. They intend to produce their draft outcome document by late May or early June. After further consultations and negotiations, they will prepare their

final document for the General Assembly. Their commitment and engagement offers promise.

But obstacles remain. They must be overcome with determination, vision, leadership, and courage. Reform of the United Nations requires more of its member states than it does of the institution itself. The renewal process, the issues entailed in it, and the growing security consensus must be carried to national capitals. It is there that fundamental policies will be decided. The context for these policy decisions must be long term—responsive to the needs of future generations. It must be global in perspective, recognizing that no nation can long be secure while others are not. The process must also engage civil society, recognizing that a successful outcome will long serve the common good.

The renewal process must convert or overcome any who may be tempted to be spoilers and obstructionists—blocking good proposals in order to get their way on others that have less support, or seeking narrow self-interest rather than collective gain. The process must avoid allowing contentious issues to “hijack” deliberations. It must yield bold outcomes rather than falling prey to chronic reductionism that so frequently captures public consideration of new ideas.

The process is well under way. The opportunities are immense. The obstacles are daunting. Let us remain determined to drive as hard as we can to achieve as much as we can toward a United Nations renewal that will fulfill the aspirations of the Preamble of the Charter.

Participant List

Chair

Richard H. Stanley, President, The Stanley Foundation

Rapporteur

Milan Vaishnav, Research Assistant, Center for Global Development

Participants

Ricardo Alberto Arias, Permanent Representative of Panama to the United Nations

Enrique Berruga, Permanent Representative of Mexico to the United Nations

John Cecil Dauth, Permanent Representative of Australia to the United Nations

Jean-Marc de La Sablière, Permanent Representative of France to the United Nations

Rosemary DiCarlo, Director of United Nations Affairs and International Operations, Democracy, Human Rights, and International Operations, National Security Council

Eduardo A. Doryan, Special Representative to the United Nations, External Affairs, UN Affairs, and Communications, World Bank Office to the United Nations

Saturnin Epié, Counselor to the President of the General Assembly, United Nations

Ali Hachani, Permanent Representative of Tunisia to the United Nations

Arjan Paul Hamburger, Deputy Permanent Representative of the Kingdom of the Netherlands to the United Nations

Roman Kirn, Permanent Representative of the Republic of Slovenia to the United Nations

Chetan Kumar, Political Liaison, Bureau for Crisis Prevention and Recovery, United Nations Development Programme, United Nations

Anders Arvid Lidén, Permanent Representative of Sweden to the United Nations

Ellen Margrethe Løj, Permanent Representative of Denmark to the United Nations

Edward C. Luck, Professor and Director, Center on International Organization, School of International and Public Affairs, Columbia University

Augustine P. Mahiga, Permanent Representative of the United Republic of Tanzania

Vanu Gopala Menon, Permanent Representative of the Republic of Singapore to the United Nations

Tommo Monthe, Special Adviser to the President of the General Assembly, United Nations

Heraldo Muñoz, Permanent Representative of Chile to the United Nations

Robert C. Orr, Assistant Secretary-General for Policy Coordination and Strategic Planning, United Nations

Kenzo Oshima, Permanent Representative of Japan to the United Nations

Anne W. Patterson, Chargé d'Affaires, United States Mission to the United Nations

Terje Rod-Larsen, President, International Peace Academy

David Shorr, Interim Director, Policy Analysis and Dialogue, The Stanley Foundation

The Stanley Foundation Staff

Susan R. Moore, Conference Management Associate
Richard Stazinski, Program Officer, Citizen Outreach

Affiliations are listed for identification purposes only. Participants attended as individuals rather than as representatives of their governments or organizations.

The rapporteur prepared this report following the conference. It contains his interpretation of the proceedings and is not merely a descriptive, chronological account. Participants neither reviewed nor approved the report. Therefore, it should not be assumed that every participant subscribes to all recommendations, observations, and conclusions.

The Stanley Foundation

The Stanley Foundation, a nonpartisan, private operating foundation, is focused on promoting and building support for principled multilateralism in addressing international issues. The foundation is attracted to the role that international collaboration and cooperation, reliance on the rule of law, international organizations, cooperative and collective security, and responsible global citizenship can play in creating a more peaceful and secure world.

Consistent with its vision of a secure peace with freedom and justice, the foundation encourages public understanding, constructive dialogue, and cooperative action on critical international issues. Its work recognizes the essential roles of both the policy community and the broader public in building sustainable peace.

The foundation works with a number of partners around the world, including public policy institutions, nongovernmental organizations, schools, media organizations, and others.

The foundation does not make grants.

Most Stanley Foundation reports, publications, programs, and a wealth of other information are instantly available on our Web site: www.stanleyfoundation.org.

The Stanley Foundation
209 Iowa Avenue
Muscatine, IA 52761 USA
563-264-1500
563-264-0864 fax
info@stanleyfoundation.org

The Stanley Foundation encourages use of this report for educational purposes. Any part of the material may be duplicated with proper acknowledgment. View this report online at www.stanleyfoundation.org.

Production: Jen Maceyko, Elizabeth Pomeroy-Baierl, Margo Schneider