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**CAN REFORM SAVE THE UNITED NATIONS?  
OPPORTUNITIES FOR CREATING AN EFFECTIVE  
MULTILATERAL BODY FOR THE 21<sup>ST</sup> CENTURY**

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## Can Reform Save the United Nations? Opportunities for Creating an Effective Multilateral Body for the 21st Century

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**Summary:** At a time of crisis in the international system and of particular ferment among those who support multilateralism, it is useful to recall the words of Eleanor Roosevelt: ‘the future belongs to those who believe in the beauty of dreams’. A United Nations advocate from its inception, Eleanor Roosevelt might have been on to something when she referred to the beauty of dreams. Indeed, the concept of a world membership organization created to end the scourge of wars and to promote peace is still an illusive mission as the UN enters its 60th year.

### Introduction<sup>1</sup>

At a time of crisis in the international system and of particular ferment among those who support multilateralism, it is useful to recall the words of Eleanor Roosevelt: ‘the future belongs to those who believe in the beauty of dreams’. A United Nations advocate from its inception, Eleanor Roosevelt might have been on to something when she referred to the beauty of dreams. Indeed, the concept of a world membership organization created to end the scourge of wars and to promote peace is still an illusive mission as the UN enters its 60<sup>th</sup> year. The dream of a world where nation-states could be the sole arbiters of international relations is also a relic of a bygone era as non-governmental organizations, individuals and non-state actors have become key players in a world of diplomacy, international politics and conflict. Perhaps it is this dream that we talk about when approaching the subject of UN reform.

The context for UN reform has changed in the 21<sup>st</sup> century. This is most evident in the types of proposals currently being carried forward to the General Assembly for consideration. From an era of ‘good feeling’ about multilateral diplomacy that marked the end of the Cold War, to the War in Iraq in 2003, the UN has become the target of attacks at the very core of its mission –maintaining peace and protecting civilians from genocide–.

Whether the UN emerges renewed in the pursuit of these goals after the September 2005 World Summit, or whether it falls further outside the orb of international politics will be determined not only by specific changes that many member states recognise are essential, but also by whether the US allows the UN to exercise its multilateral muscle in a way that respects the basic principles articulated in the Charter of 1945.

There is a great deal of literature on the topic of UN Reform. This article seeks to add to that literature by putting the UN Reform process in the context of current events.

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<sup>1</sup> Research for this article was provided by Charlotte McDowell of the UN Foundation.

Specifically, I ask whether the way in which the UN handled the war in Iraq was a symptom of future incapacity to deal with the US in the world forum, or whether the episode is merely an exceptional situation that does not render the workings of the Security Council ineffective. While I will not deal with the specifics of the UN actions *vis a vis* Iraq, I will discuss how the current reform agenda was driven by the rift created by inaction of the Security Council to sanction a war. In addition, I will examine how current plans to reform the UN may either lead to a more invigorated institution or one whose role will be limited to situations where the US and its allies render it fit to handle.

### **Historical Attempts at UN Reform**

The question of why this reform is different to others that have preceded it is similar to the three proverbial questions of the Jewish festival of Passover. In other words, as the reform debate is repeated every year, we also ask why this reform is different from all the others, and if it is different, what will it do? Finally, what value is any reform if the global consensus on multilateralism no longer exists?

To answer this question is to retell the story of UN reform so as to provide the context for current efforts. Since context is central to the state of play, it is fair to say that the UN has been trying to reform itself since its inception. According to Edward Luck's study of the history of UN reform, within two years of the signing of the UN charter, the US Congress started calling for sweeping reforms of UN finance and administration.<sup>2</sup> This study also points out that in the last broad-based reform review, which took place from 1995 to 1997, the General Assembly was consumed with no less than five working groups on different aspects of reform, its President engrossed in developing his own reform package, the Security Council reviewed its working methods, the Economic and Social Council (ECOSOC) adopted new procedures for relating to NGOs and the new Secretary General offered a comprehensive, if generally modest, plan for Secretariat reform.<sup>3</sup>

The consistency and thoroughness of these historical attempts at reform demonstrates the constancy of reform along with the difficulties of effecting real change to the global political institution.

When the UN framers created the institution in 1945, amending the Charter was deliberately made to be difficult. As evidence, despite 60 years of efforts to improve, refine and reform the UN Charter, it has been modified only three times. The Security Council has been enlarged once, in 1963, and the Economic and Social Council twice.<sup>4</sup> Aside from these modifications, efforts to change the basic charter have proved elusive. Thus, the current round of reforms has been carefully honed in order to avoid the pitfalls of the past.

What further complicates any discussion of UN reform is that the UN is fundamentally a political institution. Consequently, the proposals that have been set forth in this recent iteration of institutional reform are as much a reflection of changing international political alliances and positions as they are about ways in which the UN as a bureaucracy responds to the demands placed upon it by its membership. As Edward Luck has stated, three factors

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<sup>2</sup> See Edward C. Luck, *Reforming the United Nations: Lessons from a History in Progress*, International Relations Studies and the United Nations Occasional Paper 2003, #1 Jean Krasno and Roseann Iacomacci, editors, ACUNS.

<sup>3</sup> *Ibid.* p. 2.

<sup>4</sup> *Ibid.*, p. 3.

help make or break a reform process. These are: who makes the reform decisions; who implements them; and who pays for them.<sup>5</sup> These factors are in evidence as the UN faces yet another round of reforms in the 60<sup>th</sup> General Assembly session.

### **Current Approaches to Reform**

#### *The United Nations: Reform from Within*

Over the course of its existence, the UN has tried to balance its agenda for promoting peace with its agenda for development. This tension has been artfully expressed in the most recent effort at UN self-reform under Secretary General Kofi Annan. His report of March 2005, *In Larger Freedom*, has specifically identified the nexus between security and development as central to the future of the UN:

*'In this new millennium, the work of the United Nations must move our world closer to the day when all people have the freedom to choose the kind of lives they would like to live, the access to the resources that would make those choices meaningful and the security to ensure that they can be enjoyed in peace'.<sup>6</sup>*

This reconceptualization of the need to view collective security, development and peace is at the heart of the UN attempts to reform itself.<sup>7</sup>

Two documents form the core of the current UN reform proposals: the *Report of the High Level Panel on Threats, Challenges and Change* and the Secretary-General's report *In Larger Freedom*.<sup>8</sup> The Secretary-General's report used the findings of the High Level Panel report as a springboard for his own recommendations. Both documents address substantive issues arising from the new threats to collective security and the more mundane –yet essential– management reforms that will bring the UN into 21<sup>st</sup> century management practices. The restatement of these recommended reforms is known as the 'Outcome Document'; a compilation of those items, both substantive and managerial, that

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<sup>5</sup> *Ibid.* p. 5.

<sup>6</sup> Annan, Kofi, *In Larger Freedom: Towards Development, Security and Human Rights for All*, p. 6.

<sup>7</sup> See the Report of the Panel on United Nations Peace Operation, also known as the Brahimi report, a reform document in its own right that fell short of imposing this critical nexus between security and development ([http://www.un.org/peace/reports/peace\\_operations/](http://www.un.org/peace/reports/peace_operations/)).

<sup>8</sup> The High Level Panel was comprised of the following members: Anand Panyarachun, Chairman (Thailand), Former Prime Minister of Thailand; Robert Badinter (France), Member of the French Senate and former Minister of Justice of France; João Clemente Baena Soares (Brazil), Former General Secretary of the Minister of External Relations of Brazil and Secretary-General of the Organization of American States; Gro Harlem Brundtland (Norway), Former Prime Minister of Norway and Director-General of the World Health Organization; Mary Chinery-Hesse (Ghana), Vice-Chairman of the National Development Planning Commission of Ghana and former Deputy Director-General of the International Labor Organization; Gareth Evans (Australia), President of the International Crisis Group and former Minister for Foreign Affairs of Australia; David Hannay (United Kingdom), Former Permanent Representative of the United Kingdom to the United Nations and United Kingdom Special Envoy to Cyprus; Enrique Iglesias (Uruguay); President of the Inter-American Development Bank and former Minister for Foreign Affairs of Egypt; Satish Nambiar (India), Former Lt. General in the Indian Army and Force Commander of UNPROFOR; Sadako Ogata (Japan), President of the Japan International Cooperation Agency and former United Nations High Commissioner for Refugees; Yevgeny Primakov (Russian Federation), Former Prime Minister of the Russian Federation; Qian Qichen (China), Former Vice Premier and Minister for Foreign Affairs of China; Nafis Sadik (Pakistan), Special Envoy of the United Nations Secretary-General for HIV/AIDS in Asia and former Executive Director of the United Nations Population Fund; Salim Ahmed Salim (United Republic of Tanzania), Former Prime Minister of the United Republic of Tanzania and Secretary-General of the Organization of African Unity; and Brent Scowcroft (United States), Former Lt. General, United States Air Force and United States National Security Adviser.

were identified by member states as priority action items.

#### *Report of the High Level Panel*

What is novel in all of these documents is a new definition of security that embraces the needs of individuals as well as states. Threats that were identified by the High Level Panel report and expanded upon by the Secretary General are also significant for their responsiveness to the current global security environment. The report listed six threats without boundaries: economic and social threats, including poverty, infectious disease and environmental degradation; inter-state conflict; internal conflict, including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime.<sup>9</sup> This new line of thought recognises the impact of globalization upon a nation's capacity to respond to threats as well as the international community's capacity to prevent them.

#### *Report of the Secretary General: 'In Larger Freedom'*

Expanding upon the High Level Panel Report, *In Larger Freedom*, a title borrowed from the Charter that echoes the words of FDR, contrasts the original purposes of the UN with current and future threats. Significantly, the central concept of the report notes that 'not only are development, security, and human rights all imperative; they also reinforce each other'.<sup>10</sup> The Secretary-General's focus on the necessity of various freedoms draws on Nobel Laureate Amartya Sen's conceptualization of development as the increase of human freedoms in order to live a fuller, more prosperous life.<sup>11</sup> *In Larger Freedom* specifically points to the role of the United Nations in this process through providing recommendations for ways to enhance the body's safeguarding 'freedom from want', 'freedom from fear' and 'freedom to live in dignity'. These sections correspond to improving member states' capacity to promote development, security and human rights, democracy, and the rule of law, respectively. Also of note in this document are the implications for democracy, with an acknowledgement of the relationship between these freedoms, and the support expressed for the creation of a UN Democracy Fund to help support democratic governance world-wide.

#### *World Summit Outcome Document*

In developing these concepts and recommendations into policy, the General Assembly created an Outcome Document for the World Summit in an attempt to bridge the trade-offs between the North and the South on security and development. The document lists proposals that will undergo deliberation by member states for agreement on reforms at the September 2005 World Summit and contains four main thematic foci: development, peace and collective security, human rights and the rule of law, and strengthening the United Nations. General Assembly. President Jean Ping's facilitators for the reform process, a group of ten Permanent Representatives to the United Nations, were instrumental in bringing the document through negotiations between the global North and South on three different drafts in the six months leading up to the Summit.<sup>12</sup>

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<sup>9</sup> Report of the Secretary-General's High Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, p. 2.

<sup>10</sup> *In Larger Freedom*.

<sup>11</sup> See Amartya Sen, *Development As Freedom*, Anchor Books, New York, 1999.

<sup>12</sup> The facilitators from this process represented a cross-section of members states, composed of the Permanent Representatives to the United Nations from Australia, Bangladesh, Barbados, Ghana, the Netherlands, Panama, Slovenia, Thailand, Tunisia and the Ukraine.

Over the course of deliberations on this document, the most vanguard propositions of the reforms have been the Peacebuilding Commission, the Human Rights Council, the notion of the responsibility to protect and the question of UN management reform. The Peacebuilding Commission would serve as an advisory body to assist countries emerging from conflict and address their needs to achieve sustainable peace. The Commission would also deal with issues such as the use of force and threat of the use of force, disarmament and non-proliferation. Significantly, the Commission would be composed of directly related parties: either five permanent Security Council members or simply five members of the Security Council; the five principal troop contributors to the UN; the five principle financial contributors to the UN; five members of ECOSOC; and the involved international financial institutions.

The replacement of the discredited Human Rights Commission, which harbours violators of human rights, with an elected Human Rights Council has been much more controversial. The proposed Council would be given a clear mandate to engage in capacity building for states to protect and promote human rights, and would create a universal review in which each state would be examined for fulfilment of its various human rights obligations.

The concept of the responsibility to protect is another visionary component of the Outcome Document. This notion would phase into traditional notions of sovereignty and non-intervention. Currently, a rough consensus has been reached that when a country is unable or unwilling to defend its own population from serious crimes such as genocide or ethnic cleansing; the international community has a responsibility to do so *through the UN*.

Management reforms have also been given serious consideration in the Outcome Document, and demonstrate a strong commitment to change. Many of the provisions coincide with the US provisions on transparency and accountability. As the US government sees these reforms as the condition precedent to all other changes, the challenge for the UN would be to actually implement these decisions once they are made.

In addition to these groundbreaking propositions, the Outcome Document chapter on development is based on the concept of the need for a global partnership to coordinate policies and decisions. The primary responsibility for establishing development strategies lies with the developing countries, while industrialised nations should increase their overseas development assistance and establish time-tables for reaching the 0.7% of GNP target the Secretary-General has set in order to reach the Millennium Development Goals of poverty reduction by 2015.

The US government, however, is less supportive of the position of member states and the Secretary General for reaching the target of 0.7% of GNP. Indeed, the US government maintains that its commitment to development through the Millennium Challenge Account and its support of the Monterrey Consensus demonstrate the Bush administration's support for the global South. As Ambassador Nicholas Burns, Under-Secretary for Political Affairs testified to the Senate Foreign Relations Committee on July 21:

*'We have increased official development assistance by 90 percent since 2000, nearly tripled aid to Africa during the same period, established the Millennium Challenge Account, and led donor funding in the fight against HIV/AIDS. We cannot and should not endorse aid targets, but need not object to commitments*



*made by others to such targets’.*<sup>13</sup>

As evidenced by this statement, it is unlikely that the US government will commit to the figure of 0.7% for the reform effort. Such a demand is considered a deal breaker, particularly due to the fact that the Bush administration has increased foreign aid more than previous governments, though money alone does not complete the development agenda and the bulk of US assistance still goes for humanitarian purposes.

The Outcome Document chapter on peace and collective security is based on the recognition of the interdependence between nations and on recognising new global threats. The work presented in this chapter deals with how the spread of weapons of mass destruction and infectious diseases affect security. In addition, this chapter deals with the following issues: the possibility of a UN strategic military reform, expanding the capacity for rapid deployment and the behaviour of troops under the UN mandate.

The primary issue in the chapter on human rights is the need for compromise by heads of states in order to strengthen the human rights machinery of the UN. To strengthen the Office of the High Commissioner of Human Rights, the document points towards improving effective treaty bodies and mainstreaming human rights throughout other areas. The chapter also deals with democracy as a value that is generally accepted by all member states.

#### *Security Council Reform*

Security Council reform, something last tackled in the early 1960s, makes its way into this current reform agenda through calls for an expansion of the council’s permanent membership, but also with calls for regional representation more accurately relating to the balance of power in the world.<sup>14</sup> Expansion of the Council has been treated as an integral part of the current reform debate, but has also appeared as a separate track for discussion among member states as the process of overall UN reform advances toward the 60<sup>th</sup> General Assembly.

The Security Council reform debate has been based on two main proposals: that of the Secretary General as presented in *In Larger Freedom*, and that of the G-4 countries who are hoping to obtain permanent seats (Japan, India, Germany and Brazil). The deal breaker for these proposals has been the demands of the African Union for additional seats to be given to African nations. The US has come out in support of the expansion of the council to include Japan, yet such a move is likely to be contested by China.

While a great degree of emphasis is placed on these debates and negotiations, the key issue is whether an expanded Security Council would prevent an impasse such as the one seen in Iraq. Should an agreement allow a long-needed reform to balance regional representation, it would most likely not prevent future problems such as the one the US encountered over Iraq in 2003. As Jane Boulden and Thomas Weiss point out:

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<sup>13</sup> Testimony as Prepared before the Senate Foreign Relations Committee, July 21, 2005. The full transcript is available at <http://www.state.gov/p/us/rm/2005/49900.htm>.

<sup>14</sup> First proposed in 1963 and finally ratified in 1965, the expansion of the Council resulted from the broad decolonisation movement that shifted UN membership southward. Between 1945, when there were 51 members of the UN, to 1963 when 114 member states appeared, to 2002 when a grand total of 191 states claimed membership, the challenge has been to ensure a fair representation of all regions and interests on the Security Council.

*'The Security Council is not a road Washington always, or never, takes. Clearly, no US administration would ever permit the Council to stand in the way of pursuing perceived national security interests. At the same time, the existence of a legitimate Security Council ultimately fosters US national security. The Council often serves vital interests and gives the US cause to proceed cautiously and with international acquiescence, if not jubilant support. The Bush administration is discovering that "even more imperfectly legitimated power is likely to be much more effective than crude coercion".'*<sup>15</sup>

## **The United States: Multifaceted Approaches to Reform**

### *Impetus for Reform within the US*

The current crisis in UN management has its origins in both the past efforts to rein in the ever-growing bureaucracy, but also in the post-Iraq war review of the UN-administered Oil-for-Food Program (OFF). During the period between the two Gulf wars, the Security Council imposed sanctions on Iraq to prevent it from developing nuclear weapons capability. UN inspections of Iraqi facilities were part of the terms and conditions that marked the end of the Gulf War in 1990, as stated in Security Council resolution 678. Additionally, 'economic sanctions against Saddam Hussein's regime and the UN-led Oil for Food Program were both governed by extensive sets of Security Council resolutions'.<sup>16</sup> Some argue that the Security Council resolution authorising inspections was also operative at the time of the US Coalition invasion in 2003. Though this is a moot point, it is still a matter of debate in some circles which see the UN unwillingness to support an invasion as a breach of its obligations made in Resolution 678.

By 1995 these sanctions were not only preventing the spread of nuclear material, but also affecting the daily life of millions of Iraqis. Humanitarian aid was needed for women and children to prevent starvation and disease. Creation of the Oil-for-Food Programme allowed the government of Saddam Hussein to sell Iraqi oil through a UN programme that would yield resources to purchase food and medical supplies to support the desperate Iraqi population. This programme, the largest feeding programme ever handled by the UN, fell victim to all types of financial mismanagement. Its size, the scope of its mission, and the sheer volume of funds (US\$60 billion) made the programme vulnerable. It should be noted that the Security Council and the 661 Sanctions Committee were also overseers of this programme, as on 6 August 1990 'UN Security Council Resolution UNSCR 661 was passed, creat[ing] the "661 Committee" to oversee sanctions imposed on Iraq'.<sup>17</sup> Thus the 661 Committee and the Security Council also bear some of the blame for not acting sooner when allegations of improper actions arose.

In the post-war period after the fall of Saddam Hussein, the OFF programme came under close scrutiny, especially by US Congressional leaders who investigated its management practices, in part to seek greater transparency, but also to embarrass the UN for its lack of enthusiasm for supporting the US decision to go to war. The continued investigations into the corruption and leakage in the programme caught the attention of no less than seven

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<sup>15</sup> Jane Boulden and Thomas G. Weiss, 'Tactical Multilateralism: Coaxing America Back to the UN', *Survival*, vol. 46, nr 3, Autumn 2004, p. 111.

<sup>16</sup> 'Reconstructing Iraq: A Guide to the Issues', Open Society Institute and the United Nations Foundation publication, 30 May 2003. For a detailed list of Security Council resolutions on Iraq, starting from the Gulf War, see Appendix 2 of the report.

<sup>17</sup> Oil For Food Facts Timeline, available at <http://www.oilforfoodfacts.org/timeline.aspx>.



independent Congressional committees in a total of 14 hearings. Ultimately, a special investigative commission created by Secretary General Kofi Annan, headed by former Federal Reserve Director Paul Volcker, began an inquiry into mishandling of the programme. To date the investigation has yielded two indictments, and also a broader picture of how this fund was mismanaged.<sup>18</sup> It provided a more public window into the problems facing the UN as it tried on its own to seek reforms in all aspects of its management systems.

If the OFF programme became a lightning rod for bad management practices at the UN, it also pointed to one basic truth that has often been overlooked in these days of heated debate over management: the OFF programme worked. It prevented the regime of Saddam Hussein from importing nuclear materials, and it also proved the importance of UN inspectors who worked tirelessly to ensure that the sanctions imposed by the Security Council were actually enforced. This lesson of the programme, and moreover, the role of sanctions as a tool of diplomacy must be considered at the same time that the management role of the UN is under scrutiny.<sup>19</sup>

Management reform for the US is a *sine qua non* for its own agenda as the UN turns 60. The newly appointed Undersecretary for Management, Christopher Burnham, noted in a public discussion of the UN Reform that a US priority was getting fiscal and personnel systems right. However, his words angered the general membership when he added that his loyalties in this position were not to the UN membership, but to the US and to the President who appointed him: 'I came here at the request of the White House. It's my duty to make the UN more effective. My primary loyalty is to the United States of America'.<sup>20</sup>

Herein lies the dilemma for the future of such reform. There is no doubt that the types of reforms recommended by the Secretary General are essential. Furthermore, many of these have already been implemented or are in the process of moving forward. What is unclear, however, is whether a major overhaul of the UN system's management structure is possible unless it is one driven by the entire membership, or at least the primary financial stakeholders in the system. Reforms are not revenue-neutral acts. For example, the recommendation to buy out UN employees as a way of getting rid of deadwood is something that would use even more resources.<sup>21</sup>

### *Congressional Initiatives*

As of writing, the US government, while seeking reform, is also caught in a position where Congress is unwilling to authorise appropriations necessary to pay for the costs of change. In mid-June 2005 the House approved the Henry Hyde (R-IL) 'UN Reform Act of 2005' that includes 46 provisions the House views as essential to the UN reform process, linking them to payment of up to 50% of US dues in any given fiscal year. Furthermore, this bill has a provision that would set a 25% cap on funding to peacekeeping missions should reforms not be met, causing new US arrears to accumulate after 1 October 2005.

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<sup>18</sup> For more information, see the Oil For Food website ([www.un.org/Depts/oip/index.html](http://www.un.org/Depts/oip/index.html)) and the Oil For Food Facts website ([www.oilforfoodfacts.org](http://www.oilforfoodfacts.org)). The Reports of the Independent Inquiry Committee, also known as the Volcker Reports, are available at <http://www.iic-offp.org/>.

<sup>19</sup> Jorge López and David Cortright, 'Containing Iraq: Sanctions Worked', *Foreign Affairs*, July/August 2004.

<sup>20</sup> Irwin Arieff, 'UN Management Reforms Up in the Air as Deadline Approaches' Reuters, 5 August 2005.

<sup>21</sup> See the USIP Report *American Interests and UN Reform: Report of the Task Force on the United Nations*, p. 53-54.

In the Senate, Gordon Smith (R-OR) introduced a version of the bill passed by the House, while Senators Coleman (R-MN) and Richard Lugar (R-IL) introduced a different bill, the 'United Nations Management, Personnel, and Policy Reform Act of 2005'. This legislation contains language stating that should nothing be done in terms of reform, the president has the authority to withhold up to 50% of dues. The bill draws from the report of the Gingrich-Mitchell United States Institute of Peace task force report, stating that the report 'provides excellent recommendations for management and policy reform'.<sup>22</sup> Unlike the Hyde legislation, this bill presents recommendations for the UN rather than requirements upon which US payment of dues are contingent.

#### *The Gingrich-Mitchell USIP Task Force Report*

Provoked by the UN failure to act in the face of genocide in Darfur, Sudan, in December 2004, Congressman Frank Wolf (R-VA) provoked Congress to call for a bipartisan task force to review prospects for reform of the UN. The US Institute of Peace (USIP) coordinated the task force, which included participants from a diverse group of leading think tanks and policy centres.<sup>23</sup> The resulting report, *American Interests and UN Reform*, offers a bipartisan perspective on UN reform.

Former House Speaker Newt Gingrich and former Senate Majority Leader George Mitchell headed the panel, which presented its report in June of 2005. The report recognises the point made in *In Larger Freedom*, that in today's interconnected world, global problems require global solutions. Furthermore, the report points out the necessity of American leadership for making the United Nations an effective institution and that the United Nations is a body composed of individual nation-states that often blame the UN when they themselves have blocked collective action.<sup>24</sup>

The positive nature of the report in endorsing the principles of multilateralism must be tempered by the tone of the recommendations, many of which were incorporated into the proposed UN reform legislation. Nevertheless, the report did support the creation of a Peacebuilding Commission and also endorsed the abolition of the dysfunctional Human Rights Commission to be replaced by the Council. The report covered the following topics: preventing genocide and human rights abuses; development and humanitarian assistance; integrity, transparency, accountability and effectiveness; preventing and ending conflicts; and preventing catastrophic terrorism. The most contentious of these topics were the recommendations on integrity, transparency, accountability and effectiveness. Specifically, these recommendations propose that the UN:

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<sup>22</sup> *American Interests and UN Reform: Report of the Task Force on the United Nations*, United States Institute of Peace, Washington DC, June 2005.

<sup>23</sup> The 12 member panel was composed of: Newt Gingrich, Former Speaker of the House of Representatives; George J. Mitchell, Former Majority Leader of the Senate; Wesley K. Clark, General, US Army (Ret.); Edwin J. Feulner, President, The Heritage Foundation; Roderick M. Hills, Partner, Hills and Stern, LLP; Donald McHenry, Ambassador (Ret.), Distinguished Professor, School of Foreign Service, Georgetown University; Thomas R. Pickering, Ambassador (Ret.), Senior Vice President, International Relations, The Boeing Company; Danielle Pletka, Vice President, Foreign and Defense Policy, American Enterprise Institute; Anne-Marie Slaughter, Woodrow Wilson School of Public and International Affairs, Princeton University; A. Michael Spence, Partner, Oak Hills Capital Partners; Malcolm Wallop, Former U.S. Senator, Chairman and Founder, Frontiers of Freedom; and R. James Woolsey, Former Director of Central Intelligence, Vice President, Booz Allen Hamilton.

<sup>24</sup> Center for Global Solutions Fact Sheet, available at: [www.globalsolutions.org/programs/intl\\_instit/OFF\\_factsheet.html](http://www.globalsolutions.org/programs/intl_instit/OFF_factsheet.html).

- Establish an Independent Oversight Board that will monitor UN activities, deter corruption and ensure efficient use of resources.
- Create a senior official position in charge of daily operations filling the role of Chief Operating Officer.
- Establish a system to ensure that UN procedures are conducted openly and according to the rules.
- Implement a modern personnel system to evaluate performance, recruit highly qualified employees, and remove unprofessional staff.
- Establish effective protection mechanisms for employees who come forward and report misconduct.
- Develop a new standard of personnel ethics and promote them within the organization.

As this report makes clear, the US preoccupation with management reform is more central to UN reform than the corresponding emphasis seen in the Outcome Document.

### *Management Reform*

Management crises have consistently plagued the UN as an institution. These problems have focused on resource management, expansion of personnel, transparency and oversight of financial systems, and duplication of tasks and missions. An example of the costs of these problems came in 2000, when the US failure to pay its dues and the cumulative effect of non-payment resulted in a major political crisis that was ultimately solved by then US Permanent Representative to the UN, Richard Holbrooke. His famous compromise with US Senator Jesse Helms, then powerful Chairman of the Senate Foreign Relations Committee, ensured that the US would once again be able to meet its financial obligations to the world body. And this was not a first. During the 1960s, at the height of the Cold War, the Soviet Union and France refused to pay their assessments at a critical time when UN peace operations were taking place in both the Congo and the Middle East.<sup>25</sup> While this crisis was ultimately resolved by the International Court of Justice, the tactic of using withholding of dues to the UN has been a favourite means of member states in attempts to paralyse the UN in times of political polarisation or dissention.

For the US government, management reform above all other changes is central to an effective UN. Lawmakers, the executive branch and the NGO community all view the importance of management changes at this crucial time. Ambassador Anne Patterson, Deputy US Permanent Representative to the United Nations, pointed this priority out in a statement to the UN on 2 August 2005:

*'The United States is committed to a package of sweeping reforms that will change the face of the United Nations –reforms that include... improved UN management practices that bring a level of transparency and accountability that has previously been lacking... we also need a clearer policy on waiver of immunity, and establishment of an Oversight Advisory Committee with a clearer mandate, not least to recommend proper budget levels for Office of the Inspector for Oversight Services, which should remain independent of the bodies it audits'.<sup>26</sup>*

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<sup>25</sup> Luck, p. 10.

<sup>26</sup> Statement by Ambassador Anne W. Patterson, Deputy US Permanent Representative to the United Nations, to the General Assembly, 2 August 2005.

### **Analysis: What Can Reform Legitimately Attempt to Change?**

In light of the August recess appointment of John Bolton to serve as the US ambassador to the UN, the issue of the hour is how he will live up to the commitment made by President Bush to rejuvenate the institution. In a recent comment on the UN reform agenda, Ambassador Bolton said that ‘UN reform is not a one-night stand, UN reform is forever’.<sup>27</sup> But whether we can construe this remark to be a commitment by the US to be a genuine reform effort or a discarding of all this work remains untested.

At the heart of this effort will be a need to resurrect the values of internationalism that led the US to create the UN in the first place. As John Hamre, President of the Center for Strategic and International Studies so eloquently noted, at the end of the Second World War ‘America took the lead to create a series of institutions, centered around the UN, that enshrined Western values –representative government, due process, public accountability, liberal values, economic growth and social development. All were values inherently favorable to the West and corrosive to the communist system’.<sup>28</sup>

The evolution of the UN over time, however, has resulted in a bureaucracy that is both frustrating and oftentimes counterproductive. With the US decision to attack Iraq, the UN proved it was no longer an institution capable of operating effectively, and moreover, underscored the growing US frustration with formal institutions through the utilisation of ‘coalitions of the willing’. But even if the swift vanquishing of Saddam’s troops demonstrated the military might of the US and its coalition allies, it also demonstrated the weakness of a policy that discards internationalism. This policy has come short as a solution to the most basic of post-war needs: rebuilding enduring institutions and restoring peace and security in a tortured land.

The lesson of Iraq has also underscored a shift in the way the US has come to revisit its relationship with the UN. Coalitions of the willing might work for the moment, but when it comes to creating the long-term conditions that support US interests, a more effective and stronger UN must be an option. The successful election of an interim government in Iraq managed and implemented by the UN reminded the international community of how essential the international organization was in moving Iraq out of chaos.

Despite the Bush administration’s tendency to prefer informal over formal international arrangements, only through institutional frameworks can US interests be best served. Specifically, the frameworks provided by the UN, its Charter and the resulting treaties it enforces in human rights, counter-terrorism, anti-corruption and non-proliferation are essential for global policy. Thus the challenge for Bolton and for the Bush administration is how to move an institution, plagued by inefficiency, but still embodiment of legitimacy, return to a central place in the US foreign policy toolkit.

Counter-terrorism and Peacebuilding may be two areas where the UN can play a vital role, as the threats of terrorists remain a constant for both the North and the South. Peacebuilding is also a place where the US can no longer go it alone, nor wants to be the sole military and development force on post-conflict Africa, the Balkans or Haiti. The attacks of 11 September 2001 created a groundswell of UN member-state support for

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<sup>27</sup> Remarks by Ambassador John R. Bolton, US Permanent Representative to the United Nations, on the Situation in Iraq and the Oil-for-Food Programme, at the Security Council Press Stakeout, 11 August 2005.

<sup>28</sup> John J. Hamre, ‘American Internationalism in the Years Ahead’, in CSIS Memorandum nr 170, 14 April 2005 (2 pages).

greater engagement in counter-terrorism activity at the UN. Within days of the New York and Washington attacks, the Security Council passed resolution 1378, which created a Counter-Terrorism Commission and defined the work of the UN to combat such acts of violence. Using its framework-creating capacity, the UN went ahead in drafting a counter-terrorism convention, The UN began to monitor enforcement of counter-terrorism activities among member states by requiring annual reporting on efforts around the globe, The definition of terrorism that the High Level Panel recommended in its 2004 report, coupled with the endorsement of it by the Secretary General's report, and its inclusion in the Summit Outcome Document all point to this issue remaining high on the agenda of the UN for years to come. This is a most welcome and positive result, despite the tragic origins that spawned the actions.

### **Normalisation of Relations with Israel**

Underlying the difficulties of gaining agreement on the issue of terrorism is in large part the difficulty of relations between the United Nations and Israel. This situation is an opportunity that appears ripe for reform. Under his leadership Secretary General Kofi Annan has made great efforts to rectify what has been a source of great tension between the UN and the US on the unfair treatment of Israel at the United Nations. In all the reform agendas that have been under discussion there is also an implicit understanding that the status quo of unequal treatment for Israel must also end. The significance of such a change would not only further a global consensus on the question of terrorism, but would also improve the ability of the UN to serve as a legitimate broker in the Middle Eastern conflict, a situation that serves as one of the greatest global security threats.<sup>29</sup>

Israel's isolation at the UN also damages Palestinian interests. The UN's ability to advance the peace process has been limited partly because it is not viewed as an honest broker. Although many Europeans would like greater UN involvement in the process in order to counter-balance US influence, the UN's posture toward Israel makes this a non-starter. The UN could go a long way to re-establishing itself as an interlocutor trusted by all parties if it shows that it fully respects Israel's existence –just as it would an autonomous Palestinian state–.<sup>30</sup>

Among the most important issues is Israel's exclusion of a regional grouping outside of the UN headquarters in NY. While Israel was made a member of the Western Europe and Other Group as recently as 2000, giving it a chance to compete for membership on certain committees or participate in regional meetings, this status does not convey to other UN venues, such as Geneva, Rome or Vienna. Similarly, the UN budget still supports offices inside the Secretariat in the Departments of Political Affairs and Public Information whose sole functions are to address the rights of the Palestinian people. These offices, along with three other committees created by the General Assembly from resolutions without sunset provisions, further exacerbate the relationship that the UN has with the Jewish community world-wide.<sup>31</sup>

The Secretary General's reform package does recommend a sunset provision that would allow such special offices arising from GA resolutions to be reviewed and ultimately

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<sup>29</sup> See the section on defining terrorism in the section on the Outcome Document in this paper.

<sup>30</sup> Suzanne Nossel, 'Israel and UN Reform', *Dissent*, Summer 2005.

<sup>31</sup> These Committees are the UN Secretariat's Division for Palestinian Rights, the Committee on the Exercise of Inalienable Rights of the Palestinians and the Special Committee to Investigate Israeli Practices.

terminated.<sup>32</sup> Such actions to close down these specific activities would go a long way to lend credibility to the UN as an institution that recognizes the rights and sovereignty of all states. The US government also endorses such a clause. As Ambassador Anne Patterson stated, 'it is especially important to follow through on the Secretary General's own call that old mandates be regularly reviewed before extension'.<sup>33</sup> Moreover, the Secretary General's call for an end to the Human Rights Commission, long a locus of anti-Israel and anti-Semitic rhetoric, is a most welcome move that is endorsed by those who favour a more effective human rights machinery, but also see the current Commission as an effective and offensive waste of UN funds.

The 60<sup>th</sup> General Assembly will also provide Israel with a unique moment in history, as its Ambassador becomes the first Israeli in the 45 years since Abba Eban served in the UN to be Vice President of the General Assembly. This sign of a thawing of relations with the international organization should not be squandered in the flurry of reform proposals that are up for discussion.

The significance of reform also carries an impact for the legitimacy of the UN *vis a vis* the US:

*'Ostracism of Israel hurts not only the Jewish state, but the UN. It poisons the organization's relationship with its host country and largest contributor. Hostility toward Israel often unites American liberals and conservatives in their distrust of and exasperation with the UN'.<sup>34</sup>*

Ending the demonisation of Israel will not only help improve relationships with the US, but it will also help those UN defenders in the US Congress to point to a concrete change that will mean it is no longer business as usual in New York.

### **Democracy and the United Nations**

When President Bush addressed the General Assembly in 2004 he put forth a proposition that only through a global effort to build a community of democracies could the mission of the UN be fulfilled. In his speech in September 2004 Bush pledged that the US would work with other member states to create a fund to provide resources to nascent democratic states in support of civil society and capacity building in governance:

*'Because I believe that the advance of liberty is the path to both a safer and better world, today I propose establishing a democracy fund within the United Nations. This is a great calling for this great Organization. The fund would help countries lay the foundations of democracy by instituting the rule of law, independent courts, a free press, political parties and trade unions. Money from the fund would also help set up voter precincts and polling places and support the work of election monitors. To show our commitment to the new democracy fund, the United States*

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<sup>32</sup> The clause reads: 'Member States also have a central role to play in ensuring that the Organization's mandates stay current. I therefore ask the General Assembly to review all mandates older than five years to see whether the activities concerned are still genuinely needed or whether the resources assigned to them can be reallocated in response to new and emerging challenges.' *In Larger Freedom*, p. 65.

<sup>33</sup> Statement by Ambassador Anne W. Patterson, Deputy US Permanent Representative to the United Nations, to the General Assembly, 2 August 2005.

<sup>34</sup> Suzanne Nossel, 'Israel and UN Reform', *Dissent*, Summer 2005.

*will make an initial contribution, and I urge all other nations to contribute as well*.<sup>35</sup>

This Democracy Fund, mere words a year ago, has actually taken shape and has been established as a working fund at the UN. With initial support from the US, India and Germany, and other countries moving forward with their pledges, this is one vision that will actually be ready for implementation. Such progress will thus provide not only the US, but also the Secretary General with something that both can say constitutes a genuine reform (*In Larger Freedom* does take this recommendation seriously, and is part of the package put forth in the March 2005 document).

Even though a Democracy Caucus of approximately 120 states is starting to find its voice, it still seems that at an institution that makes no requirement of the form of government of any member state, there remains a wide gap between ideals and actions when it comes to the promotion of democracy. This is evidenced by allowing countries such as Libya or Zimbabwe to chair human rights commissions or vote on matters of good governance in ECOSOC and the General Assembly.

### **Conclusions**

The significance of the UN in a globalised world, and therefore the importance of creating a stronger and more effective institution, is eloquently stated by Secretary-General Kofi Annan:

*'As the world has changed in profound ways since the end of the cold war, our conceptions of national interest have largely failed to follow suit. A new, more broadly defined, more widely conceived definition of national interest in the new century would induce States to find far greater unity in the pursuit of the fundamental goals of the Charter of the United Nations. A global era requires global engagement. Indeed, in an era of a growing number of challenges facing humanity, the collective interest is the national interest.'*<sup>36</sup>

The challenge of this reform process, and for that matter this 60<sup>th</sup> General Assembly, is to see whether the UN can move beyond the rhetoric of reform to actual changes in the way the institution operates that reflect the world of the 21<sup>st</sup> century. This is a very tall order for a membership organization of 191 nations. But failure to make some real shifts in the way the UN does business will ultimately determine whether its major client, the US, continues to rely on the international organization as its primary tool for international action, or whether it further condemns the institution to greater obsolescence by using coalitions outside the UN to pursue its own international interests.

Judging from actions of the last few years, the US will still need the UN as a forum for action on threats like global infectious diseases, nuclear proliferation, terrorism, peacekeeping, post-conflict management and humanitarian aid. The immense problems that globalization has created are ones not easily addressed by even the greatest military superpower on its own. As a case in point, it is painfully clear that for the US to exit from Iraq, a revised US-UN relationship must be consolidated so that the medium to long term reconstruction takes place under international support. For the immediate needs, the UN

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<sup>35</sup> President Bush, Speech to the General Assembly, 21 September 2004, available at <http://daccessdds.un.org/doc/UNDOC/GEN/N04/515/97/PDF/N0451597.pdf?OpenElement>

<sup>36</sup> Kofi Annan, Report of the Secretary General, 'Prevention of Armed Conflict' 7 June 2001, p. 35.



will be central to the referendum that is required to ratify the new constitution. As it did in January 2005, the UN will be charged with managing the technical aspects of voting and staffing the polling stations. Similarly, the elections required to form an official government in 2006 will also require UN support.

In the medium to long term, there may be a need for UN peacekeepers to ultimately relieve US forces as Iraq becomes a fully independent state. While there is discussion of possible NATO support similar to the arrangements in the Balkans, only with the US paying its contributions to peacekeeping, and with management reforms, can such a UN role be supported by other member states.

We are at a unipolar moment for the US, but the US also operates on a separate and parallel track on some multilateral issues. This is evident in the case of Iran, where nuclear proliferation requires a multi-nation negotiation and cooperation with the International Atomic Energy Commission; it also is evident in cases of global health epidemics such as the avian flu where the US, working with the World Health Organization, is crafting an early warning and surveillance system to protect all citizens from a pandemic similar to SARS. Collective security in the 21<sup>st</sup> century requires nothing less than an intricate set of relationships that make the UN an essential piece of the US security agenda. When we speak of security today we are not only discussing war and peace, but also the health of citizens, the prevention of terrorism and the eradication of organized criminal elements evading international legal norms and counter-proliferation agendas. As strong as the US is, isolation from other states or international organizations is not an option in a globalised age.

Whether the US chooses to continue reliance on the UN in the future, however, will be more a function of how the reforms set forth in the 60<sup>th</sup> General Assembly, particularly in the areas of management and accountability, actually play out in the year to come. Only by actions, and not words, will the US Congress provide the requisite funds to ensure that the UN operates effectively. Herein lays the dilemma of this reform process: change will cost money, but there is still a question as to whether the largest contributor to the UN will make good on its financial obligations, especially in such critical areas as peacekeeping.

Institutions are dynamic entities. The UN is not immune from the external environment in which it operates. Therefore the hope for change and for ensuring that the values embraced by the founders of the UN will endure is not unrealistic in these early years of the 21<sup>st</sup> century. With new threats that no longer reside within the boundaries of states, the types of international consensus on managing these challenges will be best served among a community of states that shares a common framework of respect for human rights, for the protection of individuals living in their respective states and for a consensus around values of democracy that know no ethnic or regional limitation.