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Better than it has been made out to be

The UN in the wake of the 2005 World Summit

JÜRGEN STETTEN

The heads of state and government assembled in September in New York for the “World Summit 2005” reached agreement on a number of UN reforms and innovations. These include e.g. the responsibility to protect, which obliges the international community to intervene when – as in the case of Rwanda – individual countries fail to live up to their responsibility to protect their populations. Several organizational innovations were also adopted, including a proposal for a Peacebuilding Commission advanced in view of the growing significance that the task of peacebuilding has taken on in recent years. In voting to establish a new UN Human Rights Council to replace the present Commission on Human Rights, the international community has taken a step toward reshaping the UN’s institutional landscape in the field of human rights. Most of these reforms will, however, still have to be given concrete form, and intensive negotiations are already underway.

Kofi Anna, who has been the driving force behind reform efforts in the past two years, is about to enter the final phase of his term in office, and he will for that reason increasingly lack the clout he needs to intervene effectively in the ongoing reform debate. And Europe, from the very beginning a guarantor of reform, will thus have a growingly important role to play in this connection. The US position, on the other hand, remains ambivalent. While it is true that President Bush, in his speech at the World Summit, has for now put an end to the three-year “ice age” in UN-Washington relations, differences of opinion on some details of the issues that remain to be resolved must still be seen as a potential obstacle to progress. Another obstacle to agreement on these issues must be seen in the stance of those countries that have from the outset viewed any reorientation of the UN in the fields of security, human rights, democracy, and management reform with a critical eye.

The coming months will show what the final document adopted at the summit is worth in the final analysis. Progress on the proposed Peacebuilding Commission and Human Rights Council could prove to have a catalytic function for further reform efforts. If the two proposals are blocked, this could, once again, thrust the UN into crisis.

The news from the “World Summit 2005” could have been better. There has been talk of missed chances and disappointing results, of an unwillingness or inability of the world organization to tackle the necessary reforms. The response in the media was wholly in keeping with the bad mood to be encountered in the corridors of the UN Building in New York. Despite the imponderables involved, many diplomats and UN Secretariat staff members had hoped that the big reform push called for by Kofi Annan in March this year might in fact materialize. When the week- and night-long negotiations were over, many participants had a sense of having, in the end, been cheated out of the fruits of their labor. But despite this understandable frustration, things at UN headquarters in New York are not as bad as they may seem to be at first glance. The summit gave the go-ahead for further negotiations in some important fields, and the talks have now got off to a furious start. This is the point where the following report sets out. Reviewing the results of the World Summit, it seeks to cast some light on the central actors and their interests and to fathom the chances for a positive outcome.

1 Failure averted – no breakthrough as yet

What were the issues at stake at the World Summit 2005, and what was achieved? Kofi Annan’s plan for reforms contained a

comprehensive package of measures in the fields of development, collective security, human rights, and institutional reinvigoration of the UN. These included approaches to dealing with the phenomenon of terrorism and addressing the issue of the “use of force under the Charter.” In both cases the intention was to adapt the UN’s normative foundations to the new threats to peace and security. Other areas of the reform agenda were concerned more with organizational aspects, including enlargement of the Security Council, creation of a Human Rights Council and a Peacebuilding Commission (PBC), and broadened competences for the Secretary-General in personnel matters.

Compared with the long list of reforms embraced by the Secretary-General, the highlights of the final document look modest indeed (see table, below). But the final balance does include decisions that must be seen as significant both in a historical perspective and with a view to the challenges presently facing the UN. These include the institutional anchoring of the “responsibility [of every sovereign state] to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity.” In adopting this responsibility to protect, the international community has embarked on a paradigm shift. The move clearly broadens the Security Council’s scope of responsibility – or to put in the words Kofi Annan used at the summit: “Excel-

lencies, you will be pledged to act if another Rwanda looms." Another significant step is the decision to create, by the end of 2005, a PBC. If the decision is in fact implemented, the commission will play a key role in upgrading the UN's operational field of peacebuilding. Both the Peacebuilding Support Office proposed to assist the commission in its efforts and the proposed Peacebuilding Fund would serve to strengthen the UN Secretariat's institutional structure.

The decisions geared to strengthening the UN's human rights mechanisms are also of considerable significance. In their pivotal decision to create a UN Human Rights Commission, the member states followed the proposal advanced by the Secretary-General to replace the increasingly cumbersome Commission on Human Rights with a new body. The decision to upgrade the Office of the High Commissioner of Human Rights, whose budget is set to be doubled over the coming five years, has the same thrust. There is also reason for cautious optimism on development-related issues. While the summit's final document remains keyed to the status quo adopted three years ago in Monterrey, observers have, in this connection, rightly pointed to the results of this year's G8 meeting in Gleneagles, where the decision was taken to increase annual official development assistance by 50 billion dollars by the year 2010. Without the reform groundwork laid by Kofi Annan, this decision would certainly not have materialized.

Beside these successes, the summit has also left behind a long list of uncompleted projects. These include the G4 initiative (launched by Japan, Germany, Brazil, and India) on enlarging the Security Council. In view of the noncommittal wording of the final document, it seems likely that the window of opportunity for reforms on this point has closed. The declarations on terrorism likewise fell short of expectations. While the document does condemn "terrorism in all its forms and manifestations," the definition of terrorism originally under discussion also failed to materialize due to the long-familiar demand of some countries – most of them from the Middle East – to include the "right of peoples under foreign occupation to struggle for their independence" as an element of any definition of terrorism. Those who expected a declaration on nonproliferation of weapons of mass destruction are also disappointed. The Secretary-General's remark to the effect that this was the summit's "greatest failure" may be understood as a statement of intent indicating that the UN

Secretariat will pay more heed to the issue in coming years.

Where do we go from here? Much will depend on whether the PBC and the Human Rights Council are in fact created. Neither project is without its risks. And it is not without reason that the touchiest political questions – the PBC's status within the UN system and the makeup of the Human Rights Council – have thus far been bracketed out. If agreement is reached on both projects, this would be a clear-cut sign of the UN's institutional resilience and could prove to be a catalyst for further organizational reforms. If, on the other hand, these projects should fail, there would be a real danger that the reform momentum for other, as yet unresolved issues might slacken.

2 Kofi Annan – raising the stakes one last time

Without the Secretary-General's initiative the current reform debate would not have got off the ground in the first place. The debate was sparked by the events in the Security Council prior to the Iraq war and the sense of powerlessness experienced then by Kofi Annan and his comrades-in-arms in the UN Secretariat. Since the often-quoted speech he held two years ago stating that he saw the UN at "a fork in the road," the Secretary-General has taken the bull by the horns. His concern here has been more than just his – legitimate – personal ambition to go down in history as a successful UN Secretary-General. A matter equally important to him is his conviction that it will be possible to prevent any further erosion of the multilateral world system only if the UN presents itself as a reform-minded and effective alternative to go-it-alone policies of individual countries.

Driven by this conviction, the Secretary-General has drawn up an ambitious working schedule and time plan. The most important impulse was provided by the reports of two high-level working groups: the High Level Panel on Threats, Challenges and Change (HLP) and the Millennium Project headed by Jeffery Sachs. With the HLP report in particular, the Secretary-General proved to have a lucky hand. More than any other UN report released in recent years, the HLP report has carried the debate on UN reform into the capitals of the member countries. Kofi Annan's rationale at first seemed to bear fruit: The rapid succession of events served to awaken the necessary political interest in UN reform. This reform dynamic was indirectly supported by initiatives stemming from outside the Secretary-General's office. These included the G4

proposal on Security Council enlargement, which served to focus media attention on the reform debate. And the timely announcement of the UK government that the G8 meeting in Gleneagles would concentrate on Africa and development issues also provided for a political push.

However, the aftermath of the summit then revealed the reverse side of efforts undertaken to heighten expectations. If you raise the stakes, you can lose on the grand scale. In view of the way things looked in the days just prior to the summit, it must be seen as a success that the summit produced an "outcome document" at all – and not the three-page declaration called for by some countries. It must be assumed that Kofi Annan's last-minute arm-twisting saved the day. Any other outcome would have plunged the UN into a new, deep identity crisis and probably forced the Secretary-General to step down – as had been speculated in the run-up to the summit.

Since the summit the strategy of Kofi Annan and his team close associates has concentrated on dispelling a widespread sense of disappointment and defeatism. Even though some reform-minded countries may be more deeply disappointed than others, the mood has since begun to change.

Still, the chances the Secretary-General has to drive on with reforms are bound to diminish in the months ahead. In view of the fact that his term of office is set to expire in December 2006, and that the crucial phase of negotiations on his successor is not far off, we will soon find ourselves in a situation in which the Secretary-General is what is known in US political parlance as a lame duck.

One ray of hope in this situation is that the new President of the UN General Assembly, Jan Eliasson, will prove able to take up some of the slack. Eliasson who is from Sweden and an experienced UN insider, is regarded as a skillful mediator, and he has good contacts in a number of the world's capitals. If he succeeds in bringing the two flagships of UN reform to a conclusion by the end of the 60th General Assembly in September 2006, Kofi Annan would, just a few months later, be able to hand over to his successor with a sense of pride.

3 John Bolton and the role of the US

"The world is more compassionate and hopeful when we act together. This truth was the inspiration for the United Nations. [...] The far corners of the world are linked more closely than ever before – and no nation can remain isolated and indifferent to the struggles of others"

Optimists see in these excerpts from the speech delivered by George W. Bush at the World Summit 2005 some indications for a return of the most powerful UN member country into the fold of multilateralism. In the situation created by the recriminations from the US Congress in connection with the investigation on the UN Oil-for-Food Program, the US president's UN speech did in fact serve to relax apprehensions somewhat. But it would be premature to expect the US to assume the role of the guiding force behind the ongoing reform debate.

This fact must be seen in the context of the political connotations – entirely different from those in Europe – associated in mainstream political America with the term "UN reform." For the political right as well as for some parts of the US administration, "reform" can mean only one thing: radically weeding out a bureaucracy seen in these circles as excessive and inefficient. This position was reflected in a statement released by the US State Department prior to the world summit. It sets out the following priorities: (1) comprehensive budget and management reform; (2) establishment of a peacebuilding commission and (3) a human rights council; (4) efforts to strengthen UN democracy initiatives; (5) adoption of an international terrorism convention; and 6) reaffirmation of the current development agenda based on the Monterrey consensus. One of Washington's pet projects is a UN Democracy Fund – an idea that has not met with enthusiasm in all quarters of the UN in New York. True, the United Nations, with its Electoral Support Division, is one of the world's most active "electoral assistants." But whether the world organization ought to get involved in the politically complex business of democracy promotion is an entirely different question.

The motives behind these calls for reform are quite different in nature. While many actors in the US administration would like to see the UN as a "lean and effective" instrument that can be used for a "multilateralism à la carte," other UN critics on the political right have their sights on weakening the UN in organizational terms or indeed breaking it up altogether. One initiative with a thrust in this direction is a bill proposed by Congressman Henry Hyde. It would conditionally freeze 50% of the US' UN contributions. More or less the same can be said of the manner in which Congress has dealt with the findings of the independent investigative commission on the Oil-for-Food Program. Despite the fact that the irregularities uncovered by Paul Volcker were more or less

marginal in scope, the findings have been used incessantly by Washington circles to shovel grit into the works of Kofi Annan's reform agenda.

One event that has even greater potential ramifications than the harassing fire from Congress is the appointment of John R. Bolton as the US representative to the United Nations. The nomination was controversial from the very start. While the pessimists see in him the "gravedigger of multilateralism," optimists have pointed to the possibility that a White House man could serve to boost the UN upwards on Washington's political agenda.

On the whole, the balance has been a mixed one. As soon as Bolton had been appointed – thanks to a little-used procedural maneuver, without Congressional approval – he lost no time in creating turbulence and unrest in the corridors of UN headquarters. The list of no less than 700 proposals for amendment of the summit document which he presented to the President of the General Assembly, Jean Ping from Gabon, was unanimously regarded as an affront. In substance, the list of proposed cuts was basically no more than a reflection of well-known positions of the US administration. The list included a rejection of goal catalogues and institutions of a binding multilateral nature, like the Millennium Development Goals (MDGs) or the International Criminal Court, as well as the – wholly understandable – US demand that the projected Peacebuilding Commission be placed under the control of the Security Council. It was intransigence on the last point that took the summit to the verge of failure. It was only when some European allies – led by the UK – objected that Secretary of State Rice intervened and saw to it that the issue was postponed for decision until after the summit. But postponed only means delayed. And the US seems unwilling to back off from its position in the continuing talks on this point. One approach that appears still to be under consideration is to establish the PBC under Article 29 of the Charter (giving it the status of a body reporting to the Security Council). Some observers see this possibility as "playing with fire" and a direct forward pass to the group of anti-reform forces.

4 In the brakeman's caboose: between package deals and Christmas trees

One of the key points made by the HLP report was: "No security without development, and no development without security" This formula embodies more than scholarly insights and a political mission. At least indirectly, this was an

expression of the hope that the complex tangle of interests of a 191-member UN could be unraveled on the basis of a global package deal – consisting of the issue baskets development, security, human rights, and institutional reform. Package deals of this kind are rooted in the logic that agreement of some countries on the issues of terrorism, the use of force under the Charter, nonproliferation of weapons of mass destruction, and creation of a new Human Rights Council can be obtained through concessions on development-related issues. However, the actual negotiations in New York, did not work that way. One reason was that the group of skeptics – e.g. as regards the issue of human rights – are not necessarily in agreement with the group that stands to benefit from movement on development issues. The other is that there is in the UN context – unlike e.g. the situation at the WTO – no mechanism for what is known as "conditioned concessions."

The crux of this situation was felt not least by the G4 in its initiative on enlarging the Security Council. Having pulled just about all the strings known to international diplomacy, and coming to the conclusion that the chances for a reform of the Security Council were "better than ever before" (as German Ambassador Gunther Pleuger put it at one point), the four were in the end unable to escape the centrifugal forces of the complex structure of international interests. Looking back, the G4 will have to contend with the question of whether their initiative was not in fact too narrowly conceived and whether, in the process the group may not have used up more political capital than it created.

In hindsight, Kofi Annan has also been accused of having shaped the negotiation process too much with a view to a "Christmas tree" – where everybody can pick out whatever he likes, without having to give anything in return. Basically, the question is how, in view of the consensus model on which the UN is based and the matrix of contending member-country interests, it might be possible to create an effective mechanism designed to balance out the various interests and interest complexes involved here. At present the UN resembles – as a UN veteran once put it – "a parliament in which all of the parties are in the government."

This does not bode well for the ongoing negotiations. Looking at the proposals for a Peacebuilding Commission and a Human Rights Council, we find that a number of countries are prepared to block progress, simply because a blockade would neither entail major political costs for them nor deprive them of the compensation they are demanding for concessions on other issues.

5 And the winners of the beauty pageant

As at every major international conference, the World Summit 2005 was accompanied on the sidelines by an unofficial “contest” for the best initiatives. While the winners of these “beauty pageants” are as a rule to be found in the circle of the industrialized countries, this time around a few developing and newly industrializing countries made the grade. Brazilian President Lula da Silva launched his bid as early as 2004 by announcing, together with French President Chirac, an “Action against Hunger and Poverty” (also known as the Lula Initiative). The initiative, which was later joined by Germany, aims at developing innovative instruments of development financing. However, at the summit Presidents Lula and Chirac then experienced a bit of a surprise when Chilean President Ricardo Lagos upstaged them by announcing that in fact Chile will be the first member country of the initiative to put the joint plan of a tax on airline tickets into effect in January 2006. The Brazilian and French presidents did no more than promise to “examine” whether and when they might be disposed to follow Chile’s lead.

Even more remarkable were the announcements made by Chinese President Hu Jintao. With his speech on the new development measures being undertaken by China, he was one of the summit’s “secret stars.” While China has until now concentrated on presenting the economic and social development of its 1.3 billion population as a contribution to worldwide poverty reduction, the economic giant is at present also slipping into the role of an active global player in the field of international development policy. Apart from the creation of new institutions like the China International Poverty Reduction Center, Hu also announced at the summit a five-point program for the world’s poorest developing countries. The program is to include initiatives on tariff reductions, development assistance and debt relief, and a training and capacity-building program for 30,000 experts.

The most important frame of reference of most such initiatives is the Financing for Development process launched three years ago in Monterrey. At the World Summit 2005 Qatar suggested that the follow-up conference (“FfD+5”) currently under discussion be held in Doha in the spring of 2007. But the most dynamic actor among the countries taking advantage of the current oil-price boom to advance costly development projects as a means of gaining international profile is Venezuela. The speech held by Hugo Chávez

before the General Assembly was strongly reminiscent of the scenes otherwise staged by Fidel Castro, who remained at home in Havana this year. Chávez’ aggressive-polemical repertoire included an expression of his undisguised *schadenfreude* over the damage caused by hurricane Katrina in the US – What is the point, he asked, of an international responsibility to protect if the US does not even protect its own population in the state of Louisiana? – as well as the abstruse proposal that the UN should be moved from New York to a neutral international territory. Delegates of many developing countries were pleased at this slap in the face for the US, and the speech was welcomed with applause.

6 Europe – a guarantor of reforms

The great majority of European member countries supported Kofi Annan’s reform agenda from the very start. In the context of the G8 summit in Gleneagles the UK concentrated on development-related issues, although it also took an actively supportive position on many security-related issues under discussion. Germany – as a member of the G4 – played a prominent role in efforts to reform the Security Council. From the very beginning, Denmark (along with Tanzania) was among the driving forces behind the PBC initiative. And the initiative on establishing a Human Rights Council ultimately stems from a debate in Switzerland. The only real foot-dragger was Italy – with its acrimonious resistance to the G4 initiative. All in all, and even in the face of the disappointments experienced at the summit, Europe is and remains the most important driving force for ongoing UN reform efforts.

7 Beyond the world of states

Since Rio, the lobbying work and active involvement of civil society actors has been part of the standard repertoire of major UN events. The World Summit 2005 was no exception here. Numerous NGOs, church groups, and labor unions attended the summit. With events like the “Open UN” or the Forum organized by the Global Call to Action against Poverty (GCAP), these organizations created an alternative public that served as a counterweight to the hermetically sealed-off world of states on First Avenue. But – compared with earlier events – the scope of these activities was rather limited.

There were many reasons for this. For one thing, many NGOs that are traditionally involved in development issues have their problems with the shift of the focus of the discussion to peace and security issues – although it

must be said that there are a great number of NGOs devoted to peace issues – as we saw e.g. last June in New York at the conference of the Global Partnership for the Prevention of Armed Conflict (GPPAC). However, many of the groups active in the GPPAC are focused on work *in situ* and do not engage in lobbying work concerned with global political processes.

On the other hand, the development groups seasoned in lobbying work had this year shifted the focus of their efforts to the G8 summit in Gleneagles. Once it had emerged that relatively far-reaching progress had been made there – in particular on the issue of increased official development assistance – these groups evidently no longer assigned high priority to lobbying at the world summit. Finally, it must be mentioned here that the UN severely restricted the participation of civil society actors in the world summit. This is likely due at least in some measure to a lack of interest on the part of NGOs, but also to a growing sensitivity on the part of some member countries to the activity of nonstate actors. Unlike the “Civil Society Forum” in early June, a first of its kind, civil society participation at the September Summit was limited to three speakers, who included Guy Ryder, the general secretary of the IBFG. It should also be mentioned in passing that the labor unions see themselves as having won an on-points victory at the summit. Initially the issue of employment was not set to be included in the final document. But in the end two ILO concepts did find their way into it: the demand for decent work and the ILO concept of fair globalization.

In the ongoing negotiations, civil society initiatives were concentrated on bringing about more transparency in the negotiation process (see, for example, the excellent homepage of the World Federalist Movement: www.reformtheun.org). Whether this will be sufficient to generate public pressure for reform in the world's capitals remains to be seen.

8 Post-reform is pre-reform

Is the glass half full or half empty? Following the first sense of disappointment, more and more voices are now to be heard that see positive chances for UN reform. And many UN staff members see the best guarantee for reforms in successful day-to-day operations. There is a long list of tasks waiting to be tackled. These include clarification of the status of Kosovo, elaboration of a “post-Bonn” strategy for Afghanistan, the continuing crisis

in Darfur, and developments in Iran and Syria. Large and small successes along the way alleviate the “toils of the plains.” Both the Nobel Peace Prize for the International Atomic Energy Agency, part of the UN family, and its director, Mohamed El Baradei, and the successful UN intervention in the preparatory phase for the referendum on the Iraqi constitution have boosted morale at the world organization.

In parallel, some movement has been noted in the negotiating rooms on the East River. The Europeans continue to be a driving force, and the election of Jan Eliasson as President of the General Assembly means that Europe is now in possession of a strategically important position. The greatest disruptive potential must be seen as coming from the countries that have dragged their feet over the past months. There is no reason to believe that these countries will change their practices as regards the reform issues presently on the agenda. The US continues to be a factor of uncertainty. While the US is seen as an advocate of the proposal to create a Human Rights Council and a PCB, its reluctance to abandon specific conditions and negotiating positions must be seen as a sizeable risk factor for the continuing negotiations. Whether the State Department will continue to intervene – as it did at the New York summit – remains to be seen. In the coming months not much initiative should be expected of Kofi Annan – the driving force behind the current reform efforts. The closer he gets to the end of his term in office, the more difficult it will be for him to provide background impulses. Another question of some importance is who in the end will be selected to take over from Kofi Annan. Whoever is chosen will be faced with the task of forging on with his or her predecessor's reform efforts. In the end, a remark that Ambassador Bolton made to journalists before the summit may well prove true: “Reform [of the United Nations] is not a one-night stand. Reform is forever...”

About the Author:

Jürgen Stetten is head of the New York office of Friedrich Ebert Foundation.

The balance of the World Summit 2005, an overview			
	There was movement on:	There was some movement on:	There was no movement on:
Development	Efforts to increase annual official development assistance (ODA) by 50 billion dollars by the year 2012; while the initiative was launched at the G8 summit in Gleneagles, it may be seen as a success in the context of UN reform.		
		0.7 percent goal: the commitment of some countries to reach the goal by 2010 is “welcomed”; “appeal” to other countries to follow suit; reaffirmation of the MDGs.	
Peace and collective security	The responsibility to protect: acknowledgement of the responsibility of every state to protect its population from genocide and similar grave crimes.		Nonproliferation of weapons of mass destruction: no agreement on wording.
	Establishment of a Peacebuilding Commission; decision on modalities expected by 30 Dec. 2005.	Terrorism: condemnation of terrorism “in all its forms and manifestations,” but no agreement on a definition of terrorism.	
Human rights	Strengthening of the UN human rights system , in particular the Office of High Commissioner on Human Rights in Geneva.	Establishment of a “ UN Democracy Fund ”; some countries, including India, the US, and Chile, have already contributed or pledged funding.	
Strengthening the UN	Creation of a Human Rights Council (to replace the present Commission on Human Rights); modalities set to be clarified by the 60 th General Assembly.	Management reform: (as yet) no agreement on a „golden handshake“ program for staff of the UN Secretariat; instead, limited enlargement of the Secretary-General’s authority to hire and fire.	
			Security Council reform: nonbinding „support for timely reform”, but no timetable or agreement on a reform model.

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Friedrich-Ebert-Stiftung
Hiroshimastrasse 17
10785 Berlin
Germany
Tel.: ++49-30-26-935-914
Fax: ++49-30-26-935-959
Roswitha.Kiewitt@fes.de
www.fes.de/globalization

Friedrich-Ebert-Stiftung
New York Office
Suite 711
823 United Nations Plaza
New York, NY 10017, USA
Tel.: ++1-212-687-0208
Fax: ++1-212-687-0261
fesny@fesny.org
www.fesny.org