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Session 1: “Responding to the UN High Level Panel Report”

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Introduction

On 2 December 2004, the sixteen member panel, called “The High Level Panel on Threats, Challenges and Change”, appointed by the UN Secretary-General Kofi Annan in October 2003, submitted its report on “A More Secure World: Our Shared Responsibility”. It is a lengthy report with 302 paragraphs and 101 concrete recommendations. It contains (1) a good summary of the history of the United Nations since its creation 60 years ago, (2) careful analyses of the issues, difficulties, criticisms and challenges that the UN faces today and (3) a set of broad and in some cases very thought-provoking, if not controversial, proposals for UN reform.

1 Basic Assumptions

There are several basic undertones which lay ground for the whole report.

First, the report takes a very clear position that the world has dramatically changed in the past 60 years, and some aspects of the UN Charter reflecting the reality of the international relations in 1945 are no more relevant in the 21st century world. One of the major differences that the report emphasizes is the diversification of international actors. Up to the time of the UN creation, the international society was composed of sovereign States. All other actors, individuals, companies and other entities, were regarded as actors within States. But today, international actors include, in addition to States, individuals, companies, international non-governmental organizations, inter-governmental organizations, non-State political entities such as international criminal organizations and terrorist organizations.

Second, as a result of the diversification of international actors, coupled with

globalization and technological development, the threats to international peace and security have drastically changed their character. At the time of the creation of the UN, the threat meant the threat to State security, and peace meant no war between States. Today, the world is threatened not so much by inter-State wars but more so by internal armed conflicts, terrorist attacks, proliferation of weapons of mass-destruction, activities of international criminal organizations, poverty, communicable diseases, natural disasters and environmental degradation. They threaten the traditional State security as well as human security. Such modern forms of threats, which are often caused by non-State actors ignoring the traditional territorial boundaries, cannot be properly addressed by a single State alone. According to the report, only the well-coordinated collective actions, perhaps under the authority of the United Nations, can cope with such modern forms of threats.

The third assumption is that the political and security issues have become closely connected with economic, social and cultural issues. Consequently, security issues can no longer be addressed in an isolated manner separately from economic, social and cultural issues. Poverty can be the root cause of internal conflicts. Terrorist threats can be the cause of economic stagnation. Thus, in order to tackle security issues, their economic, social or cultural dimensions must be adequately dealt with at the same time. For instance, the armed conflict in Rwanda cannot be resolved unless the minority rights are fully respected and their living conditions are raised to the level of the majority population.

The fourth assumption is that the structures and procedures of the UN and its system established 60 years ago are no more representative, nor effective, nor efficient in the 21st century reality. They need to be reformed to meet the new challenges of today and tomorrow. For example, the Security Council with 5 permanent members with veto and 10 non-permanent members with two-year non-renewable term are no more representative of the whole membership of 191. Because the Council decisions are often formulated and adopted without the participation of the major members like Japan and Germany, they lack the backing of economic, financial or even military support.

2 The Types of Threats and Institutional Weaknesses

The report identifies 6 categories of threats that the human kind faces today:

- Economic and social threats, including poverty, infectious diseases and environmental degradation
- Inter-State conflicts
- Internal conflicts, including civil war, genocide and other large-scale atrocities
- Nuclear, radiological, chemical and biological weapons
- Terrorism
- Transnational organized crime

Some of them such as inter-State conflicts are old types but still threaten the mankind today. After the big earthquake and tsunami damages in the Indian Ocean in December 2004 which claimed more than 150,000 lives, I am tempted to add “natural disasters” to the list of threats to State and human security.

The High Level Panel Report then identifies the following “institutional weaknesses in current responses to threats” which are “most urgently in need of remedy”.

- The General Assembly of the UN has lost vitality and often fails to focus effectively on the most compelling issues of the day.
- The Security Council will have to be more proactive in the future. For this to happen, those who contribute most to the Organization financially, militarily and diplomatically should participate more in Council decision-making, and those who participate in Council decision-making should contribute more to the Organization. The Security Council needs greater credibility, legitimacy and representation to do all that we demand of it.
- There is a major institutional gap in addressing countries under stress and countries emerging from conflict. Such countries often suffer from attention, policy guidance and resource deficits.
- The Security Council has not made the most of the potential advantages of working with regional and subregional organizations.
- There must be new institutional arrangements to address the economic and social threats to international security.
- The Commission on Human Rights suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations.
- There is a need for a more professional and better organized Secretariat that is much more capable of concerted action.

3 Some Concrete Reform Proposals

On the basis of the foregoing factual understanding and issue analyses, the report makes, among many other recommendations, the following specific reform proposals:

- The UN system organs and agencies, particularly the General Assembly, together with member States and other inter-governmental and civil society organizations should endeavor to achieve the Millennium Development Goals.
- The Security Council must be more proactive in addressing new types of threats. It should be ready to authorize the use of force by willing and capable member States, if necessary, to prevent or counter imminent dangers. However, the Security Council must make sure that the following five criteria of legitimacy be met:
 - (a) Seriousness of threat
 - (b) Proper purpose
 - (c) Last resort
 - (d) Proportional means
 - (e) Balance of consequences
- The Security Council should be reformed in the following manner:
 - Model A: Add six new permanent members with no veto power and three new two-year non-renewable non-permanent members.
 - Model B: Add eight four-year renewable-term non-permanent members and one two-year non-renewable non-permanent member.

The selection of new permanent members in the case of Model A, and the election of non-permanent members in all cases should be based on the candidates' ability and willingness to contribute to the UN peace activities financially, militarily and diplomatically as well as the principle of geographical balance.
- A Peacebuilding Commission be established as a subsidiary organ of the Security Council as well as a Peacebuilding Support Office within the Secretariat. Further, a standing fund for peacebuilding should be established at the level at least \$250 million.
- The Economic and Social Council should enhance its relevance and contribution to collective security and for this purpose should establish a Committee on the Social and Economic Aspects of Security Threats.

- More effective consultation with, and making the better use of, the regional and sub-regional organizations should be sought by the Security Council.
- All the member States of the United Nations should participate in the work of the Commission on Human Rights (universal membership). The Commission should be supported by an advisory council or panel composed of 15 individual experts appointed by the Commission for the term of three years (renewable once) on the joint proposal of the Secretary-General and the High Commissioner for Human Rights.
- An additional Deputy Secretary-General position should be created for peace and security.
- Articles 53 and 107 (regarding the “former” enemy States) be revised because the references to the “enemy States” are no more relevant, and anachronistic.
- Chapter 13 on the Trusteeship Council should be deleted.
- Article 47 (The Military Staff Committee) should be deleted as well as all references to the Military Staff Committee in Articles 26, 45 and 46.

4 Some Comments and Suggestions

The High Level Panel Report is a well-thought-out, comprehensive and balanced document on the current issues of peace and security in the world and the role of the United Nations. It is particularly commended for the following points:

- The report’s emphasis on comprehensiveness of the security issues and their interconnectedness.
- Clear recognition that the United Nations lacks relevance to the current and future threats and that there is definitely a need for reform.
- The emphasis placed on representativeness, effectiveness, efficiency and equity in establishing “credible collective security system”. What the report tries to aim at in this connection seems to be that the UN practice “good governance” in dealing with the various types of threats.
- The report strikes a good balance between ideals and reality. In particular, such consideration is evident when it deals with sovereignty of member States and human rights and human security.
- Detailed concrete proposals for reform and change.

In spite of those strengths, there are some points that call for further clarification and

consideration.

First, on the Security Council reform, the report takes a clear position that “the institution of the veto has an anachronistic character”. Yet, it recognizes that “the veto had an important function in reassuring the United Nations most powerful members that their interests would be safeguarded.” If one takes the former position, the veto should either be totally abolished or alternatively be fundamentally restricted. If, on the other hand, one takes the latter position, then new permanent members in Model A should also be given the veto because the 6 new permanent members would certainly be considered as “most powerful members”.

Second, while agreeing with the report’s position that peacebuilding is becoming more and more important notion theoretically as well as in practice in the UN peace activities, the Peacebuilding Commission the report proposes to be established as a subsidiary organ of the Security Council does not seem to be very convincing because the Commission’s mandates go beyond the mandates of the Security Council and in fact may encroach upon the traditional and statutory mandates of the Economic and Social Council and autonomous operational organs of the General Assembly such as the UNICEF, UNDP and UNHCR. In other words, it seems that such new organ may be entering into totally new fields which the Security Council has had no operational experiences and which other UN organs and agencies have already been involved in and doing excellent work.

Third, the report’s emphasis on the importance of human rights is welcome. However, the concrete proposal to establish “an advisory council or panel” of 15 independent experts needs further clarification because there is already the Sub-Commission on the Promotion and Protection of Human Rights under the Commission on Human Rights. The Sub-Commission, now consisting of 26 independent experts elected by the Commission, to conduct research and play the role of a think-tank for the Commission. It is difficult to understand why there is any need for another body of experts under the Commission. If new tasks be given to such new advisory group, it could easily achieve the same results by giving them to the Sub-Commission. If the present structure, mandates and procedures of the Sub-Commission are unsatisfactory, the Sub-Commission should be reformed rather than creating a whole new expert body, it seems. Another problem is the report’s proposal for “universal membership” of the Commission on Human Rights. It is understandable to assert that all the member

States should be involved in the debate on human rights. But, if this argument is to be applied universally, then, we should assert “universal membership” in all the UN organs including the Security Council and the Economic and Social Council. If one takes the position that Councils should be composed of smaller number of selected members to achieve effectiveness and efficiency, then, the Commission on Human Rights can be composed of smaller number of members. It is especially difficult to comprehend a subsidiary organ of the Economic and Social Council, which is composed of 54 members, to be composed of 191 members.

Fourth, it is somewhat surprising that the three concrete recommendations for Charter revision in paragraphs 298, 299 and 300 regarding “enemy States clauses”, “the Trusteeship Council” and “the Military Staff Committee” have no detailed explanations nor discussions in the report itself. They abruptly appear at the end of the report as recommendations. Although these proposals for Charter revisions are less controversial, they all deserve some discussion and full explanation.

Fifth, the report’s emphasis on the need to involve civil society organizations in addressing the security issues is important and relevant. If one is serious about this point, then, the recommendations of the report could have been more innovative and brave to include the establishment of the following two new organs: (a) a World Peoples’ Assembly, composed of several hundred individual members elected directly by the peoples of the member States reflecting the size of the population, as an advisory subsidiary organ of the General Assembly; and (b) an NGO Forum, composed of the representatives of the international non-governmental organizations having a consultative status with the Economic and Social Council, as an advisory subsidiary organ of the Council.

Conclusion

The High Level Panel Report will no doubt give rise to debates and discussions in the forthcoming months. It is still unsure if the reform of the Security Council, which Japan and several other member States are pushing forth energetically, will happen in the near future, or if it happens in what manner (Model A, Model B or another formulation). Meanwhile, as the Note by the Secretary-General attached to the High Level Panel Report presumes, certain changes in the structure, functions and procedures suggested in the report may be implemented, not totally in the same manner

as proposed by the report but at least reflecting the views expressed in the report, through the administrative actions of the Secretary-General or through the adoption of the resolutions by the relevant principal organs such as the General Assembly and the Security Council because the changes which do not require complex and difficult Charter amendments are relatively easier to achieve.

One key factor to realize the UN reform which all member States seem to support for different, or even contradictory, reasons and formulations, is to what extent the countries aspiring to be new permanent members of the Security Council, such as Japan, Germany, India and Brazil will seriously pursue the policy of the Charter amendments which will have to be a package acceptable by the great majority of the UN member States including all the current permanent members of the Security Council. The willingness, ability and commitments of such new powers to strengthen the UN to meet the new threats and challenges are going to be tested