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## United Nations reform and the Council of Europe member states

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

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### Summary

Born from the ashes of a global catastrophe, the United Nations has succeeded in preventing a catastrophe of such dimensions occurring again. Credit should be given to the United Nations for its role in reducing the number and the deadliness of conflicts worldwide, especially since the end of the Cold War.

Notwithstanding its considerable achievements in preserving peace and international security, the United Nations is in urgent need of a far-reaching reform in order to make it more democratic, transparent, accountable and capable of facing the global challenges of today's world.

Council of Europe member states should support a relaunching of a far-reaching reform effort and should endeavour to reach a common position on some aspects of the reform.

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1. Reference to Committee: Reference No. 3294 of 22 January 2007.

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## A. Draft resolution

1. The United Nations was established 64 years ago in order to “*save succeeding generations from the scourge of war*”. Born on the ashes of a global catastrophe, the United Nations has succeeded in preventing a catastrophe of such dimensions occurring again. In addition, credit should be given to the United Nations for its role in reducing the number and the death toll of conflicts worldwide, especially since the end of the Cold War.
2. The Parliamentary Assembly considers the United Nations to be the cornerstone for preventing breaches of peace, achieving the resolution of conflicts and building peace and confidence in post-conflict situations. It continues to give the United Nations and multilateralism its unabated support, as already stated in its Recommendations [1367 \(1998\)](#) on Reform of the United Nations, [1476 \(2000\)](#) on the United Nations at the turn of the new century, and its [Resolution 1373 \(2004\)](#) on Strengthening of the United Nations.
3. Notwithstanding its considerable achievements in preserving peace and international security, the United Nations is in urgent need of a far-reaching reform in order to make it more transparent, accountable and capable of facing the global challenges of today’s world.
4. The Assembly notes the numerous reform proposals that have been advanced over the last years and pays tribute to former United Nations Secretary-General Kofi Annan for his efforts to promote a comprehensive reform of the Organisation.
5. The Assembly, however, regrets that, so far, there has been no reform proposal aimed at improving the democratic character of the United Nations. In this context, the Assembly recalls its well-established position in support of the introduction of a parliamentary dimension of the United Nations, as set forth in its [Resolution 1476 \(2006\)](#) on the Parliamentary dimension of the United Nations, in order to improve the transparency, accountability and democratic oversight of the organisation and bridge the gap between the United Nations and the people.
6. The incorporation of a democratic element in the United Nations system has become even more necessary in response to the process of globalisation: only global governance can face up to its challenges, and such global governance, embodied in the United Nations, must be based on democratic principles.
7. As to institutional reform, the Assembly reiterates its conviction that the role and the authority of the United Nations General Assembly as “*the chief deliberative, policy-making and representative organ of the United Nations*” should be restored. This role could be further strengthened by the introduction of a parliamentary element in the structure of the UN General Assembly, composed either by representatives of international regional parliamentary assemblies or directly elected representatives.
8. As regards the reform of the United Nations Security Council, which has proved to be the most elusive aspect of the reform effort, the Assembly expresses its support for the idea of a transitional reform of the United Nations Security Council as a way of overcoming the long-lasting deadlock, as proposed by France and the United Kingdom, while welcoming the new impetus in the negotiation process which started in February 2009.
9. Concerned to ensure that the protection of human rights worldwide takes precedence over other considerations, the Assembly believes that any reform of the United Nations Security Council should be such as to enable this body to act swiftly in the case of actual or threatened serious and widespread human rights violations and that its action should not be impeded by the exercise of the right to veto by the permanent members of the Security Council.
10. In addition, the Assembly encourages the holding of negotiations over a reform of the Security Council’s working methods outside the framework of the negotiation of a comprehensive reform package. The aim of this reform should be to improve the transparency of the work of the Security Council and make it possible for states which are not members of it to have easier access to it and express their concerns when they feel that their interests are at stake.
11. In the light of the above, the Assembly recommends to Council of Europe member states to reach a common position as regards:
  - 11.1. a transitional reform of the Security Council, based on the establishment of a new category of non-permanent seats, which could be held for a longer period of time than in the current system;
  - 11.2. the prohibition of the recourse to the veto in the case of actual or threatened serious and widespread human rights violations;

11.3. a self-standing reform of the working methods of the Security Council, outside the framework of the broader reform process;

11.4. ways to restore the role and the authority of the General Assembly, including by introducing a parliamentary dimension.

11.5. ways to improve the interaction between the Security Council and the General Assembly.

12. The Assembly also invites the governments of Council of Europe member states to co-operate in order to draw up an inventory of all their different reform groups and proposals.

## B. Explanatory memorandum, by Mr Gross, Rapporteur

### 1. Aim and methodology of this report

1. I am a great supporter of the United Nations (UN) and I am personally convinced that the reform of this organisation is in everybody's interests, as the challenges of today's world – the maintenance of peace, the fight against poverty, the protection of the environment – are very different from those of 60 years ago and can be met only through a global effort.
2. The necessity of UN reform, in spite of its tormented history, seems so apparent to me that I have often questioned myself why the 47 member states of the Council of Europe – which account for nearly a quarter of UN members – do not try to have a common reform proposal. In order to find out why this is the case, I conducted visits to a number of key countries, in Europe and outside, where I held meetings with people having first-hand knowledge of the UN system, whether from national administrations, think tanks or academia. I also visited the UN Headquarters in New York twice, and met high-level UN officials, ambassadors and scholars.
3. During these discussions, the diversity of national interests amongst Council of Europe member states became very clear. The Council of Europe counts amongst its members three permanent members of the United Nations Security Council: while France and the United Kingdom – two regional powers – co-operate very closely on the issue of UN reform as well as on other key matters under the scrutiny of the UN Security Council, Russia – as a global power with global strategic and geopolitical interests – can afford to follow a different approach. Even if these countries are partners in the context of the Council of Europe and equally “big players”, together with Italy and Germany, their weight on the global scene is different, and so are their national interests.
4. Although aware of these limits, during my visits I tried to explore whether a common ground could be found amongst the different European proposals that are put forward to reform the UN system. A part of my reflection is also whether the Council of Europe could play a role in catalysing a minimum common position amongst its member states.
5. I hope that this report will contribute to raising awareness of the need to relaunch the political momentum behind the reform process which has unfortunately been lost since 2005. The months to come could be particularly favourable for this: on the one hand, as far as the Council of Europe is concerned, the chairmanship of the Committee of Ministers is held by Slovenia, a country whose President has a deep knowledge of the United Nations and was one of Kofi Annan's main collaborators; on the other, as announced in his electoral programme, President Obama will hopefully restore the centrality of multilateralism in US foreign policy and will champion the UN system: there are great expectations for his first intervention at the opening of the UN General Assembly this month.

### 2. The United Nations makes a difference

6. The United Nations Organisation as we know it today is the result of a series of compromises which were negotiated primarily amongst the great powers during the second world war and its immediate aftermath. The UN is the result of a catastrophic conflict and is meant primarily to avoid that a catastrophic conflict happens again. In the minds of its founders, it should overcome the weaknesses and the failures of the Society of Nations to “*save succeeding generations from the scourge of war*”.<sup>2</sup>
7. The UN is also the result of a number of reforms which have changed its structure and working methods over 64 years of existence. Reform is a continuous process which cannot be dissociated from the organisation itself: reform initiatives of the United Nations have been proposed since its very foundation.
8. In the last decade, however, the need for a far-reaching reform has started to be felt as more urgent, as a result of a perceived serious crisis of the UN, affecting its efficiency and credibility.
9. Particularly critical moments which increased the perception of a deep crisis of the UN system, also amongst the general public, include international crises during which the Security Council was unable to act due to the use or the threat of the use of veto rights by its permanent members.

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2. Preamble of the UN Charter.

10. On several occasions, such as the attack against Iraq by the United States and a coalition of allies in 2003, the general public had the impression that unilateralism might have the upper hand over multilateralism.

11. Similarly, in 2008, the inability of the UN Security Council to reach a common position as regards the status of Kosovo<sup>3</sup>, and to prevent the tensions between Russia and Georgia from escalating into an all-out war, confirmed the incapability of the UN Security Council to act timely and effectively against the opposition of one of its permanent members (the so-called P 5).

12. However, statistics show that the recourse to the veto is not very frequent: from 1945 to its break-up, the Soviet Union used its veto 118 times; the Russian Federation has used it only 3 times; the United States 82; the United Kingdom 32, of which 23 with the United States; France 18 times, of which 13 times with the United States and the United Kingdom. China has used the veto only 6 times.<sup>4</sup> The last time that France and the United Kingdom exercised their veto was in 1989.<sup>5</sup>

13. Vetos exercised by states on their own are even rarer: the UK has done so only 7 times, on the situation in Rhodesia (Zimbabwe), while France only twice, in 1946 on Indonesia, and in 1976 on a dispute with the Comoros.

14. In any case, describing the UN Security Council as a body incapable of action is a gross misrepresentation: on the contrary, since the break-up of the Soviet Union, the UN Security Council has adopted a growing number of resolutions, reaching an activity peak in the years 1991-1995, with 70 resolutions on average per year, against less than 5 per year before 1990.

15. What is more important, several studies have concluded that the number and deadliness of international and civil conflicts have declined since the end of the Cold War and that this is in direct correlation with the work of the United Nations.

16. The Human Security Report,<sup>6</sup> for instance, states that “the decline in the number of international wars since the late 1970s is associated with the demise of Colonialism and the end of the Cold War(...). After World War II there was an unprecedented increase in the number of civil wars. But in the 1990s the number of civil wars declined even more dramatically (...). Since the end of the Cold War the UN has led an upsurge of international activism that has played a critical role in reducing the number of violent conflicts”.

17. The reason is that the end of the Cold War, and of the antagonism between the two superpowers, made it possible for the United Nations to play an effective global security role and even go far beyond what its founders had hoped for: a number of UN instruments and bodies were set up in the field of conflict prevention, conflict management, peace-keeping and post-conflict peace-building which were not envisaged by the UN Charter.

18. The increase in preventive diplomacy spurred by the United Nations “has helped prevent a number of latent conflicts from crossing the threshold into warfare, while the rise in peacemaking activities has been associated with a major increase in negotiated peace settlements. Approximately half of peace settlements negotiated between 1946 and 2003 have been signed since the end of the Cold War.”<sup>7</sup>

### 3. Strengthening the United Nations

19. Once clarified that the impact of the United Nations in the maintenance of peace is still considerable despite its weaknesses, it can be acknowledged that there is a large scope for improvement.

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3. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

4. These figures refer to the period 1945-2008. source: Global Policy Forum, Changing Patterns in the Use of the Veto in the UN Security Council, [www.globalpolicy.org](http://www.globalpolicy.org)

5. When the United States, France and Britain vetoed a resolution deploring the US military intervention in Panama.

6. The Human Security Centre, The Human security report, University of Columbia, Canada, 2005.

7. The Human security report, page 153.

20. First of all, there are some important concerns as regards the impact and the efficiency of the United Nations, due to:

- i. the recourse or, more frequently, the threat by the P 5 to use their veto power, which paralyses the Security Council and makes it incapable of acting against major threats to international peace and security, including when there are serious risks of widespread human rights violations and even genocide for the population of a given country;
- ii. the absence of an efficient system to ensure the implementation of the Security Council's resolutions;
- iii. the loss of political authority by the UN General Assembly, in the light of:
  - a. the search for consensus in its decision-making, which waters down the content of its resolutions;
  - b. the numerical preponderance of one regional group, the G77, over the others, which gives rise to lofty resolutions which are not backed up by an effective power of enforcement;
  - c. the fact that geopolitical interests guide the voting decisions of member states, thus affecting constructive decision-making focusing on substantive issues;
- iv. the fact that the UN agencies suffer from serious disorganisation, lack of co-ordination and a waste of resources;
- v. the fact that the budgetary contributions of member states are determined according to criteria which reflected the economic situation of members after the Second World War, and do not correspond to current economic realities.

21. But, above all, some words are missing from the UN Charter: they are democracy and fair representation.

22. These words were far from the concerns of the founders of the organisation but they are essential in today's world. The Council of Europe should exert all of its political weight and authority to ensure that these concepts are included in the current debate on UN reform and finally translated into the UN system, consistent with its values and aims.

23. This is a daunting task. We must find a way to redistribute power within the United Nations to reflect the current geopolitical balance without the spur of a major catastrophe behind us, such as the Second World War, and without provoking a new catastrophe. In addition, we should ensure that democracy, as a value, is endorsed in UN mechanisms, with the creation of a parliamentary dimension, as already recommended by our Assembly.

#### **4. The Assembly's position on the United Nations**

24. The Assembly has a long history of support of the United Nations and multilateralism. The main issues which it has addressed over the last decade with reference to the United Nations include:

##### **4.1. UN reform**

25. The Assembly supports a reform process aimed at improving the functioning of the organisation. In particular, it wishes the UN Security Council to be more transparent, democratic and representative of the current United Nations membership.<sup>8</sup>In addition, the Assembly has taken position in favour of a reform which would improve the capability of the Security Council to act in cases of massive and systematic violations of human rights with grave humanitarian consequences.<sup>9</sup>However, the Assembly has never supported any specific reform model, as regards composition, number of seats and veto rights.

26. As regards the UN General Assembly, the Assembly believes that it should be given more political leverage, by enhancing the authority of its President in two ways: extending his/her mandate to three years and considering electing a political figure to this post.<sup>10</sup>

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8. [Recommendation 1367 \(1998\)](#) on Reform of the United Nations (Rapporteur: Mrs Severinsen).

9. [Recommendation 1476 \(2000\)](#) on the United Nations at the turn of the new century (Rapporteur: Mrs Severinsen).

10. [Resolution 1373 \(2004\)](#) on Strengthening of the United Nations (Rapporteur: Mrs De Zulueta).

#### **4.2. From parliamentary involvement in UN work to a parliamentary dimension**

27. The position of the Assembly on this subject has evolved over the years: while in the late '90s the Assembly only called for a greater involvement of representatives of national parliaments in the activities of the United Nations,<sup>11</sup> in 2006 it called explicitly for the establishment of a parliamentary dimension of the United Nations and proposed a model for it.

28. In its [Resolution 1476 \(2006\)](#) on Parliamentary dimension of the United Nations (Rapporteur: Mrs De Zulueta), the Assembly calls for a durable and forward-looking reform, which should be led by the objective of rendering the whole UN system more transparent, legitimate and accountable to its member states, as well as to the public. For this reason, the reform cannot be limited to making the Organisation more reflective of current geopolitical realities – for instance by reforming the UN Security Council - but should aim at incorporating democratic mechanisms into the UN system, with a view to redressing the democratic deficit in global governance and bridging the distance between the UN and the people.

29. In this context, the closer involvement of parliamentarians in UN activities is a fundamental instrument to associate the people – through their elected representatives – to the UN deliberative process, the oversight of UN activities and the monitoring of the implementation of UN decisions by member states. This involvement should be enhanced progressively: it should start by ensuring that parliamentarians are fully informed of UN activities, culminating with the inclusion in the UN system of a parliamentary assembly with consultative functions for the UN General Assembly.

#### **4.3. Co-operation between the Council of Europe and the United Nations**

30. In all its recommendations on the United Nations, the Assembly has asked the Committee of Ministers to examine ways to strengthen co-operation between the two organisations.

31. At the moment, the Council of Europe enjoys the status of observer with the UN General Assembly. In this context, the Secretary General of the Council of Europe as well as Parliamentary Assembly members are involved every other year in a debate on the co-operation between the United Nations and regional and other organisations. This debate is normally the opportunity for the sub-committee on external relations of the Assembly's Political Affairs Committee to meet in the UN Headquarters in New York, and hold an exchange of views with UN officers.

32. In addition, the Council of Europe and its Assembly have working relations with a number of UN agencies and bodies, including the UN High Commissioner for Refugees (UNHCR), the Human Rights Council (HRC), the UN High Commissioner for Human Rights, the UN Committee against Torture, UNDP, UNESCO, etc., as well as with relevant UN Rapporteurs, Special Representatives of the UN Secretary General and mediators.

### **5. The greatest challenge: reform of the Security Council (UNSC)**

33. The part of the reform which has proved to be the most elusive to secure concerns the Security Council.

34. In the history of the United Nations, the UNSC has been reformed only once, in 1963, when four new non-permanent seats were added. The reform of this body requires the agreement of more than 2/3 of the members of the UN General Assembly, including all the P 5.

35. The main open questions for the UNSC reform include:

- i. the expansion of the number of permanent seats, and according to what criteria;
- ii. the expansion of the number of non-permanent seats, and according to what criteria;
- iii. what members should have the veto, and whether there should be limits to its exercise;
- iv. working methods;
- v. relations with the UN General Assembly

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11. [Recommendation 1367 \(1998\)](#) on Reform of the United Nations (Rapporteur: Mrs Severinsen).



36. There is agreement that the Security Council should be made more transparent, accountable, and equitably representative. However, despite several models having been proposed since 1993, when negotiations started,<sup>12</sup> none of them has so far reached the wide consensus which is necessary for a reform to succeed. The main proposals are:

Proposal	Permanent seats	Non-permanent seats	Veto
<b>G-4</b> (Brazil, Germany, India and Japan)	6 new seats (one for each G-4 country + 2 for Africa)	4 new seats	No veto rights should be given to the new permanent members while, at a later stage, the use of veto should be limited or abandoned by all the permanent members
<b>African Union</b>	6 new seats (2 for Africa, 2 for Asia, 1 for Latin America and 1 for Western Europe)	5 new seats (including 2 for Africa)	New permanent members would have same veto rights
<b>Uniting for Consensus</b>	No new seat	10 new seats (members chosen on a rota basis according to regional groups, including 3 from Africa, 3 from Asia, 2 from Latin America, 1 from Western Europe and 1 from Eastern Europe)	Calls for restraint on the use of veto
<b>S-5</b> (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland)			Recourse to veto should be motivated. It should not be possible in cases of genocide and serious human rights violations

## 6. 2005: what went wrong?

37. Reforming the United Nations was a priority for former Secretary General, Kofi Annan, who put a great deal of personal commitment into this challenge. In the ten years of his tenure (1997-2006), Kofi Annan made numerous proposals with significant implications for how the organisation conducts its work, implements its mandates, and manages the funds entrusted to it by its member states

38. The culmination of this reform effort was the setting up of the High-Level Panel on Threats, Challenges and Change, which, in 2004, produced the report *A More Secure World: Our Shared Responsibility*, defining reform as a necessity, suggesting measures to enhance consensus and strengthen the UN and proposing two different models for a reformed UN Security Council:

Proposal	Permanent seats	Non-permanent seats
<b>Model A</b>	Six more seats (two for Africa, two for Asia and the Pacific, one for Europe and one for America)	Three additional seats, to be held for two years and non renewable.
<b>Model B</b>	None	A new category of eight seats should be introduced, to be held for four renewable years + one additional non-renewable seat to be held for two years.

39. Building up on the High-Level Panel report, in 2005, the Secretary General issued the report *In Larger Freedom: Towards Development, Security and Human Rights for All*, recommending far-reaching reforms designed to increase and enhance the normative and operational capacities of the UN in the areas of development, security, and human rights. The report also endorsed the proposals made by the High-Level Panel on Threats, Challenges and Change as regards the reform of the UN Security Council while leaving it to the member states to decide which of the two models should be preferable. The Secretary General called for an agreement to be reached before the 2005 World Summit.

12. In 1993, the UN General Assembly set up an Open-Ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council. Since then, the mandate of this working group has been regularly renewed, without breakthrough results.

40. Despite this attempt to push the reform of the UNSC through, UN member states remained deeply divided over core issues, such as the creation of new permanent members, who they should be, and whether or not they should have veto rights.

41. A combination of elements led to the failure of this reform attempt: according to his biography<sup>13</sup>, Kofi Annan was under strong pressure to retire; at geopolitical level, the balance of power amongst different countries was still not clear, with the war in Iraq not appearing yet as a defeat, the Bush administration not supporting the United Nations, and China and India on the rise. A decisive element was that China would not accept a permanent seat for Japan. Arguing that differences among the member states were expanding instead of narrowing down, in July 2005, the Chinese Representative to the UN declared that “China is firmly opposed to setting an artificial timeframe for Security Council reform”.<sup>14</sup>

42. In spite of the impossibility of reaching an agreement on a renewed Security Council, part of the reform announced by the 2005 World Summit Outcome was achieved, with the establishment of two new bodies:

#### **6.1. the Human Rights Council (HRC)**

43. The HRC was established in 2006 to replace the United Nations Commission on Human Rights. It counts 47 members distributed by region, each serving a three-year term, elected by the UNGA with a majority vote. Compared to its predecessor, in the HRC, the human rights record of candidates plays a more important role in affecting their chances for membership;

#### **6.2. the UN Peace-building Commission (PBC)**

44. In 2005, following the recommendations of the then Secretary General and his High Level Panel, the Security Council and the General Assembly ended a long phase of negotiations by adopting, by consensus, joint resolutions 1645 and 60/180 establishing a new PBC. The Commission addresses a critical gap within the UN and global system by providing a co-ordinated, coherent and integrated approach to post-conflict peacebuilding and facilitating dialogue amongst key actors. The PBC comprises 31 members and has its own Peacebuilding Fund.

### **7. A transitional reform of the UNSC as a way out of the deadlock**

45. In the light of the diversity of proposals and the stand-still in the negotiations, a number of Council of Europe member states, led by France and the United Kingdom, have recently started to support a model calling for a provisional reform of the Security Council, to be implemented over the next 15 years.<sup>15</sup>

46. The reasoning behind this idea is that the world is going through a shift in power relations, and that a new and lasting configuration of the Security Council will be possible only once this process is concluded.

47. It is a fact that the acquisition of a permanent seat is a key achievement in the positioning and the standing of a country on the global scene and that regional antagonism between countries, such as China and Japan, Argentina and Brazil, Italy and Germany, has so far prevented agreement being reached on who should attain this coveted prize.

48. The transitional model envisages the creation of a new category of seats enjoying a longer mandate than the one of the current elected members, which could also be renewed. After a first period of implementation of the reform, it could be decided to transform this new category of seats into permanent ones.

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13. Frederic Eckhard, *Kofi Annan*, Tricorne, Genève, 2009.

14. Quoted by E. Luck, UN Security Council, Practice and Promise, *cit*, page 120.

15. A joint position on this matter was first issued at the summit between the two countries on 27 March 2008.

## 8. VIII.2009: a new impetus in the negotiations

49. On 19 February 2009, intergovernmental negotiations on Security Council reform made a fresh start in an Informal Plenary Session of the General Assembly, pursuant to a unanimous decision by the General Assembly last September. The negotiation process is ongoing, and focuses on:

- i. *categories of UNSC members*: this is one of the issues on which, although there is no agreement yet, member states are demonstrating a margin of flexibility. A large group of member states call for an enlargement in both categories of membership (permanent and non-permanent), while others would limit it to non-permanent seats. The transitional solution, based on a longer-term renewability of seats, could be the solution which allows the reform process to move forward while enjoying broad support.<sup>16</sup>
- ii. *veto rights*: although the veto is criticised by a number of UN member states, there is common acceptance that its elimination is not realistic at this stage. Some countries would like to restrict it, for instance, to exclude it in cases such as genocide, war crimes and crimes against humanity, to introduce an obligation to provide an explanation for using it, to use it only for vital issues, to bar it where a permanent member is a party to a conflict or to overrule it by a qualified majority. On the other hand, some states support the extension of the veto to new permanent members, provided that there is clarity of who they are. The general perception amongst the P 5 is that the veto is at the core of the system of collective security and should not be handled like other parts of the reform. The P 5 underline that the veto right is already exercised with restraint and suggest that, once a comprehensive UNSC is adopted, they could make a voluntary – political – commitment on how to limit its exercise.<sup>17</sup>
- iii. *regional representation*: there is a common acceptance that the UNSC in its current composition does not reflect geopolitical realities and needs to be rebalanced. The majority of member states believe that this rebalancing should not be based only on equitable regional representation but also on the contribution to the maintenance of international peace and security.<sup>18</sup>
- iv. *size of an enlarged UNSC*: so far nobody disputes the fact that the UNSC should be enlarged, but there is a trade-off between expanding it and preserving its capability to act swiftly in the face of crises. Some member states point out that the increase in the number of seats would entail *per se* a rebalancing of the power structure within the Council, as a higher proportion of votes would be required to approve resolutions and the weight percentage of permanent members would decline.
- v. *working methods*: this part of the reform does not require an amendment to the Charter, and is easier to attain. The main conclusion drawn in the ongoing talks is that this matter should be excluded from the negotiation of far-reaching reform packages and be dealt with separately, in order to improve its prospects of success. The main problems with current UNSC working methods are the difficulty for non-UNSC members in having access to substantive information on UNSC work, and in having direct access to the UNSC in cases where their interests are specially affected and in particular when they have an item on the agenda.<sup>19</sup> Far from being a technical matter, therefore, the reform of working methods could increase the transparency and the legitimacy of the Council's decisions, without necessarily impinging on the prerogatives of its members.
- vi. *relations between the UNSC and the General Assembly*: the main problem is the so-called encroachment, which is closely related to the broadening definition of "security". Working with this broad definition, the UNSC has been increasingly discussing subjects that fall under the competence of the General Assembly. So far, proposals have been made to expand on the mechanisms of interaction between the two bodies, through a regular and institutionalised dialogue.<sup>20</sup>

## 9. Key impressions from my visits

50. I would like to summarise below some of the main issues raised during the meetings I held in preparation of this report. I also take this opportunity to thank all those who kindly agreed to meet me.

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16. Inter-governmental negotiations of 2 March 2009.

17. Inter-governmental negotiations of 13 March 2009.

18. Inter-governmental negotiations of 20 March 2009.

19. Inter-governmental negotiations of 3 April 2009.

20. Inter-governmental negotiations of 16 April 2009.

### **9.1. Stockholm (20 November 2007)**

51. In Stockholm, I was introduced to the 4 Nations Initiative (4NI), a reform project sponsored by Sweden, Thailand, Chile and South Africa, a group deliberately involving countries from four continents and addressing the problems of the UN budget, administration, staff and project management. The 4NI also raises important issues such as the lack of trust among UN member states, their fear of losing their control of UN mandates, the poor accountability and transparency of the decision-making process, including the way in which UN mandates are formulated.

### **9.2. Oslo (21 November 2007)**

52. From the meetings I had in Oslo, I retain the remark that *“too much has been tried for too long with too little real outcome”*: there is a kind of reform fatigue which affects all those who are involved in the process, including UN staff. This might perhaps explain why the current UN Secretary General has “calmed down” and is not pushing for a more intense resumption of reform negotiations.

### **9.3. Berlin (5 February 2008)**

53. My discussions in Berlin focused on the interest of Germany to become a permanent member of the UN Security Council, together with Japan, South Africa and Brazil (the G4 proposal), in order to render the Security Council more representative of today’s world power relations. It was stressed to me that the 2005 reform attempt did not fail only because of China’s firm opposition to Japan becoming a permanent UNSC member, but also due to the inability of the other two leading African states – Egypt and Nigeria - to accept South Africa as the only permanent member from Africa and the proposal that new permanent members should not enjoy veto rights.

### **9.4. Wellington (18 June 2008)**

54. I used the invitation to participate in a scientific seminar in Dunedin to pay a visit to the Foreign Ministry of New Zealand and discuss their government’s reform ideas. In Wellington, where some people seem to be interested in joining the Council of Europe as an observer state, I was told that New Zealand is a strong supporter of UN reform in order to modernise the organisation and make it more reflective of the reality of today’s world. Concerning the reform of the UN Security Council, New Zealand seems to be very much interested in including Japan amongst the new permanent members and insists that veto powers should not be extended beyond the current P5. Together with Zambia, New Zealand is leading a working group to study how to improve the process of revision of UN mandates.

### **9.5. Ljubljana (14 July 2008)**

55. In our meeting, the Slovenian President Danilo Türk, a former close collaborator of the UN Secretary General Kofi Annan in the UN secretariat, coined the sentence *“the UN badly needs reform, the world badly needs a reformed UN”*. *“The big reform efforts in the first five years of the new millennium failed because it could not satisfy all the national interests”*. President Türk stressed that there is no way to wash away national interests but that they should be reconciled in a reform approach which is more *“inclusive”* and *“systematic”*. President Türk is one of the few leaders who also support the idea of incorporating a parliamentary assembly in the UN General Assembly: *“today the time has come for this idea”*.

### **9.6. London (8 September 2008)**

56. In London, I did not only meet the officials working on UN matters in the Foreign and Commonwealth Office but also the former UK permanent representative to the UN, Lord Hannay of Chiswick, currently Chair of the UN Association-UK (UNA-UK). His view is that, in the UN context, *“reform has become a poisoned word which is overused”*. He is ready to speak and reflect on the need of UN reform but he thinks that this effort should focus more on policy reform, which should include institutional reform. Lord Hannay refers, for instance, to the Copenhagen Climate Change Summit as a positive reform example. He regrets that, in the post-cold war period, the UN was presented with great opportunities and new challenges (state failures, terrorism, genocide) but lacked the resources to meet them. In the first eight years of the XXI century, much damage has been done to the idea of multilateralism, and we are still in the process of recovering. His final words during our meeting were: *“let’s give the reform of the UN Security Council a rest. Let’s focus on more hopeful things”*.

### **9.7. Paris (9 September 2008)**

57. In Paris, I was told that “the greater Europe”, meaning the 47 member states of the Council of Europe, has never been considered as a possible single actor at the UN level; this is not the case for EU member states, who express a common position in 90% of the votes in the UN General Assembly. This is of course the result of a very intense negotiation activity, with approximately 600 meetings over a period of only 4 months. This does not mean, however, that time is ripe for a single EU seat in the UN Security Council, especially if this would imply that France and the United Kingdom should give up theirs. As far as the reform of the UN Security Council is concerned, the priority of France is increasing its efficiency and credibility through a larger representation and the introduction of restrictions on the use of veto powers.

### **9.8. Brussels (13 October 2008)**

58. Belgium held a seat in the UN Security Council in 2007-2008 and looks forward to chairing the UN General Assembly in 2010. For Belgium, the most important aspect of the reform is the coherence of UN work (“one UN”) and the increase of the transparency of its work. It was pointed out to me that the reduction of the hegemony of the current permanent members in the UN Security Council would risk making this body less effective.

### **9.9. The Hague (28 October 2008)**

59. In the Hague, I had an insight into the difficulty of achieving a real management reform of the UN system. Between 1946 and 2005, nine thousand mandates were reformulated and are still pending; some of them are completely outdated while others overlap. The Netherlands supports the “ONE UN” proposal while focusing at the same time on the reform of the UN Security Council. The interim reform solution, to be applied for a period of 15 years, seems more and more to be a viable option. It would imply the creation of a new category of non-permanent seats to which countries could be re-elected for a longer period, taking into account their political, financial, military and personnel commitment to the UN.

### **9.10. Ottawa (3 November 2008)**

60. I was surprised at how reluctant the officials of the Canadian conservative government today seems to be when asked what follow-up has been given to the very progressive reform position that Canada showed in the years 1999-2000, when Canada sponsored the introduction of concepts such as human security and the responsibility to protect.

### **9.11. Moscow (17 January 2009)**

61. In Moscow, I was told that the reform of the UN Security Council should not only focus on the enlargement of its membership but also on enhancing the efficiency of its work. In this sense, Russia is very much interested in increasing the capacity of the UNSC to respond to crises and conflicts in the world more rapidly and more efficiently and to achieve a better implementation of its decisions. Russia also supports the idea that the General Assembly should play a more central role within the UN system, while stressing that the intergovernmental character of the organisation should not be put into question. Russia does not wish to see any limitation of veto powers and does not think that permanent members should be called to explain the use of the veto before the UN General Assembly.

### **9.12. Rome (5 February 2009)**

62. Italy regrets the divisions in Europe when it comes to the issue of UN reform. Being aware that Italy cannot realistically imagine becoming a permanent member of the UN Security Council, the Italian government seems to be very much engaged in developing a reform project which is genuinely transnationally-based. In this context, a ministerial conference on the reform of the UN Security Council was organised in Rome on 5 February 2009. On this occasion, the Italian Minister of Foreign Affairs stressed that a more representative Security Council would be able to respond more effectively to the new challenges and threats to international security. The reform, must however be comprehensive: there should be more transparency in the work of the Security Council and better co-operation with the General Assembly. The Security Council should be “more inclusive”: it should not be open only to a number of states belonging to an élite, but be a forum where also the small and middle-sized states can put forward their case when they have a special interest to do so.

## 10. The Council of Europe as a source of inspiration for the UN

63. In his book *“What’s wrong with the United Nations and how to fix it?”*, the American Professor, Thomas Weiss, mentions the high quality of human rights protection in Europe, referring to the European Convention on Human Rights and the European Court: *“the details of the European situation merit scrutiny because it shows that muscular supranational protection of human rights is possible in international relations when there is sufficient political will. Unfortunately, the European situation also shows how far the UN has to go before it can provide the same sort of human rights regime. Popular and state commitment to the serious protection of human rights is much greater in Europe than in other regions. There are human rights regimes in the Western hemisphere and Africa but they do not equal the European record. These efforts moving beyond the state to the individual at least point the way for the UN”*.

## 11. Can Council of Europe member states agree on a common position on at least some aspects of the reform?

64. In my opinion, it should be possible for the Parliamentary Assembly to catalyse consensus on a common position of Council of Europe member states on some aspects of the UN reform. I am not naïve: I do not think that our Assembly could reach a common position as regards the membership and size of a reformed UN Security Council, but it could indeed reach a common position as regards:

- i. its working methods, in order to make them more transparent and inclusive,
- ii. veto, in order to prevent it being used in cases of genocide and serious human rights violations,
- iii. the UNSC’s relationship with the UN General Assembly, in order to improve interaction between the two bodies.

65. In addition, PACE should be able to make concrete suggestions as regards the revitalisation of the General Assembly, as nearly all Council of Europe member states have declared their commitment to relaunch the role and the authority of this body as *“the chief deliberative, policy-making and representative organ of the United Nations”*.

66. Similarly, all Council of Europe member states declare their full support to the idea that the UN system should be rationalised, and many of them support the recommendations of the *High Level Panel on UN System-Wide Coherence*, also known as Stoltenberg Panel.

67. This Panel carried out a study of the UN operational activities and assessed how the UN system works in practice, also analysing possible areas of overlap between different UN agencies, especially when several of them operate in the same country. The core recommendation resulting from this work is that the UN should *“deliver as one at country level: One programme, One leader, One budgetary framework and One office”*, which would improve efficiency, communication and visibility in addition to allowing a better allocation of resources.

## 12. Promoting the parliamentary dimension of the United Nations

68. The Assembly has already taken position in favour of the introduction of a parliamentary dimension in the UN system and it is not my intention to re-open the question. On the contrary, I would like to promote the Assembly’s previous recommendations in the appropriate fora, in order to seek broader support for the idea, also on the part of UN staff and national governments.

69. The Assembly is not the only body to support the establishment of a UN parliamentary dimension: a number of non-governmental organisations and parliamentary bodies have strongly lobbied for it.

70. For instance, the Committee for a Democratic UN (*KDUN, Komitee für eine demokratische UNO*), since its creation in 2003, has been conducting a variety of activities and campaigns in order to promote the establishment of a Parliamentary Assembly of the United Nations.<sup>21</sup> This non-governmental organisation, registered in Germany, connects academics, parliamentarians, non-governmental organisations, public figures and dedicated citizens from all around the world who work on this goal.

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21. <http://www.kdun.org/en/aboutus/index.php>

71. Even the European Parliament has embraced the idea of setting up, in co-operation with world or international regional parliamentary assemblies, a network of parliamentarians to act as a Consultative Parliamentary Assembly under the United Nations as a premise to the establishment of a United Nations Parliamentary Assembly (UNPA) within the UN system.<sup>22</sup>

72. I am well aware that the introduction of a parliamentary dimension in the UN system is a major challenge, and that many governments are reluctant to share with elected representatives something which they feel belongs to their exclusive remit.

73. However, I think that this attitude is a mistake. Increasing the democratic character of the United Nations can only but strengthen the organisation, making it closer to the people, more legitimate and more credible.

74. The problem is how to promote this idea. I believe that a step-by-step approach should be envisaged. The first step would be actively promoting the Parliamentary Assembly, as an assembly functioning according to democratic rules and where delegations must ensure a fair representation of the forces present in their national parliaments, as a model for existing international regional parliamentary assemblies and for the establishment of new ones. These parliamentary assemblies could then appoint representatives who would sit in a UN parliamentary assembly.

75. As regards the possibility that the Inter-Parliamentary Union might evolve into a UN Parliamentary Assembly, I would like to recall some remarks made by the Committee for a democratic UN,<sup>23</sup> which I share: the IPU is an association of national parliaments. One of its goals is strengthening the ability of national parliaments to exercise their oversight functions at national level, in matters of international nature. Although a global assembly with close working relations with the UN system, the IPU does not have the capacity nor the ambition to exercise an oversight over UN bodies and institutions in order to increase their accountability.

### 13. The need for transnational democracy

76. An article by former UN Secretary-General Boutros Boutros-Ghali captures very well the link between the challenges of today's world and the need to promote democracy beyond the level of states:<sup>24</sup>

*"The challenges of our time are enormous. Problems which can only be solved effectively at the global level are multiplying. The requirement of political governance is increasingly extending beyond state borders. Climate change, environmental devastation, social disparity, terrorism, proliferation of weapons of mass destruction, population growth and the growing shortage of fresh water and basic foods are just a few of the pressing issues. Yet, the current economic crisis is at the top of the agenda. The global economic slowdown and price disruptions magnify the impacts of the other problems. In this globalized world, no country or individual will be left untouched by its consequences.*

*The last time an economic crisis of such magnitude occurred, it led to the rise of dreadful anti-democratic trends and social upheaval. It contributed to the rise of fascism, the outbreak of the Second World War and genocide. During the current global economic crisis, we should not turn a blind eye to this lesson.*

*Thus, while world leaders ponder governance reforms now, they must not lose sight of the importance of strengthening democracy. Measures to sustain the stability of the financial system and to absorb the immediate shocks of the crisis are, of course, in focus. However, the crisis should also be used as an opportunity to address a largely ignored aspect of democratization: Democracy within the state will diminish in importance if the process of democratization is not extended to the system of international governance as well. Applying democratic principles to international institutions must be an essential component of any reform of global governance. (...)*

*This project includes the task of giving the world's citizens a more direct say in global affairs. A direct link between global institutions and the people on the spot needs to be established. But how could such a project of global democratization be approached?*

*One indispensable means to this end is the establishment of a United Nations Parliamentary Assembly.(...) A United Nations Parliamentary Assembly - a global body of elected representatives - could invigorate our institutions of global governance with unprecedented democratic legitimacy,*

22. EP Resolution on the reform of the United Nations, 6 June 2005.

23. Committee for a democratic UN, the establishment of a UN Parliamentary Assembly and the role of the Inter-Parliamentary Union, October 2008.

24. Boutros Ghali, the missing link of democratization, in Open Democracy, 9 June 2009.

*transparency, and accountability. Initially, the assembly could have a largely consultative function. Over time its authority and powers could evolve. It could be complementary to the UN General Assembly and its establishment, in the first step at least, and would not require a cumbersome reform of the UN Charter. President Barack Obama recently stated that the absence of oversight is one of the major problems we are facing with regard to the international financial system. A global parliamentary assembly could play an important role in exercising genuine and independent oversight over the global system's array of institutions."*

77. As regards the objection that such an Assembly would defeat its purpose because the majority of states are not democratic, I cannot agree. On the contrary, a UN Parliamentary Assembly could be a strong tool to support the democratisation process at national level, especially if PACE is the model for it.

#### **14. Global governance reform**

78. In his inspiring UN analysis, US Professor Thomas G. Weiss concludes with a vision that we need to think about a reformed UN in order to establish a new kind of global governance. Weiss writes: *"The malfunctioning of today's international system has not led to a new paradigm but rather to experiments with a useful analytical tool, global governance, which helps to understand what is happening but does not push us to prescribe what should happen. More and more of us are willing to admit that we are living in a "post-Westphalian" era (...) but it provides neither a catchy nor accurate label for the era to come."*

79. *"Like the UN, global governance is a bridge between the old and the as yet unborn. Global governance also resembles the UN in that we are unable to use either to solve those pesky problems without passports that are staring us in the face - global warming, genocide, money-laundering by terrorists, and worldwide pandemics like AIDS."*

80. The former Deputy Secretary General, administrator of the UN Development Programme and British Minister, Lord Malloch Brown concluded his "John W. Holmes Lecture" under the title "Can the UN be reformed?" (Published in Global Governance, New York Nr 14 (2008) with the thesis and the question:

*"The world has never in human history been more integrated but less governed. Problems from terrorism to climate change, crime, poverty, migration, public health, security and trade have escaped national control and the UN is in no state to catch them. How long can we allow such global dysfunction to endure?"*

81. Some paragraphs before, Malloch Brown showed the way nobody can bypass when he stated: *"The roadblock to reform is intergovernmental gridlock. A good Secretary General, like Kofi Annan, and a dedicated committed UN staff alone cannot overcome this obstacle. Nor is it right to single out the US, the G-77 or others. All of these problems are symptoms of a system imprisoned in a 1945 structure that sets everyone at each others' throats in a 2007 world. The UN will continue to disappoint until statespersons are willing to step forward and negotiate a new structure that gives everybody significant confidence of ownership."*

#### **15. Conclusions and recommendations**

82. The world needs the United Nations as the only legitimate system of global governance capable of saving successive generations from the scourge of war and coming to grips with today's global challenges: poverty, climate change, weapons of mass destruction and terrorism.

83. No coalition of the willing or alliance of democracies could ever replace the United Nations, because it would lack the legitimacy stemming from the Charter, a set of binding rules that 192 states have vowed to respect.

84. My hope is that, with the election of a new administration, the United States will be able to put its political weight behind multilateralism and a reform of international institutions, including the United Nations, in a democratic direction.

85. Finally, I think that the Parliamentary Assembly of the Council of Europe has a major role to play in promoting itself as a model for new or existing parliamentary assemblies and for promoting transnational democracy.

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*Reference to Committee:* Reference No. 3294 of 22 January 2007

*Draft resolution and draft recommendation* adopted unanimously by the Committee on 10 September 2009

Members of the Committee : Mr Göran **Lindblad** (Chairman), Mr David **Wilshire** (Vice-Chairman), Mr Björn Von Sydow (Vice-Chairman) (alternate: Mrs Kerstin **Lundgren**), Mrs Kristina Ojuland (Vice-Chairperson) (alternate: Mr Andres **Herkel**), Mrs Fátima Aburto Baselga (alternate: Mr Miguel Arias **Cañete**), Mr Françis **Agius**, Mr Alexander Babakov, Mr Viorel Badea (alternate: Mr Ioan **Mang**), Mr Denis Badré, Mr Ryszard **Bender**, Mr Andris **Bērziņš**, Mr Pedrag Bošković, Mr Luc Van den Brande, Mr Mevlüt **Çavuşoğlu**, Mr Lorenzo Cesa, Mr Titus **Corlăţean**, Ms Anna **Čurdová**, Mr Rick **Daems**, Mr Dumitru Diacov, Ms Josette Durrieu, Mr Frank Fahey, Mr Piero **Fassino**, Mr Per-Kristian Foss (alternate: Mr Vidar **Bjørnstad**), Mr György **Frunđa**, Mr Jean-Charles **Gardetto**, Mr Marco Gatti, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael **Hancock**, Mr Davit Harutiunyan (alternate: Mrs Naira **Zohrabyan**), Mr Joachim Hörster, Mrs Sinikka **Hurskainen**, Mr Tadeusz **Iwiński**, Mr Bakir Izetbegović, Mr Michael Aastrup Jensen, Mr Miloš Jevtić, Mr Emmanouil Kefaloyiannis, Mrs Birgen **Keleş**, Mr Victor Kolesnikov (alternate: Mrs Ohla **Herasym'yuk**), Mr Konstantion **Kosachev**, Mr Jean-Pierre Kucheida, Ms Darja Lavtižar-Bebler, Mr René van der Linden, Mr Dariusz **Lipiński**, Mr Juan Fernando López Aguilar (alternate: Mrs Meritxell **Batet Lamaña**), Mr Younal Loutfi, Mr Gennaro Malgieri, Mr Dick Marty, Mr Frano Matušić, Mr Dragoljub Mićunović, Mr Jean-Claude **Mignon**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada, Ms Lilja Mósesdóttir, Mr João Bosco **Mota Amaral**, Mrs Olga Nachtmannová, Mr Gebhard **Negele**, Mrs Miroslava Nemcova, Mr Zsolt Németh, Mr Fritz Neugebauer (alternate: Mr Franz-Eduard **Kühnel**), Mr Hryhoriy **Omelchenko**, Mr Theodoros Pangalos, , Mr Ivan **Popescu**, Mr Christos **Pourgourides**, Mr John Prescott (alternate: Mr John **Austin**), Mr Gabino **Puche**, Mr Amadeu Rossell Tarradellas, Mr Ilir Rusmali, Mr Oliver Sambevski, Mr Ingo Schmitt (alternate: Mr Eduard **Lintner**), Mr Samad Seyidov, Mr Leonid **Slutsky**, Mr Rainer **Steenblock**, Mr Zoltán **Szabó**, Mr Mehmet **Tekelioğlu**, Mr Han Ten Broeke, Lord Tomlinson (alternate: Mr Rudi **Vis**), Mr Petré Tsiskarishvili (alternate: Mr Guiorgui **Gabashvili**), Mr Mihai Tudose, Mr Ilyas Umakhanov (alternate: Mr Alexander **Pochinok**), Mr José Vera Jardim, Mr Luigi Vitali, Mr Wolfgang Wodarg, Ms Gisela Wurm, Mr Emanuelis **Zingueris**.

*Ex-officio:* MM. Mátyás **Eörsi**, Tiny **Kox**

N.B.: The names of the members who took part in the meeting are printed in **bold**

*Secretariat of the committee:* Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner