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In Larger Freedom: Kofi Annan's Reform Proposal

Genesis of the Proposal

"All talk and no action" is the bumper-sticker history of reform at the UN. The war in Iraq provided the catalyst for another try. The UN was accused of fecklessness both by those who wanted to see the Security Council implement its Iraq resolutions and those who hoped the absence of Council authorization would deter a US attack.

On September 23, 2003, Kofi Annan told the General Assembly, "we have come to a fork in the road" on collective security. The UN must either change its understanding of pre-emption to meet new threats like nuclear terrorism, or clearly assert the continuing validity of the principles on use of force adopted in 1945. He announced the creation of the "High-Level Panel on Threats, Challenges and Change" to study major threats to international security, to examine the role of collective action in addressing those threats, and to offer recommendations on reforming UN institutions to meet those threats. The 16-member panel included former National Security Advisor Brent Scowcroft, former prime ministers, former foreign ministers, and other officials.

The panel issued its report, "A More Secure World," on December 2, 2004. Its key recommendations addressed six international security issues: interstate war, civil war, terrorism, weapons of mass destruction, organized crime, and threats arising from poverty, disease and environmental degradation. The report stated that "[t]he primary challenge for the United Nations and its members is to ensure that, of all the threats in the categories listed, those that are distant do not become imminent and those that are imminent do not actually become destructive. This requires a framework for preventive action which addresses all these threats in all the ways they resonate most in different parts of the world."

Another major UN report, "Investing in Development," was released on January 17, 2005. An advisory group of 250 development experts, headed by Prof. Jeffrey Sachs, produced this plan of action for the development goals of the Millennium Declaration adopted by the General Assembly in September 2000. Their report addresses extreme poverty and hunger, universal primary education, gender equality, child mortality, maternal health, HIV/AIDS, malaria, and other diseases, environmental sustainability, and development aspects of international trade and finance.

“In Larger Freedom”

On March 21, 2005, Secretary-General Kofi Annan released “In Larger Freedom,” which incorporates many of the proposals of both “A More Secure World” and “Investing in Development.” “In Larger Freedom” is nominally a progress report on the implementation of the Millennium Declaration ahead of its 5-year review in September, but Annan has taken the opportunity to propose significant reforms as well.

He characterizes his proposals as “both vital and achievable in the coming months,” but short of a comprehensive reform plan. He expects member-states to negotiate these proposals over the next 5 months and arrive at a consensus decision for the heads of state/government summit at the opening of the 60th General Assembly in September 2005. Annan stated that the proposals form an integrated unit that balance different interests, and states should not try to choose “a la carte” from among them.

Thematically, “In Larger Freedom” focuses on development, security, human rights, and their relationship to one another. While the report is organized thematically, it is useful to examine the proposals from a functional angle. Many proposals concern multilateral institutions or commitments, such as treaties and international financial institutions, that are not part of the United Nations Organization. Other proposals address UN policy issues, such as “use of force” guidelines at the Security Council. UN institutional reform, including expansion of the Security Council, is a third category.

The annex to Annan’s report lists approximately 50 specific recommendations for consideration by heads of state/government in September. Following is an overview of the proposals, mostly on political and security issues, of primary concern to the US and Israel.

Multilateral Proposals

Security

- States should negotiate a fissile material cut-off treaty.
- Parties to the Nuclear Non-Proliferation Treaty should universally adopt the Additional Protocol for verification of compliance.

Comment: The Additional Protocol allows for more intrusive inspections and inspections at undeclared sites. Iran has signed, but not ratified this protocol. Iran is threatening to withdraw from the protocol, if its nuclear program is referred to the Security Council.

Development

- Developing countries should commit to good governance and economic growth policies. Developed countries should support those efforts with development aid, trade, and debt relief.
- Developed countries should scale up official development assistance to 0.7% of GNP by 2015. The latest figure (2003) for the US was 0.15%, or \$16.3B.

UN Policy Proposals

On the use of force:

- The doctrine of self-defense against imminent threats remains valid. Article 51 should not be amended to allow preventative military action against real but non-imminent threats. In such cases, states should seek authorization for military action from the Security Council.

Comment: The Bush Doctrine on preemption, based on the September 2002 National Security Strategy document, is not compatible with Annan's proposal on real but non-imminent threats.

- The Security Council should adopt a resolution that includes five criteria for its decisions on military intervention - seriousness of threat, proper purpose, last resort, proportionality, and balance of consequences.

Comment: State Department spokesman Adam Ereli said, "Frankly, we're skeptical that any kind of resolution on the use of force would be helpful."

On the definition of terrorism:

- Terrorism should be defined as actions by non-state actors "intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act," without exceptions, i.e. "right to resist occupation."

- "State terrorism" should not be included in a convention on terrorism, because states are already regulated by humanitarian law.

Comment: "Definition of terrorism" is obviously an important issue for Israel. Despite a clear statement on this issue by Annan at the recent Arab League Summit, Arab states are likely to resist this proposal. Algeria's ambassador to the U.N. said, "It won't be an easy issue to discuss. You should not deal with terrorism without addressing its root causes, and its root cause is occupation."

On the "responsibility to protect":

- "[I]f national authorities are unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect the human rights and well-being of civilian populations. When such methods appear insufficient, the Security Council may out of necessity decide to take action under the Charter of the United Nations, including enforcement action, if so required."

Comment: States with internal conflicts are concerned about intrusion on their sovereignty. Singapore's ambassador to the U.N. said, "That is going to be quite controversial for developing countries. We are prepared to look at it with an open mind, but there are others among the developing countries who are a bit concerned. How do you make sure this is not an excuse to interfere in countries' domestic affairs?"

UN Institutional Reform Proposals

Security Council

- The Council currently has 5 permanent members with veto power (US, China, France, Russia, UK) and 10 two-year non-renewable seats (3 for Africa, 2 each for Asia, Western Europe, and Latin America, and 1 for Eastern Europe.)
- Nine new seats would be added with no new veto powers.
- Model A proposes 11 permanent seats (the 5 current members, plus 2 for Africa, 2 for Asia, 1 for all of Europe, and 1 for the Americas) and 13 two-year, non-renewable seats (4 for the Americas, 4 for Africa, 3 for Asia, and 2 for Europe).
- Model B proposes 5 permanent seats, plus 8 four-year, renewable seats (2 each for the Americas, Africa, Asia, and Europe) and 11 two-year, non-renewable seats (4 for Africa, 3 for Asia, 3 the Americas, and 1 for Europe).

(See Appendix A for a comparison chart of the proposals.)

Comment: For Israel, US retention of the veto is the key issue, but expansion may not be welcome. An expanded Security Council, under Model A or B, will likely be a more difficult forum for the US. The two-thirds majority to pass a resolution will increase from 9 to 16. The blocking minority will be 9, and any veto could face a larger number of opposing votes. Announced candidates for permanent seats under Model A include Brazil, Germany, Japan and India, which have formed a bloc to promote their joint candidacy for 4 of the 6 permanent seats. Candidates for the two African seats are South Africa, Nigeria, Kenya and Egypt. Argentina and Mexico are likely to support Model B, because they would be strong candidates for 4-year renewable Latin American seats. Italy will probably support Model B to have an opportunity for the 4-year European seat. France and the UK support Germany's candidacy to foreclose the possibility of their seats being merged into a single European Union seat.

General Assembly

- The agenda should be streamlined and focus on major issues.
Comment: With 18 resolutions on the Arab-Israeli conflict (compared to a single resolution for most other countries or conflicts), Israel should be a beneficiary of genuine agenda reform.
- The committee structure should be reviewed.
Comment: The egregious examples of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices are not specifically mentioned. The Arab states will likely argue that the UN has a special responsibility to the "Question of Palestine" and, therefore, these committees and the large number of resolutions are consistent with the UN's responsibility and not in need of reform.

Human Rights

- The Commission on Human Rights should be replaced by a smaller Human Rights Council, whose numbers and terms would be decided by the General Assembly. Members would be elected by a two-thirds majority in the General Assembly. Annan added that states "elected to the Council should undertake to abide by the highest human rights standards."

Comment: Abolishing the Commission on Human Rights would be a good starting point to improve Israel's treatment, because the single-agenda item and the one-sided Special Rapporteur mandate would be nullified. However, the political dynamic for electing members will not have changed. Regions will want proportional representation (as is the case now with the Commission). Annan did not propose that criteria for membership be adopted, only that lip-service be given. It is not clear that the two-thirds majority rule – if accepted – would prevent serious violators from being elected if “clean slates” are run by regions.

Peacebuilding Commission

- A new Peacebuilding Commission would institutionalize the Economic and Social Council's post-conflict work toward long-term recovery, reconstruction and reconciliation.

Secretariat

- In general, Annan asked for more resources and authority in exchange for greater oversight and accountability. He also asked the General Assembly “to review all mandates older than five years to see whether the activities concerned are still genuinely needed.”

Comment: Within the Secretariat, the Division on Palestinian Rights is the main problem for Israel. As with the Palestinian-specific General Assembly committees, the Arab states will probably take the position that the UN has a special responsibility to the “Question of Palestine” and, therefore, this division is “still genuinely needed.”

General Comments

WEOG (Western Europe and Others Group)

Annan's proposal does not address the continuing failure to integrate Israel fully into the Western Europe and Others regional group system. Annan did mention the WEOG issue during his Yad Vashem address, just a week prior to the release of “In Larger Freedom.” Any UN reform without resolution of this issue would be incomplete. The decision remains with the other WEOG members.

A “status quo lobby”?

Europe, Latin America and much of Africa are likely to support a negotiated reform proposal within Annan's parameters. Other states may find the proposals, on balance, not to be in their interest. Following are factors that may combine to thwart the proposed reform package:

- **The US** may not agree to annual official development assistance of 0.7% of GNP in 2015. Assuming 3% annual growth in GNP, 0.7% would be about \$100 billion in 2015. With the Social Security debate unresolved, the political climate in the US over the next few months may preclude such a commitment. The US is unlikely to push for an expanded Security Council, where its vote will be diluted and negotiations will be more complicated. Insistence by other states on a “use of force” Security Council resolution that contradicts the US National Security Strategy would be an additional obstacle.

- **Arab states** may judge the proposed reform package to be, on balance, not in their interest. Egypt may not get a permanent seat. They will have lost the “definition of terrorism” argument that Syria used to evade its responsibilities under Security Council Resolution 1373 to crack down on Hamas and Islamic Jihad. Saudi Arabia, Libya and Sudan would probably lose their seats on the Commission on Human Rights. The Palestinians may see a reduced focus on Israel across the UN.
- **Islamic states** may withhold support for any reform package, if Egypt does not get a permanent African seat on the Security Council and no variation on Models A and B is found to include another non-Arab Islamic state.
- **China** may not want an expanded Security Council, if only to prevent Japan and India from becoming permanent members. China’s vote would be diluted and it would no longer be the only Asian member. China may not want a change in the Commission on Human Rights, where it regularly wins votes to protect it from criticism.
- **Russia** may not want its vote diluted at the Security Council and may not want a change in the Commission on Human Rights, where resolutions on Chechnya have been defeated three years in a row.
- **Pakistan** may judge India’s candidacy for a permanent seat as a political liability that outweighs any other benefits.
- **Developing nations in conflict** situations may decide that developed nations’ promises of increased aid in the future are not worth difficult-to-reverse concessions on their sovereignty if “responsibility to protect” is adopted.

Appendix A

Security Council Expansion

Security Council reform: models A and B

Model A provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas as follows:

Regional area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals model A	191	5	6	13	24

Model B provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas as follows:

Regional area	No. of States	Permanent seats (continuing)	Proposed four-year renewable seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals model A	191	5	8	11	24

Source: "In Larger Freedom"