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# UN REFORM

Progress, Prospects, and Priorities



OCTOBER 2007



A large, light-colored, stylized leaf graphic is positioned in the upper left quadrant of the page, extending towards the center. The leaf is composed of several rounded, overlapping shapes that suggest a branch with leaves. The color is a muted, earthy green or olive tone. The background is a light, neutral color, possibly off-white or light beige, with a subtle texture or gradient.

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*by* **David E. Birenbaum**

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# UN Reform: Progress, Prospects, and Priorities

by David E. Birenbaum

This report draws upon the series of programs hosted by the Project on Leadership and Building State Capacity at the Woodrow Wilson International Center for Scholars on the subject of UN reform over the past few years with the generous support of the United Nations Foundation Better World Campaign and the Andrew E. Rice Global Education Fund of the National Capitol Area Chapter of the United Nations Association.<sup>1</sup> The views expressed, however, are solely those of the author.

Overall, the reform process has made modest but halting progress. Promising momentum for reform was generated by:

- Secretary-General Kofi Annan's call in September 2003 for urgent and sweeping reforms to the UN system;<sup>2</sup>
- the release in December of 2004 of the "Report of the High-level Panel on Threats, Challenges, and Change;"<sup>3</sup>
- the issuance of the secretary-general's "In Larger Freedom" report in September 2005 and a series of additional reports;<sup>4</sup>
- the report of the Task Force on the United Nations, *American Interests and UN Reform*, in June of 2005;<sup>5</sup> and
- the "Outcome Document" produced at the UN Summit in September of 2005.<sup>6</sup>

This momentum has now run its course. There is no mistaking the reasons: the concerted opposition of most developing countries, constituting the overwhelming majority of UN member states, acting under the banner of the Group of 77 plus China, has stalled and frustrated many of the most significant management reforms. These countries, democracies as well as authoritarian regimes, have come to believe the United States and its rich and powerful partners are pressing a hidden agenda of consolidating their control over the United Nations under the banner of reform. So long as this attitude prevails, it will be difficult to find a path to approval by the General Assembly of reforms to an institution widely agreed to be in urgent need of a makeover to meet the immense challenges of the 21st century. In addition, the fraught issue of Security Council expansion is still captive to conflicting ambitions of member states competing for election to permanent status. There is wide agreement on the need to enhance the legitimacy of the Council by making its membership more reflective of 21st century political realities and reforming its working methods. But there is no agreement on which countries should be added, with what status, and how to expand the Council without further impairing its effectiveness.

As has been often observed, UN reform is a process, not an event. With that in mind, this report will score the reform effort to date, draw lessons for the future, and suggest priorities for the UN secretariat and the United States for the next rounds of UN reform.

## THE RECORD THUS FAR

In large measure, how one views progress to date is a function of expectations. Viewed from the perspective of Secretary-General Annan's speech in September of 2003 announcing that "we have come to a fork in the road," a "moment no less decisive than 1945 itself, when the UN was founded," the accomplishments to date do not measure up.<sup>7</sup> The Security Council is still stuck in a 1945 perspective of the distribution of power among countries. The secretary-general must still pass the hat for contributions of troops for peacekeeping and enforcement operations. In addition, the secretary-general is still hobbled by a host of rules that enable the micromanagement of the secretariat by the member states.

Seen through the prism of prior reform campaigns, however, the record is more impressive. A new Peacebuilding Commission (PBC) has been established. The "Responsibility to Protect" doctrine has been endorsed, and with it a major obstacle to humanitarian intervention—sovereignty—has been eroded. The Central Emergency Response Fund, a relief fund designed to support the swift and effective response to humanitarian crises, has been established and funded, although it is still short of the goal of \$500 million by the end of 2008. A number of management reforms aimed at making the secretariat more transparent, more accountable, and more ethical have been adopted. A pilot project in eight countries testing the new UN "Delivering as One" concept for development assistance has been launched.

Whatever one's perspective, however, there is no mistaking the need for much more reform, both in terms of institutional and management changes.

## THE RESPONSIBILITY TO PROTECT

The most important of the reforms (better characterized as the clarification of international law regarding state sovereignty and international intervention) is the adoption by the General Assembly and the Security Council of the doctrine of "Responsibility to Protect."

Embracing the outcome of the World Summit, the General Assembly on October 25, 2005, endorsed the responsibility of each individual state to "protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity."<sup>8</sup> Should a state fail to do so, that responsibility to provide such protection devolves to the international community, acting through the Security Council and on a case by case basis, "to take collective action, in a timely and decisive manner," including the use of force pursuant to Chapter VII of the UN Charter. Under such conditions, and to the extent necessary to provide the required protection, the sovereignty of the state effectively falls away in favor of the international community. Sovereignty, in short, is conditional on a state's discharging its primary responsibility to protect; it is not absolute without regard to its behavior.

Subsequently, on April 28, 2006, the Security Council in Resolution 1674 reaffirmed the provisions of the Summit Outcome Document adopted by the General Assembly "regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."<sup>9</sup>

While these actions do not impose a legal obligation on members of the Security Council to authorize the Council to take any particular action in any particular case, they do establish an aspirational norm. After all, if the international community has the responsibility to protect the population of a state from genocide and other mass violations of human rights where the state has failed to do so, then it is irresponsible for the Security Council to stand aside.

As the bitter example of Darfur thus far demonstrates, however, the gap between words and deeds persists. To translate the ambitious declaration of responsibility into protection on the ground will require further reforms in relation to the use of the veto by the permanent five members of the Security Council and the capacity of the United Nations to intervene in a “timely and decisive manner.”

### INSTITUTIONAL REFORMS

The most significant institutional reforms are the creation of the Peacebuilding Commission and the Human Rights Council to replace the discredited Human Rights Council.

**The Peacebuilding Commission.** The Peacebuilding Commission (PBC) was proposed by the High-level Panel to fill an institutional gap in the UN system by assisting countries navigating the troubled transition from conflict to peace. Under its mandate, the PBC is to marshal resources, advise on strategies for peacebuilding and sustainable development, focus attention on reconstruction and institution-building, recommend means of effective coordination between all of the relevant actors, identify best practices, and assist in securing adequate funding.<sup>10</sup> Since countries emerging from conflicts are vulnerable to continued violence (some 25 to 30 percent of post-conflict societies are engulfed by renewed conflict within five years of a peace accord), the PBC’s mission encompasses conflict prevention, as well as conflict resolution.<sup>11</sup>

The membership of the PBC consists of 31 countries, including seven members of the Security Council (the Permanent five plus two), seven members of the UN Economic and Social Council (ECOSOC), the five leading financial contributors to peacekeeping missions, the five major suppliers of troops and other support, and seven countries elected by the General Assembly.

The creation of the PBC was accompanied by the establishment of a \$250 million UN Peacebuilding Fund to support its activities. Thus far, some \$226 million has been pledged from donors as one-time commitment, and \$186 million has been received. To date, the secretary-general, acting on the recommendation of the Council, has allocated \$35 million each from the Fund to Burundi and Sierra Leone,<sup>12</sup> the two countries initially selected for assistance. The objective is the development of an overarching peacebuilding strategy for each country.

A recent evaluation of the performance of the PBC and its pilot interventions in these two countries by three NGOs found that “the PBC’s impact has been largely positive, but important challenges remain.”<sup>13</sup> Among the issues facing the

PBC is securing predictable and adequate funding in the future, which will be heavily influenced by the outcome of the first two projects.

**The Human Rights Council.** The Human Rights Council was established to replace the Human Rights Commission, implementing a recommendation of Secretary-General Annan that human rights be recognized as the third pillar of the United Nations, the other two being peace and development. The principal differences between the Commission and the Council are enhanced status (the Council is a subsidiary body of the General Assembly), election rules (election to the Council requires the affirmative support of an absolute majority of the General Assembly, rather than the ECOSOC, for each successful candidate), schedule of meetings (the Council is a standing body meeting at regular intervals throughout the year, as well as being on call in the event of crises), and smaller size (47 instead of 53). Candidates must “uphold the highest standards in the promotion and protection of human rights,” and, along with all General Assembly members, be subject to universal periodic review of their human rights records. Council membership is limited to two consecutive terms, and any member may be removed after a vote of two-thirds of the members.

Related, conceptually, to the reform of the UN human rights institutional machinery is the creation of the UN Democracy Fund (UNDF) in July of 2005 to support the strengthening of democratic institutions. Thus far, the bulk of the grants from this fund have gone to NGOs in countries where reform is urgent and politically viable.

In the first round of projects, the secretary-general approved some \$36 million for democracy development activities in all regions, with the largest share going to sub-Saharan Africa (37%). The UNDF reports that “[F]unded projects promote civic education, electoral support and political parties (28%), democratic dialogue and constitutional processes (26%), civil society empowerment (16%), accountability, transparency and integrity (16%), human rights and fundamental freedoms (9%) and access to information (6%).”<sup>14</sup>

The record of the Human Rights Council to date is not encouraging. The Council has maintained its distorted and discriminatory focus on one country—Israel. In fact, the Council devoted most of its meeting time in its first year to Israel, passing eight resolutions of condemnation (no other country was the subject of such a resolution during this period, despite the considerable number of serious human rights abusers). Further, Israel is the only country with its own permanent agenda item. The investigatory procedures established by the Commission (including the rapporteurs appointed to investigate human rights issues in particular countries) were retained, but only at the cost of dropping the investigations involving Belarus and Cuba, a decision which could hardly be justified on its merits. The Council adopted rules for conducting its universal periodic reviews, which, by making the reviews a member state-directed process, allow ample opportunity for human rights violators to shield themselves from critical scrutiny.<sup>15</sup>



This disappointing record calls into question one of the key assumptions underpinning the reform—that electing more democracies to membership would lead to improved performance in promoting and protecting human rights. According to an analysis by Freedom House, the new election standards and procedures led to a Council composed of substantially more “free” countries to membership in the Council (52% in 2006 and 49% in 2007) than was the case with the Commission (35% in 2005 and 37% in 2004). Indeed, 79% of the Council elected in 2006 and 77% for the following year were members of the UN Democracy Caucus.<sup>16</sup> Yet the record is little different than that of the Commission, demonstrating that regional and other narrow national interests can trump allegiance to democratic values when they come into conflict in international affairs.

### MANAGEMENT REFORMS

The record on management reform is best characterized as “modest but respectable.”<sup>17</sup> The secretary-general exercised the authority available to him to adopt a number of reforms intended to make the secretariat more transparent, accountable, and ethical. But the General Assembly has lagged in addressing the comprehensive set of reforms recommended by the secretary-general, the Independent Inquiry Committee into the UN Oil-For-Food Programme, the Task Force on the United Nations, and others.

In particular, Secretary-General Annan took action to:

- create an Ethics Office,
- strengthen financial disclosure policy,
- enhance whistleblower protection,
- improve standards of conduct and enhance enforcement for misconduct in peacekeeping operations,
- adopt international public sector accounting standards,
- issue the first consolidated report of the secretariat,
- make senior employees more accountable for their performance in office (by revising their contracts to confirm that they serve at the pleasure of the secretary-general and can be removed with three months’ notice).

The hard work of translating these reforms into changed performance has only begun. Implementation falls to a new secretary-general. Close monitoring by the United States and other member states will be critical to achieving real progress.

Bogged down by North-South politics, the General Assembly has made only halting progress in implementing the sweeping agenda of management reforms. At the end of the World Summit session in December of 2005, the member states could agree only on a resolution approving additional staffing for the Office of Internal Oversight Services (OIOS), endorsing, but only in principle, the establishment of an Independent Audit Advisory Committee, and appropriating funds for the new Ethics Office.

Exercising its leverage as the largest financial contributor, the United States, joined by Japan and Australia, sought to condition approval of the biennial budget for the years 2006–7 on adoption of major management reforms. The reaction of the G-77 was bitter opposition. Eventually, the EU brokered a compromise under which the budget was passed but spending authority was limited to an amount estimated to cover six months of expenditure, setting up a showdown in June of 2006 when the appropriated funding would run out.

Far from spurring reforms, this misconceived effort at coercing the developing country majority to support the management reform agenda had the opposite effect. The G-77 quickly acted to derail the management reforms by demanding a host of reports from the secretariat before its members would consider the measures on their merits. Rather than shut down the United Nations at the end of the six months, the United States backed down and allowed the cap on spending to be repealed without the adoption of any of the major pending management reforms.<sup>18</sup>

The General Assembly did grant the secretary-general limited discretion over the movement of posts, approve the creation of the position of Chief Information Officer, and endorse the development of an Enterprise Resource Planning system for the organization. These were hardly the gains for which the unprecedented squeeze on spending had been put in place.

Apart from resistance to the pressure of the purse, the principle reason given by the G-77 countries for their opposition to the secretary-general's management reform agenda was that it would enhance the power of the United States and the other major contributors by strengthening the secretary-general in relation to the General Assembly. These states were presumed to have disproportionate influence over the secretary-general, so that empowering the secretary-general to manage free of General Assembly micro-approvals would diminish the power of the majority of the member states.

It bears noting that few of the management reforms recommended by the secretary-general and others were actually rejected by the General Assembly. Rather, they were subjected to the General Assembly's processes of prolix supplemental reports from the secretary-general, deferred consideration, and partial action. But, the wheels of the legislative process ground on and two significant reforms were advanced in the resumed sessions of the 61st session of the General Assembly: adoption of the terms of reference for the Independent Audit Advisory Committee, the essential precursor to its coming into existence, and a sweeping revamp of the dysfunctional internal justice system for the UN staff.

One of the principle recommendations of the Volcker inquiry into the oil-for-food scandal was the creation of a new and independent body to strengthen oversight within the United Nations. That proposal was endorsed in the "Outcome Document" adopted by the General Assembly in 2005.<sup>19</sup> But establishment of the Independent Audit Advisory Committee had been stalled pending approval by the General Assembly of its function, size, and composition. With adoption of the

terms of reference,<sup>20</sup> it is now expected that the Committee will be up and running in the first half of 2008 (elections are scheduled for this fall).

Implementing the recommendations of a panel of internal and independent experts, the resolution adopted the first major reform of the internal justice system in 60 years.<sup>21</sup> The new system features an enlarged role for conflict mediation between management and staff and a more professional and transparent process for resolving disputes that cannot be successfully mediated. The secretary-general will make further recommendations for the operational details of this system, which is expected to be in operation by 2009.

On the agenda for action of the General Assembly at its 62nd session is a major reform of the procurement system and means of strengthening the OIOS, including funding arrangements designed to shore up its independence.

### LESSONS LEARNED

The experience to date of the current campaign for UN reform suggests a number of lessons for the way forward.

#### GETTING THE POLITICS RIGHT IS CRITICAL

“One state—one vote” means that no one country can compel adoption of its agenda. If that proposition ever were in doubt, the experience of the last few years should dispel it. With John Bolton as U.S. ambassador to the United Nations, the United States spoke loud and wielded the big stick of U.S. financial clout. But still, little was accomplished in terms of reform. Bolton’s effort, on the eve of the World Summit, to purge the Outcome Document of all references to the Millennium Development Goals was repudiated not only by the developing countries but by President Bush, whose speech to the United Nations embraced those very benchmarks.<sup>22</sup> As mentioned, the U.S. strategy of seeking to extract concessions on reform by withholding appropriated funds resulted only in poisoning the atmosphere for reform. In addition, U.S. insistence on its capacity as president of the Security Council to investigate peacekeeping procurement, traditionally an issue for the General Assembly, hardened the opposition of the G-77 to reforms perceived to diminish the relative power of the General Assembly in relation to the secretary-general.<sup>23</sup>

As with any legislative body, making progress requires building coalitions. In the General Assembly, this is complicated by the existing regional and North-South groupings, particularly the G-77, which tend to act collectively. Not all reform issues, however, need present conflicts among the various groups. Framed in terms of the inherent benefits for the developing countries, UN reform measures intended to improve the organization’s performance should be appealing, although overcoming the suspicions of the G-77 will not be easy. That requires the active, energetic, and committed engagement of the proponents of reform, particularly the United States. As the very brief experience of the new U.S. Ambassador Zalmay Khalilzad suggests, such efforts at internal diplomacy can be productive.<sup>24</sup>

## PROGRESS IS UNAVOIDABLY INCREMENTAL, SO ESTABLISHING PRIORITIES IS ESSENTIAL

As Ed Luck, director of the Center on International Organization of the School of International and Public Affairs, Columbia University, reminded us in his remarks at the Wilson Center, the history of UN reform demonstrates that large packages are indigestible.<sup>25</sup> The strategy of designing a grand bargain linking support for development to management reform has not worked in the past. Indeed, that approach trades away a key factor supporting reform—the interest of developing countries in a better performing and more effective United Nations. Rather, the proponents of reform, the United States in particular, should focus on persuading the majority of member states that a United Nations that wastes less will deliver more in terms of development and other benefits of importance to them. As noted below, however, if the United States is to be credible in making this claim, it must recommit to the United Nations and demonstrate its willingness to invest in revitalizing the institution.



Ed Luck

As the General Assembly's recent actions approving reform of the internal justice system and the terms of reference of the Independent Audit Advisory Committee illustrate, the process of management reform, tedious though it is, can move forward measure by measure. Focusing on a limited set of priority reforms for the next session of the General Assembly and backing those reforms with patient, persistent, and inclusive diplomacy are the keys to success.

## MEMBER STATES ARE RESPONSIBLE

The United Nations is an instrument of the member states, not an independent actor. This truism is frequently ignored in assigning blame for its failings.

Nowhere is this more apparent or consequential than in regard to peacekeeping and implementing the Responsibility to Protect. The United Nations has no troops. It is incapable of acting to prevent genocide and the like; only member states can do that. Giving life to the new doctrine requires, therefore, that member states accept the responsibility to enable the United Nations on behalf of the international community to protect threatened populations from such atrocities.

The oil-for-food imbroglio teaches the same lesson. As the Volcker inquiry found, “the Iraqi regime of Saddam Hussein derived far more revenues from smuggling oil outside the Programme than from its demands for surcharges and kickbacks from companies that contracted within the Programme.”<sup>26</sup> The prevalence of smuggling was well known. The UN Secretariat had neither the mandate, nor the capability to stop it. Only the members of the Security Council could have acted to shut it down. This is not to exonerate the secretariat from responsibility for poor management of other aspects of the program, as the Independent Inquiry Committee established. But the secretariat can hardly be faulted for failing to prevent the rampant oil smuggling.

## THE CRITICAL ROLE OF THE UNITED STATES

As the former Deputy Secretary-General Mark Malloch Brown has noted, “the United States had to be the indispensable partner in UN reform. It was the architect of the institution and no major innovations has occurred without its sponsorship and, usually, leadership. Perversely, although its motives and positions often evoked the most suspicion and hostility, countries liked to be able to fall in with the United States.”<sup>27</sup> Indeed, it is difficult to imagine that the United Nations can successfully be reformed to take on the immense challenges of the 21st century without effective U.S. leadership. To play that indispensable role, however, the United States must recommit to building the institution and abandon its posture as the reluctant or even recalcitrant partner. This is clearly in the interest of the United States. In a world in which all problems are problems for the United States, a reformed United Nations offers the best opportunity for sharing the burdens of global leadership.



Mark Malloch Brown

## EIGHT PRIORITIES

Secretary-General Ban Ki-moon has not announced his priorities for UN reform, although he did propose, and the General Assembly approved, the creation of a Department of Field Support for Peacekeeping Operations (whatever may be said for the restructuring, it can hardly be characterized as a major reform). However, he has a rich menu of reform initiatives served up by his predecessor. Unless he decides to scrap this work or add his own proposals, the issue of priorities turns on which of the pending reforms should be pressed in the short and longer (next five years) terms.

Relevant criteria are ripeness for action by the General Assembly, achievability in terms of potential support, contribution to the effective reform of the United Nations, and overall importance to the mission of the United Nations. The following eight priorities are listed roughly in order of immediacy in terms of likelihood of consideration by the General Assembly in the near term. The recommendations are addressed to the secretary-general, the General Assembly, and the United States, as is evident from the discussion.

**First**, a number of important measures which strengthen oversight, accountability, and performance are ripe for action in the upcoming session of the General Assembly and appear to be broadly acceptable to the member states, as evidenced by the recent adoption of the terms of reference of the Independent Audit Advisory Committee. Others have engendered more controversy but, with careful, consistent, and credible U.S. leadership and a willingness to compromise, may well be feasible over the next few years. In all events, resistance fueled by suspicion of hidden agendas must be anticipated and addressed.

- Accordingly, a key reform is the pending proposal to strengthen the Office of Internal Oversight Services by assuring that it is no longer dependent on

entities it audits for its funding; implementing a risk management framework for determining its budget and allocating its budget; transferring its management consulting function to the Department of Administration and Management; improving the professionalism of its staff through mandatory training and requiring staff to provide appropriate financial disclosures; and increasing its funding.<sup>28</sup>

- For similar reasons, procurement reform should be pressed in the next session of the General Assembly. The secretary-general will make his proposals known shortly, but the issue has already been studied and the key reforms identified.<sup>29</sup> They include: implementing an independent bid protest system (a means both of strengthening the accountability of staff and controlling cost); establishing a risk assessment framework for focusing on areas of prime vulnerability; improving the professionalism of procurement staff through comprehensive training and career development paths; and clarifying lines of authority and responsibility for procurement by the field in relation to headquarters.
- Human resources reforms are of obvious and critical importance to improving the performance of the United Nations, have been the subject of much study, and are ripe for action in the short term. In his “Investing in the United Nations: For a Stronger Organization Worldwide” report in 2006,<sup>30</sup> Secretary-General Annan proposed a comprehensive set of proposals to this end, including expedited recruitment, managed and mandatory mobility (between headquarters and the field), streamlined contractual arrangements, harmonized conditions of service (among field staff of the United Nations and the funds and programs), enhanced career development (including improved training), stronger management, the outsourcing of certain services, and a one-time staff buy-out. Apart from the buy-out, which has been rejected by the General Assembly, and outsourcing, which was approved but only for a very limited range of services, this agenda remains to be acted upon by the General Assembly. It should also be noted that a number of reforms could be implemented by the secretary-general on his own authority.<sup>31</sup> The General Assembly has made clear its support for a system of incentives and sanctions for managers,<sup>32</sup> and the secretary-general will be making proposals in this regard for consideration in the next General Assembly.
- Although highly controversial and thus not ready for positive consideration by the General Assembly in the near term, broader outsourcing should remain on the agenda for future action. If the experiment with the limited outsourcing authorized by the General Assembly is regarded as successful, the secretary-general should press for wider authority to outsource other services and even functions not essential to the United Nations’ core mission. The benefits in terms of access to a worldwide pool of talent, cost savings from competitive procurement, enhanced transparency and accountability, and focus on recruiting the most qualified candidates for United

Nations core mission positions (an objective made more viable in a workforce dedicated to those missions) could be considerable.<sup>33</sup>

- The secretary-general should proceed on his own authority to designate the deputy secretary-general as having responsibility for managing the United Nations, subject to his control. This reform has been recommended by a number of leading authorities, including the Volcker inquiry.<sup>34</sup> It was included in Secretary-General Annan's reform agenda, but met with resistance from the G-77 and others concerned that this would derogate from the secretary-general's role under the UN Charter as the "chief administrative officer of the Organization."<sup>35</sup> That need not be the case, since the deputy would be acting under the authority of the secretary-general, who would retain his responsibility for administration.

The real issue is whether the secretary-general can both manage this complex organization and function as the world's principle diplomat. That is not likely. Since diplomacy is the United Nations' highest calling and no one in the organization other than its leader can perform this role on the world stage, the management function should be the focus of the job of the deputy, exercising authority derived from the secretary-general. In its resolution of May 16, 2006, the General Assembly determined that the "overall responsibility for management of the Organization rests with the secretary-general," but left it to the next secretary-general to delegate such authority as he may deem appropriate "in order to facilitate the better management of the Organization."<sup>36</sup> So long as he retains his ultimate responsibility for management, it should be open for Secretary-General Ban to delegate to the deputy secretary-general the necessary authority.

**Second**, as noted, a key reform that would empower the secretary-general to manage without crippling constraints (over the deployment of resources) has been stalled by the dispute between the developed countries, which broadly favor this approach, and the G-77 states, which are determined to safeguard zealously the privileges and power of the General Assembly. At the heart of this dispute is the fear of many developing countries that the secretary-general is unduly influenced by the major powers, so that more authority for the secretariat would mean even more power for them. This concern will not be easily overcome, since it is to some extent built into the design of the organization. The charter, after all, reposes great power in a Security Council dominated by the permanent five. It may be possible, nonetheless, to moderate it through a combination of more inclusive politics, particularly by the United States, and policies which better enable the General Assembly to hold the secretariat to account.

Results-based budgeting and reporting have long been stressed—the secretary-general is already under instruction from the General Assembly to measure performance. The necessary metrics, however, have not been developed. Doing so will not be easy—how does one measure results, rather than inputs, in areas as broad as

those in which the United Nations operates and where expected outcomes are both ill-designed and difficult to link to a particular initiative?

As a means of moving this critical area of reform forward, the secretary-general should convene a panel of experts on measuring and reporting in an intelligible budgetary format the objectives and results of performance in the public sector and then make specific proposals to the General Assembly. Armed with such a means of scoring the performance of the secretariat, the General Assembly, and therefore the G-77 countries, should then be able to exercise meaningful oversight and otherwise hold management accountable, obviating the case for the array of micro-constraints now in place.<sup>37</sup>

**Third**, there is the vexing issue of mandate review. The Outlook Document called for a review of all mandates older than five years. The objective is to eliminate outmoded mandates and re-evaluate those which are underperforming, duplicative, or otherwise wasteful. The secretary-general issued a report in March 2006 identifying more than 7,000 mandates in the over-five-year category.<sup>38</sup>

At the outset of the review process, a dispute emerged between the G-77 plus China group and the developed countries over the scope of the review. The developing countries interpret the resolution to limit the review to mandates older than five years and not renewed within that period, while the United States, Japan, and the European Union read it as including all 7,000 mandates. Other contentious issues involve the disposition of funds allocated to discontinued mandates (whether for development, for the budgetary area for which originally appropriated, or for reform) and how to handle politically sensitive issues.

The review process began with the 399 mandates (4% of the total) not renewed within the five year period. Very little progress has been made. At this point, only 69 mandates have been reviewed and found to have been completed.

There will be no serious progress unless the developing countries are persuaded that the major powers are seeking to use existing resources more effectively and efficiently, rather than to cut spending and recover the unused funds. It is highly unlikely that this problem will be overcome in the near term, but the United States and the other developed countries should begin the necessary confidence-building by accepting the principle that all funds freed up by the review process will be used for more effective programs within the budgetary category of the original mandate. For the most part, this will mean using the funds for development or a development-related purpose. Further, the process would be advanced by categorizing the mandates in terms of levels of expenditure, information which the secretariat would have to provide. Similarly, the OIOS could be tasked with identifying the results achieved at least in relation to the most important mandates. This further information would enable the member states to prioritize their deliberations with the incentive of transferring the funding from areas of relatively poor effectiveness to more promising uses within the same category of programs.

Realistically, there is little prospect that the politically sensitive mandates (e.g., relating to the Israel-Palestinian conflict) will be acted upon unless and until the



political climate in the Middle East improves. Pending progress on resolving the conflict itself, this issue will be sidelined by the G-77 plus China.

**Fourth**, the table is set for progress on the “Delivering as One” UN proposal of the panel on system-wide coherence, although the other recommendations face opposition by the G-77.

The Outcome Document called upon the secretary-general to offer proposals on how best to achieve more “tightly managed entities” in the areas of development, humanitarian assistance, and the environment, as well as gender equality.<sup>39</sup> Secretary-General Annan appointed a High-level Panel on UN System-Wide Coherence, led by three heads of state, which issued its report on November 9, 2006.<sup>40</sup> The report was transmitted to the General Assembly by Secretary-General Annan with a note proposing a process for prompt action of some of the proposals and more deliberate consideration of others.<sup>41</sup> On April 3, new Secretary-General Ban Ki-moon gave “broad support” to the Panel’s approach, stressing, in particular, the goal of “delivering as one” at the country level in response to country-determined priorities.<sup>42</sup>

The Panel proposed field-testing its recommendation that the United Nations Development Programme be designated as the lead agency to coordinate all UN-related development activity at the country level through a resident coordinator, in accordance with priorities set by the country. Such pilot programs have been mounted in eight countries (Albania, Cape Verde, Mozambique, Pakistan, Tanzania, Uruguay, and Vietnam). Secretary-General Ban endorsed this initiative in his report and noted that “2007 triennial comprehensive policy review provides an important opportunity to consider and take forward relevant recommendations of the Panel, including assessing progress with regard to the pilot ‘One Country Programmes’ recommended by the Panel.”<sup>43</sup> If the results of the pilot projects validate the “Delivering as One” concept, overcoming fragmentation and focusing the system’s various assets, it should be extended to the range of UN development undertakings.

Two other recommendations of the Panel warrant quick action and appear to be broadly acceptable. Secretary-General Ban Ki-moon endorsed the Panel’s recommendation of a new entity headed by an under-secretary-general for gender equality and women’s empowerment, consolidating the three existing entities dealing with this issue. The Panel also proposed that a task force be established to make recommendations for further consolidation. The secretary-general did not comment on this recommendation in his report, but it is plainly needed and should be readily backed by the General Assembly. Work is progressing on the Panel’s recommendations for better coordination in the fields of humanitarian assistance and the environment.

The G-77 has signaled reservations about the other proposals of the secretary-general relating to system-wide coherence.<sup>44</sup> It is as yet too early to know if these concerns can be overcome, although they appear to be mainly procedural.

The history of UN reform, it should be recognized, counsels skepticism regarding coordination among independent agencies. There is little question of the need for, or the good sense of, many of the Panel’s recommendations. But

translating these proposals, even if embraced by the General Assembly, into real coordination on the ground requires political commitment among the member states to overcome the inevitable bureaucratic obstacles. In the United States and many other countries, that commitment must be manifested by coordinating policy across the many concerned domestic agencies responsible for the governance of the different UN funds and programs. Sustaining such a political commitment has been very difficult in the past.

**Fifth**, while the record of the Human Rights Council leaves much to be desired, it should not be abandoned by the United States, as is suggested by the likely withholding of our contribution to the Council. To the contrary, the United States should seek election to the Council and make a serious and sustained effort to focus its attention on the many human rights abuses in the world today. The absence of the world's leading democracy signals that the Council is not a serious body, which leads others, including many democracies, to vote for their narrow regional interests over their shared democratic values. Commitment requires more than standing for election. The United States should appoint a full time ambassador to the Human Rights Council, whose mandate should include energizing the Democracy Caucus. This will require strengthening the structure of the Community of Democracy by establishing a secretariat, which is likely to occur in 2008.

**Sixth**, the Responsibility to Protect doctrine must be implemented effectively and urgently. This requires many linked steps,<sup>45</sup> but none more critical than breaking the veto stranglehold on action by the Security Council and strengthening the United Nation's capacity to intervene militarily where necessary. Of course, the doctrine is not all about military intervention. Early identification of threats and preventative action are vastly preferable. But the prospect of prompt intervention will strengthen the prospect of diplomatic success.

No coercive intervention under UN auspices can occur without prior approval of the Security Council acting under Chapter VII of the UN Charter. And, no resolution can be adopted by the Council over the veto of one of its permanent members. The right of veto is absolute; no reason is required. While it will be most difficult to persuade the permanent members to agree not to veto resolutions implementing the Responsibility to Protect, by endorsing the concept they have implicitly recognized that it would be irresponsible for the international community to refrain from protecting populations facing genocide, ethnic cleansing, or other mass violations of human rights where their own governments have failed in their primary responsibility to provide such protection. Assuming that a competent body (most likely a panel appointed by the Council to investigate) finds that the conditions for invoking the doctrine exist, the right to veto an intervention to protect the threatened population should yield to the imperative of providing the promised protection. Given the political sensitivity of the veto, it would not be prudent to seek a resolution or other formal act of the Council limiting its use, but rather to work for an informal protocol among these countries to abstain from vetoing a resolution authorizing a coercive intervention to pro-

tect populations under circumstances covered by the Responsibility to Protect supported by a majority or, in the event of opposition by a permanent five member, a super-majority of the Council.<sup>46</sup>

But, even if the Security Council authorizes action implementing the Responsibility to Protect, as in the case of Darfur, an effective operation requires the prompt deployment of a well-trained and highly capable force. The United Nations has no such force at its disposal. The secretary-general must persuade member states to provide the troops. And usually these troops are drawn from a group of countries that have been traditional participants in peacekeeping operations but are of inconsistent ability in terms of overall readiness. Clearly, fidelity to the Responsibility to Protect requires that the United Nations have the capacity to field rapidly a force capable of sustaining a protective intervention.

This is not a new issue. It has been on the list of critical UN reforms for a very long time. The great UN sage Brian Urquhart proposed in the early 1990s that the United Nations establish a standing peacekeeping force.<sup>47</sup> Others have more recently endorsed this idea, which is the subject of a bill pending before the Congress.<sup>48</sup>

For a variety of reasons (cost, the reluctance to empower the UN in this way), this concept is unlikely to meet with approval of the United States and many other member states. More realistic is a collective member-state initiative to take responsibility to organize a force made up of units of their armed forces plus other supplier states and provide the doctrine, training, and equipping of such a force.

Such an undertaking would recognize that the provision of troops adequate in number and readiness to take on the challenge of protecting populations from genocide, ethnic cleansing, and the like is a member state, not a secretariat, responsibility. The members of this coalition for UN peacekeeping would enter into agreements under Article 43 of the UN Charter, which calls for member states to undertake “to make available to the Security Council, on its call and in accordance with a special agreement . . . armed forces . . . necessary for the purpose of maintaining international peace and security.” This article, which has never been implemented, provides full authority for the establishment of such a peacekeeping force.

This coalition could be organized as a body independent of the United Nations, or a committee of the Security Council, which would necessitate action by the Council.<sup>49</sup> The advantage of the first option is operational autonomy free of UN politics. On the other hand, a committee of the Council would enjoy greater institutional stature and an interactive relationship with the Council.

Whatever its structure, the body should build upon and incorporate or affiliate more limited but similar initiatives, such as those of the NATO, the EU, the African Union, the Economic Community of West African States, and the Multinational Stand-by High Readiness Brigade for UN Operations.<sup>50</sup> Its overall acceptability would be enhanced if the organizing members did not include any of the permanent members of the Council. Candidates would include countries whose national identity embraces a commitment to global interests, such as

Canada, Australia, New Zealand, the Nordic states, the Netherlands, and countries with a history of participation in UN peacekeeping operations, such as India, Brazil, Bangladesh, Pakistan, Indonesia, Nigeria, Jordan, and Nepal. The United States and NATO should provide the necessary lift and logistics for prompt deployment. The budget of this operation would be funded as peacekeeping operations are now funded, including the development of necessary doctrine, training, and lessons-learned capacity.

**Seventh**, the matter of Security Council reform must be resolved in the next few years. The issue has been under sustained consideration for more than a decade and is not likely to be resolved in the next session of the General Assembly. But it cannot be allowed to fester indefinitely without seriously compromising the legitimacy and effectiveness of the Council.

There is wide agreement on the objectives: to better reflect the political structure of the world of the 21st century, enlarge opportunities for participation by countries directly impacted by its decisions, and improve the transparency of its processes. Other reforms in working methods under consideration aim at improving effectiveness and efficiency by building greater institutional competence.

Enlargement of the Council will require amending the UN Charter, a complicated process necessitating approval of the permanent five, the support of not less than two-thirds of the members, and ratification by the appropriate national bodies. The working methods of the Council may be revised by action of the body.

While there is no consensus on which countries would get what seats with what rights in terms of the veto power in an enlarged Council (obvious candidates include Brazil, India, Japan, Germany, and two African states), the consultations conducted under the aegis of the president of the General Assembly beginning in February 2007 have outlined a possible framework for progress.

As elaborated in the Report of the Facilitators to the president of the General Assembly on the Consultations Regarding “The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,” such a framework could include a transitional arrangement whereby the Council would be expanded by an undetermined number of seats (the secretary-general and others have proposed nine, creating a Council of 24), the new members would hold non-permanent terms of two to four years, there would be no bar on re-election, the veto would not be extended to non-permanent members, regions would play an expanded role in selecting the candidates, and the entire arrangement would be subject to a mandatory review in an undetermined number of years (probably in the range of 15).<sup>51</sup> The Report presents options for each of these elements.

The Report takes note of a critical concept that could contribute importantly to resolving the conflict over expansion. If those who are elected to the new longer-term seats were required to recognize a responsibility to represent their regional group, the other members of the group (including disappointed competitors and small states not likely to be elected to membership) could consider that their interests in the issues

before the Council would be considered. Indeed, an obligation of consultation could be imposed as a condition of election to these seats.

On the matter of working methods, the Report identifies a number of reforms to expand opportunities for non-members to be better informed about the activities of the Council and in certain cases participate in its deliberations. These measures include: increased transparency through formal adoption of the Council's still-provisional rules of procedure, regular consultation by the president of the Council with the presidents of the other leading organs, greater opportunities for non-members to be heard, and thematic reports for discussion with the General Assembly. Other reforms entail more secretariat support, institutionalizing the office of the presidency, strengthening the work and role of expert panels, and establishing a process for the tracking of compliance with resolutions.<sup>52</sup> This framework may provide a basis at last for progress. The United States should become more fully engaged in helping to shape the necessary compromises.

**Eighth**, although not a reform issue, the matter of climate change is a high priority for the secretary-general, as of course it should be, and will be critical to the UN's performance in his term.

Speaking at the Wilson Center, Mohammed El-Ashry, former CEO and chair of the Global Environment Facility, observed that "a new consensus on the scope and magnitude of the climate change problem is developing, particularly among the business community." He warned that remedial action is urgent: "by the year 2100 temperatures are likely to rise by three degrees, a drastic change in a short period of time" unless such action is taken.<sup>53</sup>

One question is what role the United Nations should play. It has recognized expertise, legitimacy, experience, and convening credibility. According to El-Ashry, the United Nations is "well positioned to take on a leadership role," particularly in facilitating greater collaboration between developed and developing countries. The negotiations, of course, are for the parties themselves.

Jessica Tuchman Matthews, president of the Carnegie Endowment for International Peace, argued at the Wilson Center for a shift in focus from multilateral to bilateral negotiations between the United States and China, the two leading generators of greenhouse gases. She proposed as the cornerstone of a global compact on climate control an agreement between the United States and China, which together produce 39% of the world's emissions, whereby the United States would begin "mandatory emissions reductions in such a way that China is obliged to follow" on the basis of a formula linking one country's reductions to the other's.<sup>54</sup> If such a bilateral agreement were agreed, the basis would be established for



Mohammed El-Ashry



Jessica Tuchman Matthews

including first the other leading emitters—the EU, Brazil, Japan, India and Russia—and ultimately all states.

## CONCLUSION

Although Secretary-General Annan's San Francisco moment never arrived for UN reform, the agenda he shaped continues to drive the reform process. At this point, it seems fair to say that more has been accomplished than is generally recognized, but there is far more to be done. The experience to date teaches some important lessons for the politics of reform no less than for its substance, for the leadership of the secretary-general, for the role of the United States, for the responsibility of the member states, and for expectations as to the pace of progress. For the future, there is reason to expect further incremental steps in improving the accountability, transparency, and the overall competence of the organization. More ambitious reforms should be pursued, and I have endeavored to prioritize the most consequential of these, but success will require a high order of diplomatic and political competence and persistence on the part of the United States and other proponents of reform over the next several years.

## END NOTES

1. The Wilson Center, in January 2006, published a report entitled "Threats, Challenges and Change: Recommendations for Reforming the United Nations" summarizing the programs hosted by the Center on that issue in 2004 and 2005. Subsequently, the Center presented three supplemental sessions on UN reform: "Getting the Job Done: Completing the UN Reform Agenda," October 2006; "Looking Forward: Sustaining the Earth and Humanity—Implications for the New UN Secretary-General," March 2007; and "Making Multilateralism Effective: Implementing the Responsibility to Protect," May 2007. Summaries of these programs can be found at [http://www.wilsoncenter.org/index.cfm?topic\\_id=1411&fuseaction=topics.summary\\_list](http://www.wilsoncenter.org/index.cfm?topic_id=1411&fuseaction=topics.summary_list).
2. "The Secretary-General Address to the General Assembly," New York, September 23, 2003. <http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm>
3. United Nations, *A More Secure World: Our Shared Responsibility*. Report of the Secretary-General's High-Level Panel on Threats, Challenges, and Change (New York: United Nations, 2004). <http://www.un.org/secureworld/>
4. United Nations, *In Larger Freedom: Towards Development, Security, and Human Rights for All*. Report of the Secretary-General, A/59/2005 (March 21, 2005). <http://www.un.org/largerfreedom/>
5. United States Institute for Peace, *American Interests and U.N. Reform*. Report of the Task Force on the United Nations (Washington DC, United States Institute for Peace, 2005). <http://www.usip.org/un/report/index.html>
6. United Nations, "Resolution Adopted by the General Assembly: 2005 World Summit Outcome," A/60/1 (October 24, 2005). <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/1>
7. See note 2.
8. See note 6 (at 138).
9. UN Security Council Resolution 1674 (at 139) (April 28, 2006). [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1674\(2006\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1674(2006))
10. Since the Commission is an intergovernmental body advising both the General Assembly and the Security Council, it was established by act of each body. See United Nations, "Resolution

- Adopted by the General Assembly: The Peacebuilding Commission,” A/60/180 (December 30, 2005). <http://www.un.org/Docs/journal/asp/ws.asp?m=a/res/60/180>; and UN Security Council Resolution 1645 (December 20, 2005). [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1645\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1645(2005))
11. See a summary of remarks of UN Assistant Secretary-General Carolyn McAskie speaking at the Wilson Center on June 11, 2007, “The United Nations Peacebuilding Commission: Vision and Challenges.” [http://www.wilsoncenter.org/index.cfm?topic\\_id=1411&fuseaction=topics.event\\_summary&event\\_id=239723](http://www.wilsoncenter.org/index.cfm?topic_id=1411&fuseaction=topics.event_summary&event_id=239723). In his Explanatory Note (Addendum 2) to the *In Larger Freedom* report (see note 2), Secretary-General Annan put it this way: “Countries that have been through war in the previous five to ten years are a far higher risk than others of witnessing a relapse of war. Therefore, post-conflict peacebuilding is a critical form of prevention. The creation of a Peacebuilding Commission was recommended by the High-level Panel in its Threats, Challenges and Change Report (see note 3) and subsequently endorsed by the secretary-general.
  12. United Nations Peacebuilding Fund Bulletin No. 1 (September 2007). <http://www.unpbf.org/documents/PBF%20Bulletin%20No%201%20Sept%202007.pdf>
  13. “Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission,” A Study by Action Aid, CAFOD and CARE International (June 2007). <http://www.cafod.org.uk/var/storage/original/application/bbffd5de5286a99da235dd4ad40c5087.pdf>. A comprehensive review of the first year of the Peacebuilding Commission in the Security Council Report found that the “PBC has made considerable contributions in its first year, not only in terms of its own systems and processes but also in marshalling international resources and focusing attention on two countries that needed assistance in their transition from peacekeeping to development. These contributions have benefited not only Burundi and Sierra Leone, but also indirectly the broader peacebuilding community. UN agencies working on peacebuilding will benefit from a more coherent system-wide approach, through the actions of the Support Office directly, and the PBC. Non-UN actors who have been working in the peacebuilding area for more than a decade are seeing the beginnings of a more focused and articulated approach to peacebuilding. This will be a long-term process, but an important and valuable beginning has been made.” Special Report No. 2, Peacebuilding Commission (Oct. 5, 2007). [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report\\_PBC%205%20Oct%2007.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report_PBC%205%20Oct%2007.pdf)
  14. United Nations Democracy Fund, “Latest Update: September 2007,” <http://www.un.org/democracyfund/XLatestUpdate.htm>.
  15. Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled, “Human Rights Council,” (A/HRC/5/L.2), June 18, 2007. See also Office of the United Nations High Commissioner for Human Rights, “Fact Sheet: Work and Structure of the Human Rights Council,” (July 2007)/ [http://www.ohchr.org/english/bodies/hrcouncil/docs/FACTSHEET\\_OUTCOMES\\_FINAL.pdf](http://www.ohchr.org/english/bodies/hrcouncil/docs/FACTSHEET_OUTCOMES_FINAL.pdf)
  16. Remarks of Jennifer Windsor, Executive Director of Freedom House, at the United Nations Association-National Capitol Area Annual Meeting, June 23, 2007.
  17. Remarks of Ed Luck, former director of the Center on Intergovernmental Organization of the School of International and Public Affairs, Columbia University at the Woodrow Wilson Internal Center for Scholars forum “Getting the Job Done: Completing the Pending UN Reform Agenda,” October 25, 2006. [http://www.wilsoncenter.org/index.cfm?fuseaction=events.event\\_summary&event\\_id=205255](http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=205255)
  18. United Nations, “Resolution of the General Assembly: Capital Master Plan,” A/60/282 (August 17, 2006), <http://www.un.org/Docs/journal/asp/ws.asp?m=a/res/60/282>; The history of the cap in relation to the effort to achieve management reform is recounted in Irene Martinetti,

- “An Overview of UN Management Reform,” *UN Reform Watches*, No. 16, June 28, 2006. <http://www.centerforunreform.org/node/60>
19. See note 6.
  20. United Nations, “Resolution of the General Assembly: Administrative and Budgetary Issues of the Financing of the United Nations Peacekeeping Operations: Cross-cutting Issues,” A/61/276 (June 29, 2007). <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/276>
  21. United Nations, “Resolution of the General Assembly: Administration of Justice at the United Nations,” A/61/261 (April 4, 2007). <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/261>
  22. President George W. Bush, “President Addresses United Nations High-Level Plenary Meeting,” New York, September 14, 2005. <http://www.whitehouse.gov/news/releases/2005/09/20050914.html>
  23. Security Council Report, “Procurement in DPKO,” Update Report No. 4, February 20, 2006. [http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.1430845/k.3D9C/update\\_report\\_no\\_4BRProcurement\\_in\\_DPKOBR20\\_February\\_2006.htm](http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.1430845/k.3D9C/update_report_no_4BRProcurement_in_DPKOBR20_February_2006.htm)
  24. Irene Martinetti, “UN Management Reform: The Role and Perspective of the G-77,” *UN Reform Watches*, No. 28, September 10, 2007. <http://www.centerforunreform.org/node/271>
  25. See note 17.
  26. Independent Inquiry Committee into the United Nations Oil-For-Food Programme, *The Management of the United Nations Oil-For-Food Programme, Vol. II – Report of Investigation* (at 185), September 7, 2005.
  27. Mark Malloch Brown, “Can the UN be Reformed?” Holmes Lecture delivered to the annual meeting of the Academic Council on the UN System, June 7, 2007.
  28. See United Nations, “Resolution of the General Assembly: Strengthening of the Office of Internal Oversight Services,” Report of the Advisory Committee on Administrative and Budgetary Questions A/61/880 (April 24, 2007); and “Resolution of the General Assembly: Comprehensive Review of the Strategic Military Cell,” Report of the Secretary General A/60/883 (April 26, 2007). See “Comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies,” Steering Committee Report to the Secretary-General, July 10, 2006; “Resolution of the General Assembly: Report of the Office of Internal Oversight Services: Proposals for strengthening the Office of Internal Oversight Services” A/60/901 (July 14, 2006); and “Report of the Advisory Committee on Administrative and Budgetary Questions: Strengthening the Office of Oversight Services,” April 24, 2007. See United States Government Accountability Office, “United Nations Organizations: Oversight and Accountability Could Be Strengthened by Further Instituting International Practices,” Report to Congressional Committees GAO-07-597 (June 2007); and “United Nations: Funding Arrangements Impede Independence of Internal Auditing” GAO-06-575 (April 2006). See also Irene Martinetti, “Reforming Oversight and Governance of UN Encounters Hurdles,” *UN Reform Watches*, No. 2, December 1, 2006. <http://www.centerforunreform.org/taxonomy/term/22>
  29. See United Nations, “Resolution of the General Assembly: Procurement Reform” A/61/246 (March 7, 2007); *Investing in the UN: For a Stronger Organization Worldwide*, Report of the Secretary-General, A/60/846/Add.5 (March 7, 2006); “Report of the Advisory Committee on Administrative and Budgetary Questions on Procurement Reform as proposed in *Investing in the UN: For a Stronger Organization Worldwide*” A/60/904 (June 26, 2006); and “Audit of the application of the best value for money principle in UN procurement, OIOS” A/51/846 (April 4, 2007). See United States Government Accountability Office, “United Nations: Procurement Internal Controls Are Weak,” Report to Congressional Committees GAO-06-577 (April 2006); Lydia Stewart, “5th Committee Considers Progress on Procurement Reform,” *UN Reform Watches*, No. 21, November 15, 2006, <http://www.centerforunreform.org/node/>



- 221; “Head of UN internal watchdog calls for major overhaul of UN purchasing operations.” *International Herald Tribune*, June 7, 2007.
30. United Nations, “Resolution of the General Assembly: Investing in the United Nations: For a Stronger Organization Worldwide” A/60/260 (May 16, 2006). <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/260>
  31. See United Nations, “Resolution of the General Assembly: Report of the Advisory Committee on Administrative and Budgetary Questions, Human Resources Management” A/61/537 (October 26, 2006).
  32. United Nations, “Resolution of the General Assembly: Human Resources Management” A/61/244 at XII, 7 (January 30, 2007). <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/244>
  33. See Joe Lauria, “Annan Prepares for Privatisation of UN,” *The Business*, February 12, 2006, <http://www.globalpolicy.org/reform/topics/general/2006/0212privatisation.htm>; United Nations, “Resolution of the General Assembly: Common Services at the United Nations Headquarters,” Report of the Joint Inspection Unit A/51/686 (November 20, 1996); “Resolution of the General Assembly: Implementation of the Recommendations of the Joint Inspection Unit,” Report of the Secretary-General. A/56/135 (July 28, 2001); and “Resolution of the General Assembly: Outsourcing practices,” Report of the Advisory Committee on Administrative and Budgetary Questions A/53/942 (May 6, 1999).
  34. Independent Inquiry Committee into the United Nations Oil-for-Food Programme, “Report on the Management of the Oil-for-Food Programme,” Vol. IV at 177, September 7, 2005. The Committee recommended that the COO position be established by amendment of the UN Charter to provide for election by the General Assembly.
  35. See United Nations, “Investing in the United Nations: For a Stronger Organization Worldwide” A/60/692 at 20–31 (March 7, 2006) <http://www.un.org/Docs/journal/asp/ws.asp?m=A/60/692>. See also note 5 *supra*, at 51.
  36. See note 6 *supra*, A/60/1 at III.
  37. This is the essence of the report of preliminary proposals by the Steering Committee of the Four Nations Initiative, “Towards a Compact: Proposals for Improved Governance and Management at the UN Secretariat,” June 2007. <http://www.the4ni.org>. The four nations are Chile, South Africa, Sweden, and Thailand.
  38. A/60/1 (see note 6), ratifying the Outcome Document of the World Summit, called for a review of mandates “older than five years originating from resolutions of the General Assembly and other organs...” The Secretary-General’s report of March 2006 identified the more than 7,000 mandates (under the broadest definition of that term). United Nations, *Mandating and Delivering: Analysis and Recommendations to Facilitate the Review of Mandates*. Report of the Secretary-General A/60/733 (March 30, 2006). The General Assembly’s contentious consideration of this issue is well described in Irene Martinetti, “Sluggish Progress On UN Mandate Review” *UN Reform Watches*, No. 18, August 16, 2006.
  39. See note 6.
  40. Secretary-General’s High-level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance, and the Environment, *Delivering as One*. Report of the Secretary-General’s High-level Panel. (United Nations: New York, 2006). <http://www.un.org/events/panel/resources/pdfs/HLP-SWC-FinalReport.pdf>
  41. *Idem*, Transmittal Letter to the Secretary-General.
  42. A/61/836. April 3, 2007. See, “Secretary-General Responds to Coherence Report, General Assembly Discussion Begins.” <http://reformtheun.org/index.php/eupdate/3168>.
  43. *Ibid.*
  44. See note 24 *supra* at 8–9.
  45. For an excellent analysis of what is required in order to implement the responsibility to protect, see Victoria Holt and Tobias Berkman, *The Impossible Mandate? Military Preparedness, the*

*Responsibility to Protect and Modern Peace Operations.* (Washington, DC: The Henry L. Stimson Center, September 2006).

46. If agreement cannot be reached on waiving the veto in such circumstances, it would be necessary to consider retroactive Security Council approval and/or prior sanction of a representative group of countries, such as NATO (as in the case of Kosovo), the Community of Democracies, or a new Concert of Democracies, as proposed by the Princeton Project. See International Commission on Intervention and State Sovereignty, “The Responsibility to Protect,” Report of the International Commission on Intervention and State Sovereignty, December 2001, <http://www.iciss.ca/>; The Princeton Project on National Security, “Forging a World Of Liberty Under Law, US National Security in the 21st Century,” The Princeton Project Papers, The Woodrow Wilson School of Public and International Affairs, Princeton University, 2006. <http://www.wps.princeton.edu/ppns/>; and *The Kosovo Report*, Report of the Independent International Commission on Kosovo, (Oxford: Oxford University Press, 2000).
47. Brian Urquhart. “For a UN Voluntary Force.” *New York Review of Books*, Vol. 40, No. 11 (June 10, 1993).
48. House Resolution 213, co-sponsored by Congressmen Wynn (D-MD) and Walsh (R-NY), calls for the creation of a United Nations Emergency Peace Service (UNEPS). As envisioned in this resolution, UNEPS would recruit from 1,000 to 18,000 personnel with a range of skills complementing the United Nations’ capacity. For further information about UNEPS, see the website of Citizens for Global Solutions at <http://www.globalsolutions.org>.
49. Article 29 of the UN Charter empowers the Security Council to “establish such subsidiary organs as it deems necessary for the performance of its functions.” There is no requirement that such organs be comprised of members of the Council.
50. Existing capacity to engage in missions to implement the responsibility to protect is discussed in Holt and Berkman, “The Impossible Mandate?” (see note 45 supra) at 57–77
51. United Nations, Report To The President Of The General Assembly On The Consultations Regarding “The Question Of Equitable Representation On And Increase In The Membership Of The Security Council And Other Matters Related To The Security Council,” June 26, 2007.
52. See *Ibid*, which includes the report of the facilitators. While there is a strong case for turning the United Kingdom and French seats over to the EU, which would also represent Germany as well as the other members of the Union, there is little prospect of this happening any time soon.
53. Remarks of Mohammed El-Ashry, “Looking Forward: Sustaining the Earth and Humanity—Implications for the New UN Secretary-General,” the Woodrow Wilson International Center for Scholars, March 26, 2007.

## Author Biography

**DAVID BIRENBAUM** is of counsel resident in Fried, Frank, Harris, Shriver & Jacobson LLP's Washington, DC office. He joined the firm in 1963, became a corporate partner in 1971, and became of counsel in 2000 upon his retirement. Among his many contributions to public service, he is a Woodrow Wilson Center Senior Policy Scholar currently engaged in a study of United Nations reform. He is a former U.S. ambassador to the UN for UN Management and Reform. His tenure at the U.S. Mission began in 1994 and continued until 1996. After leaving government, he organized and chaired the Emergency Coalition for U.S. Financial Support of the UN. Mr. Birenbaum has lectured at the University of Pennsylvania Law School on international trade law, from 1987 to 1989, and in 1991, at Georgetown University Law Center, as an adjunct professor, on the laws of Eastern Europe and the Soviet Union. Mr. Birenbaum serves on the Boards of Directors of the Brady Campaign to Prevent Gun Violence, the International Senior Lawyers Project, and Americans for Peace Now. Mr. Birenbaum received his J.D. from Harvard University Law School and his B.A., *cum laude*, from Brown University where he was elected to Phi Beta Kappa. He is admitted to the bar in the District of Columbia and Connecticut and to practice before the United States Court of Appeals for the Federal Circuit.



## The Project on Leadership and Building State Capacity

**THE PROJECT ON LEADERSHIP AND BUILDING STATE CAPACITY**, launched in June 2005, expands upon the work of the former Conflict Prevention Project and responds to the growing demand for leadership training directed at both the prevention of violent conflict and the reconstruction of war-torn societies.

There is an emerging awareness of the importance of leadership training in achieving sustainable peace. On a technical level, the art of building democratic state capacity is well understood. But the harder political task—helping the leaders of warring factions achieve their objectives, to work collaboratively in avoiding war or supporting postwar reconstruction and to build democratically accountable links between the governors and the governed—requires a careful examination of the underappreciated “leadership factor” in peace-building and post-conflict reconstruction.

Under the leadership of former Congressman and Presidential Special Envoy Howard Wolpe, the Leadership Project seeks to promote more sustainable approaches to international conflict prevention and post-conflict reconstruction, first, by conducting in-country training programs designed to strengthen the trust, communication, and negotiation skills among key leaders in countries under stress or emerging from violent conflict; and, second, by stimulating analysis and discussion of ways to achieve more effective and holistic strategies for peacebuilding and strengthening state capacity.



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