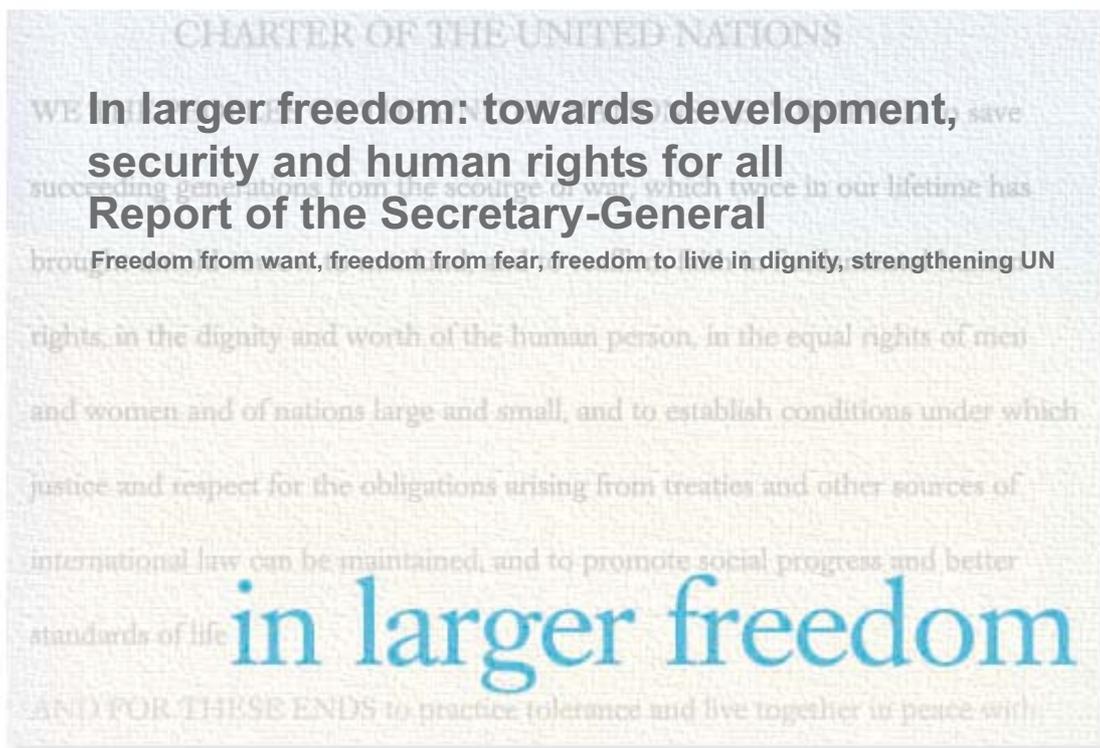


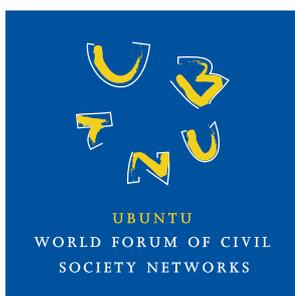
# POSITION DOCUMENT

elaborated by the Ad Hoc Secretariat  
of UBUNTU Forum and the World Campaign for the Reform  
of International Institutions on:

## THE SECRETARY-GENERAL'S REPORT AND THE ANNEX OF THE SECRETARY-GENERAL'S REPORT



taking into consideration the UNGA President's Draft  
and presented to the "Hearings of GA with Civil Society"  
NY, 23-24 June 2005



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## **THE STRUCTURE OF THIS DOCUMENT AND AN INTRODUCTION**

With the Report as the starting point, this document- **which is included in and follows the Report's summarised version**- is structured in two columns. According to a subjective judgement -ours-, the left column reproduces the significant points of the Report, so in part “ position points”, *standing out in cursive writing the literality* and **in bold, the key points of each article**, in order to make the reading easier.

**The right column shows in parallel the Proposals (tidied in relation to the Report) for decision by Heads of State and Government, attached to the Secretary General's Report.** From the outset, this enables us to state the main points, on which there is an initial will to take decisions. We have also taken into account the April 2005 Explanatory Notes of the General Secretary.

The last version of this document has also taken into consideration (not in a exhaustive or definitive way) the latest document released in the preparatory process for the UN Summit to be held in September: the Draft presented by the President of the General Assembly on 3 June, regarding negotiation among Member States.

**The numeration of the Annex is taken as a reference.** The positions stated after each chapter or section, shadowed like the present section, make up, as a whole, our proposal of position statement. This document is the result of comparing the Report with the know-how we have acquired through our initiatives connected with the themes dealt with by the UN Secretary-General, and in particular with the documents:

- Manifesto in support of the World Campaign for In-Depth Reform of the System of International Institutions; 2003
- Proposals to Reform the System of International Institutions. Future Scenarios; March 2004
- London Declaration; April 2004 (the most specific and programme-like of all these documents)
- Guides on the debates, addresses and reports of the Conference on Reform of the UN and Other International Institutions; September 2004
- Statements on the “Report of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change”; February 2005

This document is, as in all previous instances, the result of prior discussions between various participants or friends of the UBUNTU Forum and its Secretariat, which has drawn up this proposed position statement, to which the following have contributed:

- The Hague Appeal for Peace; Cora Weiss
- International Physicians for the Prevention of Nuclear War; Hermann Spanjaard
- Alianza 21; Gustavo Marín
- World Federalist Movement-IGP; [www.ReformtheUN.org](http://www.ReformtheUN.org)
- North-South Institute; John Foster

It is also the result of all comments this Secretariat has received from members and friends of the UBUNTU Forum. In particular, it includes interesting issues arisen in the seminar “In larger freedom: views and proposals from civil society” organised by

NGLS in Geneva on 10 June this year.

In relation to this act, we wish to emphasise the special contributions, among other, of:

- World Confederation of Labour; Eduardo Estévez
- International Confederation of Free Trade Unions; José Olivio Olivera
- CONGO; Renata Bloem; Cyril Ritchie
- Women's International League for Peace and Freedom; Susi Snyder
- World Council of Churches; Peter Weiderud

## ***Introduction: a historic opportunity in 2005***

1. *We have it in our power to pass on to our children a **brighter inheritance than that bequeathed to any previous generation.** And we can forge a set of **updated international institutions** to help humanity achieve these noble goals.*

2. *All the conditions are in place for us to do so. There is a **yearning in many quarters for a new consensus on which to base collective action.** And a **desire exists to make the most far-reaching reforms in the history of the United Nations** so as to equip and resource it to help advance this twenty-first century agenda.*

3. *In September, world leaders will come together in New York to review progress made since the United Nations Millennium Declaration adopted by all Member States in 2000. In preparation for that summit, Member States have asked me to **report comprehensively on the implementation of the Millennium Declaration.** I respectfully submit that report today. I annex to it a **proposed agenda** to be taken up, and acted upon, at the summit.*

### ***A. The challenges of a changing world***

7. *New circumstances demand that we revitalize **consensus on key challenges and priorities** and convert that consensus into **collective action.***

8. *Small networks of non-State actors — **terrorists** — have, since the horrendous attacks of **11 September 2001**, made even the most powerful States feel vulnerable. At the same time, many States have begun to feel that **the sheer imbalance of power in the world is a source of instability.***

9. *Overall **global wealth** has grown but is **less and less evenly distributed within countries**, within regions and in the world as a whole.*

10. *Events in recent years have also led to **declining public confidence in the United Nations itself**, even if for opposite reasons. For instance, both sides of the **debate on the Iraq war** feel let down by the Organization. Yet most people who criticize the United Nations do so precisely because they think **the Organization is vitally important to our world.***

### ***B. Larger freedom: development, security and human rights***

13. *The framers of the Charter saw this very clearly. In setting out to save succeeding generations from the scourge of war, they*

*2. In the twenty-first century, all States and their collective institutions must **advance the cause of larger freedom** —*

understood that this enterprise could not succeed if it was narrowly based. They therefore decided to create an organization to ensure respect for fundamental human rights, establish conditions under which justice and the rule of law could be maintained, and **“promote social progress and better standards of life in larger freedom”**.

14. **“In larger freedom”**: to stress the enduring relevance of the Charter of the United Nations and to emphasize that its purposes must be advanced in the lives of individual men and women. The notion of larger freedom also encapsulates the idea that **development, security and human rights go hand in hand**.

16. Not only are development, security and human rights all **imperative**; they also **reinforce each other**.

17. In this new millennium, the work of the United Nations must move our world closer to the day when all people have the **freedom to choose the kind of lives they would like to live, the access to the resources that would make those choices meaningful and the security to ensure that they can be enjoyed in peace**.

### **C. The imperative of collective action**

18. The cause of larger freedom can only be advanced by **broad, deep and sustained global cooperation among States**. Such cooperation is possible if **every country's policies take into account not only the needs of its own citizens but also the needs of others**. This kind of cooperation not only advances everyone's interests but also **recognizes our common humanity**.

20. We need **an active civil society and a dynamic private sector**. Both occupy an increasingly large and important share of the space formerly reserved for States alone, and it is plain that the goals outlined here will not be achieved without their **full engagement**.

21. We also need **agile and effective regional and global intergovernmental institutions** to mobilize and coordinate collective action.

22. We therefore need **new mechanisms to ensure accountability** — the accountability of States to their citizens, of States to each other, of international institutions to their members and of the present generation to future generations.

by ensuring freedom from want, freedom from fear and freedom to live in dignity. In an increasingly inter-connected world, **progress in the areas of development, security and human rights must go hand in hand**.

There will be no development without security and no security without development. And both development and security also depend on respect for human rights and the rule of law.

3. No State can stand wholly alone in today's world. We all share responsibility for each other's development and security. **Collective strategies, collective institutions and collective action** are indispensable.

## **POSITION ON THE INTRODUCTION. A HISTORIC OPPORTUNITY IN 2005**

Undoubtedly, nobody will contradict the introductory lines that lay out the broad directions of the

## Secretary-General's Report.

Even so, there is a question mark over the general approach, as we believe, even though we are essentially in agreement with it, that it muddies and will muddy much of the debate on the Report and the subsequent decision-making.

The Millennium + 5 High Level Plenary of the UN General Assembly – a summit to be attended by heads of state and government which will be followed by the ordinary meeting of the UN General Assembly – will review how far we have come and the way ahead to achieve the Millennium Development Goals. Nevertheless, it will also turn into a summit that will receive proposals on reforming the institution – proposals that are very important yet far from sufficient in our view –, including bodies such as the Security Council or the Human Rights Council.

We too have effectively reached the same conclusion: that we will not reach the Millennium Development Goals, nor shall we be able to institute the policies needed to do so, without reforming the international institutions, among them the UN. However, given the way it is presented in the Report, some will see the summit as being about the Millennium Development Goals, whereas for others it will be about reform of the UN.

And even though there is an unmistakable connection between the two, substantive agreements need to be discussed and reached in both areas. The vital importance of these two issues perhaps calls for them to be separately dealt.

Above all, we foresee the risk that there will be a kind of negotiation between certain reforms and the definition/attainment of the means to achieve the Millennium Development Goals.

The UNGA President's Draft may introduce further confusion. This new document in the process emphasises the MDGs part more than the UN reforms one, including reforms concerning peace, security and human rights issues.

To some extent, the documental process previous to the Summit in September has been erratic. At least, it does not help focusing the substantive debate.

## ***I. Freedom from want***

26. *Dozens of countries have become poorer, devastating economic crises have thrown millions of families into poverty, and increasing inequality in large parts of the world means that the **benefits of economic growth have not been evenly shared.***

27. *The unprecedented combination of resources and technology at our disposal today means that we are truly the first generation with the tools, the knowledge and the resources to meet the commitment, given by all States in the Millennium Declaration, **“to making the right to development a reality for everyone and to freeing the entire human race from want”.***

### ***A. A shared vision of development***

28. *The **multifaceted challenge of development** cuts across a vast array of interlinked issues — ranging from gender equality through health and education to the environment. **The historic United Nations conferences and summits held in the 1990s helped build a comprehensive normative framework around these linkages for the first time by mapping out a broad vision of shared development priorities.** These laid the groundwork for the **Millennium Summit** to set out a series of time-bound targets across all these areas: **the Millennium Development Goals***

29. *There is now an **action plan to achieve them.** There are also encouraging signs that the critical ingredient — **political will** — is emerging. The real test will be whether broad-based actions by developed and developing countries to address this agenda are supported by **global development assistance being more than doubled** over the next few years.*

30. *At the same time, we need to see the Millennium Development Goals as **part of an even larger development agenda.***

32. *In 2005, the development of a **global partnership between rich and poor countries** needs to become a reality. It is worth recalling the terms of that historic compact. [Bold characters in Report] **Each developing country has primary responsibility for its own development — strengthening governance, combating corruption and putting in place the policies and investments to drive private-sector-led growth and maximize domestic resources available to fund national development strategies. Developed countries, on their side, undertake that developing countries which adopt transparent, credible and properly costed development strategies will receive the full support they need, in the form of increased development assistance, a more development-oriented trade system and wider and deeper debt relief. All of this has been promised but not delivered.***

5. *In order to reduce poverty and promote global prosperity for all, I urge Heads of State and Government to:*

a) *Reaffirm, and commit themselves to **implementing, the development consensus based on mutual responsibility and accountability agreed in 2002 at the International Conference on Financing for Development held in Monterrey, Mexico, and the World Summit on Sustainable Development held in Johannesburg, South Africa.** Consistent with that historic compact, centred on the Millennium Development Goals;*

i) *Developing countries should recommit themselves to taking **primary responsibility for their own development** by strengthening governance, combating corruption and putting in place the **policies and investments to drive private-sector led growth and maximize domestic resources to fund national development strategies;***

## **B. National strategies**

34. [Bold characters in Report] **Each developing country with extreme poverty should by 2006 adopt and begin to implement a national development strategy bold enough to meet the Millennium Development Goals targets for 2015. This strategy should be anchored in the practical scaling up of public investments, capacity-building, domestic resource mobilization and, where needed, official development assistance.** ii) **Developed countries should undertake to support these efforts through increased development assistance, a more development-oriented trade system and wider and deeper debt relief;**

### **A framework for action**

36. *However well crafted on paper, investment strategies to achieve the Millennium Development Goals will not work in practice unless supported by States with **transparent, accountable systems of governance, grounded in the rule of law, encompassing civil and political as well as economic and social rights, and underpinned by accountable and efficient public administration.***

37. *Similarly, without dynamic, growth-oriented economic policies supporting a **healthy private sector capable of generating jobs, income and tax revenues over time**, sustainable economic growth will not be achieved. This requires significantly increased investments in human capital and development-oriented infrastructure, such as energy, transport and communications. In addition, small and medium-sized firms require a favourable legal and regulatory environment, including effective commercial laws that define and protect contracts and property rights, a rational public administration that limits and combats corruption, and expanded access to financial capital, including microfinance. This is crucial for **providing decent jobs that both provide income and empower the poor, especially women and younger people.***

38. *Internationally, some **civil society organizations** can help **create or galvanize global partnerships** on specific issues or draw attention to the plight of indigenous peoples and other marginalized groups, while others can work to **share best practices across countries** through community exchanges and providing technical support and advice to Governments.*

### **National investment and policy priorities**

**Gender equality:** overcoming pervasive gender bias

**The environment:** investing in better resource management

**Rural development:** increasing food output and incomes

j) **Reaffirm gender equality and the need to overcome pervasive gender bias by increasing primary school completion and secondary school access for girls,**

42. [Bold characters in Report] ***In sub-Saharan Africa, these elements must be brought together to launch a twenty-first century African green revolution commencing in 2005.***

***Urban development:*** promoting jobs, upgrading slums and developing alternatives to new slum formation

***Health systems:*** ensuring universal access to essential services

***Education:*** ensuring universal primary, expanded secondary and higher education

***Science, technology, and innovation:*** building national capacities

ensuring secure tenure of property to women, ensuring access to reproductive health services, promoting equal access to labour markets, providing opportunity for greater representation in government decision-making bodies, and supporting direct interventions to protect women from violence;

<p><b>Box 3</b> <b>The Tragedy of HIV/AIDS</b></p>
<p>[Bold characters in Report] <b><i>I call on the international community to provide urgently the resources needed for an expanded and comprehensive response to HIV/AIDS, as identified by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and its partners, and to provide full funding for the Global Fund to Fight AIDS, Tuberculosis and Malaria.</i></b></p>

i) Ensure that the international community urgently provides the resources needed for **an expanded and comprehensive response to HIV/AIDS**, as identified by UNAIDS and its partners, and full funding for the Global Fund to fight AIDS, tuberculosis and malaria;

### ***C. Making goal 8 work: trade and financing for development***

47. To create the conditions for greater private investment and an “exit strategy” from aid in the longer term for these countries, a **big push in development assistance** is needed.

#### ***Aid***

48. On the basis of recent commitments to future increases by several donors, **annual ODA flows should increase to about \$100 billion by 2010** — nearly double their levels at the time of the Monterrey Conference. But a significant portion of this amount reflects debt write-offs and dollar depreciation rather than net long-term finance, and in any case the total would still be about \$50 billion short of the ODA levels that the Millennium Project calculates will be needed just to meet the Millennium Development Goals, let alone broader development priorities.

49. [Bold characters in Report] ***Developed countries that have not already done so should establish timetables to achieve the 0.7 per cent target of gross national income for official development assistance by no later than 2015, starting with significant increases no later than 2006 and reaching 0.5 per cent by 2009.***

n) Decide that, starting in 2005, developing countries that put forward sound, transparent and accountable national strategies and require increased development assistance should receive **a sufficient increase in aid, of sufficient quality and arriving with sufficient speed to enable them to achieve the Millennium Development Goals;**

50. [Bold characters in Report] **Starting in 2005, developing countries that put forward sound, transparent and accountable national strategies and require increased development assistance should receive a sufficient increase in aid, of sufficient quality and arriving with sufficient speed to enable them to achieve the Millennium Development Goals.**

51. *Because the achievement of the Millennium Development Goals requires a sharp upward turn in overall ODA spending over the next few years, new ways to finance a steep increase in the short and medium terms are well worth exploring.* [Bold characters in Report] **The international community should in 2005 launch an International Finance Facility to support an immediate front-loading of ODA, underpinned by scaled-up commitments to achieving the 0.7 per cent ODA target no later than 2015. In the longer term, other innovative sources of finance for development should also be considered to supplement the Facility.**

53. [Bold characters in Report] **In follow-up to the March 2005 Paris High-level Forum on Aid Effectiveness, donor countries should set, by September 2005, timetables and monitorable targets for aligning their aid delivery mechanisms with partner countries' Millennium Development Goals-based national strategies. This includes commitments to Millennium Development Goals-based investment plans, a 2015 time horizon, predictable multi-year funding, dramatically simplified procedures and direct budget support for countries with appropriate mechanisms in place.**

### **Debt**

54. *Closely related to ODA is the issue of external debt.* [Bold characters in Report] **To move forward, we should redefine debt sustainability as the level of debt that allows a country to achieve the Millennium Development Goals and reach 2015 without an increase in debt ratios. Additional debt cancellation should be achieved without reducing the resources available to other developing countries, and without jeopardizing the long-term financial viability of international financial institutions.**

### **Trade**

55. *While trade does not obviate the need for large scale ODA-supported development investments, an open and equitable trading system can be a powerful driver of economic growth and poverty reduction, especially when combined with adequate aid. An urgent priority is to establish a timetable for developed countries to dismantle market access barriers and begin phasing out trade-distorting domestic subsidies, especially in agriculture.* [Bold

*d) Undertake to ensure that developed countries that have not already done so establish timetables to achieve the target of 0.7% of gross national income for official development assistance by no later than 2015, starting with significant increases no later than 2006 and reaching at least 0.5% by 2009;*

*g) Decide to launch, in 2005, an International Financial Facility to support an immediate front-loading of official development assistance, underpinned by commitments to achieving the 0.7% ODA target no later than 2015; and to consider other innovative sources of finance for development to supplement the Facility in the longer term;*

*e) Decide that debt sustainability should be redefined as the level of debt that allows a country to both achieve the Millennium Development Goals and reach 2015 without an increase in its debt ratios;*

*f) Complete the World Trade Organization Doha round of multilateral trade negotiations no later than 2006, with full commitment to realizing its development focus, and as a first step*

characters in Report] **To address this priority, the Doha round of multilateral trade negotiations should fulfil its development promise and be completed no later than 2006. As a first step, Member States should provide duty-free and quota-free market access for all exports from the least developed countries.** provide immediate duty-free and quota-free market access for all exports from the least developed countries;

56. The Monterrey Consensus stressed that for many developing countries, particularly the poorest, which rely on a few commodity products, there is also a supply-side problem which manifests itself in a lack of capacity to diversify exports, a vulnerability to price fluctuations and a steady decline in terms of trade. To build trade competitiveness, **national Millennium Development Goals strategies need to emphasize investments in agricultural productivity, trade-related infrastructure and competitive export industries**, particularly for the least developed countries, landlocked developing countries and small island developing States. While a number of initiatives exist to address these problems, encourage diversification and reduce vulnerability to commodity price fluctuations, support for them has fallen far short of what is necessary

#### **D. Ensuring environmental sustainability**

57. We fundamentally depend on natural systems and resources for our existence and development. Today, three major challenges for the international community require particularly urgent action. **Desertification**

#### **Biodiversity**

#### **Climatic change**

61. [Bold characters in Report] **We must develop a more inclusive international framework beyond 2012, to ensure a concerted globally defined action, including through technological innovation, to mitigate climate change, taking into account the principle of common but differentiated responsibilities.**

l) Ensure concerted global action to **mitigate climate change**, including through technological innovation, and therefore resolve to develop **a more inclusive international framework for climate change beyond 2012**, with broader participation by all major emitters and both developing and developed countries, taking into account the principle of common but differentiated responsibilities;

### **POSITION ON CHAPTER I. FREEDOM FROM WANT (A. A SHARED VISION OF DEVELOPMENT; B. NATIONAL STRATEGIES; C. MAKING GOAL 8 WORK; D. ENSURING ENVIRONMENTAL SUSTAINABILITY)**

This is the most substantive part of the report as regards the policies required to achieve the Millennium Development Goals. An analysis of their evolution in the framework of a broader concept of development issues precedes the actual policy proposals.

As for the shared vision of development, we remain enormously concerned by the Report's emphasis, concerning developing countries, on:

*...strengthening governance, combating corruption and putting in place the policies and investments to drive private-sector-led growth...* (Article 32)

and on making the aid these countries receive subject to these precise policies (the prevailing neo-liberal model), despite the fact, as the report itself later recognises, that,:

*This strategy should be anchored in the practical scaling up of public investments, capacity-building, domestic resource mobilization and, where needed, official development assistance. (Article 34)*

We therefore applaud one of the Secretary-General's 'official' criticisms of the WTO Doha Round, in which he demands

*As a first step, Member States should provide duty-free and quota-free market access for all exports from the least developed countries. (Article 55)*

contrasting it with the Monterrey Consensus (which he declares is very far from being reached):

*To build trade competitiveness, national Millennium Development Goals strategies need to emphasize investments in agricultural productivity, trade-related infrastructure and competitive export industries, particularly for the least developed countries, landlocked developing countries and small island developing States. (Article 56)*

In contrast, the report is extremely unambitious on the issue of debt, and rather than looking towards debt cancellation instead invents a concept of debt 'sustainability' which, not only diminishes an important word/concept again, but also remains a way of fuelling current neo-liberal policies.

References about the need of policies based on rights and oriented towards creating decent jobs are welcome. However, the Report fails to emphasise the essential importance of a programme on decent jobs to eradicate poverty. Such programme would focus not only in economic growth but also in jobs and the transference of resources to the poor through social protection and the promotion of basic rights.

The most substantial aspect of the report lies, however, in the issue of assistance and financing for development, by strengthening and replacing the old official development assistance (ODA) targets. Mindful of its difficulty but also of the imperative need for assistance, the report suggests that new international financing mechanisms should be put in place. The drawback, however, is the lack of detail:

*The international community should in 2005 launch an International Finance Facility to support an immediate front-loading of ODA, underpinned by scaled-up commitments to achieving the 0.7 per cent ODA target no later than 2015. In the longer term, other innovative sources of finance for development should also be considered to supplement the Facility... (Article 51)*

The UNGA President's Draft, however, does dedicate a larger and more detailed chapter to such innovative mechanisms. The Draft also assigns absolute priority to less developed countries, and to the African continent above all. But it contains no reference to states with medium/low GNP, thus ignoring that there may be acute inequalities in wealth distribution as well as external debt.

In this chapter, the overall language of the UNGA President is stronger, more South/developing countries orientated as well as more gender orientated. In general, it further emphasises the need

of implementing the Monterrey consensus. He also introduces the need of implementing the Johannesburg Plan of Implementation, especially in relation to “sustaining our environment and natural resources base for development”.

These are the policies that may really make it possible to bring about a major change in some of the most damaging socio-economic trends of today. On the basis of our know-how, we would state and demand:

**Such reform [of international institutions] should make it possible to finally resolve the problem of foreign debt, eradicate tax havens, establish world tax cooperation mechanisms and global taxes and promote increases in Official Development Aid provisions. All this should enable the operation of the international institutions to be co-financed, and world cohesion funds for development to be established. Only in this way can we ensure that the Millennium Development Goals are met, and promote true sustainable human development to conserve the planet’s environmental and cultural heritage and diversity.**

#### *E. Other priorities for global action*

##### *Infectious disease surveillance and monitoring*

##### *Natural disasters*

##### *Science and technology for development*

##### *Regional infrastructure and institutions*

##### *Global institutions*

70. *The international financial institutions are essential to ensuring development around the world and successful implementation of the Millennium Development Goals. I encourage them to ensure that the country programmes they support are ambitious enough to achieve the Millennium Development Goals. These institutions and their shareholders should consider what changes they might undergo in order to better reflect the changes in the world's political economy since 1945. This should be done in the context of the Monterrey Consensus agreement to broaden and strengthen the participation of developing and transition countries in international economic decision-making and norm-setting. The Bretton Woods institutions have already taken some steps to strengthen the voice and participation of developing countries. But more significant steps are needed to overcome the widespread perception among developing countries that they are underrepresented in both bodies, which in turn tends to put their legitimacy in doubt.*

*k) Recognize the need for significantly increased international support for scientific research and development to address the special needs of the poor in the areas of health, agriculture, natural resource and environmental management, energy and climate;*

*m) Resolve to establish a worldwide early warning system for all natural hazards, building on existing national and regional capacity;*

## *Migration*

### *F. The implementation challenge*

72. *The principles of mutual responsibility and mutual accountability that underpinned the Monterrey Consensus are sound and need to be translated into deeds. The Millennium Development Goals must inform, on a daily basis, national strategies and international assistance alike. Without a bold breakthrough in 2005 that lays the groundwork for a rapid progress in coming years, we will miss the targets.*

73. *Progress on the issues covered in sections III and IV below is essential to realizing the objectives set out above, just as development is itself an indispensable underpinning for longer-term security, human rights and the rule of law.*

### **POSITION ON CHAPTER I. FREEDOM FROM WANT (E. OTHER PRIORITIES FOR GLOBAL ACTION; F. THE IMPLEMENTATION CHALLENGE**

Article 70 is, as we can see, particularly significant! It is simultaneously a call for action and an expression of impotence. The Report states that the financial institutions have a key role to play if the Millennium Development Goals are to be achieved and yet at the same time the UN Secretary-General realizes that he cannot in fact say anything about them. However, there is a reference to the need to reform the Monterrey Consensus, which also emerged in the 1940s, as the basis for doing this.

Based on our know-how, we would emphasise here, and will return to the same issue in our response to Chapter IV, that:

**All this requires the implementation of mechanisms to coordinate global financial, economic, social and environmental policies. A proposal currently enjoying broad support from different sectors is that of reforming ECOSOC (the Economic and Social Council) to transform it into an Economic, Social and Environmental Security Council with effective authority over UN agencies, funds and programmes, the Bretton Woods Institutions and the World Trade Organisation. The International Monetary Fund and the World Bank should return to their original mandates (IMF: world monetary and macroeconomic balance, WB: reconstruction and development), establish democratic decision-making processes and become effectively integrated within the UN system. The World Trade Organisation should be refounded within the UN and, in cooperation with UNCTAD, draft world trade policies consistent with human rights and world social and environmental standards. At the same time, the UN should, furthermore, take urgent steps to establish a framework to regulate world financial flows.**

## **II. Freedom from fear**

74-75. *We lack a basic consensus, a shared assessment of these threats and a common understanding of our obligations in addressing them.*

### **A. A vision of collective security**

76-77. *I set up the High-level Panel on Threats, Challenges and Change. I fully embrace the broad vision that the report articulates and its case for a more comprehensive concept of collective security.*

78. ***Threats to peace and security in the XXI century: international war and conflict, civil violence, organized crime, terrorism and weapons of mass destruction. They also include poverty, deadly infectious disease and environmental degradation since these can have equally catastrophic consequences. All of these threats can cause death or lessen life chances on a large scale. All of them can undermine States as the basic unit of the international system.***

79. ***Collective security today depends on accepting that the threats which each region of the world perceives as most urgent are in fact equally so for all.***

81. *On this interconnectedness of threats we must found a **new security consensus**, the first article of which must be that all are entitled to freedom from fear, and that **whatever threatens one threatens all**. Moreover, **we must address all these threats preventively**, acting at a sufficiently early stage with the full range of available instruments.*

82. *More consistent **monitoring**, more effective **implementation** and, where necessary, firmer **enforcement** are essential if States are to have confidence in **multilateral mechanisms** and use them to avoid conflict.*

83. *We must transform **the United Nations into the effective instrument for preventing conflict** that it was always meant to be by acting on several key policy and institutional priorities.*

84. *A new global strategy, which begins with Member States agreeing on a **definition of terrorism** and including it in a comprehensive convention. It will also require all States to **sign, ratify, implement and comply with comprehensive conventions against organized crime and corruption**. Commitment to take **urgent steps** to prevent nuclear, chemical and biological weapons getting into the hands of terrorist groups.*

6. *In order to provide effective collective security in the twenty-first century, I urge Heads of State and Government to:*

a) *Affirm and commit themselves to implementing a **new security consensus based on the recognition that threats are interlinked, that development, security and human rights are mutually interdependent**, that no State can protect itself acting entirely alone and that all States need an equitable, efficient and effective collective security system; and therefore commit themselves to agreeing on, and implementing, comprehensive strategies for confronting the whole range of threats, from international war through weapons of mass destruction, terrorism, State collapse and civil conflict to deadly infectious disease, extreme poverty and the destruction of the environment;*

85. *We must revitalize our multilateral frameworks for handling threats from nuclear, biological and chemical weapons.*

86. *Strengthening of tools to deliver the **military and civilian support** needed to prevent and end wars as well as to build a sustainable peace.*

## **POSITION ON CHAPTER II. FREEDOM FROM FEAR**

### **A. A VISION OF COLLECTIVE SECURITY**

There is a need to develop effective mechanisms to prevent conflict. In the sphere of prevention, there is a noticeable lack of any reference to education for peace in schools around the world. The main measure to prevent violence must be to promote a culture of peace that will prevent recourse to arms being the most usual response to any type of conflict. In this sense, we welcome the references to culture of prevention and culture of peace introduced by the UNGA President in his Draft document. Based on the Declaration on a Culture of Peace and the Programme of Action adopted by the GA as well as on different initiatives on dialogue among culture and civilisations, he stresses the need to promote a culture of peace at the national level, as well as at the regional and international levels. Furthermore, he requests the Secretary-General to explore enhancing implementation mechanisms and to follow up on these initiatives.

Neither does the Report contain any proposals on institutional mechanisms that would enable us to tackle some of the threats of the 21st century singled out by the High-Level Panel:

*Threats with which the World must be concerned now and in the decades ahead, economic and social threats, including poverty, infectious diseases and environmental degradation*

which also indicated that:

*there must be new institutional arrangements to address the economic and social threats to international security.*

However, as the Panel failed to do and as the communiqué on the issue from the UBUNTU Forum pointed out, this report puts forward very few proposals on the matter.

### **B. Preventing catastrophic terrorism**

#### ***Transnational terrorism***

88. ***Our strategy against terrorism must be comprehensive and should be based on five pillars: it must aim at dissuading people from resorting to terrorism or supporting it; it must deny terrorists access to funds and materials; it must deter States from sponsoring terrorism; it must develop State capacity to defeat terrorism; and it must defend human rights.*** [Bold characters in Report] ***I urge Member States and civil society organizations everywhere to join in that strategy.***

91. *It is time to set aside debates on so-called “State terrorism”. I*

*e) Resolve to implement the **comprehensive United Nations counter-terrorism strategy presented by the Secretary-General** to dissuade people from resorting to terrorism or supporting it; deny terrorists access to funds and materials; deter States from sponsoring terrorism; develop State capacity to defeat terrorism; and defend human rights;*

endorse fully the High-level Panel's call for a **definition of terrorism**, which would make it clear that, in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act. [Bold characters in Report] **And I strongly urge world leaders to unite behind it and to conclude a comprehensive convention on terrorism before the end of the sixtieth session of the General Assembly.**

92. [Bold characters in Report] **I urge Member States to complete, without delay, an international convention for the suppression of acts of nuclear terrorism.**

93. *The threat of biological terrorism differs from that of nuclear terrorism. Our best defence against this danger lies in strengthening public health. The World Health Organization Global Outbreak Alert and Response Network has done an impressive job in monitoring and responding to outbreaks of deadly infectious disease, whether natural or suspicious. But it has done so on a shoestring.* [Bold characters in Report] **I urge Member States to give it the resources it needs to do the job thoroughly, in all our interests.**

94. [Bold characters in Report] **I urge Member States to create a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws.**

#### **Organized crime**

96. [Bold characters in Report] **All States should both ratify and implement these conventions, while helping each other to strengthen their domestic criminal justice and rule-of-law systems. And Member States should give adequate resources to the United Nations Office on Drugs and Crime for its key role in overseeing implementation of the conventions.**

d) **Affirm that** no cause or grievance, no matter how legitimate, justifies the targeting and deliberate killing of civilians and non-combatants; **and declare that** any action that is 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, **constitutes an act of terrorism;**

f) **Resolve to accede to all 12 international conventions against terrorism;**

i) **Conclude a convention on nuclear terrorism** as a matter of urgency;

ii) **Conclude a comprehensive convention on terrorism** before the end of the sixtieth session of the General Assembly;

g) **Commit themselves to acceding, as soon as possible, to all relevant international conventions on organized crime and corruption, and take all necessary steps to implement them effectively, including by incorporating the provisions of those conventions into national legislation and strengthening criminal justice systems.**

## B. PREVENTING CATASTROPHIC TERRORISM

We consider the proposed definition of terrorism to be a good starting point. The UNGA President has included the Secretary-General's words in the Draft, yet these are not suggested as a proposed definition.

However, not only is there a need to strengthen national domestic criminal justice and rule-of-law systems, but also:

**we should advance towards ensuring global rule of law, ensuring compliance with current international treaties, strengthening existing international legal institutions and establishing those necessary in other areas, and providing all these tools with the appropriate and necessary executive mechanisms.** (London Declaration; April 2004)

### C. Nuclear, biological and chemical weapons

97. *The Conference on Disarmament, for its part, faces a crisis of relevance resulting in part from dysfunctional decision-making procedures and the paralysis that accompanies them.*

98. [Bold characters in Report] *To pursue arms control agreements that entail not just dismantlement but irreversibility. They should also reaffirm their commitment to negative security assurances. Swift negotiation of a fissile material cut-off treaty is essential. The moratorium on nuclear test explosions must also be upheld until we can achieve the entry into force of the Comprehensive Nuclear Test-Ban Treaty.*

99. [Bold characters in Report] *The verification authority of the International Atomic Energy Agency (IAEA) must be strengthened through universal adoption of the Model Additional Protocol. While the access of non-nuclear weapon States to the benefits of nuclear technology should not be curtailed, we should focus on creating incentives for States to voluntarily forego the development of domestic uranium enrichment and plutonium separation capacities, while guaranteeing their supply of the fuel necessary to develop peaceful uses. One option is an arrangement in which IAEA would act as a guarantor for the supply of fissile material to civilian nuclear users at market rates.*

100. *While the Treaty on the Non-Proliferation of Nuclear Weapons remains the foundation of the non-proliferation regime, we should welcome recent efforts to supplement it. These include the voluntary Proliferation Security Initiative.*

101. [Bold characters in Report] *Member States should adopt effective national export controls covering missiles and other means of delivery for nuclear, biological and chemical weapons, rockets and shoulder-fired missiles, as well as a ban on*

*b) Pledge full compliance with all articles of the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological and Toxin Weapons Convention, and the Chemical Weapons Convention in order to further strengthen the multilateral framework for non-proliferation and disarmament, and in particular:*

*i) Resolve to bring to an early conclusion negotiations on a fissile material cut-off treaty;*

*ii) Reaffirm their commitment to a moratorium on nuclear test explosions and to the objective of the entry into force of the Comprehensive Nuclear Test-Ban Treaty;*

*iii) Resolve to adopt the Model Additional Protocol as the norm for verifying compliance with the Treaty on the Non-Proliferation of Nuclear Weapons;*

*iv) Commit themselves to expediting agreement on*

*transferring any of them to non-State actors. The Security Council should also consider adopting a resolution aimed at making it harder for terrorists to acquire or use shoulder-fired missiles.*

*alternatives to the acquisition of domestic uranium enrichment and plutonium separation facilities;*

102. [Bold characters in Report] *States parties to the Convention on Chemical Weapons should recommit themselves to achieving the scheduled destruction of declared chemical weapons stockpiles. I call upon all States to accede immediately to the Convention.*

v) *Further strengthen the Biological and Toxin Weapons Convention;*

103. [Bold characters in Report] *States parties should consolidate the results of these meetings at the 2006 Review Conference and commit themselves to further measures to strengthen the Biological and Toxin Weapons Convention. I also call upon all States to accede immediately to the Convention and to increase the transparency of bio-defence programmes.*

vi) *Urge all chemical-weapon States to expedite the scheduled destruction of chemical-weapon stockpiles.*

104. *The capability of the Secretary-General to investigate suspected use of biological agents should be strengthened to incorporate the latest technology and expertise.*

105. *I encourage the Council to regularly invite the Director-General of IAEA and the Director-General of the Organization for the Prohibition of Chemical Weapons to brief the Council on the status of safeguards and verification processes.*

## **C. NUCLEAR, BIOLOGICAL AND CHEMICAL WEAPONS**

In order to progress towards total nuclear disarmament, we need to establish a calendar such as that put forward in the 2020 Vision Campaign. *Vision 2020*, the work of Mayors for Peace, suggests that negotiations on a verifiable ban on nuclear weapons should begin in 2005 and conclude in 2010 and that such weapons should be completely eliminated by 2020.

In the Secretary-General's Report, there is a notable lack of proposals such as the establishment of an international de-alert plan; the withdrawal of non-strategic nuclear weapons and the establishment of an international system to control them; the abandonment of the development of new nuclear weapons or the modification of those already in existence; and the declaration of Nuclear-Weapon-Free Zones.

As regards the incentives to encourage states to give up developing certain fuel supply methods, the creation of an international sustainable energy agency would serve additionally to help states in supplying non-nuclear fuel.

It must be noted that the UNGA President's Draft there introduces a shift away from some of the original language proposed in the High-Level Panel and the Secretary-General's reports. Language of transparency and verifiability has grown weaker.

It is essential to reduce the increasing level of military expenditure around the world. With regard to the budget for defence, one possible measure would be for all states to commit 5% of their

defence budgets for international and national peace education initiatives. Peace education must strengthen the individuals' capacity to understand the challenges the world is currently dealing with.

#### ***D. Reducing the risk and prevalence of war***

##### ***Mediation***

108. *Although it is difficult to demonstrate, the United Nations has almost certainly prevented many wars by using the Secretary-General's "good offices" to help resolve conflicts peacefully. [Bold characters in Report] To allocate additional resources to the Secretary-General for his good offices function.*

##### ***Sanctions***

110. [Bold characters in Report] *All Security Council sanctions should be effectively implemented and enforced by strengthening State capacity to implement sanctions, establishing well resourced monitoring mechanisms and mitigating humanitarian consequences.*

##### ***Peacekeeping***

112. [Bold characters in Report] *I appeal to Member States to do more to ensure that the United Nations has effective capacities for peacekeeping, commensurate with the demands that they place upon it. The establishment of an interlocking system of peacekeeping capacities that will enable the United Nations to work with relevant regional organizations in predictable and reliable partnerships.*

113. *In the light of recent allegations of misconduct by United Nations administrators and peacekeepers, the United Nations system should reaffirm its commitment to respect, adhere to and implement international law, fundamental human rights and the basic standards of due process. I will work to strengthen the internal capacity of the United Nations to exercise oversight of peacekeeping operations.*

##### ***Peacebuilding***

114. [Bold characters in Report] *To create an intergovernmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the United Nations Secretariat.*

115. *Functions of the Commission: in the immediate aftermath of war, improve United Nations planning for sustained recovery, focusing on early efforts to establish the necessary institutions; help to ensure predictable financing for early recovery activities,*

*k) Strengthen the capacity of Member States to implement sanctions, establishing well resourced monitoring mechanisms, and ensuring effective and accountable mechanisms to mitigate the humanitarian consequences of sanctions;*

*j) Create strategic reserves for United Nations peacekeeping; support the efforts by the European Union, the African Union and others to establish standby capacities as part of an interlocking system of peacekeeping capacities; and establish a United Nations civilian police standby capacity.*

*i) Establish a Peacebuilding Commission along the lines suggested in the present report, and agree to establish and support a voluntary standing fund for peacebuilding.*

*in part by providing an overview of assessed, voluntary and standing funding mechanisms; improve the coordination of the many post-conflict activities of the United Nations funds, programmes and agencies; provide a forum in which the United Nations, major bilateral donors, etc. can share information about their respective post-conflict recovery strategies, in the interests of greater coherence; periodically review progress towards medium-term recovery goals; and extend the period of political attention to post-conflict recovery.*

***Explanatory Note of the Secretary-General of April 2005 about the core of the work of the Commission in its country-specific activities: (1) ensure that the international community as a whole is effectively supporting the national authorities, (2) propose overall priorities, and ensure that those priorities reflect country-based realities, (3) mobilize necessary resources, both for early priorities in recovery and in particular for sustained financial investment over the medium to longer term period of recovery, y (4) provide a forum for ensuring coordination and resolving complications or differences where these emerge. It could also play a particularly important role by focusing attention and consolidating good practice on vital cross-cutting issues like demobilization, disarmament, reintegration and rehabilitation.***

116. *Such a body would best combine efficiency with legitimacy if it were to report to the Security Council and the Economic and Social Council in sequence, depending on the phase of the conflict.*

117. *The Peacebuilding Commission would be most effective if its core membership comprised a sub-set of Security Council members, a similar number of Economic and Social Council members, leading troop contributors and the major donors to a standing fund for peacebuilding. In its country-specific operations, the Peacebuilding Commission should involve the national or transitional authorities.*

### ***Small arms, light weapons and landmines***

120. [Bold characters in Report] ***To agree on an instrument to regulate marking and tracing no later than next year's Review Conference on the Programme of Action, and to expedite negotiations on an instrument on illicit brokering.***

121. [Bold characters in Report] ***I urge States parties to implement their obligations in full, and call on those States that have not yet done so to accede to both the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Protocol at the earliest possible moment.***

c) ***Develop legally binding international instruments to regulate the marking, tracing and illicit brokering of small arms and light weapons; and ensure the effective monitoring and enforcement of United Nations arms embargoes***

## D. REDUCING THE RISK AND PREVALENCE OF WAR

We believe that the General Assembly should be more involved in all the themes in this part of Chapter II and, above all, in the decisions on intervention and the establishment of rapid-response forces to prevent conflicts and of peacekeeping missions. Moreover, the General Assembly should be given a clear supervisory role over the Security Council, whether or not it is reformed.

The granting to regional alliances of specific responsibilities in peacekeeping as well as the UN members' security should be emphasised and further developed. Based on our know-how, we would say and demand:

**Such reform should make it possible to effectively resolve all conflicts, to develop effective conflict prevention mechanisms – with the participation of regional organizations – and to establish an effective world peacekeeping force. All this should be accompanied by a global disarmament process – focusing, particularly, on non-conventional weapons, whilst not forgetting all other types – restoring a climate of confidence amongst all countries around the world.**

With regard to the proposed Peacebuilding Commission, in our view it is clear that its mandate will be incomplete without a resolute commitment to preventing conflicts and controlling potential conflicts. The members of this Commission should include civil society organisations and in particular local groups, such as women's groups, given that the Commission will be dealing with specific problems.

Nor the President's Draft contains any language relating to the involvement of civil society in post conflict transition or long term peacebuilding. It does not mention how this Commission will interact with civil society. Furthermore, we question the creation of the proposed standing fund for peacebuilding when the UN general budget can barely cover all of its needs.

### E. Use of force

*122. An essential part of the consensus we seek must be agreement on when and how force can be used to defend international peace and security.*

*123. Agreement must be reached on these questions if the United Nations is to be — as it was intended to be — a forum for resolving differences rather than a mere stage for acting them out. The Charter of our Organization, as it stands, offers a good basis for the understanding that we need.*

*124. Imminent threats are fully covered by Article 51, which safeguards the inherent right of sovereign States to defend themselves against armed attack. Lawyers have long recognized that this covers an imminent attack as well as one that has already happened.*

*125. Where threats are not imminent but latent, the Charter gives full authority to the Security Council to use military force,*

*h) Request the Security Council to adopt a resolution on the use of force that sets out principles for the use of force and expresses its intention to be guided by them when deciding whether to authorize or mandate the use of force; such principles should include: a reaffirmation of the provisions of the Charter of the United Nations with respect to the use of force, including those of Article 51; a reaffirmation of the central role of the Security Council in the area of peace and security; a reaffirmation of the right of the Security*

including preventively, to preserve international peace and security.

126. The task is not to find alternatives to the Security Council as a source of authority but to make it work better. **When considering whether to authorize or endorse the use of military force, the Council should come to a common view on how to weigh the seriousness of the threat; the proper purpose of the proposed military action; whether means short of the use of force might plausibly succeed in stopping the threat; whether the military option is proportional to the threat at hand; and whether there is a reasonable chance of success. By undertaking to make the case for military action in this way, the Council would add transparency to its deliberations and make its decisions more likely to be respected, by both Governments and world public opinion. [Bold characters in Report] I therefore recommend that the Security Council adopt a resolution setting out these principles and expressing its intention to be guided by them when deciding whether to authorize or mandate the use of force.**

**Council to use military force, including preventively, to preserve international peace and security,** including in cases of genocide, ethnic cleansing and other such crimes against humanity; and the need to consider — when contemplating whether to authorize or endorse the use of force — the seriousness of the threat, the proper purpose of the proposed military action, whether means short of the use of force might reasonably succeed in stopping the threat, whether the military option is proportional to the threat at hand and whether there is a reasonable chance of success.

## **E. USE OF FORCE**

Given that this section deals with the use of force covered in Article 51 of the Charter, the Secretary-General includes the right of states to resort to force in the face of imminent threats, but he does not establish a definition of such threats. Furthermore, he accepts that the Security Council may use military force in the case of not imminent but latent threats, the definition of which is, once again, vague.

In any event, the Report puts forward five criteria to be used by the Security Council to weigh up the gravity of a threat when considering the use of military force. Though the proposal to establish these five parameters fosters transparency in such decisions made by the Security Council, the precise definition of these criteria is left to the members of the Council to decide without any input from the General Assembly. This Security Council is too polarised and too politicised to make this type of recommendation.

Contrary to the information given in the Report, we do not believe that imminent or latent threats are covered by Article 51 and hence we are not of the view that these allow for the use of military force. With this statement, plus his proposal to establish criteria for evaluating the use of military force, the Secretary-General is putting forward a substantive modification to the Charter but one made by the Security Council. It is important to note here that the High-Level Panel dealt with this issue extensively prior to the Secretary-General's Report and ended up explicitly recommending that: **NEITHER THE WORDING NOR THE INTERPRETATION OF ARTICLE 51 SHOULD BE CHANGED IN ANY WAY.** We support that view, at least in the current political circumstances.

In this sense, the UNGA President's Draft means a certain return to the High-Level Panel report as it considers the Charter to be the adequate framework to face these issues.

Moreover, the reform of the Security Council ought to include new procedures designed to keep non-Council members better informed of the status of the Council's deliberations, to improve the regional representation of its membership, to change the veto procedure, etc. [For further details on our position, see our comments on Chapter IV.]

### III. Freedom to live in dignity

127. In the Millennium Declaration, Member States stated that they would spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms. In so doing, they recognized that while freedom from want and fear are essential they are not enough. All human beings have the right to be treated with dignity and respect.

128. The protection and promotion of the universal values of the rule of law, human rights and democracy are ends in themselves. They are also essential for a world of justice, opportunity and stability. No security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity.

130. But without implementation, our declarations ring hollow. Without action, our promises are meaningless.

132. Accordingly, I believe that decisions should be made in 2005 to help strengthen the rule of law internationally and nationally, enhance the stature and structure of the human rights machinery of the United Nations and more directly support efforts **to institute and deepen democracy in nations around the globe**. We must also move towards embracing and acting on the **“responsibility to protect” potential or actual victims of massive atrocities**. We must move **from an era of legislation to an era of implementation**.

#### A. Rule of law

133. The rule of law as a mere concept is not enough. New laws must be put into place, old ones must be put into practice and our institutions must be better equipped to strengthen the rule of law.

135. [Bold characters in Report] **We must embrace the responsibility to protect, and, when necessary, we must act on it**. This responsibility lies, first and foremost, with each individual State, whose primary *raison d'être* and duty is to protect its population. But if 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.

136. [Bold characters in Report] **I urge leaders especially to ratify and implement all treaties relating to the protection of civilians**.

7. I urge Heads of State and Government to recommit themselves to supporting the rule of law, human rights and democracy — principles at the heart of the Charter of the United Nations and the Universal Declaration of Human Rights. To this end, they should:

a) Reaffirm their commitment to human dignity by action to **strengthen the rule of law, ensure respect for human rights and fundamental freedoms and promote democracy** so that universally recognized principles are implemented in all countries;

b) Embrace the **“responsibility to protect” as a basis for collective action against genocide, ethnic cleansing and crimes against humanity, and agree to act on this responsibility**, recognizing that this responsibility lies first and foremost with each individual State, whose duty it is to protect its population, but that if national authorities are unwilling or unable to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect civilian populations, and that if such methods

137. [Bold characters in Report] ***I intend to create a dedicated Rule of Law Assistance Unit, drawing heavily on existing staff within the United Nations system, in the proposed Peacebuilding Support Office (see sect. V below) to assist national efforts to re-establish the rule of law in conflict and post-conflict societies.***

138. [Bold characters in Report] ***To increase avenues of redress for the victims of atrocities and deter further horrors, I encourage Member States to cooperate fully with the International Criminal Court and other international or mixed war crimes tribunals, and to surrender accused persons to them upon request.***

139. [Bold characters in Report] ***There is a need to consider means to strengthen the work of the Court. I urge those States that have not yet done so to consider recognizing the compulsory jurisdiction of the Court — generally if possible or, failing that, at least in specific situations. I also urge all parties to bear in mind, and make greater use of, the Court's advisory powers. Measures should also be taken, with the cooperation of litigating States, to improve the Court's working methods and reduce the length of its proceedings.***

appear insufficient the Security Council may out of necessity decide to take action under the Charter, including enforcement action, if so required;

c) Support the 2005 treaty event, focusing on 31 multilateral treaties, and encourage any Government that has not done so to agree to ratify and implement all treaties relating to the protection of civilians;

e) Recognize the important role of the International Court of Justice in adjudicating disputes among countries and agree to consider means to strengthen the work of the Court.

## **POSITION ON CHAPTER III. FREEDOM TO LIVE IN DIGNITY**

### **A. RULE OF LAW**

We welcome the inclusion of the “responsibility to protect” under this chapter. From our perspective, if intervention occurs, it takes place after the failure of prevention. And emphasis should be added on the fact that the responsibility to protect is primarily a system of protection and prevention, rather than of intervention. Governments need to recognise that the responsibility to provide protection also includes the responsibility to prevent conflicts and to engage in post-conflict reconstruction. This must be achieved through diplomacy, negotiation and technical and financial assistance. The Security Council should embrace the principle of ‘do no harm’ when it intervenes, in particular as regards the sexual abuse of women and children.

We note that Report references on the need to strengthen the International Criminal Court and increase its remit to cover all nations and states are not reflected in the Annex, when it is obvious that there is a pressing need to fully integrate the ICC into the UN system, as well as to set up a new international human rights tribunal.

Based on our know-how, we would say and demand that:

**All these reforms and policies should ineluctably be accompanied by international strengthening of democratic rule and measures to prevent impunity at the international level in criminal, civil, economic, social and environmental law. To this end, we should advance towards ensuring global rule of law, ensuring compliance with current international treaties, strengthening existing international legal institutions and establishing those necessary in other areas, and providing all these tools with the appropriate and necessary executive**

## **B. Human rights**

140. *It would be a mistake to treat human rights as though there were a trade-off to be made between human rights and such goals as security or development. We only weaken our hand in fighting the horrors of extreme poverty or terrorism if we deny the very human rights that these scourges take away from citizens. Strategies based on the protection of human rights are vital for both our moral standing and the practical effectiveness of our actions.*

141. *Change is needed if the United Nations is to sustain long-term, high-level engagement on human rights issues, across the range of the Organization's work.*

142. *“Action 2” is a global programme designed to equip United Nations inter-agency country teams to work with Member States, at their request, to **bolster their national human rights promotion and protection systems**. [Bold characters in Report] **This programme urgently needs more resources and staff, including a stronger capacity to train country teams within the Office of the United Nations High Commissioner for Human Rights.***

144. [Bold characters in Report] ***The High Commissioner must play a more active role in the deliberations of the Security Council and of the proposed Peacebuilding Commission, with emphasis on the implementation of relevant provisions in Security Council resolutions.** Indeed, human rights must be incorporated into decision-making and discussion throughout the work of the Organization.*

145. [Bold characters in Report] ***Member States' proclaimed commitment to human rights must be matched by resources to strengthen the Office's ability to discharge its vital mandate.***

146. *In section V below, therefore, I shall make a proposal to transform the body which should be the central pillar of the United Nations human rights system — **the Commission on Human Rights**.*

147. *Treaty body system remains little known; is compromised by the failure of many States to report on time if at all, as well as the duplication of reporting requirements; and is weakened further by poor implementation of recommendations. [Bold characters in Report] **Harmonized guidelines on reporting to all treaty bodies should be finalized and implemented so that these bodies can function as a unified system.***

## B. HUMAN RIGHTS

We refer the reader to our position on the proposed changes to the body that is intended to be the core element in the human rights system. [See Chapter IV]

### C. Democracy

151. *The United Nations does more than any other single organization to promote and strengthen democratic institutions and practices around the world, but this fact is little known. The impact of our work is reduced by the way we disperse it among different parts of our bureaucracy. It is time to join up the dots. But there are significant gaps in our capacity in several critical areas. The Organization as a whole needs to be better coordinated and should mobilize resources more effectively. [Bold characters in Report] **The creation of a democracy fund at the United Nations to provide assistance to countries seeking to establish or strengthen their democracy. Furthermore, I intend to ensure that our activities in this area are more closely coordinated by establishing a more explicit link between the democratic governance work of the United Nations Development Programme and the Electoral Assistance Division of the Department of Political Affairs.***

*d) Commit themselves to supporting democracy in their own countries, their regions and the world, and resolve to **strengthen the United Nations capacity to assist emerging democracies**, and to that end welcome the **creation of a Democracy Fund at the United Nations** to provide funding and technical assistance to countries seeking to establish or strengthen their democracy;*

## C. DEMOCRACY

One of the issues that needs to be addressed is greater democracy within the UN. A first step towards this could be the establishment of an interparliamentary assembly or a system involving two chambers that would involve a World Parliament whose members would directly represent the world's citizens through universal suffrage. If we recognise that the greatest failures of the UN have not been structural but the collective failings of the Member States, why do we persevere with a system centred solely on the nation state?

Equally, referenda of a consultative nature or, wherever possible, of a binding nature ought to become another instrument available to the UN.

A World Constitution, resulting from a constituent process whereby citizens would lay the foundations of a new democratic and responsible governance of solidarity, would be based on the Universal Declaration of Human Rights, the UN Charter and a third pillar, a Human Responsibilities Charter covering the responsibilities of individuals, institutions, businesses and states.

[See the more specific position that is better suited to today's circumstances in our response to the proposals on the General Assembly in Chapter IV.]

## **OVERALL POSITION ON CHAPTERS I, II AND III, FREEDOM TO LIVE ...**

The Secretary-General himself states in his Report, though this is not reflected in his concrete proposals, that the Millennium Development Goals do not represent the entire development agenda, and hence the outcome of the September summit ought to establish clear links between the attainment of the Millennium Development Goals and the implementation of the results of other UN world conferences, such as the Rio Summit and those on women's issues.

It is important here to note as well the absence of gender analysis, gender perspectives and gender language. Development, equality and peace will never be attained without the equal participation of women. Gender discrimination has lifelong cumulative effects in several fields: health, education, work, etc. It is necessary to empower women and to assign a role to children and men in this process. Furthermore, attention should be drawn to sexual reproductive health. In this sense, we welcome the more gender orientated Draft released by the UNGA President. The President recalls the importance of gender mainstreaming and introduces several references on gender.

In general, there is insufficient emphasis on the importance to reach agreements between Member States, the UN and civil society and to take new and significant steps towards the participation of civil society within the organisation. But if proposals concerning the participation of civil society are scarce and weak in the Secretary-General's Report, they are watered down and even inexistent in the UNGA President's Draft, which only mentions it in two cases: in the case of the Council of Human Rights and in the short article 102.

Lastly, from a more structural point of view, we regret the lack of any mention of a hierarchy in world legislation that would foster consistency between economic policies and social rights and environmental problems.

#### **IV. Strengthening the United Nations**

153. While purposes should be firm and principles constant, practice and organization need to move with the times. If the United Nations is to be a useful instrument for its Member States and for the world's peoples, in responding to the challenges described in sections II to IV above it must be **fully adapted to the needs and circumstances of the twenty-first century**. It must be **open not only to States but also to civil society**, which at both the national and international levels plays an increasingly important role in world affairs.

154. Equally clearly, **not all our current practices are adapted to the needs of today**. That is why **Heads of State and Government, in the Millennium Declaration, recognized the need to strengthen the United Nations to make it a more effective instrument for pursuing their priorities**.

157. But reform, if it is to be effective, cannot be confined to the executive branch. **It is time to breathe new life also into the intergovernmental organs of the United Nations**.

##### **A. General Assembly**

158. The General Assembly has a central position as the chief deliberative, policy-making and representative organ of the United Nations. Member States are therefore rightly concerned about the **decline in the Assembly's prestige and its diminishing contribution to the Organization's activities**. This decline must be reversed, and that will only happen if the Assembly becomes more effective.

159. The number of General Assembly resolutions approved by consensus has increased steadily. That would be good if it reflected a genuine unity of purpose among Member States in responding to global challenges. But unfortunately, consensus (often interpreted as requiring unanimity) has become an end in itself.

160. [Bold characters in Report] **The General Assembly should now take bold measures to rationalize its work and speed up the deliberative process, notably by streamlining its agenda, its committee structure and its procedures for holding plenary debates and requesting reports, and by strengthening the role and authority of its President**.

161. [Bold characters in Report] **The General Assembly should give focus to its substantive agenda by concentrating on addressing the major substantive issues of the day, such as international migration and the long-debated comprehensive**

**a) Organized, resourced and equipped to address the full range of challenges** confronting the peoples of the world across the broad fields of security, economic and social issues, and human rights, and in that spirit to commit themselves to reforming, restructuring and revitalizing its major organs and institutions, where necessary, to enable them to respond effectively to the changed threats, needs and circumstances of the XXI century;

**b) Revitalize the General Assembly by:**

i) To adopt, at its sixtieth session, a **comprehensive package of reforms to revitalize the General Assembly**, including by rationalizing its work and speeding up the deliberative process, streamlining its agenda, its committee structure and its procedures for plenary debates and requesting reports, and strengthening the role and authority of its President;

ii) Resolving to give focus to the substantive agenda of the General Assembly by concentrating on addressing the major substantive issues of the day;

iii) Establishing **mechanisms enabling the Assembly to engage fully and systema-**

*convention on terrorism.*

*tically with civil society;*

162. *The goals of the United Nations can only be achieved if civil society and Governments are fully engaged. [Bold characters in Report] **The General Assembly should act on these recommendations and establish mechanisms enabling it to engage fully and systematically with civil society.***

## **POSITION ON CHAPTER IV. STRENGTHENING THE UNITED NATIONS**

### **A. GENERAL ASSEMBLY**

**It is necessary for the world's citizens to be directly represented in the international institutions, and not only the states members of the United Nations General Assembly.<sup>1</sup> The UN General Assembly should evolve, gradually unifying other general assemblies and conferences, to play a central role in the system with authority to adopt binding resolutions and to exercise effective control over the other bodies, agencies and programmes forming part of the system.**

**All actors on the world scene should be empowered to effectively participate in the international institutions, and different forms of representation should be provided for each.<sup>2</sup>**

**1**

**In line with a widely-supported proposal, work could move towards creating a parliamentary assembly, which could play a role in establishing international law, put forward recommendations and exercise control over the other institutions forming part of the system.**

**2**

**Following the example of the one of the oldest multilateral institutions – the International Labour Organisation – specific assemblies could be established to guarantee participation by different government levels and actors from civil society, in the broadest sense of the term, within the appropriate institutions.**

### **(London Declaration; April 2004)**

.....

Being here contained the clearest declaration as regards the relations between civil society and the organisation, it is now entirely opportune to recall and advocate the need for the consultative status of civil society before the ECOSOC to be extended to 'accredited status' before the entire organisation (which in our view also implies before each of the UN's bodies). The Cardoso Report itself states that there is a need for this new status, which the General Assembly would be responsible for.

As mentioned above, the UNGA President's Draft leaves out all reference to the participation of civil society when dealing with the reform of the General Assembly. Undoubtedly, this disappearance is a preoccupying backward step for a proposal that was also included in the Annex of the Secretary-General's Report.

### **B. The Councils**

165. *The Security Council has increasingly asserted its authority and, especially since the end of the cold war, has enjoyed greater unity of purpose among its permanent members but has seen that*

*authority questioned on the grounds that its composition is anachronistic or insufficiently representative; the Economic and Social Council has been too often relegated to the margins of global economic and social governance; and the Trusteeship Council, having successfully carried out its functions, is now reduced to a purely formal existence.*

166. I believe we need to restore the balance, with **three Councils covering respectively, (a) international peace and security, (b) economic and social issues, and (c) human rights**, the promotion of which has been one of the purposes of the Organization from its beginnings but now clearly requires more effective operational structures. These Councils together should have the task of driving forward the agenda that emerges from summit and other conferences of Member States, and should be the global forms in which the issues of security, development and justice can be properly addressed. **The first two Councils already exist but need to be strengthened. The third requires a far-reaching overhaul and upgrading of our existing human rights machinery.**

### **Security Council**

167. By adhering to the Charter of the United Nations, all Member States recognize that the Security Council has the **primary responsibility for the maintenance of international peace and security** and agree to be bound by its decisions. It is therefore of vital importance, not only to the Organization but to the world, that **the Council should be equipped to carry out this responsibility and that its decisions should command worldwide respect.**

168. Its working methods also need to be made **more efficient and transparent**. The Council must be not only **more representative** but also **more able and willing to take action when action is needed**.

169. The Security Council must be **broadly representative of the realities of power in today's world**. Namely:

a) They should, in honouring Article 23 of the Charter, **increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically**, specifically in terms of contributions to United Nations assessed budgets, participation in mandated peace operations, contributions to voluntary activities of the United Nations in the areas of security and development, and diplomatic activities in support of United Nations objectives and mandates. **Among developed countries, achieving or making substantial progress towards the internationally agreed level of 0.7 per cent of GNP for ODA should be considered an important criterion of**

c) Reform the Security Council to make it **more broadly representative of the international community as a whole and the geopolitical realities of today, and to expand its membership to meet these goals:**

ii) Agreeing to take a decision on this important issue before the summit in September 2005. It would be far preferable for Member States to take this vital decision by consensus. If, however, they are unable to reach consensus, this must not become an excuse for postponing action;

i) Supporting the **principles for the reform of the Council and considering the two options, models A and B**, proposed in the present report, as well as any other viable proposals in terms of size and balance that have emerged on the basis of

*contribution;*

*either model;*

*b) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world;*

*c) They should not impair the effectiveness of the Security Council;*

*d) They should increase the democratic and accountable nature of the body.*

## **B. THE COUNCILS. THE SECURITY COUNCIL**

Our overall position on this issue must be made clear from the outset:

**To this end, the present Security Council should be reformed and placed under effective UN General Assembly control, with a composition representative of all the world's regions. The right to use the veto must be restricted to certain issues whilst steps are taken towards its eventual abolition, and votes over the most important issues should be according to a system of qualified majorities.**

and we stress, moreover, that any reform of the Council should be on these grounds. In the light of this, it is evident that of the two existing proposals – which the Secretary-General declares are open to change – option B is closer to the former framework. This option will have a greater impact in democratising the organisation as a whole.

Furthermore, the potential for haggling and negotiation is clearly evident in the final point of Article 169 a) and thereafter seems to us to be extraordinarily dangerous. The goal of allocating 0.7% of GDP to Official Development Aid ought to be an aim in itself and should not imply greater or lesser participation in the decision-making process. Equally, a lesser probability to take part in this process should not result in a lesser effort being made to achieve the 0.7% goal.

### ***Economic and Social Council***

*d) Reform the Economic and Social Council by:*

*171. The Charter of the United Nations gives the Economic and Social Council a range of important functions that involve coordination, policy review and policy dialogue. Most of these seem more critical than ever in this age of globalization, in which a comprehensive United Nations development agenda has emerged from the summits and conferences of the 1990s. More than ever, the United Nations needs to be able to develop and implement policies in this area in a coherent manner. The functions of the Council are generally thought to be uniquely relevant to these challenges, but it has not as yet done justice to them.*

*172. In 1945, the framers of the Charter did not give the Economic and Social Council enforcement powers. Having agreed at Bretton Woods in the previous year to create powerful international*

financial institutions and expecting that these would be complemented by a world trade organization in addition to the various specialized agencies, they clearly intended that international economic decision-making would be decentralized. But this only makes **the Council's potential role as coordinator, convener, forum for policy dialogue and forger of consensus the more important. It is the only organ of the United Nations explicitly mandated by the Charter to coordinate the activities of the specialized agencies and to consult with non-governmental organizations.** And it has a network of functional and regional commissions operating under its aegis which are increasingly focused on the implementation of development goals.

175. There is an increasing need to integrate, coordinate and review the implementation of the United Nations development agenda that has emerged from the world conferences and summits. [Bold characters in Report] **To this end, the Economic and Social Council should hold annual ministerial-level assessments of progress towards agreed development goals, particularly the Millennium Development Goals. These assessments could be based on peer reviews of progress reports prepared by member States, with support from United Nations agencies and the regional commissions.**

176. There is a need to review trends in international development cooperation, promote greater coherence among the development activities of different actors and strengthen the links between the normative and operational work of the United Nations system. [Bold characters in Report] **To address this gap, the Economic and Social Council should serve as a high-level development cooperation forum. Such a forum could be held biennially by transforming the high-level segment of the Council.**

177. There is a need to address economic and social challenges, threats and crises as and when they occur. [Bold characters in Report] **To this end, the Council should convene timely meetings, as required, to assess threats to development, such as famines, epidemics and major natural disasters, and to promote coordinated responses to them.**

178. There is a need to systematically monitor and deal with the economic and social dimensions of conflicts. The Economic and Social Council has tried to fulfil this need by establishing country-specific ad hoc advisory groups. But given the scale and the challenge of long-term recovery, reconstruction and reconciliation, ad hoc arrangements are not enough. [Bold characters in Report] **The Economic and Social Council should institutionalize its work in post-conflict management by working with the proposed Peacebuilding Commission. It should also reinforce its links with the Security Council in order to promote**

i) Mandating the Economic and Social Council to hold **annual ministerial-level assessments of progress towards agreed development goals, particularly the Millennium Development Goals;**

ii) Deciding that it should serve as a **high-level development cooperation forum**, reviewing trends in international development cooperation, promoting greater coherence among the development activities of different actors and strengthening the links between the normative and operational work of the United Nations;

iii) Encouraging it to convene **timely meetings**, as required;

iv) Deciding that the Council should **regularize its work in post-conflict management by working with the proposed Peacebuilding Commission;**

*structural prevention.*

*179. While the normative and strategy-setting role of the Economic and Social Council is clearly different from the managerial and policy-making role played by the governing bodies of the various international institutions, I would hope that, as the Council starts to assert leadership in driving a global development agenda it will be able to provide direction for the efforts of the various intergovernmental bodies in this area throughout the United Nations system.*

*180. Implementing all these recommendations would require the Economic and Social Council to function with a **new and more flexible structure, not necessarily restricted by the current annual calendar of “segments” and “substantive session”**. In addition, the Council needs an effective, efficient and representative intergovernmental mechanism for engaging its counterparts in the institutions dealing with finance and trade. This could either be achieved by expanding its Bureau or by establishing an Executive Committee with a regionally balanced composition.*

## **B. COUNCILS. ECONOMIC AND SOCIAL COUNCIL**

The precise statement of Article 172, together with the hope/desire expressed in Article 179 is, we repeat, one of the most decisive issues of the current international institutional system. We already saw this as being especially significant in Article 70 of the Report. Articles 172 and 170 are once again a call to action and an expression of impotence. An awareness that the financial institutions have an essential part to play if the Millennium Development Goals are to be achieved is found alongside the declaration that, as UN Secretary-General, he cannot in fact say anything about them. Despite this, there is a reference to the need to reform the Monterrey Consensus, which also emerged in the 1940s, as the basis to do this.

Based on our know-how, we insist here, as we did with regard to Chapter I, that:

**All this requires the implementation of mechanisms to coordinate global financial, economic, social and environmental policies. A proposal currently enjoying broad support from different sectors is that of reforming ECOSOC (the Economic and Social Council) to transform it into an Economic, Social and Environmental Security Council with effective authority over UN agencies, funds and programmes, the Bretton Woods Institutions and the World Trade Organisation. The International Monetary Fund and the World Bank should return to their original mandates (IMF: world monetary and macroeconomic balance, WB: reconstruction and development), establish democratic decision-making processes and become effectively integrated within the UN system. The World Trade Organisation should be refounded within the UN and, in cooperation with UNCTAD, draft world trade policies consistent with human rights and world social and environmental standards. At the same time, the UN should, furthermore, take urgent steps to establish a framework to regulate world financial flows.**

### **Proposed Human Rights Council**

181. The Commission on Human Rights has given the international community a universal human rights framework, comprising the Universal Declaration on Human Rights, the two International Covenants and other core human rights treaties. During its annual session, the Commission draws public attention to human rights issues and debates, provides a forum for the development of United Nations human rights policy and establishes a unique system of independent and expert special procedures to observe and analyse human rights compliance by theme and by country. The Commission's close engagement with hundreds of civil society organizations provides an opportunity for working with civil society that does not exist elsewhere.

182. Yet the Commission's capacity to perform its tasks has been increasingly undermined by its **declining credibility and professionalism**. In particular, States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others.

183. [Bold characters in Report] **If the United Nations is to meet the expectations of men and women everywhere — and indeed, if the Organization is to take the cause of human rights as seriously as those of security and development — then Member States should agree to replace the Commission on Human Rights with a smaller standing Human Rights Council.** Its members would be elected directly by the General Assembly by a two-thirds majority of members present and voting. The creation of the Council would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations. Member States should determine the composition of the Council and the term of office of its members.

**Human Rights Council. Explanatory Note. April 2005.** In this explanatory note the Secretary-General further elaborates on a proposed new **key peer review function**. Its main task would be to evaluate the fulfilment by all states of all their human rights obligations, to give technical assistance to States, and policy advice to states and UN bodies alike. Key to peer review is the notion of universal scrutiny, that is, that all Member States performance in regard to all human rights commitments should be subject to assessment by other states. A fair system will require agreement on the quality and quantity of information used as the reference point for the review. It would help keep elected members accountable to their human rights commitments.

e) **Agree to replace the Commission on Human Rights with a smaller standing Human Rights Council,** as a principal organ of the United Nations or subsidiary body of the General Assembly, whose members would be elected directly by the General Assembly by a two-thirds majority of members present and voting;

## **B. COUNCILS. PROPOSED HUMAN RIGHTS COUNCIL**

Firstly, it should be noted that this proposal was already included in the High-Level Panel's report,

though it was given as a longer-term goal and only as a means to strengthen the existing Human Rights Commission. In contrast with this, the High-Level Panel's report clearly supported the universal nature of the Commission.

Even though the creation of a Human Rights Council should be welcome, in that it raises the importance of human rights, conceptually clarifies the overall structure of the UN and is capable of giving new impetus to the existing Commission, there are a number of aspects to bear in mind.

The proposal does not detail effective mechanisms for civil society to participate beyond granting it a space within the forum afforded by the Council (according to the subsequent explanatory note of the Secretary-General already cited) and the opportunity to express its opinions and put forward proposals at the level of the Member States.

It is our belief that strong, independent organisations from international civil society are best suited to participate in initiatives and reports in this sphere. Consequently, we should not ignore the fact that the transformation of the Commission into a Council entails a far from negligible risk of losing the consultative status civil society currently holds within the existing commission.

Moreover, the composition of the Council and its characteristics and mandate are so open that there is the risk, in current circumstances, to reproduce existent relations of power, thus keeping away the Council from its core function. The composition of the Council must be accountable, independent and balanced, in terms of regions, political organisations and gender.

Concerning the proposed peer review mechanism, it remains unclear the added value it implies within a system of treaty bodies and especial relators that already means a notable amount of work for the States and the system itself. In this sense, would it not be better to improve the coordination among the available mechanisms? Nor is it clear how the peer review mechanism will act should unfavourable reports on the situation of human rights in a Member State be received or whether and how civil society will participate in the mechanism. Should this mechanism come into action, the Council should have the capacity to sanction governments, public and private companies and even the civil society itself.

The fundamental debate revolves, in our view, around what is the best instrument for making human rights universal. We should avoid a situation in which 'those' who theoretically respect human rights 'judge' those who do not. If this were to occur, it would unquestionably make the universalisation of human rights more difficult to achieve.

### ***C. The Secretariat***

*184. As the needs of the Organization have changed, so too must the Secretariat. That is why in 1997 I launched a package of structural reforms for the Secretariat and followed up with a further set of managerial and technical improvements in 2002, aimed at giving the Organization a more focused work programme and a simpler system of planning and budgeting and enabling the Secretariat to provide better service.*

*186. Those with the power to make decisions — essentially the General Assembly and the Security Council — must take care, when they assign mandates to the Secretariat, that they also* ***i) Endorsing the Secretary-General's request that the General Assembly review all***

*provide resources adequate for the task. In return, management must be made more accountable and the capacity of intergovernmental bodies to oversee it must be strengthened. The Secretary-General and his or her managers must be given the discretion, the means, the authority and the expert assistance that they need to manage an organization which is expected to meet fast-changing operational needs in many different parts of the world. Similarly, Member States must have the oversight tools that they need to hold the Secretary-General truly accountable for his/her strategy and leadership.*

187. Member States also have a central role to play in ensuring that the Organization's mandates stay current. [Bold characters in Report] *I therefore ask the General Assembly to review all mandates older than five years to see whether the activities concerned are still genuinely needed or whether the resources assigned to them can be reallocated in response to new and emerging challenges.*

190. While existing staff must have reasonable opportunities to develop within the Organization we cannot continue to rely on the same pool of people to address all our new needs. [Bold characters in Report] *I therefore request the General Assembly to provide me with the authority and resources to pursue a one-time staff buyout so as to refresh and realign the staff to meet current needs.*

191. The Secretary-General, as Chief Administrative Officer of the Organization, must be given a higher level of managerial authority and flexibility. He or she needs to have the ability to adjust the staffing table as necessary and without undue constraint. And our administrative system needs to be thoroughly modernized. [Bold characters in Report] *Therefore, I ask Member States to work with me to undertake a comprehensive review of the budget and human resources rules under which we operate.*

192. We must continue to improve the transparency and accountability of the Secretariat. These aim to align our management systems and human resource policies with the best practices of other global public and commercial organizations. [Bold characters in Report] *In order to further improve accountability and oversight I have proposed that the General Assembly commission a comprehensive review of the Office of Internal Oversight Services with a view to strengthening its independence and authority as well as its expertise and capacity.*

*mandates older than five years to see if the activities concerned are still genuinely needed or whether resources assigned to them can be reallocated in response to new and emerging challenges;*

ii) *To provide the Secretary-General with the authority and resources to pursue a one-time staff buyout so as to refresh and realign the staff to meet current needs;*

iii) *Deciding that Member States should work with the Secretary-General to undertake a comprehensive review of the budget and human resources rules under which the Organization operates;*

iv) *Endorsing the package of management reforms that the Secretary-General is undertaking to improve accountability, transparency and efficiency within the Secretariat;*

v) *Commissioning a comprehensive review of the Office of Internal Oversight Services with a view to strengthening its independence and authority, as well as its expertise and capacity;*

## C. THE SECRETARIAT

We support giving the Secretary-General and his management team the faculties, means and the authority they need to manage the organisation. This measure is complemented by other

mechanisms put forward to equip Member States with the supervisory instruments they require.

In contrast, we would not wish to see the suggestion regarding the adaptation of management systems and human resources policies to the best practices of other public and commercial organisations in the global sphere, accompanied by measures such as voluntary retirement, as the introduction of ‘neo-liberal’ management practices into the organisation.

#### **D. System coherence**

193. *Beyond the Secretariat, the United Nations system of funds, programmes and specialized agencies brings together a unique wealth of expertise and resources, encompassing the full spectrum of global issues. All must be **clearly accountable** to both their governing bodies and the people they serve.*

194. *The system has seen a welcome expansion in its membership as well as in the scale and scope of its activities. One unfortunate side-effect of this has been that there is now often **significant duplication of mandates and actions between different bodies within the system**. Another has been **significant shortfalls in necessary funding**.*

196. *Nevertheless, **the United Nations system as a whole is still not delivering services in the coherent, effective way that the world's citizens need and deserve.***

197. *In the medium and longer term, we will need to consider much more radical reforms to address these. Such reforms could include **grouping the various agencies, funds and programmes into tightly managed entities, dealing respectively with development, the environment and humanitarian action**. And this regrouping might involve **eliminating or merging those funds, programmes and agencies which have complementary or overlapping mandates and expertise**.*

198. *I am introducing **further improvements in the coordination of the United Nations system presence and performance at the country level**, based on a simple principle: at every stage of United Nations activities, the senior United Nations official present in any given country — special representative, resident coordinator or humanitarian coordinator — should have the authority and resources necessary to manage an integrated United Nations mission or “country presence” so that the United Nations can truly function as one integrated entity.*

#### **Humanitarian response system**

202. *Recent months have provided eloquent testimony to the ever-growing range and scale of demands being placed on the international humanitarian response system. Expert humanitarian*

g) *Ensure **stronger system-wide coherence** by resolving to coordinate their representatives on the governing boards of the various development and humanitarian agencies so as to make sure that they pursue a coherent policy in assigning mandates and allocating resources throughout the system;*

workers get deployed and large quantities of food and other relief items are now provided to victims of war and natural disasters anywhere in the world within a matter of days. There is less overlap between agencies and a more effective coordination between non-governmental and intergovernmental actors on the ground.

203. **Humanitarian response needs to become more predictable in all emergencies.** To achieve that we need to make rapid progress on three fronts.

204. First, the humanitarian system needs to have a **more predictable response capacity** in areas where now there too often are gaps, ranging from the provision of water and sanitation to shelter and camp management. When crises are already under way there is a need to **operate quickly and flexibly**. there is a clear need to **strengthen field coordination structures**, notably by better preparing and equipping United Nations country teams, strengthening the leadership of the humanitarian coordinator and ensuring that sufficient and flexible resources are immediately available to support these field structures.

205. Second, we need **predictable funding to meet the needs of vulnerable communities**. This means building on the humanitarian community's work with the donor community and more systematically engaging with new donor Governments and the private sector. Ensuring consistent and timely responses to crises requires both that pledges be rapidly converted into tangible resources and that more predictable and flexible funding be made available for humanitarian operations, particularly in the initial emergency phases.

206. Third, we need to have a **predictable right of access and guaranteed security for our humanitarian workers and operations in the field**.

207. A comprehensive humanitarian response review is currently under way and its findings will be made available in June 2005. [Bold characters in Report] **I expect them to include a series of proposals for new standby arrangements for personnel and equipment to ensure the capacity to respond immediately to major disasters and other emergencies, if need be in several areas at the same time.**

209. **Special attention is due to the growing problem of internally displaced persons.** Unlike refugees, who have crossed an international border, those displaced within their own countries by violence and war are not protected by established minimum standards.

h) **Commit themselves to protecting humanitarian space and ensuring that humanitarian actors have safe and unimpeded access to vulnerable populations; resolve to act on proposals to accelerate humanitarian response by developing new funding arrangements to ensure that emergency funding is available immediately; and support the Secretary-General's effort to strengthen the inter-agency and country-level responses to the needs of internally displaced persons;**

210. [Bold characters in Report] *I urge Member States to accept the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) prepared by my Special Representative as the basic international norm for protection of such persons, and to commit themselves to promote the adoption of these principles through national legislation. Recent steps have been taken to ensure that agencies provide assistance to such groups within their respective areas of competence, on a collaborative basis. [Bold characters in Report] I intend to strengthen further the inter-agency response to the needs of internally displaced persons, under the global leadership of my Emergency Relief Coordinator, and at the country level through the humanitarian coordinator system. I trust that Member States will support me in this effort.*

211. [Bold characters in Report] *In order to save unnecessary pain and suffering it is essential to protect humanitarian space and ensure that humanitarian actors have safe and unimpeded access to vulnerable populations. I shall also take measures, through the newly established Secretariat Department of Safety and Security, to make our risk management system more robust so that humanitarian workers can undertake their life-saving operations in high risk areas without unduly endangering their own lives.*

#### **Governance of the global environment**

212. *Given the number and complexity of international agreements and agencies that cover it, the environment poses particular challenges to coherence. Already in 2002, the World Summit on Sustainable Development, held in Johannesburg, emphasized the need for a more coherent institutional framework of international environmental governance, with better coordination and monitoring. [Bold characters in Report] It is now high time to consider a more integrated structure for environmental standard-setting, scientific discussion and monitoring treaty compliance. This should be built on existing institutions, such as the United Nations Environment Programme, as well as the treaty bodies and specialized agencies. Meanwhile, environmental activities at the country level should benefit from improved synergies, on both normative and operational aspects, between United Nations agencies, making optimal use of their comparative advantages, so that we have an integrated approach to sustainable development, in which both halves of that term are given their due weight.*

*i) Recognize the need for a more integrated structure for environmental standard-setting, scientific discussion and monitoring, and treaty compliance that is built on existing institutions, such as UNEP, as well as the treaty bodies and specialized agencies, and that assigns environmental activities at the operational level to the development agencies to ensure an integrated approach to sustainable development;*

#### **D. SYSTEM COHERENCE**

We are extremely worried by wordings such as that of Article 197, which could be taken to encompass the reform of precisely programmes not to be reformed. In any event, programmes

such as the UNDP and UNEP should be strengthened and given more resources.

The report raises the issue of coherence in relation to problems such as the humanitarian response system and governance of the environment, which are evidently important but which first fundamentally need to be found a coherent, structural place within the entire organisation, as we have stated above. [See Chapter I]

### **E. Regional organizations**

213. *The United Nations and regional organizations should play complementary roles in facing the challenges to international peace and security. [Bold characters in Report] Donor countries should pay particular attention to the need for a 10-year plan for capacity-building with the African Union. To improve coordination between the United Nations and regional organizations, within the framework of the Charter of the United Nations, I intend to introduce memoranda of understanding between the United Nations and individual organizations, governing the sharing of information, expertise and resources, as appropriate in each case. For regional organizations that have a conflict prevention or peacekeeping capacity, these memoranda of understanding could place those capacities within the framework of the United Nations Standby Arrangements System.*

214. *I also intend to invite regional organizations to participate in meetings of United Nations system coordinating bodies, when issues in which they have a particular interest are discussed.*

215. [Bold characters in Report] *The rules of the United Nations peacekeeping budget should be amended to give the United Nations the option, in very exceptional circumstances, to use assessed contributions to finance regional operations authorized by the Security Council, or the participation of regional organizations in multi-pillar peace operations under the overall United Nations umbrella.*

### **F. Updating the Charter of the United Nations**

216. *The principles of the Charter of the United Nations remain fully valid, and the Charter itself continues to provide a solid foundation for all our work. Much has been achieved by changes in practice without the need for amendment.*

217. *Nonetheless, the United Nations now operates in a radically different world from that of 1945, and the Charter should reflect the realities of today. [Bold characters in Report] In particular, it is high time to eliminate the anachronistic “enemy” clauses in Articles 53 and 107 of the Charter.*

218. *The Trusteeship Council played a vital role in raising*

j) *Support a stronger relationship between the United Nations and regional organizations, including by, as a first step, developing and implementing a 10-year plan for capacity-building with the African Union, and by ensuring that regional organizations that have a capacity for conflict prevention or peacekeeping consider the option of placing such capacities in the framework of the United Nations Standby Arrangements System;*

k) *Decide to eliminate the references to “enemy States” contained in Articles 53 and 107 of the Charter of the United Nations; to delete Article 47 on the Military Staff Committee and the references to the Committee contained in Articles 26, 45 and 46; and to delete Chapter XIII on The Trusteeship Council.*

*standards of administration in the trust territories and promoting the wider process of decolonization. But its work is long since complete. [Bold characters in Report] Chapter XIII, “The Trusteeship Council”, should be deleted from the Charter.*

219. [Bold characters in Report] *For similar reasons, Article 47 on The Military Staff Committee should be deleted, as should all references to this Committee in Articles 26, 45 and 46.*

## **F. UPDATING THE CHARTER OF THE UNITED NATIONS**

The Secretary-General proposes the abolition of the Military Staff Committee. Yet the UNGA President surprisingly requests that the Security Council considers its composition, mandate and working methods.

### **CLOSING REMARK**

Given the diverse range of the issues dealt with in the Secretary-General’s Report and their importance, we would stress the position expressed on the introduction to the Report. That is, the Report puts forward proposals relating to both the Millennium Development Goals and the reform of the UN. Even though there is an unmistakable connection between them, the extreme importance of both themes means that substantive agreements in these areas need to be separately dealt with and reached.





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