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## **“In Larger Freedom”**

**The Report of the UN Secretary-General  
for the Millennium+5 Summit 2005**

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*The series "Global Reports 2005", published by the Friedrich Ebert Foundation in co-operation with the Global Policy Forum Europe, comments the most important reports on development and global governance which are released in preparation for the Millennium+5 Summit of the UN in September 2005.*

On 21 March 2005, UN Secretary-General Kofi Annan submitted his eagerly awaited Report on the preparations for the Millennium+5 Summit in September 2005. Its title, "In larger freedom: towards development, security and human rights for all", is intended as a reference to the Preamble of the UN Charter. However, stressing "freedom" so explicitly can also be interpreted as a concession to current US policy, which attaches key importance to this term.<sup>1</sup>

From Kofi Annan's angle, the Report is consciously pragmatic: *"In the present report, I have resisted the temptation to include all areas in which progress is important or desirable. I have limited myself to items on which I believe action is both vital and achievable in the coming months. These are reforms that are within reach – reforms that are actionable if we can garner the necessary political will."*<sup>2</sup>

Despite this pragmatism, the UN Secretary-General's Report is the most ambitious plan for a reform of the United Nations that has ever been formulated in the UN Secretariat. The recommendations the Report makes include replacing the Human Rights Commission with a senior Human Rights Council, deciding on the enlargement of the Security Council before September 2005, strengthening the Economic and Social Council, a commitment to a timetable to increase Official Development Assistance to 0.7 percent of gross national income (GNI) by 2015 as well as additional debt cancelling for the highly indebted countries. Kofi Annan explicitly views his proposals in the three thematic areas of development, security and human rights as a package of solutions and warns not to pick individual proposals "à la carte" depending on what interests might be at stake. Now the Governments have five months' time to deliberate Kofi Annan's suggestions. The results have to be on hand by the UN Summit on 14 September 2005 at the latest.

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## 1 Background

Just a few months after the United Nations Millennium Summit in September 2000, the UN General Assembly commissioned the Secretary-General to submit a comprehensive report on progress achieved towards implementing the Millennium Declaration.<sup>3</sup> The report now submitted, "In larger freedom", formally represents the first of these progress reports. However, it goes way beyond any of the countless routine reports that the UN Secretary-General has to write regularly for the General Assembly. At the beginning of the Report, Kofi Annan himself notes that "a point-by-point report on the implementation of the Millennium Declaration would (...) miss the larger point". For the political framework conditions for the United Nations have changed significantly since 2000.

The war on Iraq waged by the USA and its "coalition of the willing" led to a rift developing among the UN member countries that has not been resolved to date. The USA's unilateral action demonstrated that clear limits are set to the

United Nations' authority. Governments have still not reached a consensus on the legitimate use of military force and the role of the United Nations in ensuring collective security. Lack of agreement has damaged the public image of the United Nations and promoted its being perceived as a world bureaucracy incapable of taking action. Kofi Annan's unwavering (and perfectly justified) insistence on the USA's war on Iraq violating the Charter was the reason for the American Right's sharper attacks on the United Nations and the Secretary-General as a person.

The situation has not been any better in the field of development since 2000. The international community is still far from implementing the Millennium Development Goals (MDGs) adopted at the time. First and foremost, this applies to the goal of halving the share of people living in extreme poverty, i.e. on less than one US dollar a day, by 2015.

Against this background, Kofi Annan commissioned two reports that were to deal with the future of collective security and the steps required to achieve the MDGs. In July 2002, he commissioned Jeffrey Sachs, Head of the Earth Institute at New York's Columbia University with the implementation of the Millennium Project. This project was to examine what concrete steps

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<sup>1</sup> One symbolic example of this was the ceremonies held on the occasion of George Bush's initiation into his second term of office as US President, which were under the motto of "celebrating freedom".

<sup>2</sup> UN Doc. A/59/2005 of 21 March 2005, para 5.

<sup>3</sup> A/RES/55/2 of 8 September 2000 and A/RES/55/162 of 14 December 2000, para 19.

are needed to attain the MDGs by 2015. Sachs presented the final report in January 2005.<sup>4</sup>

In September 2003, Kofi Annan appointed a 16-member panel to deal with threats to international security and the challenges and necessary changes in the system of multilateral cooperation (High-level Panel on Threats, Challenges and Change). This panel issued its report in December 2004.<sup>5</sup> The two reports formed the most important basis for the Secretary-General's Report. Many of their recommendations were adopted literally.

Within the UN Secretariat, Robert C. Orr, Assistant Secretary-General for Policy Coordination and Strategic Planning, was in charge of the Report.<sup>6</sup> During the weeks in which the Report was being written in the UN Secretariat, Kofi Annan was under enormous pressure from US American politics and media. Indeed, right-wing Republicans in the US Congress even called for his resignation. At the same time, in nominating Paul Wolfowitz for World Bank President and John Bolton for the USA's Permanent Representative at the United Nations, President Bush was promoting two prominent Neoconservatives to key positions in multilateral politics.

Those who had feared that given this situation, Kofi Annan would respond in a defensive or even intimidated manner in the Report were taught otherwise. His Report is above all an emphatic plea against unilateralism and for a boost to multilateralism under the umbrella of the United Nations. Kofi Annan's almost defiant appeal is:

*"In a world of interconnected threats and challenges, it is in each country's self-interest that all of them are addressed effectively. Hence, 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."*<sup>7</sup>

<sup>4</sup> Cf. UN Millennium Project, 2005 and Martens' Briefing Paper, 2005.

<sup>5</sup> Cf. High-level Panel on Threats, Challenges and Change, 2004 and the Briefing Paper of Ozgercin/Steinhilber, 2005.

<sup>6</sup> Orr, a US American, was the Executive Director of the Belfer Center at the Kennedy School of Government at Harvard University until August 2004. Previously, he had been the Director of the Council on Foreign Relations, an influential foreign policy think tank in New York. In his new office, Orr is among Kofi Annan's closest advisors.

<sup>7</sup> UN Doc. A/59/2005, para 18.

## 2 The Report's key elements

The 62-page Report of the Secretary-General consists of four main parts on the thematic areas of development, security, human rights and the reform of the UN. While the chapters on development and security are based on the reports of the Millennium Project and the High-level Panel, Kofi Annan sets his own priorities in the chapter on human rights. What is surprising in this context is his proposal to dissolve the Human Rights Commission in its present form and replace it with a Human Rights Council that would have the same status as the Security Council and the Economic and Social Council (ECOSOC). The desire to overcome the institutional imbalance in the UN in the areas of development, security and human rights (and thus, implicitly, the Security Council's dominant role as well) shapes the Secretary-General's proposals on UN reform, too. They also contain those recommendations on a reform of the Security Council that have been perceived most strongly by the media. The Report finishes with an annex summarising the Secretary-General's concrete policy recommendations on seven pages. Headed "*For decision by Heads of State and Government*", they virtually represent a kind of draft resolution for the UN Summit in September 2005.

### "Freedom from want" – the development agenda

The Secretary-General places the development interests of the South at the beginning of his Report. Here, he refers largely to the Sachs Report, adopting its essential ideas and proposals and centring on the Millennium Development Goals. At the same time, however, the Secretary-General clarifies that the MDGs are not of a universal nature but have to be regarded as part of a broader development agenda. In stating this, he addresses criticism of the narrow focus of the MDGs on combating extreme poverty and a few, purely quantitative development goals. In his words, the MDGs do not address the particular needs of middle-income developing countries, the problem of growing inequality and the wider dimensions of human development.<sup>8</sup> Nevertheless, he argues, the urgency of achieving the MDGs cannot be overstated.

In order to attain the goals by 2015, Kofi Annan sees the need to establish a global partnership between rich and poor countries, a step that had already been agreed at the Monterrey Conference on Financing for Development and the Jo-

<sup>8</sup> Ibid., para 30.

hannesburg Summit on Sustainable Development in 2002. According to this notion, the developing countries ought to assume primary responsibility for their own development, combat corruption and take the necessary political steps to promote growth and maximise domestic resources. On their part, the industrialised countries ought to commit themselves to supporting these measures with higher levels of development assistance (ODA), a more development-oriented trade system and wider and deeper debt relief.

In detail, the Report of the Secretary-General recommends, e.g., that:

- Each country with extreme poverty should by 2006 adopt a comprehensive national development strategy to implement the MDGs.
- If they have not already done so, the industrialised countries ought to commit themselves to a timetable to raise their ODA to 0.5 by 2009 and to 0.7 percent of their gross national income by 2015 at the latest.
- "Debt sustainability" ought to be redefined as the level of debt that allows a country to achieve the MDGs by 2015 without an increase in its debt ratio. This would result in far-reaching debt cancellations for most of the Highly Indebted Poor Countries (HIPC) but also for many highly indebted non-HIPC and middle-income countries.
- The UK's recommendation to set up an International Finance Facility (IFF) should already be realised in 2005 in order to support immediate "front-loading" of ODA, which would bridge the current ODA gap.
- In the long run, further innovative sources of finance for development ought to be considered such as, in particular, those put forward in the joint initiative of Brazil, Chile, Germany, France and Spain.<sup>9</sup> Here, the emphasis is on international taxes and user fees, e.g. on kerosene and currency transactions.
- A number of "quick-win" initiatives ought to be launched to attain rapid development impacts. These would include free-of-charge distribution of mosquito nets and effective drugs against malaria, stepping up school meals programmes and abolishing primary

school fees and charges on using health services.

The Secretary-General makes it clear where he stands regarding the concrete timetable for increases in ODA and his supporting the IFF. With his proposal to redefine "debt sustainability", he has come out in favour of a long-standing NGO demand and clearly rejected the definition of the creditors used so far which is oriented purely on macroeconomic indicators. However, his statements on new financing instruments, in particular on global taxes, remain weak. With his recommendation to "consider" innovative sources of finance "in the longer term", Kofi Annan is not venturing beyond the wordings already adopted by Governments at the Copenhagen World Summit for Social Development ten years ago. At this point, US policy's vehement resistance to any form of international taxes has made itself apparent.

### **"Freedom from fear" – the security agenda**

The part of Kofi Annan's Report dealing with the future role of the United Nations in safeguarding international security had been especially eagerly awaited. For differences among the member states are particularly marked in this area. This applies both to the reform of the Security Council (see below) and to addressing the problem of terrorism and the principles of justifying military force. The proposals the Report formulates in this field are based largely on the Report of the High-level Panels on Threats, Challenges and Change. Just like this Panel, the Secretary-General sets out from the insight that the global threats are interconnected, that development, security and human rights are interdependent and that no state can protect itself exclusively with a solo effort. As a consequence, the Secretary-General calls for a "new security consensus" to counter the full range of threats.

First and foremost, the Secretary-General makes proposals "to ensure that catastrophic terrorism never becomes a reality". For example, he calls on Governments to conclude a comprehensive convention on terrorism as well as a special convention against nuclear terrorism. The second demand has already been met. On 13 April 2005, the General Assembly adopted, by consensus, the International Convention for the Suppression of Acts of Nuclear Terrorism. At the same time, however, Kofi Annan stresses the human rights responsibilities of Governments in combating terrorism and urges "Member States to create a special rapporteur who would report to the Commission on Human Rights on the compati-

<sup>9</sup> Cf.: Joint statement adopted in Brasilia on 11 February 2005 by Brazil, Chile, France, Germany and Spain, in: UN Doc. A/59/719 of 1 March 2005, Annex.

*bility of counter-terrorism measures with international human rights laws*".<sup>10</sup> Given the well-documented violations of human rights at the US prison camp in Guantánamo Bay and the acts of torture committed by US soldiers in the Iraqi prison of Abu Ghraib, this proposal is of an especially explosive nature.

Kofi Annan's proposals on nuclear disarmament are also noteworthy. He stresses the unique responsibility of the nuclear-weapon states, calling on them, e.g., to further reduce their non-strategic arsenals of nuclear weapons. In addition, he demands the swift negotiation of a fissile material cut-off treaty. Finally, he calls on Governments to uphold the moratorium on nuclear test explosions until the Comprehensive Nuclear Test-Ban Treaty has entered into force.

One of the key recommendations made by the High-level Panel was the setting up of a Peacebuilding Commission. This commission is intended to bridge an institutional gap in the United Nations system by supporting countries in transition from war to lasting peace as a central co-ordinating body of the UN. The UN Secretary-General took up this proposal in a modified form. While the High-level Panel recommended setting up the commission as a subsidiary body of the Security Council, in accordance with Article 29 of the UN Charter, the Secretary-General, in his Report, stresses the commission's parity composition of Security Council and ECOSOC members, thus positioning the commission midway between the two councils. In doing so, Kofi Annan was responding to criticism levelled by the G77 countries at the High-level Panel's original proposal. Furthermore, as opposed to the High-level Panel's suggestion, the commission should only concentrate on peacebuilding after a conflict and explicitly not perform any early warning or monitoring functions.<sup>11</sup> A new Peacebuilding Support Office should be set up within the UN Secretariat to back the work of the Commission. Necessary funding ought to be raised via a new Peacebuilding Fund. Kofi Annan announced that he would submit a detailed proposal for a Peacebuilding Commission to the Governments ahead of the Summit in September 2005.

Finally, the Report addresses the highly controversial issue of under what conditions states and the United Nations are authorised to resort to applying military force. In the Secretary-General's words, Article 51 of the UN Charter also covers the right of states to defend them-

selves in the event of imminent threats. But how an *imminent* threat is to be identified remains unclear. In addition, the Secretary-General stresses the Security-Council's right to take preventive military action in the case of *latent* dangers to world peace and international security. But it remains unclear under what conditions this is supposed to apply. For this reason, the Secretary-General proposes that the Security Council be called upon to adopt a resolution defining the principles for the application of force. However, leaving a decision of such importance solely to the exclusive circle of the Security Council members would be highly problematic.

### **"Freedom to live in dignity" – the human rights agenda**

The third part of the reform Report addresses the topics of human rights, the rule of law and democracy. It came as a surprise that the Report assigned these topics the same status as those of security and development. However, in the words of the Secretary-General, any development efforts and every security agenda can only be successful if they are based on respecting human dignity.<sup>12</sup> By addressing human rights in connection with the rule of law and democracy, the Report reflects a traditional concept of human rights focusing on the political and civil human rights. In contrast, the Secretary-General makes hardly any mention of economic, social and cultural rights. It is uncertain what influence US policy had on how Kofi Annan set his priorities. While the Secretary-General takes up the US Government's criticism, e.g. of the Human Rights Commission, he also calls for greater support of the International Criminal Court (ICC), which the US Government has so far vehemently rejected.

The Secretary-General supports in very clear terms the approach of the states' collective "responsibility to protect" in cases of genocide, so-called ethnic cleansing and other crimes against humanity. While he sees primary responsibility for protecting the population in the hands of the national Governments, he stresses the international community's duty to take action – up to the level of military force legitimised by the Security Council – if these Governments are not capable of, or willing to, provide this protection.

To promote democratic developments, Kofi Annan suggests setting up a Democracy Fund at the United Nations. This Fund would provide

<sup>10</sup> UN Doc. A/59/2005, para 94.

<sup>11</sup> *Ibid.*, para 115.

<sup>12</sup> *Ibid.*, para 128.

financial support for countries seeking to establish or consolidate their democracy.

The office of the High Commissioner for Human Rights ought to be strengthened institutionally and financially in order to boost the UN's human rights activities. To this end, the High Commissioner ought to submit a plan of action within 60 days, i.e. by 20 May 2005.

What is, in Kofi Annan's own words, his "most dramatic"<sup>13</sup> proposal aims at abolishing the Human Rights Commission in its present form. It is to be replaced by a smaller standing Human Rights Council.

### "Strengthening the United Nations" – the reform agenda

The objectives the Report formulates for the areas of development, security and human rights could only be fulfilled by the international community if the United Nations itself were substantially strengthened. To this end, Kofi Annan presents a catalogue of reforms concentrating on the main organs of the United States. At its centre is the proposal to create a new balance of three global councils: the Security Council, the Economic and Social Council and the Human Rights Council, yet to be formed. However, the Secretary-General does not make any statements on reforms of the IMF, the World Bank or the WTO, as called for by many, or on integrating them more into the United Nations system. The Report contains the following core reform proposals:

**General Assembly:** The Secretary-General stresses that the General Assembly is the chief deliberative, policy-making and representative organ of the United Nations.<sup>14</sup> However, Kofi Annan notes that its prestige has diminished considerably in recent years. He is especially critical of the excessively long agenda and the consensus principle applied in decision-making, arguing that this "*prompts the Assembly to retreat into generalities, abandoning any serious effort to take action*".<sup>15</sup> For this reason, the Report calls for a comprehensive package of reforms to revitalise the General Assembly with the aim of rationalising work, streamlining the agenda and enhancing the role of the General Assembly's President. Additionally, mechanisms ought to be

established enabling the Assembly to engage fully and systematically with civil society.

**Security Council:** Kofi Annan regards overcoming the "anachronistic" composition of the Security Council as a central element of UN reform. However, rather than committing himself to a concrete reform proposal, he refers to the two models presented by the High-level Panel. Both aim at enlarging the Security Council from a current 15 seats to 24. Model A proposes the creation of six new permanent seats, without a veto right, and three new two-year non-permanent seats. Model B does not provide for any new permanent seats but creates a new category of eight seats for a renewable four-year period as well as an additional non-permanent seat for a (non-renewable) two-year period. The Secretary-General is urging the states to agree on one of the two models or on another proposal based on these models ahead of the Summit in September 2005, arguing that it "*would be very preferable for Member States to take this vital decision by consensus, but if they are unable to reach consensus this must not become an excuse for postponing action*".<sup>16</sup> The candidates for a new permanent seat (Germany, Japan, Brazil and India) interpret this appeal as being in support of their position. For they are urging a vote to be taken in the General Assembly before the end of the summer of 2005. Since the countries of the African Union have so far failed to reach an agreement on their two candidates for a permanent seat, the aim of this group is to adopt a "structure resolution" without concrete country proposals in the General Assembly by June and determine the names of the countries at a later stage. Those in support of Model B (including Italy, Mexico, South Korea and Pakistan) stress the need to arrive at a decision by consensus and criticise the Secretary-General's indirectly taking sides.

<sup>13</sup> Kofi Annan in his address to the Human Rights Commission on 7 April 2005 (UN Doc. SG/SM/9808).

<sup>14</sup> UN Doc. A/59/2005, para 158.

<sup>15</sup> *Ibid.*, para 159.

<sup>16</sup> *Ibid.*, para 170.

## Model A

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

## Model B

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

**Economic and Social Council:** The ECOSOC ought to be upgraded to the UN's central coordinating body for development issues that would meet annually at ministerial level. Its primary task would be to monitor the implementation of the internationally agreed development goals, including the MDGs. Every two years, it should serve as a High-level Development Cooperation Forum analysing trends in international development cooperation and promoting greater coherence. In future, the Council should also deal more intensively with threats and development crises, and in this context, it should work closely together with the proposed Peacebuilding Commission. Finally, ECOSOC ought to be equipped with a stronger steering committee, either in the shape of an extended bureau or an executive committee. No doubt the weak ECOSOC could be upgraded with these proposals. At the same time, its area of responsibilities would be narrowly confined to development issues. The IMF, the World Bank and the WTO would continue to decide on international economic, monetary and trade policies outside the UN. Competencies regarding human rights would be transferred to the respective council yet to be set up (see below). Thus, at best, ECOSOC would amount to something like an enlarged OECD's Development Assistance Committee (DAC) augmented by the developing countries. The balance between ECOSOC and the powerful Security Council, which the Secretary-General proclaimed himself, would then only be on paper.

**Human Rights Council:** Kofi Annan's reform proposals for the human rights sector are based on his harsh criticism of the existing Human Rights Commission:

*"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. As a result, a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole."*<sup>17</sup>

For this reason, the Report suggests that the Commission in its present form be abolished and replaced with a smaller but higher-level Human Rights Council. The Council's members would be elected by the General Assembly by a two-thirds majority. The Report does not expand on this basic plea, leaving many questions open. Some of them were, however, answered by Kofi Annan when addressing the Human Rights Commission in Geneva on 7 April 2005. There, he also rectified the impression that the new Council would stress the political and civil human rights in an unbalanced manner by noting that *"equal attention will have to be given to civil, political, economic, social and cultural rights, as well as to the right to development."*<sup>18</sup> Annan urged the Member States in Geneva to arrive at

<sup>17</sup> Ibid., para 182.

<sup>18</sup> UN Press Release SG/SM/9808 of 7 April 2005.

a decision, in principle, on the setting up of a Human Rights Council as soon as possible. Details such as its size, composition, mandate, relations to other UN bodies and the issue of how the best elements of the present system, especially the special rapporteurs and the close links with NGOs, could be maintained could be dealt with subsequently.

**Secretariat:** The Report criticises the efficiency, professional abilities and integrity of the UN Secretariat's present staff in an astonishingly open manner. In order to solve the current staffing problems, Kofi Annan requests the General Assembly to provide him *"with the authority and resources to pursue a one-time staff buyout so as to refresh and realign the staff"*. Whether these measures are really only aimed at enhancing the competence of the staff or whether they serve the purpose of getting rid of politically undesirable staff is questionable. The latest staff changes in the UN Secretariat, urged by the US Government, would hint at the latter.

### 3 Conclusions and initial reactions

With his Report, Kofi Annan has submitted an at once pragmatic and ambitious reform agenda. As could be expected, his proposals have not met with unanimous approval. While for some, the initiatives are not sufficiently far-reaching, others view them as too radical and unsuitable to implement politically.

In the General Assembly's initial three-day discussion of the Report (6-8 April 2005)<sup>19</sup>, many representatives of developing countries (incl. Jamaica as G77 spokesperson, Pakistan and China) criticised that the proposals in the development chapter fell short of actual requirements.

In fact, the Report focuses mainly on development co-operation and ODA in the narrower sense, with the influence of capital markets, international finance and monetary policy as well as trade policy on development either not being addressed at all or only referred to in general terms. With regard to these topics, the Secretary-General yields to the IMF, the World Bank and the WTO. He is therefore consistent in not taking up in his Report the demands for a high-level decision-making body for economic issues under the umbrella of the UN ("Economic Security Council"). Instead, he confines himself to some practicable steps to boost ECOSOC. How-

ever, upgrading this politically insignificant body to a sort of "MDG Council" would already represent remarkable progress.

The controversies regarding the reform of the Security Council appear to have got bogged down particularly severely. Proponents<sup>20</sup> and opponents<sup>21</sup> of an enlargement with new permanent members are facing each other irreconcilably. China's, Russia's and the USA's reticence in the debate is conspicuous. All three of these countries have stressed the need to take a decision in consensus, rejecting any build-up of "artificial time pressure". Thus they explicitly turn down efforts on the part of the G4 to come to a vote in the General Assembly by May or June 2005. That the permanent members, the P5, should maintain a reserved attitude is not surprising, for retaining the status quo would cement their privileged status in the Security Council.

Some Governments and several NGOs correctly point to the Secretary-General's reform proposals falling short of the mark since they mainly focus on the enlargement of the Security Council, whereas a real reform and a "democratisation" of the Council could only be achieved by generally abolishing the right to veto and the permanent membership of individual countries, and by creating more openness in the way the Council works as well as greater transparency in the decision-making procedures. However, such consistent reforms will be impossible to implement in the foreseeable future since they would generally be rejected by the P5.

The response to Kofi Annan's proposals regarding the justification of a preventive application of military force by the Security Council and the concept of the states' "responsibility to protect" has been similarly controversial. One of the disputed issues is whether the United Nations also has the right and the duty to resort to military intervention in the case of a latent danger of genocide, so-called ethnic cleansing or other

<sup>19</sup> Cf. UN Press Release GA/10337 of 6 April, GA/10338 of 7 April and GA/10339 of 8 April 2005.

<sup>20</sup> In addition to the "G4" (Germany, Brazil, Japan and India), in principle, also the countries of the African Union, which are demanding at least two new permanent seats.

<sup>21</sup> The opponents of an enlargement of the Security Council with new permanent members have got together under the motto "United for Consensus". A joint policy paper supporting Model B in principle was presented in New York on 18 February 2005 by the following countries: Argentina, Colombia, Mexico, Kenya, Algeria, Italy, Spain, Pakistan, Republic of Korea, Qatar, Turkey, Ghana, Morocco, San Marino, United Arab Emirates and Bangladesh.



crimes against humanity. Some developing countries warn that the Security Council could interpret this right selectively and only in the interest of its powerful members. There would be a danger of geopolitically or economically motivated interventions being legitimised under the pretext of the responsibility to protect.

In contrast, there is a broad consensus among the EU, the USA and the G77 on the creation of a Peacebuilding Commission. However, the precise mandate, the rights and responsibilities of the Commission, as well as the sharing of tasks with the Security Council and ECOSOC need to be clarified.

The proposed new Human Rights Council is assessed with more reticence. G77 members criticised the proposal in New York. In contrast, the proposal is explicitly supported by the USA. However, some doubt has been voiced whether politically motivated abuse and "politicisation" the present Human Rights Commission has been accused of can be prevented solely by scaling down the size of the body and by having its members elected by the General Assembly. In addition, there are fears that a council of this kind could be more vulnerable to US American influence. Also for symbolic reasons, it would therefore be important to base such a Human Rights Council in Geneva. Whether the Council could strengthen the UN's human rights activities above all depends on the competencies it would be entrusted with. What will also be crucial is whether the positive elements of the present system, in particular the institution of the special rapporteurs and the close involvement of human rights NGOs, are retained.

Against this background, too, Kofi Annan's proposal to comprehensively and systematically integrate NGOs into the work of the General Assembly is of considerable significance. However, it represents the only proposal that Kofi Annan has taken up from the Cardoso Panel's report on the future relations between the UN and civil society.<sup>22</sup> The comprehensive proposals this report makes regarding civil society's greater participation in all areas of the UN system are given hardly any attention in the Secretary-General's Report. At the moment, they appear to be impossible to assert given the stiff opposition of some of the hardliner Governments, especially from the G77.<sup>23</sup>

The preparatory process for the summit in September bears out this assumption. Most of the negotiations are taking place behind closed doors and with no access for the public. A first draft of the summit resolutions is to be submitted by the President of the General Assembly early in June 2005. Civil society participation is limited to two-day informal hearings towards the end of June, at a late stage in the negotiating process. Given the dramaturgy of negotiations, they appear to play more of an alibi role. Especially with a view to the current attacks the United Nations has been subject to, greater public support of its activities would be urgently required. In this respect, that civil society has been largely excluded from the preparations for the UN Summit is counterproductive and gives the wrong signal.

The initial responses of Governments to Kofi Annan's Report show that his reform proposals urgently require public backing. For there is a considerable danger that the reforms as a whole could founder on the conflicting particulate interests of the Governments. Kofi Annan has explicitly demanded that his reform proposals be treated as a package rather than having individual aspects be chosen "à la carte". In the negotiations, the trick will be to arrive at compromises in the framework of a package deal that balance the particulate interests of individual Governments within an optimally wide frame.

Kofi Annan's proposals certainly do not reflect what many NGOs as well as academics and a number of politicians hold to be necessary. Instead, they show what the Secretary-General believes is achievable in the short term, given the present situation in world politics. All in all, however, an implementation of his proposals would be a clear step in the right direction. Putting Kofi Annan's reform plans into practice would represent a demonstrative act against unilateralism and would restore the United Nations' credibility as well as its ability to take action.

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<sup>22</sup> Cf. UN Doc. A/58/817 of 11 June 2004.

<sup>23</sup> Venezuela has assumed the role of a spokesperson for the opponents of greater NGO participation in the General Assembly. In the words of its UN representative, "a green light had been given to flood

*the Assembly with non-governmental organizations of all types, including those that were most representative of the empire, in the name of a vague and unrepresentative civil society.*" (UN Press Release GA/10339 of 8 April 2005).

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