The UN High-level Panel Report and the Proposed Institutional Reform of the UN: Would the UN be ready to face the New Challenges?

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Introduction
The report of 29 November 2004 by the UN Secretary General's High-level Panel on the Threats, Challenges and Change, entitled “A more secure world: Our shared responsibility,” examined publicly the new era in which the UN has to function and how the understanding of the concept of security has broadened from the UN’s inception in 1945. Today, a more holistic view of collective security includes within its scope poverty, diseases, failed States, terrorism, and environmental degradation. The Panel also studied the institutional adaptability of the UN towards these new challenges, suggesting urgent reforms in some institutions to make the UN more effective. Some recommendations are innovative, radical or debatable, such as the proposed changes to the Security Council and the UN Commission on Human Rights, and the proposed creation of a Peace Building Commission, which are the focus of the present contribution.

I. The Proposed Reform of the Security Council

Proposed Recommendations
The Panel focuses its institutional reforms mainly on the Security Council, the body primarily responsible for the maintenance of international peace and security. After the Cold War, during which the Council was paralyzed, it failed to act equitably in all cases and later, it was unable to respond adequately to atrocities such as the genocide in Rwanda and the civil war in the former Yugoslavia. Furthermore, the distribution of powers in the world has gradually changed and some permanent members with veto powers are now outclassed by non-permanent members who often contribute more financially, militarily and diplomatically to the UN. As a result, Security Council decisions are sometimes not realistic and rarely implemented. It is also not geographically representative and thus lacks legitimacy: there is no permanent member of Latin America or Africa present in the current composition.

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1 The Report can be found at: http://www.un.org/secureworld.
2 Art. 24.1 UN Charter.

These problems notwithstanding, the Security Council is the UN body capable of acting rapidly and effectively to threats to the collective security, and hence the Panel underlines that the most important need for reform lies in increasing the capability of the Security Council to prevent and react to such threats – something which can only be achieved by a greater involvement of the biggest contributors in the decision-making process. Amongst the criteria for determining which countries are in fact large contributors are the amount of contributions to the UN budgets, the participation in mandated peace operations, contributions to voluntary activities of the UN in the field of security and development, diplomatic activities supporting the objectives and mandates of the UN and, quite interestingly, for developed countries, achieving or making substantial progress to 0.7% of GNP for Official Development Aid (ODA). Furthermore, the Panel recommends involving developing countries in the decision-making process and to increase the accountability and democratic character of the Security Council. Of course, none of the proposed reforms may impair the Council’s effectiveness.

In light of the above, the Panel thought it necessary to propose an enlargement of the Security Council. Unfortunately, the Panel was not able to reach agreement on how the enlarged Security Council should be composed, so two models were proposed. The first model would enlarge the Security Council to twenty-four members by adding six permanent seats to the already existing permanent five seats – two seats for the African region, two for the Asia and Pacific Region, one for the European region and one for the American region. The remaining thirteen non-renewable two-year seats are distributed amongst the regions, with each region having six seats overall. The six new permanent seats would have no veto.

The second model does not provide for additional permanent seats, but proposes for each region two four-year renewable seats, with the remaining eleven two-year, non renewable seats being distributed amongst the regions in order to allot six seats to each region. Regardless of which model ultimately prevails, the Panel suggests conducting a review of the composition in 2020, and that the veto should not be expanded, but rather not be used lightly by the five permanent veto-holders, only when their essential interests are at stake, and not in cases of genocide or mass-scale human rights abuses.

Furthermore, the Panel proposes the introduction of a system of “indicative voting,” whereby members of the Security Council can request a public indication of positions on a proposed action without such indication having any legal effect. According to the Panel, this would increase the accountability of the veto function. Lastly, the Panel recommends improving the incorporation and formalization of processes of accountability and transparency in the rules of procedures of the Security Council.