

WORLD FEDERALIST MOVEMENT – CANADA

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Report from the Experts Seminar on

*United Nations Reform to Address
the Responsibility to Protect*

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MEETING HIGHLIGHTS

United Nations Reform to Address the Responsibility to Protect

May 7, 2004, Montreal, CANADA

- Support for the Responsibility to Protect and reform of the United Nations is consistent with Canada's traditional bridge-building, multilateralist approach to international relations and has wide-reaching implications for Canadian diplomacy, defence and international assistance, as well as reform of international institutions. Continuance of Canada's strong support for the Responsibility to Protect is encouraged.
- Many of the possible diplomatic measures to broaden international adherence to R2P principles are difficult to advance at this time. The present institutional order lacks effective checks and balances on the use of force for humanitarian purposes. And the formal mechanisms for reforming UN institutions are difficult to implement. Particularly in a post-Iraq context, there is understandable caution regarding initiatives that would lead to an opening up of rules regarding humanitarian intervention. Large powers may abuse new or revised rules of the road. Many smaller governments, north and south, resist efforts to erode concepts of national sovereignty.
- Nevertheless, political and legal impediments should not diminish the fundamental responsibility on the part of governments, civil society and international institutions to protect civilians at risk.
- The *United Nations High-level Panel on Threats, Challenges and Change* represents an important avenue for introducing language that incorporates the core concepts inherent in *The Responsibility to Protect*.
- Whether at the level of individual governments, civil society organizations, regional bodies or at the UN, greater emphasis must be placed on ensuring that the international community does substantially better at conflict prevention. Whereas military intervention for humanitarian purposes is almost invariably controversial, initiatives that strengthen the international capacity to prevent the escalation of conflict may be the most likely avenue for advancing the R2P agenda.
- One important effort to strengthen the international community's machinery for preventing large-scale atrocities is the creation by Secretary-General Kofi Annan of a UN Special Adviser for the Prevention of Genocide.
- The UN system as currently organized does not effectively use information from its many human rights mechanisms to provide early warning for UN peace and security mechanisms. The Special Adviser should develop capacities for information utilization in two ways:
 - (1) utilizing the existing machinery among the UN Secretariat in New York and the specialized agencies, by strengthening of the Office of the High Commissioner for Human Rights (OHCHR) and by utilizing reports from the various Special Rapporteurs mandated by the Commission on Human Rights;

- (2) through effective working relationships among the Special Adviser and civil society organizations.
- The Special Procedures of the UN Commission on Human Rights should be strengthened and a number of concrete proposals are at hand for doing so. Many of these are administrative and relatively easy to implement, as they pertain to enhancing the resources and staffing of rapporteurs, experts, etc.
 - The High Commissioner for Human Rights (HCHR) can be a catalyst for CHR reforms. For example, the HCHR could take the initiative to publish, on her own initiative, a comprehensive set of country reports. The HCHR could also help drive reforms that would enhance participation rights and privileges for civil society organizations at the CHR and at meetings of committees for the major human rights treaty bodies.
 - The experience of the past decade suggests the need for the UN to be better prepared for diverse peace operations, including modest enforcement, rapid deployment, the protection of civilians and prevention of armed conflict.
 - The Panel on UN Peace Operations (Brahimi Report), followed by the *Comprehensive Review* and recommendations of the UN Special Committee on Peacekeeping Operations, led in recent years to implementation of some significant technical and administrative reforms. These reforms provide an institutional foundation for more effective new structures.
 - In recent years Western defence establishments have evidenced a bias toward coalition operations with NATO or American forces. There has been a clear reluctance to support the UN. Such institutional preferences are not without consequences. The heavy burden of supporting UN operations has shifted in recent years onto developing countries.
 - The Secretary-General has called for “...a collective security system built on fairness and consistency.” Improving capacity for more reliable and speedy deployment of peace operations is a matter that cannot be ignored by the High-level Panel on Threats, Challenges and Change.
 - The most desirable option is the creation of a dedicated UN Emergency Service composed of military, police and civilian elements. A dedicated, on-call UN Emergency Service would be designed to be the initial UN presence in demanding missions – and the first to leave.
 - The UN Security Council is still a theater where the interests of states are at play more so than a collective impulse to “maintain international peace and security.” Reform of the Council that overcomes existing structural deficiencies is unlikely. The veto-holding permanent members can also veto measures that would amend the Charter to change Council membership.
 - One possible long-term objective would be to work toward a Council where the permanent seats were assigned to each of the world’s main regions and membership rotated among states within each of the regions.
 - The advent of the International Criminal Court points to wider possibilities that individuals, including political and military leaders, can be held more accountable in situations where human security is put at risk.

- The upcoming (July 2005) global meeting on the role of civil society in conflict prevention represents an opportunity to review existing arrangements. The present NGO Working Group on the Security Council could pave the way for a wider engagement of global civil society in the work of the Council.
- Social, economic, environmental and development factors are intimately connected with conflict prevention, reduction and post-conflict peacebuilding.
- A “Leaders G-20” may represent a bona fide effort to generate a more representative platform for discussion of global governance issues. However, as currently envisaged, it would be criticized for its lack of transparency and accountability, its ad hoc structure outside of accepted (i.e., UN) normative frameworks, and lack of political legitimacy arising from its failure to involve relevant global governance stakeholders.
- Some of the evident weaknesses in the G-20 proposal would be reduced were it to be merged with one of a number of proposals for the reform and strengthening of the UN General Assembly. One example of such a proposal is the “G-29 initiative,” elaborated by Inge Kaul, UN Development Programme.
- As a general rule, reform of economic and social global governance should strengthen institutions and processes that are rooted within the United Nations system.

A. Meeting background

The meeting brought together civil society representatives, academics, and Canadian government and United Nations officials on the occasion of the national meeting of the World Federalist Movement – Canada (WFMC, see also www.worldfederalistscanada.org). Participants reviewed a range of measures intended to strengthen the UN’s capacity to advance the principles and recommendations developed by the International Commission on Intervention and State Sovereignty (ICISS) in its report *The Responsibility to Protect*.

The Responsibility to Protect sets forth guidelines for the international community’s response to genocide, ethnic cleansing and other “conscience-shocking crimes.” Sovereign states have a responsibility to protect their own citizens. When they are unable or unwilling to prevent massive crimes, that responsibility must be borne by the international community. The ICISS Report is available at www.ciise-iciss.gc.ca/report-e.asp. A summary, prepared by the World Federalist Movement international secretariat, is available at http://www.wfm.org/protect/background/report_summary.php.

One of the central aspects of the ICISS Report is its conclusion that the responsibility to protect comprises more than the responsibility to react to emerging crises; equally important is the ‘responsibility to prevent’, addressing both root causes and direct causes of internal crises, and the ‘responsibility to rebuild’. The report emphasizes prevention as a fundamental aspect of the responsibility to protect, while stressing that military intervention should always be a last resort, using the least intrusive and coercive means possible.

The ICISS report was commissioned by the Government of Canada and released in December 2001. More recently, Prime Minister Martin has highlighted “The Responsibility to Protect” in speeches indicating the importance Canada ascribes to United Nations reform. (see APPENDIX I, and also <http://www.news.gc.ca/cfm/CCP/view/en/index.cfm?articleid=75739>).

On November 4, 2003, Secretary-General Kofi Annan announced the establishment of a High-level Panel to study global security threats and reform of the United Nations organization (www.un.org/News/Press/docs/2003/sga857.doc.htm). The 16-member “Panel on Threats, Challenges and Change” is examining current challenges to peace and security, reviewing the functioning of the major UN organs, and recommending reforms. The High-level Panel is chaired by Anand Panyarachun, the former Prime Minister of Thailand, and is to report by December of 2004.

The WPMC meeting in Montreal generated discussion and recommendations for consideration by the UN High Level Panel, the Government of Canada and civil society organizations mandated to address conflict prevention, humanitarian relief, peace operations, post-conflict transformations and global governance reforms.

The Hon. Flora MacDonald, outgoing WPMC President and former Canadian Minister of External Affairs, chaired the seminar. This report was prepared by WPMC national office staff and represents a synthesis of the main points covered in the day’s discussion. The report was published in September, 2004. In two instances below, developments subsequent to the WPMC Seminar (i.e., Kofi Annan’s recent appointment of a Special Adviser on Genocide Prevention and reports of agreement among the High Level Panel on a proposed reform of the UN Security Council) are noted in the report in italicized text. A program and list of expert presenters is in APPENDIX II of this report.

B. *The Responsibility to Protect* and Canadian policy

With the election of a new government and an International Policy Review in progress, Canada’s foreign policy is in a period of some transition. Canadian foreign policy is traditionally one of building bridges and resolving differences, a factor that leads foreign affairs practitioners into a certain amount of permanent policy re-assessment. The U.S. relationship is a constant point of reference. Support for the Responsibility to Protect and reform of the United Nations fits this bridge-building, multilateralist approach.

Continuance of Canada’s strong support for *The Responsibility to Protect* (R2P) is encouraged. The R2P report represents an important framework for Canadian engagement (see also <http://www.dfait-maeci.gc.ca/iciss-ciise/menu-en.asp>) with wide-reaching implications for Canadian diplomacy, defence and international assistance as well as reform of international institutions.

While *The Responsibility to Protect* is important and useful as a normative framework for policy, many of the possible diplomatic measures that might broaden international adherence to R2P principles are difficult to advance at this time. The present institutional order lacks effective checks and balances on the use of force for humanitarian purposes. The formal mechanisms for reforming UN institutions are difficult to implement. Particularly in a post-Iraq context, there is understandable caution regarding initiatives that would lead to an opening up of rules regarding humanitarian intervention. Large powers may abuse new or revised rules of the road. Many smaller governments, north and south, resist efforts to erode concepts of national sovereignty.

Nevertheless, despite the present difficult prospects for advancing diplomatic initiatives, the need to protect civilians at risk will continue to present itself. In the current context this is most vividly demonstrated by the crisis in Darfur, Sudan. Political and legal impediments should not diminish the fundamental responsibility on the part of governments, civil society and international institutions to protect civilians at risk.

C. Wider acceptance of “R2P norms”

With the current international political climate in mind, part of the challenge facing R2P advocates is to find efficacious avenues for norm development. Efforts to broaden acceptance of the normative approach presented in *The Responsibility to Protect* should be carefully considered.

For example, definitions of state sovereignty are inadequately articulated in international law. UNGA Resolution 2625 (*Declaration on Friendly Relations between States*, 1970) and UNGA Resolution 46/182 (*Strengthening Coordination of Humanitarian Emergency Assistance*, 1991) constitute the basis of the UN General Assembly’s understanding of the principle of sovereignty, particularly in the context of humanitarian crises. In recent years, there has been a discernible shift in the interpretation of sovereignty, away from the notion of sovereign impunity (for regimes) in favour of sovereign responsibility (towards people). The expansion of human rights and humanitarian law and the precedents of action by the UN and regional organizations are contributing factors. How would the international community move forward in order that legal understandings of sovereignty reflect accumulated practice? This may not be a propitious moment for the UN General Assembly to take on a new resolution or declaration. Perhaps the *High-level Panel on Threats, Challenges and Change* represents the best avenue for introducing language that incorporates the core concepts inherent in *The Responsibility to Protect*.

Whether at the level of individual governments, civil society organizations, regional bodies or at the UN, greater emphasis must be placed on ensuring that the international community does substantially better at conflict prevention. Whereas military intervention for humanitarian purposes is almost invariably controversial, initiatives that strengthen the international capacity to prevent the escalation of conflict may be the most likely avenue for advancing the R2P agenda.

Indeed, a WFM-sponsored international review of *Civil Society Perspectives on the Responsibility to Protect* (see APPENDIX 1, and also http://www.wfm.org/protect/background/ngo_consultation/ngo_consultation_reports.php) identified early response, conflict prevention, mediation, minorities protection etc. as warranting further attention. The UN Secretary-General has issued several reports on the prevention of conflict and the protection of civilians in conflict, as have other organizations and institutions. On the operational side, a substantial amount of conflict prevention work is being done globally by civil society organizations, governments, and inter-governmental bodies, including the United Nations. A major civil society conference on conflict prevention is being planned for 2005, preceded by preparatory conferences in every region.

At the same time, there is a wide gap between the commitments of governments to focus on prevention and early response to conflict, and their actions. WFM's report on civil society perspectives includes a substantial list of ideas for civil society involvement in closing this gap. Some of the most important of these involve achieving a normative shift along the lines proposed in the ICISS Report, i.e., that sovereignty includes responsibilities and not just rights, and that the international community can and must act when these responsibilities are not being met and the potential for large scale atrocities is developing.

D. UN reform?

Is there an appetite for UN reform? Many view the current international atmosphere, one in which multilateralism is under threat, to be an inauspicious moment to put forward significant global governance reforms.

Nevertheless, the existence of the *High-level Panel on Threats, Challenges and Change* bears witness to the widespread desire for a comprehensive, wide-ranging global conversation on humanity's institutions for governing a globalising world. Rather than allowing a small number of countries to circumvent global institutions and dismiss them as increasingly irrelevant, civil society organizations should work to enhance their effectiveness and legitimacy.

In addition to the High-level Panel, there is a considerable ferment about reform, much of it "below the radar." For example:

- The "Helsinki Process on Globalisation and Democracy" initiated by the Presidents of Finland and Tanzania brings together officials and civil society representatives in a process that includes Human Security, the Global Economic Agenda and Global Problem Solving.
- UBUNTU is a network (based in Spain) of civil society organizations seeking a deep reform of global institutions.
- A network of international NGOs following the UN Financing for Development process has begun a wider initiative on "A political agenda for the Reform of Global Governance" that addresses the WTO, Bretton Woods institutions and the United Nations.

- Ongoing and diverse debates about global reform take place in the annual and regional meetings of the World Social Forum.
- A “Global Governance 2005 Conference” is planned for May 2005 at McGill University. This civil society event is being organized by the *Forum International de Montreal*.
- More directly relevant to considerations of “UN Reform and the Responsibility to Protect” is the civil society response to the Secretary-General’s call for a Conference on Civil Society and the Prevention of Armed Conflict. This meeting will take place at UN Headquarters in New York in July 2005. A wide-ranging preparatory process is being organized by teams in New York and Utrecht and includes more than a dozen regional preparatory conferences.

E. A UN Special Adviser for the Prevention of Genocide

One recent effort to strengthen the international community’s machinery for preventing large-scale atrocities is the creation by Secretary-General Kofi Annan of a Special Adviser for the Prevention of Genocide (SASG). On numerous occasions earlier this year, most notably an April 7 address to the Commission on Human Rights, (See APPENDIX I, also <http://www.un.org/apps/sg/sgstats.asp?nid=862>)

and January 26 at the Stockholm Conference on the Prevention of Genocide, (See APPENDIX I, also <http://www.un.org/apps/sg/sgstats.asp?nid=749>), the S-G framed his intention to create such a post within an “Action Plan to Prevent Genocide.” [NB: On July 12, 2004, Secretary-General Annan named Juan E. Méndez, a human rights advocate, lawyer and former political prisoner from Argentina as his first Special Adviser on the Prevention of Genocide.]

The S-G’s Action Plan outlines three clusters of activities that should be undertaken by the international community. These include (1) preventing armed conflict; (2) protection of civilians in armed conflict; and (3) ending the impunity of those responsible for committing genocide. Many of the activities within each of these clusters bring together previous UN decisions or treaty obligations. But sometimes there is value in putting “old wine in new bottles.” A system-wide plan of action such as that enunciated by the S-G can serve as a focal point for disparate and scattered actions.

The UN system as currently organized does not effectively use information from its many human rights mechanisms to provide early warning for UN peace and security mechanisms. This separation of human rights from security concerns was partly responsible for the failure in the case of Rwanda to transform early warning into early action by UN Security mechanisms.

The challenge is to bring all this information together in a focused way, so as to better understand complex situations, and thus be in a position to take appropriate action. At present there are still conspicuous gaps in the UN’s capacity to analyze and manage information, (See APPENDIX I, also <http://www.minorityrights.org/>).

The creation of an SASG for Genocide Prevention should stimulate wider efforts to enhance existing capacities for information gathering, analysis, early warning and preventive diplomacy. The Special Adviser should develop capacities for information utilization in two ways:

- utilizing the existing machinery among the UN Secretariat in New York and the specialized agencies, by strengthening of the Office of the High Commissioner for Human Rights (OHCHR) and by utilizing reports from the various Special Rapporteurs mandated by the Commission on Human Rights;
- through effective working relationships among the Special Adviser and civil society organizations.

The roots of future conflict are inherent in systematic discrimination and policies of exclusion, disregard and repression. If genocide is to be prevented, dehumanizing politics must be rejected and counteracted. Sustainable prevention requires the development of practical ways for groups to peacefully coexist and, in time, to integrate on the basis of shared values and interests. This implies the entrenchment of the rule of law based on the full and equal respect for human rights, including the rights of persons belonging to minorities, and governance for the good of the whole population. The Special Adviser should do more than sound the alarm when atrocities are imminent. Quiet diplomacy in support of minorities' protection, respect for human rights and the rule of law must also be a priority.

In addition to a Special Adviser on Genocide Prevention the S-G has also called for establishment of a "Committee on the Prevention of Genocide" among States Parties to the Genocide Convention. Such a committee could supervise compliance with the Convention. It may contribute to debate(s) over criteria for the determination as to when genocide is taking place. It could also encourage states that have not ratified the Convention to do so. (Presently only 133 out of 192 UN member states have ratified the Genocide Convention.) Governments that are parties to the Genocide Convention should consider mechanisms for establishing such a committee. A committee with a formal supervisory role may require negotiation of a protocol to the convention.

F. Reform of the UN Commission on Human Rights

Since its creation, the promotion and protection of human rights have always stood out as principal mandates of the United Nations (UN). The Millennium Declaration, adopted on September 8, 2000 by all 189 Member States of the UN, affirmed the continuing centrality of that mission: "We will spare no effort to promote ... respect for all internationally recognized human rights and fundamental freedoms."

The UN Commission on Human Rights (CHR) is the UN's primary body for discourse and standard setting on international human rights issues. It is useful to briefly recall the original mandate of the Commission on Human Rights and its main functions. The Economic and Social Council (ECOSOC) established the Commission in 1946 and directed it to submit proposals,

recommendations and reports to ECOSOC on (a) an international bill of rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) the protection of minorities; (d) the prevention of discrimination on grounds of race, sex, language or religion; (e) any other matter concerning human rights not covered by the other items.

The development of international human rights norms was almost the sole function of the Commission during its first two decades. This very restrictive position was finally abandoned when ECOSOC adopted what eventually turned out to be two separate procedures - the public procedure under Resolution 1235 (XLII) in 1967 and the confidential procedure under Resolution 1503 (XLVIII) in 1970. Since then, the Commission's activities have expanded to cover, in various degrees, all five aspects of its original mandate. Today, one of the main tasks of the Commission is to respond to violations of human rights and provide a degree of protection for victims.

The Commission has made an important contribution to the promotion and protection of human rights through the elaboration of international human rights treaties and the development of special procedures to examine specific country situations and thematic concerns. While the Commission still plays a critical role, there is a widespread feeling among many that the Commission has not been able to keep pace with the sweeping changes that have occurred in recent years. The adoption, on the last day of the 58th Commission on Human Rights, of Resolution 2002/91 aimed at enhancing "the effectiveness of the working methods of the Commission," re-opened Pandora's box of reform.

A comprehensive set of proposals to reform the Commission is soon to be published by Montreal's Rights and Democracy. (The document was circulated at the meeting as a "revised working draft." It is entitled "Reform of the United Nations Commission on Human Rights: Proposals to Restore the Commission's Credibility, Coherence and Consistency," and is to be published at <http://www.ichrdd.ca/>)

Perhaps the most remarkable development in the work of the Commission since the 1980s has been the development of a large system of special rapporteurs, independent experts, special representatives and working groups, all appointed to consider a particular geographic or thematic human rights issue. The Special Procedures of the CHR should be strengthened, and a number of concrete proposals are at hand for doing so. Many of these are administrative, easily implemented and pertain to enhancing the resources and staffing of rapporteurs, experts, etc.

The High Commissioner for Human Rights (HCHR) can be a catalyst for CHR reforms. For example, CHR country situation reports are notoriously politicized and of uneven quality. Although proposals to ensure that reporting and monitoring is more consistent and reliable may encounter opposition from governments in the CHR, the HCHR could take the initiative to publish, on her own initiative, a comprehensive set of reports.

The HCHR could also help drive reforms that would enhance participation rights and privileges for civil society organizations at the CHR and at meetings of committees for the major human rights treaty bodies.

Another strand of proposed CHR reforms pertains to CHR membership. At a minimum, states should have ratified the major human rights instruments to be considered for membership in the CHR.

The financing of the work of the CHR requires greater attention. Only one-third of the CHR budget is drawn from the UN regular budget; approximately two-thirds is raised through voluntary contributions.

G. Reforms to upgrade the military, peacekeeping toolkit

The Responsibility to Protect report not only advanced discussion on international norms regarding civilian protection and reduction of armed conflict. It also raised questions about ‘how’ and ‘with what’ to protect civilians at risk.

UN S-G Annan noted in his April address to the Commission on Human Rights the “grim dynamic” of belligerent parties adopting a deliberate strategy of killing and forcible expulsion. “That is why,” he said, “many of our United Nations peacekeepers today are no longer restricted to using force only in self-defence. They are also empowered to do so in defence of their mandate, and that mandate often explicitly includes the protection of local civilians threatened with imminent violence.”

The experience of the past decade suggests the need for the UN to be better prepared for diverse peace operations, including modest enforcement, rapid deployment, the protection of civilians and prevention of armed conflict. Almost anything can happen to civilians when deployment of a peace operation is delayed by four to six months. If the objective is to protect civilians and prevent armed conflict, then the ability to deploy peace operations quickly is essential.

The Panel on UN Peace Operations (Brahimi Report), followed by the *Comprehensive Review* and recommendations of the UN Special Committee on Peacekeeping Operations, led in recent years to implementation of some significant technical and administrative reforms.

- The UN Department of Peacekeeping Operations (DPKO) has been substantially expanded.
- Strategic Deployment Stocks at the UN logistics base (Brindisi, Italy) have also grown, and now provide the basic infrastructure for prompt start-up of one complex operation.
- On-call lists for a rapidly deployable military mission headquarters has attracted some support, although there is concern that this “on-call list model” is impractical. Nations do not provide names, only positions they might fill, leading to questions as to whether they will blend into a coherent headquarters when cobbled together at the last minute.

- The UN Stand-by Arrangement System has been refined and expanded. However, the earmarked troops are not reliable; “commitments” from member states are still conditional on agreement at the time troops are requested by the UN.

These reforms provide an institutional foundation for more effective new structures. Subsequent reforms must overcome present obstacles: the lack of political will to deploy, slow/unreliable national approvals, insufficient funding, lack of appropriately trained, well-equipped national units.

In recent years Western defence establishments have evidenced a preference for “big-league” advanced technology war-fighting roles over peace operations. They now have a bias toward coalition operations with NATO or American forces. There has been a clear reluctance to support the UN.

Such institutional preferences are not without consequences. The heavy burden of supporting UN operations has shifted in recent years onto developing countries.

Although preferred for now by the Western defence establishment, NATO is far too white, wealthy, northern and Christian to regain global legitimacy and credibility. The new EU force may be more focused on conflict prevention, but the sponsoring governments also have a colonial legacy that may render these troops less than welcome in the South. The option of contracting out to “coalitions of the willing” tends to be an ad hoc and slow response overly dependent on the national interests of those who might be willing. The Bush administration has favoured the option of mercenary firms. Many hope this development is also a temporary phenomenon.

The Secretary-General has called for a renewed commitment to work collectively, in accordance with the Charter. In his words, “a collective security system built on fairness and consistency would be the best way to meet both old and new challenges.”

Improving capacity for more reliable and speedy deployment of peace operations is a matter that cannot be ignored by the Secretary-General’s *High-level Panel on Threats, Challenges and Change*.

The most desirable option is the creation of a dedicated UN Emergency Service composed of military, police and civilian volunteers. One model is described in *UN Efforts and Options to Improve Diverse Peace Operations: Protection of Civilians, Prevention of Armed Conflict, Modest Enforcement and Rapid Deployment* (see APPENDIX I, also <http://www.worldfederalistscanada.org/reformr2p.htm>). Such a “UN 911” would require a total of 13,200 personnel. This number includes all deployable elements, base support and administration as well as operational headquarters. A dedicated UN Emergency Service would be designed to be the initial UN presence in demanding missions – and the first to leave. It would address the urgent need for a credible presence in the critical start up phase of a UN operation. A UN Emergency Service would be available to respond immediately after being authorized by the Security Council, helping overcome current problems associated with long (two to six months)

lead times. As a modular unit composed of civilian, police and military elements it could fulfil a wide array of assigned tasks, including conflict prevention, civilian protection, peace enforcement or traditional peacekeeping.

H. Representative “governance” for the Responsibility to Protect: a reformed Security Council?

Of course, any UN peace operation requires a mandate from the UN Security Council. There is wide agreement on the fact that the composition of the present Council does not fairly represent the distribution of power and population in the world of the 21st century. However, there is very little consensus on a viable option to remedy this problem.

The Council is still a theater where the interests of states are at play more so than a collective impulse to “maintain international peace and security.”

There is a “foxes-in-charge-of-the-chicken-coop” character to the issue of Security Council reform. The veto-holding permanent members of the Council (P5, also the world’s leading arms exporters) can also veto measures that would curtail their privileges, i.e., amend the Charter to change Council membership.

Reform of the Council has been a matter of ongoing study by an open-ended Working Group of the General Assembly since 1993. That Working Group has focused largely on questions of representation and the Council’s working methods, (i.e., not focusing on the functions and powers of the Council).

Technocratic solutions to questions associated with representation on the Security Council are almost invariably problematic. Numerous proposals have been made for adding a small number of new seats on the Council to accommodate new or emerging powers, to better represent the world’s regions, etc. These typically involve adding various combinations of new permanent members, semi-permanent (e.g., permanent without veto) members, or more elected members. These would, in most instances, add complexity and make it more difficult for the Council to take decisions.

[NB: It has been reported that the High Level Panel is "near agreement," on a proposal for Security Council Reform. Their "near agreement" on the composition of the reformed Council reportedly calls for 3 tiers: the present 5 permanent members (US, Russia, China, UK, France) unchanged at the top; an intermediate second level ("semi-permanent" members but without the veto, perhaps including Japan, India, Germany, Brazil or South Africa), elected on a regional basis for a renewable 4 or 5 year term; and a third tier elected regionally for a non-renewable 2 year term. The resulting Council may be expanded from the present 15 to maybe 18 or even 24 members. The veto of the P5 would be retained.

Would this be a good reform? It would be some improvement over the present (more representative of more nations), but not good enough. Going from a two-tier to a three-tier structure seems an unnecessary complication. It may become more difficult for the Council to take decisions. It is probably the result of the strong lobbying of the potential second tier nations for a permanent seat, but a reluctance of the P5 to extend the veto. So the proposed structure seems to be motivated mainly by political compromise rather than rational considerations.]

One possible long-term objective would be to work toward a Council where the permanent seats were assigned to each of the world's main regions, and membership rotated among states within each of the regions. This would reduce the practice of SC members advocating their state's interests. There would be a prior process of consensus seeking within the regional groupings and ultimately a more consensual process at the Council. A model along these lines may become more feasible in the years ahead as regional integration processes gain momentum or regional groupings harmonize policies.

Another possible response to an unrepresentative Council is increasing public pressure on P5 states not to use the veto.

The recent strengthening of international criminal law, as demonstrated by the advent of the International Criminal Court, points to the possibility that individuals, including political and military leaders, can be held more accountable when human security is put at risk in situations of international conflict. The Rome Statute for the International Criminal Court makes provision for the SC to refer matters to the Court. In time, as the Court proves itself and large powers overcome their aversion to the institution, the notion of an expanded international criminal jurisdiction may provide an avenue for adaptation of the international community's capacity to maintain international peace and security. For example, in the context of the emergency in Sudan, it is reasonable to ask why Sudan's leaders could not be targeted more directly for their criminal responsibility for the atrocities that have been committed.

The Security Council's working methods have opened up somewhat (though not enough) in recent years. There are more open meetings, more frequent consultations involving troop-contributing states, wider circulation of draft resolutions. The new web site for the Council is a small but important development.

There is more that civil society can and should do to monitor and contribute to Council deliberations. The upcoming (July 2005) global meeting on the role of civil society in conflict prevention represents an opportunity to review existing arrangements. The present NGO Working Group on the Security Council could pave the way for a wider engagement of global civil society in the work of the Council.

Civil Society Organizations should follow up debate at the UN on the recommendations of the *Cardoso High-level Panel on UN-Civil Society Relations*. The Cardoso Panel stated, "The Security Council has greatly benefited of late from expanded dialogue with civil society. The nature of modern conflicts makes it more important to understand their social origins and consequences. . . . Security Council members, with support from the Secretariat, should deepen

this dialogue by emphasizing the involvement of participants from conflict-affected countries and including such dialogue in Security Council field missions. The United Nations could learn much by conducting commissions of inquiry after Council-mandated operations, to draw, *inter alia*, on the experience of civil society organizations.”

I. Reforms to address non-military threats to peace and human security

It is widely recognized that social, economic, environmental and “development” factors are intimately connected with conflict prevention, reduction and post-conflict peacebuilding. The Secretary General’s *High-Level Panel on Threats, Challenges, and Change* will address social and economic threats such as poverty, hunger, and AIDS.

Considerable investment of diplomatic and academic energy is currently being spearheaded by Canada’s government in the proposal for a new forum, a “Leaders G-20,” (see also www.cigionline.ca) that would endeavour to address the fragmented nature of social/economic global governance.

The “Leaders G-20,” notion involves a proposed meeting of an invited group of 20 national leaders, an informal, global governance agenda-setting forum. According to Prime Minister Martin, participants would represent “established and emerging centers of influence coming from very different political, economic, cultural and religious traditions.” (see APPENDIX I, and also <http://pm.gc.ca/eng/news.asp?id=192>)

Meeting informally, leaders would be to some extent free of the institutional limits and assumptions governing debates in other institutional contexts. The proposal can be viewed as a recognition of the increasingly questioned legitimacy of the G-8 Summits, as well as the road blocks that have emerged from coalitions of southern governments, for example at the Cancun WTO Ministerial.

A Leaders G-20 may represent a bona fide effort to generate a more representative platform for discussion of global governance issues. But the proposal requires critical scrutiny. A number of concerns have been raised.

- The proposal is for yet another international body outside the UN. To whom is it accountable?
- The proposal is for a coalition of the invited. Who decides who is on the guest list? What of smaller and weaker or less-developed states?
- The forum would exist outside the normative frameworks of the UN system, whether of human rights, peace and security, environment, labour or gender.
- The forum lacks assurances of transparency and multi-stakeholder participation already embodied in a number of UN forums. What role will civil society play in the process?

With such concerns in mind, civil society organizations will want to monitor this process and provide input. Some may decide to support the idea in principle, and work to ensure that

questions surrounding the legitimacy of a “Leaders G-20” are answered in a satisfactory manner. Others will want to frame the entire proposition as problematic, and perhaps support an alternative.

Some of the evident weaknesses in the G-20 proposal would be reduced were it to be merged with a proposal put forward for the reform and strengthening of the UN General Assembly. This proposal, the “G-29 initiative,” (elaborated by Inge Kaul, UN Development Programme) makes use of the existing General Committee of the General Assembly. It would combine several elements; the permanent members of the Security Council, members elected annually by the regional groups, the chairs of the Assembly’s six main committees, its president and the Secretary-General. This body could meet in an annual heads of government summit debating and defining a global agenda. It could have the effect of bringing the G-8 into closer relationship with the UN, enabling a more representative structure, and provide a legitimacy that the current G-20 proposal lacks.

Numerous authors (including the 1995 Commission on Global Governance) have elaborated proposals for an “Economic, Social and Environmental Security Council,” in order to elevate the political importance and impact of deliberations on economic and social issues in a UN context.

Or perhaps there will be opportunities to build upon a new forum that emerged from the process of the 2002 Monterrey UN Conference on Financing for Development (FFD). The forum is the annual high-level meeting, held at the UN, between the Economic and Social Council, the Bretton Woods Institutions, UNCTAD and the WTO. The meeting deals with broad development finance issues, including debt, levels of aid, trade and investment. It also raises a number of governance and governance reform issues.

This modest initiative has a number of positive dimensions:

- Representatives of all regions and countries at all levels of development are engaged.
- The major institutional actors – the UN, the Bank, the Fund, UNCTAD, various UN agencies, and the WTO – are involved.
- It is a multi-stakeholder process, involving governments, agencies, business association and civil society representatives.
- It has a comprehensive agenda.
- Its process is relatively participatory, including hearings in which detailed civil society and private sector proposals can be launched, as well as general deliberative sessions.

Of course this initiative still has a long way to go. It remains brief (one day), comes after rather than before Bank/Fund meetings and the WTO is only marginally present. Furthermore, the process has yet to be effectively engaged with the normative standards developed through the UN – environmental, labour, human rights and gender.

The reform of economic and social global governance should strengthen institutions and processes that are integrally rooted within the United Nations system.

Opportunities for reform may emerge in 2005, when the report of the High Level Panel and also the five-year review of progress in implementing the Millennium Development Goals are considered by heads of government at a UN summit meeting in New York.

APPENDIX I

WFM – CANADA SEMINAR REPORT:

“United Nations REFORM TO ADDRESS THE RESPONSIBILITY TO PROTECT”

List of References and Online Sources

“**The Responsibility to Protect**,” the report of the International Commission on Intervention and State Sovereignty (ICISS), December, 2001.

www.ciise-iciss.gc.ca/report-e.asp

ICISS report summary, prepared by the World Federalist Movement.

http://www.wfm.org/protect/background/report_summary.php

Notes for an address by Prime Minister Paul Martin on the occasion of a session of the World Economic Forum, “The Future of Global Interdependence.” Davos, Switzerland, January 23, 2004.

<http://www.news.gc.ca/cfm/CCP/view/en/index.cfm?articleid=75739>

UN Press release, SG/A/857, “**Secretary-General names High-Level Panel to study global security threats and recommend necessary changes.**” November 4, 2003.

<http://www.un.org/News/Press/docs/2003/sga857.doc.htm>

Final Report: “**Civil Society Perspectives on the Responsibility to Protect.**” WFM International Secretariat, New York. April, 2003.

http://www.wfm.org/protect/background/ngo_consultation/ngo_consultation_reports.php

UN Press Document, “**Secretary-General Observes International Day of Reflection on 1994 Rwanda Genocide.**” April 7, 2004.

<http://www.un.org/apps/sg/sgstats.asp?nid=862>

“**Secretary-General's address to the Stockholm International Forum on the Prevention of Genocide,**” Stockholm, Sweden. January 26, 2004.

<http://www.un.org/apps/sg/sgstats.asp?nid=749>

“**Genocide and Minorities: Preventing the Preventable.**” Briefing Paper by Minority Rights Group International (MRG), April 2004. <http://www.minorityrights.org/>

Rights and Democracy document, “**Reform of the United Nations Commission on Human Rights: Proposals to Restore the Commission's credibility, coherence and consistency.**” Circulated at WFM Seminar as Revised Draft Text, March 2004.

<http://www.worldfederalistscanada.org/reformr2p.htm>

“UN Efforts and options to improve diverse peace operations: Protection of civilians, prevention of armed conflict, modest enforcement and rapid deployment.” Notes for an address by Dr. H Peter Langille to the WFMC Seminar on UN Reform to Address the Responsibility to Protect. Montreal, May 2004.

<http://www.worldfederalistscanada.org/reformr2p.htm>

“How might the High-level Panel on UN Reform address non-military (economic and social) threats to peace and security?” Notes for an address by John Foster, North-South Institute, to the WFM - Canada Seminar on United Nations Reform to Address the Responsibility to Protect. Montreal, May 2004.

<http://www.worldfederalistscanada.org/reformr2p.htm>

“Address by Prime Minister Paul Martin on the occasion of his visit to Washington, D.C.”
April 29, 2004 Washington, D.C.

<http://pm.gc.ca/eng/news.asp?id=192>

(For more on the Leaders G20 see also www.cigionline.ca)

APPENDIX II

United Nations Reform to Address the Responsibility to Protect

SEMINAR PROGRAM

9:00 to 9:20 - Introductory remarks

Hon. Flora MacDonald, President, and Fergus Watt, Executive Director, WFM – Canada
- *Introduction, meeting objectives and format*

9:20 to 11:00 Panel 1 - International context for meeting

David MacDonald, Professor of Political Science, Concordia University
- *Overview of Canadian foreign policy in transition(s)*

Heidi Hulan, Coordinator, Responsibility to Protect Unit, Foreign Affairs Canada
- *Canada's Human Security Program and recent efforts to advance the "Responsibility to Protect."*

Jayne Stoyles, former Program Director, Coalition for the ICC; former Senior Adviser, World Federalist Movement, New York
- *Civil Society Perspectives on the Responsibility to Protect*

Michael Byers, Professor of Law and Director of Canadian Studies, Duke University
- *The need for effective checks and balances on the use of power for humanitarian purposes; overcoming international "constitutional challenges" to carry the R2P agenda forward*

11:00 to 12:30 Panel 2 – Recent Proposals from the Secretary-General

Abiodun Williams, Head of the Strategic Planning Unit, Executive Office of the Secretary-General, United Nations, New York
- *Kofi Annan's proposal for a committee of parties to genocide convention and a Special Adviser on the prevention of genocide*

John Packer, Fellow, The Carr Center for Human Rights Policy, John F. Kennedy School of Government, Harvard University; and Visiting Assistant Professor of International Law, The Fletcher School of Law & Diplomacy, Tufts University
- *Preventing Genocide: A civil society perspective on recent proposals from the UN S-G*

Bill Pace, Executive Director, World Federalist Movement, New York
- *Civil Society Organizations, their relations with institutions mandated to maintain peace and security, opportunities for greater contributions in the years ahead*

12:30 to 1:30 – Lunch

1:30 to 3:00 Panel 3 – Strengthening the UN’s capacity to maintain peace and security

Peter Langille, Senior Research Associate, Centre for Global Studies, University of Victoria
- *UN Efforts and Options to Improve Diverse Peace Operations: Protection of Civilians, Prevention of Armed Conflict, Modest Enforcement and Rapid Deployment*

Jim Paul, Director, Global Policy Forum and Chair, NGO Working Group on the Security Council
- *Difficulties achieving Security Council reform; possible ad hoc arrangements that would improve functioning of and representation on Council*

3:00 to 4:30 Panel 4 – Reforms to address economic and social dimensions of security

Antonio Almeida, Senior Assistant to the Director of Policy & Programmes and International Human Rights Advocacy, Rights and Democracy, Montreal
- *Reforms to improve the functioning of the UN Commission on Human Rights*

John Foster, Principal Researcher - Civil Society/Governance, North-South Institute, Ottawa
- *How might the High-level Panel on UN Reform address non-military (economic and social) threats to peace and security?*

4:30 to 4:45

Next steps: Seminar Report, concluding remarks.