

REFORMING THE UNITED NATIONS: Prospects and Limitations

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Abstract

Created by 51 countries in 1945, the United Nations (UN) needs a radical reform. The Heads of State and Government committed 191 countries, through the 2005 World Summit Outcome (Appendix), to continue the efforts to reform the UN to make it more efficient, effective and relevant. Many substantive aspects of the document still need further elaboration and multilateral negotiations.

The document reaffirms fundamental values and contains clear commitments on steps needed to reach, by 2015, the development goals agreed upon at the Millennium Summit in September 2000. It is aimed at strengthening the UN's capacity for peacekeeping, peacemaking and peace-building, including a detailed project for a new peace-building commission. It contains recommendations to establish a Human Rights Council.

A more dynamic reform process is needed. It has to be tailored to respond effectively to the most ominous threats to international peace and security. If "effective multilateralism" is to be achieved, all States have to go beyond what is immediately significant and urgent to each of them at a strictly national level and help bring about a new multilateral approach for a new agenda on substantive and institutional issues.

Member States cannot establish a new world policy agenda without an effective UN system adapted to the new realities of a changing human society at planetary level.

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In times when there are voices calling into question the relevance and even the utility of the world organization and when the UN Secretariat has to cope with a succession of recent mismanagement revelations, additional efforts are necessary to visibly ensure the UN's efficiency and credibility. The Security Council should be enlarged and adapted to the new realities and increasing demands. But how? The divergences of views are still great.

Whatever the qualifications given to the 2005 World Summit Outcome, the UN reform encouraged by it is still a work in progress. It conveys a mandate for change, but without offering practical consensus solutions. Words and promises are insufficient. They must be followed by convincing action able to give tangibility to existing commitments and to bring the world organization's founding ideals to life.

1. FUNDAMENTAL ISSUES

The United Nations (UN) is at a pivotal moment in its sixty-year history. On 24 October 1945 the world organization officially came into existence as a result of the ratification of its Charter by China, France, the Soviet Union, the United Kingdom, the United States and by a majority of other 51 initial members. Today, the UN, with its universal composition of 191 member states, is forced by unprecedented developments to critically evaluate its past in order to ensure its very survival. The UN system is under fire, but renovative action is slow in developing.

The main shortcomings of the UN are primarily rooted in the dysfunctional global order, but in some countries the epithets of irrelevant, impotent, obsolete are used to describe the UN. (1) Beyond all criticism, there is a valid sober question: Is the UN constellation still functionally linked to the profoundly changing international

environment?

There is a general agreement that the UN needs reform. Dictionaries inform us that the first meaning of reform is "the improvement of what is wrong, corrupt, unsatisfactory." (2) However, while all agree that reforming for strengthening the UN is an essential task, there is no consensus on what fundamental changes should be made.

The international community is expected to find the necessary political will to remedy the UN's failings and to mitigate existing animosities which risk condemning the world organization to atrophy. This task is very difficult. The word "reform" does not even appear in the mandate of the High Level Panel on Threats, Challenges and Change appointed in 2003 by the UN Secretary General Kofi Annan and led by Anand Panyarachun, former Prime Minister of Thailand, which produced a referential report. (3) Finding consensus on all crucial issues seems like a "mission

impossible”, which is why no radical reform has been tried in the past and attempts to reform the world organization have always been incremental.

The UN was established after the Second World War reflecting the balance of power prevalent at that time. The USA, USSR, UK, France and China, the “Big 5”, became permanent members of the UN Security Council with veto power. However, the balance of power dramatically shifted during and after the Cold War era. Japan and Germany emerged as ‘economic superpowers’; The UK and France became more ‘ordinary powers’. New significant actors appeared, like the European Union and the ASEAN.

The Cold War competition made any major structural change impossible, yet with its end, some strong countries vigorously demanded more rights in the UN system. The “Big 5” have resisted the reform calls in the 1990s. However, dramatic events demonstrated that the current UN system cannot provide adequate political and institutional fundamentals for sustainable dialogue and co-operation between the most influential powers. In other words, the UN cannot continue to properly play a generally acceptable balancing role.

The world’s leaders created the UN by building on the lessons of the past and made it the central multilateral institution of international relations. As Dag Hammarskjöld, the second UN

Secretary-General, observed, in practical terms the UN “is an instrument for negotiation among, and to some extent for, governments. It is also an instrument for concerted action...” (4)

Now, a new age calls out for the world organization to assume new, complex obligations and responsibilities. To that end, profound renovations are needed to make the UN a modern and effective organization capable of fulfilling its mandate during the present era of global perplexities, discontinuities and vulnerabilities.

In fact, the necessity of reform was anticipated by the founding fathers of the world organization in 1945. The legal evidence is clear. In its Article 109, the UN Charter stipulated the following:

- “1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two

thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.” (5)

No such conference was ever convened. However, a long little-publicized activity took place over the years. In 1974, the UN General Assembly decided to establish an Ad Hoc Committee on the Charter of the United Nations to consider, *inter alia*, any specific proposals that Governments might make with a view to enhancing the ability of the UN to achieve its purposes as well as other suggestions for the more effective functioning of the UN that might not require amendments to the Charter (resolution 3349 (XXIX) of 17 December 1974 entitled “Need to consider suggestions regarding the review of the Charter of the United Nations”).

In 1975, the UN General Assembly considered the report of the

Ad Hoc Committee together with the item on the strengthening of the role of the UN. At that session, the Assembly decided to reconvene the Ad Hoc Committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to examine suggestions and proposals regarding the Charter and the strengthening of the role of the UN with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law (resolution 3499 (XXX) of 15 December 1975). That decision was based on an initiative of Romania promoted with the Philippines. (6)

Since 1975, the General Assembly has reconvened the Special Committee every year, considered its successive reports and renewed and revised its mandate on an annual basis in its resolutions on the topic of the Report of the Special Committee.

Since its establishment, the Special Committee has negotiated, drafted and finalized several texts resulting, *inter alia*, in the adoption by the General Assembly of the following instruments:

- Manila Declaration on the Peaceful Settlement of International Disputes (GA resolution 37/10 of 15 November 1982, annex);

- Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (GA resolution 43/51 of 5 December 1988, annex);
- Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security (GA resolution 46/59 of 9 December 1991, annex);
- Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security (GA resolution 49/57 of 9 December 1994, annex);
- United Nations Model Rules for the Conciliation of Disputes between States (GA resolution 50/50 of 11 December 1995, annex);
- Decision on Resort to a commission of good offices, mediation or conciliation within the United Nations (GA decision 44/415 of 4 December 1989, annex);
- Resolution on Prevention and Peaceful settlement of disputes (GA resolution 57/26 of 19 November 2002). (7)

All these results obtained so far in the Charter Committee, while being useful, are at a great distance from

existing expectations on the matter and can be characterized only as modest contributions to the overall objective of strengthening the role of the UN in contemporary challenging world.

The UN has also seen no-results over 10 years of paralysis in the Open-ended Working Group on Reform of the Security Council. The reasons are numerous, but an elementary aspect deserves to be emphasized. Irrespective of any specific proposal for enlargement of the Council in general or for addition of specific new members in particular, from the legal point of view, the unanimity of the Council's five permanent members (the USA, the UK, France, Russia and China) is absolutely necessary for any amendment to the UN Charter. Therefore, many countries expressed a realistic opinion by asserting that any reform in the Security Council should give due consideration to the position of the five Permanent Members, as they will have the final say on the matter.

There is a clearly expressed consensus that the 60 year old UN must change, if it is to be a dynamic force in a world very different from that of its creation. But how and to what extent? The reform and revitalization of the UN has been on the agenda for decades, but there have been few tangible results. Some analysts and diplomats speak already about a UN reform fatigue. Even if this assessment is not generally accepted, what seems obvious is the fact that the momentum for reform has

grown and is now in the most intense phase. Foundations, think tanks and many academic gatherings call for institutional renovation at the UN. The UN Secretary General re-organizes departments in the UN Secretariat and sets up new coordinating mechanisms. NGOs gather more frequently to press the UN reform cause. Diplomats negotiate permanently at the level of the whole UN system. Many governmental and non-governmental projects of reform have been circulated over the years. This process continues, but the final outcomes are not predictable. (8)

2. CURRENT CONCEPTUAL FRAMEWORK

In December 2004, Secretary General Kofi Annan's High-Level Panel on "Threats, Challenges, and Change", led by Anand Panyarachun, issued its report mentioned above with 101 recommendations to modernize the UN. (9)

In March 2005 the Secretary General submitted his own report entitled "In Larger Freedom: Towards Development, Security and Human Rights for All," which puts forward more than 200 reform recommendations. (10)

There is a third regular report on UN activities in 2005, released at the beginning of August 2005, containing a section specifically entitled **Strengthening the Organization**.

In accordance with the findings of this third report, the Secretary – General believes that most of the reform elements contained in his agenda for further change of 2002 have now been implemented. There are some very clear benefits: a thoroughly revised programme budget for 2004-2005, a shorter, more efficient cycle of planning and budgeting for the biennium 2006-2007, a reduction in the quantity of reports and meetings and greater integration of human rights elements in the work of UN country teams. Nevertheless, progress in a number of other areas has been slow. That is one of the reasons Kofi Annan launched a two-track package of Secretariat reform in 2005. He is pursuing one track vigorously under his own authority, and the other is to be taken up in the context of the wider proposals contained in his reform report, **In larger freedom**. His proposals demonstrate a clear commitment to continuous improvement and to strengthening the organization to meet the needs of the twenty-first century. At the same time, political realities must not be underestimated. Therefore, Kofi Annan rightly reminded that on many issues "the incremental, negotiated, gradual world of multilateral diplomacy rarely allows progress to come in leaps and bounds. Most often, and perhaps necessarily, it is measured in small and careful steps." (11)

Finally, the fourth, most striking, report is the one presented to the Security Council on September 7, 2005

by Paul Volcker, Chairman of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme. In presenting that report, containing over 1000 pages, Paul Volcker said *inter alia*: “Our assignment has been to look for misadministration or maladministration in the oil-for-food programme and for evidence of corruption within the United Nations and by contractors. Unhappily, we found both.” In the same briefing he made a critical assessment of the UN difficulties, asserting that: “the problems are symptomatic of deep-seated systemic issues. Those issues arise in an Organization designed 60 years ago for a simpler time, an Organization then without large and complex operational challenges alongside its political and diplomatic responsibilities.” (12)

Everybody should look into the future of the world organization and Paul Volcker quite rightly emphasized “the conviction that in an unsettled world the United Nations will again be called upon...to deal with complex operational problems crossing national and disciplinary boundaries. The administrative ability and the technical capacity of the Secretariat and the agencies will be tested again and again. A United Nations programme carries with it - and should carry with it - a strong sense of international legitimacy. No single nation or group of nations can match that potential quality. But we believe that more than legitimacy is essential to success. Support is, in the

end, dependent upon credibility and confidence. And it is that credibility and confidence that have been challenged by the travails of the oil-for-food programme. To some degree, the Organization has been weakened.” (13)

The qualification “weakened” formulated in this last sentence is very serious. But Volcker’s report is future-oriented. Its presentation in the Security Council finished with the following conclusion: “... reform is so urgent. We commend our particular recommendations to the Council. And we urge the Council and the General Assembly to set firm benchmarks for progress. Quite specifically, action should be taken by the time the General Assembly completes its meetings in 2006. The opportunity for reform should not — in my view, must not — be lost.” (14)

3. NEGOTIATING A CONSENSUS OUTCOME

The 2005 World Summit, held from September 14 to September 16 2005 at the UN Headquarters in New York was the largest diplomatic gathering of world leaders in history. It offered a once-in-a-generation opportunity to take bold decisions in the areas of development, security, human rights and reform of the UN. Its agenda was based on an achievable set of proposals outlined in the two reports submitted by Anand’s High Level Panel and by the UN Secretary-General.

During this highly diplomatic Summit and the following general debate nearly all Member States who took the floor, including all ASEAN countries, dealt with the question of UN reform. More specifically, the reform of the UN Security Council prompted practically all speakers to address that issue, thus providing the greatest number of statements on the matter in 60 years of UN history. (15)

All existing proposals had been considered and negotiated in advance by governments in a series of informal meetings conducted by General Assembly President Jean Ping. After difficult negotiations and consultations, a compromise was reached and a final draft outcome document for the Summit was adopted by consensus on September 16, 2005. (16) The substantive aspects of actual deliberations during those informal meetings are still confidential.

Referring to the substance of negotiations, Kofi Annan, who was fully informed about their successive stages, called for greater compromise among ambassadors from a core group of 32 nations that began negotiating the draft document two weeks before the Summit. "If member states are going to get a meaningful outcome, there will need to be more give and take," he said. (17) Did the negotiators manage to reach a win-win situation on the final text of the document?

In an objective assessment of the

situation the answer might be a positive one. The world's leaders agreed to take action on a range of global challenges, summarized by the UN Secretariat for general public on the basis of the main sections of the document as follows:

In the field of development:

- » Strong and unambiguous commitment by all governments, in donor and developing nations alike, to achieve the Millennium Development Goals by 2015.
- » Additional \$50 billion a year by 2010 for fighting poverty.
- » Commitment by all developing countries to adopt national plans for achieving the Millennium Development Goals by 2006.
- » Agreement to provide immediate support for quick impact initiatives to support anti-malaria efforts, education, and healthcare.
- » Commitment to innovative sources of financing for development, including efforts by groups of countries to implement an International Finance Facility and other initiatives to finance development projects, in particular in the health sector.
- » Agreement to consider additional measures to ensure long-term debt sustainability through increased grant-based financing, cancellation of 100 per cent of the official multilateral and bilateral debt of heavily indebted poor countries (HIPC).

Where appropriate, to consider significant debt relief or restructuring for low and middle income developing countries with unsustainable debt burdens that are not part of the HIPC initiative.

- » Commitment to trade liberalization and expeditious work towards implementing the development dimensions of the Doha work programme.

On terrorism:

- » Clear and unqualified condemnation — by all governments, for the first time—of terrorism “in all its forms and manifestations, committed by whomever, wherever and for whatever purposes.”
- » Strong political push for a comprehensive convention against terrorism within a year. Support for early entry into force of the Nuclear Terrorism Convention. All states are encouraged to join and implement it as well as the 12 other antiterrorism conventions.
- » Agreement to fashion a strategy to fight terrorism in a way that makes the international community stronger and terrorists weaker.

On peacebuilding, peacekeeping and peacemaking:

- » Decision to create a Peacebuilding Commission to

help countries transition from war to peace, backed by a support office and a standing fund.

- » New standing police capacity for UN peacekeeping operations.
- » Agreement to strengthen the Secretary-General's capacity for mediation and good offices.

On responsibility to protect:

- » Clear and unambiguous acceptance by all governments of the collective international responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Willingness to take timely and decisive collective action for this purpose, through the Security Council, when peaceful means prove inadequate and national authorities are manifestly failing to do it.

On human rights, democracy and rule of law:

- » Decisive steps to strengthen the UN human rights machinery, backing the action plan and doubling the budget of the High Commissioner.
- » Agreement to establish a UN Human Rights Council during the coming year.
- » Reaffirmation of democracy as a universal value, and welcome for new Democracy Fund which has already received pledges of \$32 million from 13 countries.

- » Commitment to eliminate pervasive gender discrimination, such as inequalities in education and ownership of property, violence against women and girls and to end impunity for such violence.
- » Ratification action taken during the Summit triggered the entry into force of the Convention Against Corruption.

On management reform:

- » Broad strengthening of the UN's oversight capacity, including the Office of Internal Oversight Services, expanding oversight services to additional agencies, calling for developing an independent oversight advisory committee, and further developing a new ethics office.
- » Update the UN by reviewing all mandates older than five years, so that obsolete ones can be dropped to make room for new priorities.
- » Commitment to overhauling rules and policies on budget, finance and human resources so the Organization can better respond to current needs; and a one-time staff buy-out to ensure that the UN has the appropriate staff for today's challenges.

On environment:

- » Recognition of the serious challenge posed by climate change and a commitment to take action through the UN

Framework Convention on Climate Change. Assistance will be provided to those most vulnerable, like small island developing states.

- » Agreement to create a worldwide early warning system for all natural hazards.

On international health:

- » A scaling up of responses to HIV/AIDS, TB, and malaria, through prevention, care, treatment and support, and the mobilization of additional resources from national, bilateral, multilateral and private sources.
- » Commitment to fight infectious diseases, including a commitment to ensure full implementation of the new International Health Regulations, and support for the Global Outbreak Alert and Response Network of the World Health Organization.

On humanitarian assistance:

- » Improved Central Emergency Revolving Fund to ensure that relief arrives reliably and immediately when disasters happen.
- » Recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons.

As emphasized before the Security Council, the idea that “business as usual” at the UN is fine is not acceptable anymore. (19) A serious reform of the UN is imperative. The credibility of the UN depends on it. What was actually achieved on reform matters?

The world leaders reaffirmed in the outcome document of the UN World Summit, in a 40-page text, a firm commitment to strengthen the world institution. The summary reproduced above with the terminology used by the UN Secretariat is self explanatory. (20) Section V of the document is specifically entitled ***Strengthening the United Nations***. It reaffirms the commitment to strengthen the UN with a view to enhancing its authority and efficiency, as well as its capacity to address effectively, and in accordance with the purposes and principles of its Charter, the full range of challenges of our time.

The leaders expressed their determination to reinvigorate the UN intergovernmental organs and to adapt them to the needs of the twenty-first century. In order to efficiently perform their respective mandates as provided under the Charter, UN bodies should develop good cooperation and coordination in the common endeavour of building a more effective world institution, with adequate and timely resources with a view to enabling it to carry out its mandates. A reformed UN must be responsive to the entire

membership, faithful to its founding principles and adapted to carrying out its mandate.

In this regard, the Summit reaffirmed the central position of the **General Assembly** as the chief deliberative, policymaking and representative organ of the UN, as well as the role of the Assembly in the process of standard-setting and the codification of international law.

A call was launched for strengthening the relationship between the General Assembly and the other principal organs to ensure better coordination on topical issues that require coordinated action by the UN, in accordance with their respective mandates.

Unfortunately, the paragraphs dedicated to the **Security Council** were too general. It was reminded that Member States have conferred on the Security Council primary responsibility for the maintenance of international peace and security, acting on their behalf, as provided for by the UN Charter and support was expressed for early reform of the Security Council as an essential element of overall effort to reform the UN in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions. No specificity appears in these paragraphs, but a commitment was formulated to continuing efforts to achieve a decision

to this end and a request was addressed to the General Assembly to review progress on the reform set out above by the end of 2005.

On the other hand, a practical recommendation was addressed to the Security Council to continue to adapt its working methods so as to increase the involvement of states, not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.

The provisions of the document regarding the **Economic and Social Council** (ECOSOC) are more specific, if compared with those concerning the Security Council. There is a clear recognition of the need for a more effective ECOSOC as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development, as well as for implementation of the international development goals agreed at the major UN summits and conferences, including the Millennium Development Goals. To achieve these objectives, the Council should promote global dialogue and partnership on global policies and trends in the economic, social, environmental and humanitarian fields. For this purpose, the Council should serve as a quality platform for high-level engagement among Member States and with the international financial institutions, the private sector and civil society on emerging global

trends, policies and action and develop its ability to respond better and more rapidly to developments in the international economic, environmental and social fields.

An important decision of the Summit was the one to create a **Human Rights Council** which will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

The future Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the UN system. The President of the General Assembly was requested to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council.

A large portion of the outcome document deals with the **UN Secretariat and its management reform**. There is a need for an efficient, effective and accountable Secretariat. Its staff shall act in accordance with Article 100 of the Charter, in a culture of organizational accountability, transparency and integrity.

Among the measures envisaged to that end, the following might be enumerated: strengthen accountability and oversight; improve management performance and transparency and reinforce ethical conduct; establishing effective and efficient mechanisms for responsibility and accountability of the Secretariat; more extensive financial disclosure for UN officials and enhanced protection for those who reveal wrongdoing within the organization.

There is also an urgent need to substantially improve the UN oversight and management processes. Therefore, the expertise, capacity and resources of the Office of Internal Oversight Services in respect of audit and investigations will be significantly strengthened as a matter of urgency. The Secretary-General has to submit an independent external evaluation of the UN, including the specialized agencies', auditing and oversight system, including the roles and responsibilities of management. This evaluation will take place within the context of the comprehensive review of the governance arrangements.

The Summit supported a **stronger UN system-wide coherence** by implementing measures for strengthening linkages between the normative work of the UN system and its operational activities. A meaningful recommendation refers to supporting the efforts of developing countries to strengthen their capacities at all levels in order to

prepare for and respond rapidly to natural disasters and mitigate their impact and further developing and improving mechanisms for the use of emergency standby capacities for a timely response to humanitarian emergencies.

Support was expressed for a stronger relationship between the UN and regional and subregional organizations, and it was decided : (a) To expand consultation and cooperation between the UN and such organizations through formalized agreements between the respective secretariats and, as appropriate, involvement of regional organizations in the work of the Security Council; (b) To ensure that regional organizations that have a capacity for the prevention of armed conflict or peacekeeping consider the option of placing such capacity in the framework of the UN Standby Arrangements System; (c) To strengthen cooperation in the areas of economic, social and cultural fields.

Significant but not sufficient recommendations were adopted by the Summit on the **Charter of the United Nations**. Indeed, the Trusteeship Council no longer meets and has no remaining functions. Therefore, the Summit recommended deleting Chapter XIII of the Charter and references to the Council in Chapter XII. In addition, taking into account General Assembly resolution 50/52 and recalling the related discussions conducted in the General Assembly, bearing in mind the

profound cause for the founding of the UN and looking to the common future, the Summit resolved to delete references to “enemy States” in Articles 53, 77 and 107 of the Charter. Finally, the Summit requested the Security Council to consider the composition, mandate and working methods of the Military Staff Committee.

Any attempt to pass judgments on the current stage of reforming the UN, endorsed by the Summit, should take a comprehensive look at the earlier proposals made on the Security Council, the General Assembly, and the Economic and Social Council and the relationships among them. A “re-balancing” among the UN’s pillar institutions is needed to keep them vital and effective. (21)

Key among the initial proposals was the expansion of the Security Council to make it more inclusive and representative of the UN’s current membership. Two models for expanding the Council from 15 to 24 members were among those on the table: one to create six new permanent seats and three new non-permanent ones; the other to create nine new non-permanent seats.

It should be recalled that, in principle, although consensus is desirable for approving any proposal, from the procedural point of view it is not mandatory as long as two-thirds of UN Member States agree on a specific formula. But it is already a well-known

fact that expanding the permanent membership of the Security Council is very hard to achieve. Doing so ultimately requires a revision of the UN Charter, which must be approved by two-thirds of Member States. The revision must be ratified to take effect by two-thirds of all the Members, including the five Permanent Members, namely, the United States, UK, France, Russia and China. That process is far from being initiated. (22)

4. ON THE WAITING LIST

The very least that could be expected from the leaders gathering in New York in September 2005 was to admit the existing UN shortcomings and to renew the pledge to live up to the ideals bequeathed by visionary founding fathers in 1945, and to further construct on the building blocks they left behind.

In general terms, there was a hope that the World Summit would deliver the dynamics for political mobilization on security issues, human rights and development and provide valid collective responses. The UN was expected to play a crucial role in formulating these collective responses as it is the sole body with universal legitimacy and a global mandate. (23)

Reforming the United Nations demands first of all a comprehensive diagnosis of the challenges facing the world’s largest multilateral organization. That diagnosis emerges from the

totality of statements pronounced during the World Summit as well as from the whole process of deliberations during the 60th session of the UN General Assembly. (24) However, that diagnosis has not yet led to radical common conclusions. Why?

The reason for not being able to rethink the structure of the world institution in practical terms, particularly the expansion of the Security Council, is an obvious consequence of the UN's failure to reflect today's global reality, which is greatly different to that of 1945 when the UN was created.

States and groups of states have different agendas and different sets of priorities when it comes to learning from the shifts of the past 60 years and what changes should be made in their own organization, in terms of structure and substance. In that context, it comes as no surprise that the African Union gave preference to its own agenda and rejected a compromise deal on Security Council reform proposed by Japan, Germany, India and Brazil, known as the G4. Under a draft resolution tabled by the four nations, six permanent seats are to be added to the Council - four for themselves and two for Africa - and four non-permanent seats rotating for two-year terms. To make their proposal a little more palatable, the G4 pledged a freeze on veto power for at least 15 years.

The G4 proposal is considered to be unpopular among UN members as it would change the Council's fundamental structure. If adopted, the proposal would create new sources of discrimination among Council members because the proposed semi-permanent or permanent seats would not hold veto power.

At a summit in the Ethiopian capital of Addis Ababa leaders of the African Union voted in their own organization to ratify their own plan for reforming the Council rather than endorse an alternative proposal from the G4. Without the backing of the 53-member African Union, the G4 has no chance of mustering the two-thirds majority in the 191-nation General Assembly required for the adoption of the Council's expansion proposal.

The G4 had been pushing for a vote on its resolution before the end of July 2005. But the date for such a vote has been repeatedly postponed, in part because of the strong opposition from the Uniting for Consensus group, which includes more than 20 countries. A range of questions of moral, legal and political nature needed to be pondered before then. (25)

The UN reform, if accomplished, will have a strong impact on the future of the world. There is, to say the least, a need to patiently push ahead with the process to maintain a certain degree of solidarity among Member States. Still, schisms remain over such sensitive

matters as which nations deserve permanent seats, how far the Council should be expanded and whether new permanent members should be granted veto power.

Given the significant divisions that have come to define the task of reforming the UN, there are apprehensions that the G4's proposal, if implemented, would only widen rifts, split the body and even derail in the coming years the whole process of discussions about reform.

Diplomatic experience shows that broad consensus cannot be reached at a particular calendar date. Therefore, rigid deadlines for reform must not be set. The UN is a permanent venue for seeking consensus on global issues from nuclear proliferation to poverty reduction. Despite its flaws, the UN is considered to be a necessary institution by all nations. Strong, visible efforts towards seeking consensus are urgently needed. (26)

The UN is facing a critical juncture in its bid to regain trust and renew its ability to inspire the international community. It is a realistic objective. There is no reason why an organization created in accordance with its Charter "to be the centre for harmonizing the actions of nations," should not be able to reform. The UN reform should be a very high priority for all countries. The UN has been, and continues to be, a vital element of world policy. (27)

All measures to be taken should be in harmony with the vision of the Millennium Declaration of September 8, 2000, which captured the hopes of humankind for a safer, more just and more prosperous world. (28) The international community has reached a fork in the road. One path leads to a more anarchic, conflict-ridden world of entrenched poverty; the other to increased global cooperation and solidarity. (29)

Are there chances of success for the second path? Beyond the modest results of the UN World Summit, a moderately optimistic answer might be given. There are good reasons for that. There seems to be first of all a general commitment to reform and reinvigorate the Organization to meet the rapidly changing circumstances and challenges of our times.

There is a broad-based recognition among Member States that the UN as an institution has vastly expanded its scope, range and volume of work over six decades and that the current machinery and procedures are not able to respond quickly and effectively to the new and demanding issues.

Therefore, there is a clear-cut determination of Member States to address the lack of coordination among all of its activities as an indispensable step to reform the UN's overly complex structure, processes and inter-governmental machinery, criticised for corruption and mismanagement. (30)

The UN Secretary-General Kofi Annan made a sincere assessment of the situation on September 7, 2005, before the Security Council, while referring to Volcker's report. He said: "The findings in today's report must be deeply embarrassing to us all. The Inquiry Committee has ripped away the curtain and shone a harsh light into the most unsightly corners of the Organization. None of us - Member States, the Secretariat, agencies, funds and programmes - can be proud of what it has found. Who among us can now claim that United Nations management is not a problem or is not in need of reform?" And he shared the conclusion formulated in the Volcker report, by saying: "...reform is imperative if the United Nations is to regain and retain the measure of respect among the international community that its work requires." (31)

A serious reform is long overdue and, if done properly, in harmony with its fundamental principles, could have a major impact on modernizing the organization and making it more responsive. As Dag Hammarskjöld put it: "The principles [of the Charter] are, by far, greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people." (32)

A UN reform must command the support of a solid majority of its Member States. Despite internal divisions, European governments

presented a common strategy to foster a more active role for the UN. But there will be no viable reform of this "exclusive" organization without the support of the USA. Therefore, as in 1945, the USA is expected to demonstrate competent leadership. This is vital, having in mind some extremist positions expressed in 2005. (33)

Two days before the UN World Summit, on September 12, 2005, everybody could read in *The New Statesman* assertions like the following: "The agenda for the super-summit of world leaders in New York should contain just one item: the UN's funeral rites. All talk of reform should be abandoned, because the real choice on the table today is not between the present mess and a genuinely democratic body but between this mess and an interventionist agency that can serve as the military instrument of the new world order..."(34)

These views are dangerous and detrimental to the very process of reform, and the lack of reform will harm the UN. If the reform is not implemented with determination and ingenuity, there is an obvious risk of missing the opportunity to make this organization better. The reform is an essential must for the sake of those in need today, but even more urgently, for the sake of those who will need the UN's help tomorrow.

Conducting a reform will not be easy or simple. In today's political

climate, efforts to strengthen the UN that rely on a rapidly achieved consensus are unlikely to succeed. The existing obstacles have not been assessed in their true dimensions.

In that context, in spite of contrary opinions, the Volcker report must not be taken to be an indictment of UN vision, ideals and aspirations. Those lofty goals remain above reproach. All Member States have an undertaking and an obligation to preserve them and to protect them. (35)

It is important to underscore the fact that strengthening the world organization, like all reforms that the UN should carry out, is a responsibility of all Member States. If the UN is to have full credibility, it must have a transparent, effective and accountable system for managing its resources. (36) The World Summit of September 2005 was expected to take appropriate decisions to give tangibility to this imperative requirement.

5. LIMITED RESULTS AND LEGITIMATE EXPECTATION

Joseph E. Stiglitz, a Nobel laureate in economics, asserted that the World Summit reflected the UN strengths and importance in the many areas in which the international community must work together. Unfortunately, the Summit also “exposed the UN’s weaknesses and limitations.” (37) It is true that the 2005 World Summit Outcome is a modest

declaration. As a UN resolution its nature is determined by the UN Charter and 60 years of practice of the world organization. It is a non-binding set of recommendations and its implementation is fully dependent on the political will of 191 Member States. However, beyond its obvious moral specificity, the Outcome has the merit of reaffirming in clear terms that “our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential to international relations.” (38) In the absence of an ambitious and detailed plan of action, this set of values should be the guiding light of national and international policies for all UN Members. If there is genuine consensus to give tangibility to universal values, success may be expected in addressing development, disarmament, non-proliferation of nuclear weapons, as well as global crises, like those generated by terrorism, poverty, pandemics and environmental degradation. Is there true political will to translate that consensus into reality and make it a success? That seems to be the crucial question of the day.

As rightly pointed out by UN Secretary-General Kofi Annan, universal values are not expected to serve philosophers or theologians, but to help people live their lives and organize their societies at the national and global levels. Therefore, there is an urgent need for mechanisms of cooperation strong enough to insist on

universal values, but flexible enough to help people put them into effect under modalities that they can actually apply in their national and cultural contexts. In this regard, the UN system as a whole is expected to offer exemplary leadership in giving tangibility to universal values at the planetary level. (39)

It is obvious that the threats and challenges before the world today will increase in their intensity and will require drastic reforms and restructuring within the international system, including the UN. But in spite of an obvious global vulnerability affecting human security everywhere, the world community is too divided to either face up to the threats and challenges effectively or to agree on global institutional reform. Reforming the UN and consolidating multilateralism is not easy during a period when political nerves are in an edgy state. Multilateral diplomacy will have to pass numerous and difficult tests of responsibility in forging common strategies. Anti-multilateralism is still strong and means that some countries consider they do not need anybody's permission, least of all, the UN's, to pursue their national security objectives. But outside multilateralism it is next to impossible to exercise effective influence on other countries and change their conduct in the egoistic pursuit of their own national interests.

In this spirit and in order to

promote "effective multilateralism" as defined by the European Union, the international community might be interested to fully support the proposals for UN reform, irrespective of their current modest nature and lack of required specificity. (40)

In this scenario, fundamental aspects are already under scrutiny and in a process of active negotiations and consultations: improving the UN's capacity in the field of peace-keeping and conflict resolution; increasing its responsiveness to the challenges of economic and social development; enlarging the Security Council and strengthening the overall impact of the UN system as a whole in a convulsive world. There is a truism that the UN must have a secure future. This was restated and unequivocally recognized by the World Summit. There seems to be a promising consensus vision that the UN is the universal forum for all international relations; it sets important standards for social, economic and civil conduct; it acts as a unifying factor of nations and it must continue to be the great catalyst for global solidarity. (41)

In a political and practical approach, the true choice now is not between outdated UN multilateralism and unilateralism, but between a genuine wish to reform the UN system to enable it to promote a new multilateralism in harmony with the imperatives of globalization, and the easy option of acting unilaterally on the basis of pure political interests. The

professional arguments during negotiations should not be situated between simplistic options of multilateralism and unilateralism. History must not be forgotten. If the UN fails, it could mark the beginning of negative developments similar to those from the times of the League of Nations. (42)

There is no doubt that as they stand now, the UN structures and instruments are incapable of satisfactorily accommodating the aspirations of various groups of countries. Yet, there is no sound reason in mourning for it in an abstract manner. Diplomacy must continue to be an innovative school of realism helping all states to quickly come to terms with the new generation of threats and find the best ways and means to cope with them.

If the world itself is at a crossroads, a crisis of the UN cannot be limited to one institution. It will encompass the very fabric of multilateralism in which more than 400 intergovernmental organisations are involved. In that context, the European countries and the European Union advanced relevant proposals to develop a new multilateralism. Founded on solidarity, Europe's role in globalization may be convincing and productive, being highly relevant for the UN. If Europe can be an active and successful catalyst for reform, that would be a valuable example for institutions from other areas, including the one covered by ASEAN. (43)

From this perspective, a fundamental conclusion emerged from all relevant debates about the UN in 2005: the best manner to face the paradoxes of our global era is to recognize in facts its dialectics. The world and its multilateral institutions simultaneously need continuity and change. The UN must adapt itself to that imperative.

There is a legitimate wish that the UN remain the embodiment of effective multilateralism. Without it, the goals of global governance, preventing and solving conflicts, punishing crimes against humanity and defeating international terrorism, among many other urgent tasks, would be merely wishful thinking. Therefore, in a complex and unpredictable environment, the UN must redefine its identity and relevance for the irreversible process of globalization. A crucial task now is to revitalize a genuine multilateralism, based upon the values of responsibility, solidarity and dialogue.

There are numerous pathetic appeals for far-sightedness and wisdom, for a holistic view and for a right path to the UN reform process which will require difficult negotiations to reach a win-win situation acceptable to all groups of States. (44)

Many relevant suggestions have been formulated in 2004 - 2005. Some are ambitious and deal with: effective collective action to address failed and failing states – including more explicit

provision for action by regional and other plurilateral arrangements; request for clear and workable recommendations on humanitarian intervention; addressing threats from weapons of mass destruction and terrorism. (45)

Beyond the final results of the 60th session of the UN General Assembly, a strong political commitment is vital to gradually bringing bold or modest reform recommendations to fruition. It is a great challenge for multilateral diplomacy to give tangibility to this objective.

The dialectics of continuity and change are functional, even at a time when criticism of the UN is becoming increasingly sharp. (46) The passage of time and many dramatic events have demonstrated that despite its shortcomings the UN is still an irreplaceable actor in world affairs. It is only the UN that can confer legitimacy on collective actions in response to threats to international peace and security, whether the actions are taken by a group of states or by the international community as a whole.

The critical juncture of global vulnerability at which the world community now stands was a recurring theme of pronouncements made in 2005 by UN representatives from all regions, who reiterated their support for an authentic multilateralism which they considered to be necessary for survival.

They emphasized that multilateralism was the essential and primary means for dealing with critical global problems, and voiced support for the UN as the premier universal organization capable of addressing the most challenging problems of the present. (47)

But the pathetic ineffectuality of appeals by the UN to achieve progress in areas of sustainable development, poverty alleviation, the protection and promotion of human rights and fundamental freedoms, the maintenance of international peace and security and combating terrorism highlights the need to make the UN a more capable institution.

If all recommendations endorsed by the UN General Assembly in 2005 are implemented in good faith by all Member States, it would be a valuable contribution to the success of a universal organization created to order the world in accordance with fundamental principles and values accepted and respected by all nations. To paraphrase a sentence frequently used in the diplomatic community, the UN cannot take humanity to heaven, but it may play a vital role in saving from hell.

The UN needs reform. On that everyone agrees. But there is sharp disagreement on what kind of reform is needed and for what purpose. Reform projects are a constant part of the

political landscape, while few reformers are willing to admit that the UN's complex and frequently inefficient machinery results from deep political contradictions among its members and between other contending forces in the global system. Yet, some political forces want a weak UN with a small budget and scarcely any voice in economic matters. Many other nations, to the contrary, want a stronger UN and more effective multilateral policy making. Whose "reform" is to prevail?

Some modest reform measures might be approved in 2005-2006, but as the September 2005 World Summit demonstrated, negotiations could not lead to really significant results and, in the end, the world leaders approved a long but weak document, filled with many platitudes or generalities which are not action-oriented. This document does however deserve to be well-known in all countries. Its implementation will be a test for all. It remains to be seen how the UN will cope in the near future with a divisive reform process, and what avenues remain open or should be re-opened in order to forge a stronger and more effective UN system. That objective cannot be ignored or underestimated under current complex circumstances, even if the UN for the time being just continues its normal routine work. The UN reform, although of great interest to policy professionals, diplomats and scholars, is not sufficiently visible on the general public's radar. What is needed in the immediate future is to deploy more

efforts to bring the relevant reform issues to public notice.

Reform is imperative, but it requires more time, efforts and resources. The 2005 Summit was but one moment in a longer political and diplomatic process. Assessed with realism, the Summit was an important, if careful, step forward. In diplomacy, disproportionate pessimism or optimism can lead to serious errors. Responsible visionarism is needed to succeed. As stated by Ambassador Jan Eliasson, President of the current session of the UN General Assembly, the extent to which all UN Members can muster a spirit of urgency and common purpose will ultimately determine whether the World Summit goes down in history as a missed opportunity for the UN, or as the start of the most substantial reform programme in the history of the organization. (48)

In fact, there will now be a second stage for formal reform. Many UN Members hope that an infusion of political energy generated by the Summit will carry into the deliberations and negotiations of the UN General Assembly session. As reminded by Joseph E. Stiglitz, "Globalization has meant closer international integration, and that in turn has meant a greater need for collective action. The UN is the international institution created for that purpose, and as the world changes, the UN must change with it." (49) While negotiating UN reform it should

be recognized in advance that outcomes that produce winners and losers could be destructive of the very consensus that reform is intended to generate. A re-calibration of diplomacy is necessary.

In the statement made by Archbishop Celestino Migliore, Permanent Observer, Head of Delegation of the Holy See to the UN on September 23, 2005, it is cogently pointed out that the UN's future work must build upon the Summit Outcome document, "so as to fulfill with vision and determination the agreed package of reforms." It is considered a basis for implementation and ongoing discussions on UN reform. In the same statement it is recalled that the UN, as a source of the gestures of peace that come from its members' accumulated wisdom, can make a valid and important contribution to inter-faith cooperation for peace and development, as well as to promoting harmony and solidarity among peoples. (50)

Indeed, during our era of global vulnerability, it is the UN that continues to hold out the hope of peace and harmony. In times of multiple perplexities, with all its imperfections it is the UN that holds out the optimistic aspirations for a better tomorrow. Nobody can exclude the hypothesis that its radical institutional reform will continue to evade for an indefinite period of time existing expectations. Yet, the UN is able to recover from its existential crisis and will never sink into irrelevance. The fashion to

criticize the UN will intensify in the near future. However, that attitude will dialectically coexist with the universal conviction that there is no alternative to the United Nations, which has served the loftiest ideals of humankind for over six decades.

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 8. Useful details can be found in the publication “The UN: Adapting to the 21st Century”. Centre for International Governance Innovation, April, 3rd-5th, 2005 Conference. Report available at <http://www.cigionline.org/> visited on October 12, 2005.
 9. See supra, note 3.
 10. See Secretary-General’s report “In larger freedom: towards development, security and human rights for all” submitted for decision by Heads of State and Governments in September 2005, available at <http://www.un.org/reform/>
 11. The quotation is from the address delivered on October 12, 2005 by UN Secretary-General to the New University of Lisbon, available at <http://www.un.org/News/Press/docs/2005/sgsm10161.doc.htm>. See also Annual Report of the Secretary-General on the Work of the Organization (Doc.A/60/1 – 8 August 2005).
 12. See the press release of the Security Council SC/8492 dated September 7, 2005 reporting about the 5256th Meeting (AM) dealing with the report of The Independent Inquiry Committee into the United Nations “oil-for-food” programme, led by Paul A. Volcker, Chairman. “In essence, the responsibility for the failures must be broadly shared, starting we believe with Member States and the Security Council itself,” Volcker said as he

- presented the Committee's report. For a full image of the meeting see the verbatim record S/PV.5256 dated September 7, 2005.
13. See the verbatim record S/PV.5256 dated September 7, 2005.
 14. For quotation and details see the verbatim record S/PV.5256 dated September 7, 2005.
 15. For relevant statements see the verbatim records of the 60th session of the UN General Assembly under the symbol starting with A/60/PV.1. All statements made during the 2005 World Summit (High Level Plenary Meeting, 14-16 September 2005) and the General Debate (17-23 September and 26-28 September 2005) are also available on the web at <http://www.un.org/ga/60/statements/index.html>
 16. The final version of the 2005 World Summit Outcome dated September 20, 2005 is available at <http://www.un.org/summit2005/documents.html>. It has 40 pages.
 17. See the transcripts of remarks and press conferences of the UN Secretary-General Kofi Annan at <http://www.un.org/News/Press/docs/2005/sgsm10089.doc.htm> visited on October 5, 2005. See also "UN Reform Negotiations Run to 11th Hour", *Newsday*, New York, September 13, 2005.
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 23. For the full statement see the verbatim record S/PV.5256 dated September 7, 2005.
 24. Summarizing on September 21, 2005, the feelings of many Member States, Teodor Baconschi, Secretary of State

for Global Affairs in the Ministry of Foreign Affairs of Romania, said: "Member States cannot establish an ambitious policy agenda without an effective UN system adapted to the new realities of a changing world. Years after the end of the Cold War, the UN is still struggling to make the transition from refereeing ideological differences to actively responding to pressing operational challenges. Institutional change is an absolute prerequisite for successful policy results." The full text of the statement is available at <http://www.un.org/ga/60/statements/index.html>

25. See "Reforming the United Nations", AllAfrica.com, Africa - September 20, 2005 and "Africa marginalised" in *UN Chronicle*, Zimbabwe - September 17, 2005.
26. The French Prime Minister Dominique de Villepin stated in that regard on September 15, 2005 the following : "When faced with the all too frequent images of a divided and broken world, how could we not wish to build together a world with, at last, a warm heart and willing hands, worthy of the expectations of our peoples? So, yes, let us act together; for all our words will be empty if they are not grounded in solidarity, justice and respect." The full text of the statement in French and English is available at <http://www.un.org/ga/60/statements/index.html>
27. See "UN Reform" by Philo L. Dibble, Acting Assistant Secretary, Bureau of International Organization Affairs,

Statement before the House Appropriations Subcommittee, Washington, DC, June 22, 2005, available at www.state.gov/p/io/rls/rm/48581.htm visited on October 12, 2005.

28. The full text of the UN Millennium Declaration is available at www.un.org/millennium/declaration/ares552e.htm. For an interesting inside view about its adoption see Alexandru Niculescu, *Diplomacy and Destiny* (in Romanian), Editura Semne, Bucharest, 2005, pp.173-177.
29. In 2003 the UN Secretary-General stated: "... we have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded." The full text of the statement is available at www.un.org/webcast/ga/58/statements/sg2eng
30. See the article of Kofi Annan entitled "Reforming the United Nations is not as difficult as many say", *The Nation*, September 22, 2005. He asserts that "the "outcome document" adopted at the end of the UN World Summit, which has been described as "disappointing" or "watered down", if taken as a whole, is still a remarkable expression of world unity on a wide range of issues."
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33. See Statement of the European Union accompanying the speech of The Rt. Hon. Jack Straw MP Foreign Secretary of the United Kingdom of Great Britain and Northern Ireland to the General Debate of the 60th Session of the General Assembly, September 17, 2005 at <http://www.un.org/ga/60/statements/index.html>
34. See "The UN: scrap it or mend it?" by Tariq Ali and Dan Plesch, *The New Statesman*, September 12, 2005, online edition available at www.newstatesman.co.uk/
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36. For more details see the document reproduced at www.forumfor.no/v_bibliotek/154.doc
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38. See paragraph 4 of the document in the final version of the 2005 World Summit Outcome dated September 15, 2005 available at <http://www.un.org/summit2005/documents.html>
39. See Kofi Annan, "Do We Still Have Universal Values?", *Globalist Perspective*, Global Society, December 24, 2003 available at www.theglobalist.com/DBWeb/StoryId.aspx?StoryId=3661
40. For details see "An International Order based on Effective Multilateralism," European Council, December 12, 2003 at www.acronym.org.uk/docs/0312/doc11.htm
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 49. See "The indispensable UN" by Joseph E. Stiglitz, a Nobel laureate in economics, *The Daily Journal*, Caracas, October 11, 2005 (online edition)
 50. Statement by Archbishop Celestino Migliore available in full version at <http://www.un.org/ga/60/statements/index.html> See also in a similar sense the keynote address by Dr. Surakiart Sathirathai, Deputy Prime Minister of Thailand, under the theme "A Time for Renewal", on October 24, 2005, at the United Nations Day's celebration, organized in Bangkok by the UN family at the UN Conference Centre. The distinguished speaker said that the UN reform "shall be an inheritance this generation shall leave to the world and the next generations". The author of the present study attended celebration and the quotation was taken from page 7 of the text of the address circulated at the end of the event.
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