



OFFICE FOR FOREIGN AFFAIRS
PRINCIPALITY OF LIECHTENSTEIN



Meeting on the Reform of the United Nations

Hosted by the Office for Foreign Affairs of Liechtenstein and The Elders

Vaduz, 5-6 September 2015

I. Introduction

At the Munich Security Conference in February 2015, The Elders launched four proposals for the strengthening of the United Nations.¹ Three of these proposals were similar to those made by Liechtenstein,² which shares a desire to make the United Nations fit for the 21st century.

Liechtenstein and The Elders therefore came together to explore ways of achieving progress on three key topics: reinforcing the Security Council's ability to prevent or end atrocity crimes, expanding the Security Council and strengthening the process of selecting and appointing the Secretary-General. The 70th anniversary of the United Nations presented a good opportunity to reflect on the challenges of better equipping the United Nations to face the realities of the 21st century in general, and on making progress on these important topics in particular. To that end, an eminent group of practitioners, academics, and commentators was invited to take part in a strategic discussion in Vaduz, Liechtenstein.

¹ See <http://theelders.org/un-fit-purpose>.

² For Liechtenstein's statements on UN reform, see <http://www.regierung.li/-uno-allgemein-uno-reform>.

II. Summary of discussions

Discussions took place in three sessions, dealing, in turn, with a Code of Conduct on Security Council action against atrocity crimes, the election of the Secretary-General and the Expansion of the Security Council. A brief summary of each of the discussions is provided below.

The discussions were complemented by a dinner hosted by H.E. Ms. Aurelia Frick, Minister of Foreign Affairs of Liechtenstein. In welcoming participants to Liechtenstein, Minister Frick noted the large intellectual overlap between the Elders and Liechtenstein when it came to reforming and strengthening the United Nations. While agreement in the area of the expansion of the Security Council was still elusive, the coming 12 months offered a real opportunity to make progress in strengthening Security Council action against atrocity crimes and in making the election of the Secretary-General more transparent. In her remarks, Prime Minister Brundtland, Deputy Chair of the Elders, underscored the necessity of better equipping the United Nations to meet the expectations of the peoples of this world and the historical opportunity that came with the 70th anniversary of the United Nations.

The sessions took place under the Chatham House Rule. The following report has been prepared by the organizers is their responsibility.

A. Code of Conduct on Security Council action against atrocity crimes

Participants had before them both the Elders' proposal for a pledge from permanent members for "greater and more persistent efforts to find common ground, especially in crises where populations are being subjected to, or threatened with, genocide or other atrocity crimes" as well as a draft of the "Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes" prepared by Liechtenstein on behalf of the ACT (Accountability, Coherence, Transparency) Group of States. Participants also had before them an article by French Foreign Minister Laurent Fabius, outlining France's (subsequently France and Mexico's) proposal for a Code of Conduct among the permanent members of the Security Council (P5).

Participants reiterated the importance of the Security Council being able to take decisive action in general, and particularly when it comes to atrocity crimes.³ There was a prevalent perception that the Security Council was currently not doing its job, and participants saw all three proposals as a way of dealing with this perception. In that regard, the ACT Code of Conduct was characterized as "bottom up" approach, seeking to influence the P5's behavior through support by all Member States, while the Franco-Mexican approach was characterized as "top down" seeking to change the behavior of the P5 through their own initiative.

³ For the purposes of this report, "atrocity crimes" refer to genocide, crimes against humanity and war crimes.

The intention of the **drafters of the Charter** of the United Nations in creating the veto was discussed. It was suggested that the veto was created as a way of circumventing the “League of Nations problem” (unanimity was necessary for action in the League of Nations Council) while ensuring that the Council does not authorize an armed intervention against one of the P5. It was noted that the veto was initially only meant to be used to protect the P5’s “vital interests”, but that its use had subsequently expanded dramatically. Participants agreed that any amendment to the Charter that purported to curtail the veto was unlikely to succeed.

In discussing the **Code of Conduct drafted by ACT**, participants discussed the merits of a “Code of Conduct” open to all States to sign. Support by a large number of Member States would put pressure on the P5 to change their behavior. Noting that the Code of Conduct contains a pledge not to vote against “credible” draft resolutions, some suggested that interpretations of this word could vary widely while others welcomed it as a way of excluding frivolous draft resolutions. The fact that the Code of Conduct also contained a positive pledge to take action to prevent or end the crimes in question was also welcomed. Participants underscored the importance of soliciting P5 support for this initiative.

In discussing the **Franco-Mexican Initiative on veto restraint**, it was welcomed that this initiative came from a P5 country. Participants debated the desirability of a “carve out” that would allow its non-application in situations involving the “vital national interests” of the State concerned. Participants noted that this phrase was vague and open to expansive interpretation that could, indeed, make the commitment meaningless. It was suggested that the carve out could be recast as “existential threats.”

Compared to the two foregoing experts, the **Elders’ proposal** was characterized as being somewhat milder: its intention was merely to move the P5 to think more carefully about vetoing resolutions. Various **alternative proposals** were also discussed. For example, framing the commitment in a positive way: to vote in favor or to abstain on certain resolutions (though it was also noted that such a commitment is already contained in the ACT Code of Conduct. It could also be important to have at least three of the P5 ready to vote against a resolution.

In discussion the **way forward**, it was noted that moral persuasion from eminent personalities like the Elders would be very important. While some opined that this topic should be dealt with in the framework of the UN’s negotiations on Security Council reform, others thought this was not necessary. In any case, the impending 70th anniversary of the United Nations would be a good moment to move the idea of a Code of Conduct forward.

B. Election of the Secretary-General of the United Nations

Participants had before them the extracts of a General Assembly resolution that would create some innovations in the process of the election of the Secretary-General.⁴ In particular, the resolution decided that candidatures should be solicited through a joint letter from the Presidents of the General Assembly and of the Security Council. The resolution also named some criteria for the selection of the Secretary-General and encouraged the nomination of women candidates. Participants also had before them the Elders proposals as well as the ACT paper on the subject.

Regarding the **selection process**, it was noted that while the Charter left the power of appointment to the General Assembly, the Assembly had historically rubber stamped the recommendations of the Security Council. Participants welcomed the innovations contained in the new General Assembly resolution. It was noted that while the P5 did have to be involved in the selection, a genuine competition was desirable to find the best candidate. Opinions differed on the desirability of the Security Council recommending more than one candidate to the General Assembly: some considered this desirable while others did not, noting that the Secretary-General needed to be assured of the backing of all Member States to be effective.

Participants also differed on the importance of **geographic considerations**, with some speaking in favor of regional rotations while others noted that this might preclude some of the best qualified candidates. Additionally, it was noted that the new procedure required **nomination by a State**, whereas in the past, States have effectively vetoed their own, well qualified citizens who were seeking to become Secretary-General. Participants also commented on the **increased interest of civil society**, with some noting the importance of retaining the intergovernmental nature of the selection procedure. Others noted that civil society involvement was key in driving the innovations contained in the General Assembly resolution.

Turning to the **criteria** for the selection of the Secretary-General, it was posited that the chief requirement for the incumbent should be that she or he command the respect of the membership. While the view was expressed that it was paramount that the best qualified person be elected, others were of the view that “best” was often used to mean that a person agreed with a certain world view. There was also widespread support for the idea that the **next Secretary-General should be a woman**.

Strong support was expressed for the idea of **appointing the Secretary-General for a single, non-renewable term**. This could avoid the pitfalls of the current system, wherein the Secretary-General spends significant portions of her or his first term campaigning for re-election. This would lead to a more independent Secretary-General – a goal not shared by all P5, some of which oppose this suggestion for that reason. It was noted that whereas re-election was a natural part of democracy, in the UN system it is only the P5 who gain influence through the possibility of re-election. The suggestion was raised that the General Assembly could simply deal with this issue in the resolution appointing the next Secretary-General, without soliciting the input of the Security Council.

⁴ Subsequently adopted as General Assembly Resolution 69/321.

The election of the Secretary-General is also tied with the **selection of other executive heads**, and indeed, it was noted that the “Global South” feels underrepresented in the Secretariat as a whole. Participants discussed the wide spectrum of privileges of the P5, which also include “leaseholds” on certain Under-Secretary-General positions. In this regard, it was suggested that the P5 could collectively renounce their claims on senior UN posts.

Looking ahead, participants underscored the important role the President of the General Assembly would play in safeguarding the interests of Member States as a whole vis-à-vis the Security Council. It was also suggested that the General Assembly could engage in “civil disobedience” by threatening not to vote in favor of the candidate suggested by the Security Council, if the Council did not follow the procedural cues set down in the General Assembly resolution.

C. Expansion of the United Nations Security Council

Participants had before them the Elders’ proposal for expansion of the Security Council as well as Liechtenstein’s proposal for the same. It was noted that there were many different models for expansion on the table: expansion only in the non-permanent category of Security Council seats, expansion in both the permanent and non-permanent category, the creation of an intermediate category of long-term non-permanent seats, or an “interim” arrangement.

Taking stock of the history of the Security Council, participants confronted the question of whether the Security Council was still representative of the membership – or, indeed, whether it had ever been intended to be representative. It was noted that countries have risen and fallen in importance since the creation of the Council in 1945. The opinion was expressed that it was pretentious of the P5 to carve themselves into stone at that point. However, it was considered necessary to deal with the current realities, as starting over was not an option. Thus, none of the expansion models touched the status or privileges of the P5 – except the Panamanian Model, which foresees a 30-year transition to a Council with a single category of membership, without permanent members and without the veto. In considering why there had been so **little progress** on Security Council reform, participants pointed to regional rivalries and the views of the P5.

Participants considered models that proposed the creation of long-term elected seats – also referred to as the **intermediate model**. It was noted that such proposals came about as an attempt to bridge differences between those that favor the creation of new permanent seats on the Council, and those that only favor the creation of new non-permanent seats, and that this was also the model towards which the High-Level Panel on Threats, Challenges and Change was leaning in 2005, before being subjected to extensive lobbying.⁵ However, the opinion was also expressed that such a model would have to crystalize out of negotiations and was not ambitious enough as a starting point. In terms of

⁵ For the Panel’s final statement on the matter, see “A more secure World: our shared responsibility; Report of the High-Level Panel on Threats, Challenges and Change,” United Nations, 2004, paragraphs 244 to 260.

strategy, proposing such a model shifts the onus to block from the P5 to those countries aspiring to a permanent seat – a fact that some considered could lead to deadlock.

Turning to **process and procedure**, participants departed from the assumption that any expansion of the Security Council would require amending the Charter of the United Nations. This was considered difficult, but not impossible. The negotiations leading to a possible Charter amendment had now been blocked for 20 years. However, it was noted that other institutions of international governance had recently adapted – for example through the shift from the G8 to the larger G20. Some thought the only way to reform was through unity among the 188 non-P5 Member States, while others considered a hunt for consensus to be counterproductive. Participants underscored the important role that the Elders could play in raising awareness for this important topic.

III. Participants

The Elders

H.E. Mr. Martti Ahtisaari

H.E. Mr. Lakhdar Brahimi

H.E. Ms. Gro Brundtland

Guests

Mr. Tomas Anker Christensen, Chief of Staff to the President of the 70th Session of the General Assembly

Mr. Sebastian von Einsiedel, United Nations University

H.E. Mr. Nabil ElAraby, Secretary-General of the Arab League

H.E. Ms. Laura Flores, Permanent Representative of Panama to the United Nations

Ms. Minna Kukkonen, Personal Adviser to Mr. Ahtisaari

H.E. Mr. Mogens Lykketoft, President of the 70th Session of the General Assembly

H.E. Mr. Marty Natalegawa, Permanent Representative of Indonesia to the United Nations

H.E. Mr. Oh Joon, Permanent Representative of the Republic of Korea to the United Nations

H.E. Mr. Antonio Patriota, Permanent Representative of Brazil to the United Nations

H.E. Mr. Thomas Pickering, former Permanent Representative of the United States to the United Nations

H.E. Mr. Hardeep Singh Puri, Vice President of the International Peace Institute and the Secretary-General of the Independent Commission on Multilateralism

H.E. Mr. Courtenay Rattray, Permanent Representative of Jamaica to the United Nations

H.E. Mr. Razali Ismail, President of the 51st Session of the General Assembly

H.E. Mr. Gert Rosenthal, former Permanent Representative of Guatemala to the United Nations

The Elders Secretariat

Ms. Lesley-Anne Knight, CEO

Mr. Andrew Whitley, Policy & Advocacy Director

Mr. Tom Shore

Mr. Edward Mortimer

Liechtenstein

H.E. Mr. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Ms. Isabel Frommelt-Gottschald, Office of Foreign Affairs of Liechtenstein

Mr. René Holbach, Permanent Mission of Liechtenstein to the United Nations