



OCGG Government Section

Advice Program  
United Nations

# Implementing the Report of the High Level Panel

Advice to the Governments of the  
Member States of the United Nations

by Anna Dimitrijevic

## MAIN POINTS

The Member States of the UN should as soon as possible implement the important recommendations in the High Level Panel's Report on Threats, Challenges, and Change. Further reforms are however needed to ensure effective early action and the establishment of a UN army.

## ABOUT THE AUTHOR

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## ABOUT THE OCGG

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## EXECUTIVE SUMMARY

The Oxford Council on Good Governance presents the following recommendations to the Governments of the Member States of the United Nations on the implementation of the High Level Panel's Report on Threats, Challenges and Change:

R1 Legal Use of Force

*The Member States should firmly maintain the principle that the use of force against a state, except in self-defense, is only legal if authorised by the Security Council.*

R2 Core Values

*The Member States should ensure that the UN develops in accordance with the core values of effectiveness, efficiency and equity.*

R3 Early Warning and Preventive Action

*The Member States should ensure that UN facilities for early warning and capacity for early action are improved and establish an independent monitoring commission.*

R4 Security Council Reform

*The Member States should expand the Security Council by merging the French and British seats into a single EU seat and creating new permanent seats for India, Brazil, Egypt, Japan and South Africa. The Member States should not create new veto rights. The Member States that already have veto rights should limit their use in accordance with the principle of organised self-restraint.*

R5 A Standing UN Army

*The Member States should respond to global peacekeeping needs by establishing a high-readiness stand-by UN force.*

## INTRODUCTION

The recently published Report of the High Level Panel on Threats, Challenges and Change<sup>1</sup> is a bold and important step towards reforming the UN system to better respond to the needs and challenges of the 21st century.

This OCGG paper compares some of its most significant recommendations with those presented in OCGG Government Advice No 2<sup>2</sup> on the legal use of force. Most of these recommendations support each other, but OCGG Government Advice No 2 shows that in some areas the Panel Report did not go far enough, and it remains necessary to consider further reform in some areas: most importantly in ensuring effective early action and establishing a UN standing army.

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<sup>1</sup> <http://www.un.org/secureworld>

<sup>2</sup> <http://www.oxfordgovernance.org>

## RECOMMENDATIONS

### RECOMMENDATION 1 LEGAL USE OF FORCE

*The Member States should firmly maintain the principle that the use of force against a state, except in self-defence, is only legal if authorised by the Security Council.*

Both the Report and OCGG Government Advice No2 emphasise throughout that military action against a Member State which is unauthorised by the Security Council – save for Article 51. cases of self-defence and action in the face of imminent threat - cannot in any circumstance be considered legal. Paragraphs 188-192 of the Report elaborate this and apply the clause to cases where the imminence of threat is debatable.

## RECOMMENDATION 2

### CORE VALUES

*The Member States should ensure that the UN develops in accordance with the core values of effectiveness, efficiency and equity.*

Paragraphs 31-43 of the Report emphasise effectiveness, efficiency and equity as the three core values on which a credible and sustainable collective security system must be built. These correspond to the OCGG's markers of good governance, which OCGG Government Advice No 2 identified as fundamental to maintaining a legitimate system of collective security. An efficient and equitable system needs to have accountable practice, is very strongly associated with a democratic form of governance, it is open and it tends to be based on cooperation. Effectiveness is a core value listed in its own right both in the Report and in OCGG Government Advice No 2.

### RECOMMENDATION 3 EARLY WARNING AND PREVENTIVE ACTION

*The Member States should ensure that UN facilities for early warning and capacity for early action are improved and establish an independent monitoring commission.*

The Report notes in its paragraph 35. that erratic monitoring and verification weakens the potential of the collective security system, and further, that early warning must go hand in hand with early preventive action.

It is for this purpose that the OCGG recommends the establishment of a monitoring commission. This commission must not be confused with the Peacebuilding Commission proposed in the Panel Report (paragraphs 261-269), whose functions would concentrate on post-conflict peacebuilding and due to its proposed composition and working methods, it would depend to a high degree on the Security Council and on national governments for every aspect of its work. Unfortunately, the Panel Report does not go far enough in its recommendations to minimise the reoccurrence of the pitfalls of the present system.

As elaborated in OCGG Government Advice No 2 in greater detail, the monitoring commission proposed by the OCGG needs to be flexible and able to work to close deadlines. Only in this way could it address humanitarian emergencies that would fall under its purview. Its membership should be composed of independent and well-respected personalities, and the Security Council should be obliged to consider its call for preventive or early intervention. These specifications should act towards diminishing the United Nations' and its Member States' discriminating practices in responding to threats to international security which paragraph 41 of the Panel Report refers to.

## RECOMMENDATION 4

### SECURITY COUNCIL REFORM

*The Member States should expand the Security Council by merging the French and British seats into a single EU seat and creating new permanent seats for India, Brazil, Egypt, Japan and South Africa. The Member States should not create new veto rights. The Member States that already have veto rights should limit their use in accordance with the principle of organised self-restraint.*

Both OCGG Government Advice No 2 and the Panel Report (paragraphs 244-260) strongly emphasise that increasing the effectiveness and the credibility of the Security Council necessitates an overhaul of its decision-making mechanism.

The recommendations of the Panel Report include two alternatives for changing the composition of the council, both of which would add up to providing six seats to each continent with various mixtures of new permanent, renewable and non-renewable seats. In avoiding the naming of any particular countries that may be considered here, the Panel was possibly driven by concerns not to offend or show favouritism. Instead, the recommendation was that the General Assembly vote on the particular countries to assume the new seats.

While this is a sensible and democratically minded suggestion, the OCGG feels that a one-off rearrangement of the permanent seats on the Council, voted on by the Council, would be preferable. This alternative would eliminate the temporary feel to the arrangements that the adoption of the Panel's recommendations may lead to, and thereby strengthen the authority of the Security Council. It is also more likely to have the support of the current permanent members, as it would be their own vote authorising the changes.

In this spirit, OCGG Government Advice No 2 recommends that the seats held by Britain and France give way to a European Union seat, and permanent seats are allocated to Brazil, Egypt, India, Japan and South Africa. In this way the dominant countries of all continents would be represented permanently, with two polities from each continent and three from Austral-Asia (home to a quarter of the Earth's population). The inclusion of Egypt, although less frequently discussed than the other nominees, would be particularly important by bringing a Muslim country into the permanent structure of the Security Council.

With regards to the issue of veto powers, the Panel Report and OCGG Government Advice No 2 are unanimous that for pragmatic reasons, the present arrangements must continue in the near future. However, it is also agreed that the holders of veto right should pledge to voluntarily restrain their exercise of this right, and to refrain from using it altogether in the face of genocide and large-scale human rights abuses. In addition, the Panel Report proposed the introduction of 'indicative voting', where the final tally would not have legal force, and which would be followed by a second, formal round of voting. The OCGG cautiously supports this proposition, subject to it being accompanied by safeguards that this mechanism would not be hijacked for the purpose of procrastination.

Lastly, OCGG Government Advice No 2 recommends the expansion of routine consultation of regional organisations at the Security Council, while the Panel Report suggests that the Secretary General's Military Adviser and the members of his staff be available on demand to offer technical and professional advice on military options before taking decisions with military implications.

## RECOMMENDATION 5

### A STANDING UN ARMY

*The Member States should respond to global peacekeeping needs by establishing a high-readiness stand-by UN force.*

The Panel Report shies away from recommending the establishment of a standing UN army. Their answer to the shortage of personnel and other resources, problems of logistics and inadequate training, and conflicting chains of command, is to call for national governments to reconfigure their existing capabilities from cold war duties to peace operations, make capacities for rapid deployment available to UN operations, improve the use of standby arrangements and follow the lead of the European Union in creating high readiness battalions which could reinforce UN peacekeeping.

While these measures are commendable, they still fail to address some problems such as that of training, and more fundamentally, they continue to rely entirely on the voluntary cooperation of national governments from case to case. This has been the core stumbling block to date to improving UN peacekeeping operations, and as such, the Panel Report fell short of addressing the heart of the problem. It is the OCGG's view that the partial transfer of sovereignty to the United Nations involved in the member states' signing of the charter warrants a more far-reaching solution that promises to bring about a stabler and more efficient arrangement.

The OCGG recommends the establishment of a high-readiness UN force that is placed directly under the authority of the Security Council; and that trains together regularly to ensure the interoperability of the troops concerned. OCGG Government Advice No 2 outlines the viable alternatives, and suggests that the most promising option is that each member state mandatorily provides 5% or more of their military capacity, with similar financial provisions to allow for the maintenance of interoper-

able technical stock. These resources should also be used to fund UN-oriented training exercises to a uniform standard and one higher than the present levels provided in most national armies under the Charter obligations. The troops earmarked for the UN army in this manner should have a reasonably stable long-term composition to enhance the efficiency of the missions.

This alternative would combine the benefits of the member states retaining direct connection to the troops concerned in their military capacities, with overcoming the pitfalls of the present system of ad hoc contributions and fitful delivery. Cooperation with affiliated forces such as the European Union's Rapid Reaction Force, beyond the potential overlap in the membership of such forces, is encouraged.

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