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REFORM OF THE UNITED NATIONS

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EXECUTIVE SUMMARY

UN reform has been driven by two key factors. Firstly, threats such as terrorism, weapons proliferation, HIV/AIDS, failed states, and intra- and interstate conflicts have illustrated the need for a more effective system of multilateral governance. The second factor relates to the legitimacy and effectiveness of the United Nations in addressing these threats. Reform of the composition and working methods of the UN Secretariat and the various UN Councils is necessary to allay concerns about legitimacy and accountability. Improvements to the United Nations' threat assessments, responses to threats, and capacity to manage contemporary threats to international peace and security are necessary to allay concerns about relevancy and effectiveness. The United Nations has also been hampered by reports of corruption and mismanagement relating to the Oil-for-Food Programme for Iraq.

Two significant reports provided the framework for reform negotiations between member states. In December 2004, the High-level Panel on Threats, Challenges and Change released *A more secure world*. This report identified six clusters of threats, offering 101 recommendations on collective security, prevention, the use of force, and UN reform. In March 2005, Secretary-General Kofi Annan released *In Larger Freedom*. This ambitious report built on the report of the High-level Panel and provided a blueprint for UN reform. To mark the 60th anniversary of the United Nations, the September 2005 World Summit was tasked with reviewing progress towards the Millennium Development Goals and achieving consensus on UN reform.

The final *2005 World Summit Outcome* document incorporated many of the recommendations of the High-level Panel and the Secretary-General. However, in certain areas it offered limited proclamations in comparison with *In Larger Freedom* and *A more secure world*, and it failed altogether to address other issues, such as disarmament and non-proliferation.

- **Responsibility to Protect:** The *2005 World Summit Outcome* adopted the "responsibility to protect" concept, stating that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." In cases where states "manifestly" fail in this regard, the United Nations will take collective action through the Security Council, which could result in military intervention in cases where peaceful means are "inadequate." Criteria for the authorization and use of force by the Security Council were not addressed in the Outcome document.

- **Security Council Reform:** The Security Council has been criticized for its anachronistic composition, its lack of transparency, and its inefficient decision-making. The High-level Panel on Threats, Challenges and Change, and the Secretary-General offered two different models for Council reform that addressed the first of these criticisms. Both models propose increasing the number of seats to 24. Model A provided for 6 new permanent seats, while Model B provided for 8 new four-year renewable-term seats. In the end, member states were unable to achieve any agreement on Security Council reform, pledging continuing efforts in this regard.

- **Terrorism:** The *2005 World Summit Outcome* did not include an agreed definition of terrorism, but does "strongly condemn terrorism in all its forms and manifestations." It also suggests that the General Assembly develop strategies and responses to counter terrorism, as recommended by the Secretary-General.

- **Peacekeeping:** UN peacekeeping in the 1990s was the subject of many criticisms. The 2000 Brahimi report on United Nations peace operations stressed the need for political will and material support from UN member states. It recommended that Security Council mandates and rules of engagement for peacekeeping operations be clarified and bolstered. The *2005 World Summit Outcome* supported the need for the United Nations to establish partnerships with regional organizations, noting the importance of the African Union to regional peace and security.

- **Peacebuilding Commission:** The High-level Panel on Threats, Challenges and Change identified a "key institutional gap" in the UN system in addressing the critical period between the end of a conflict and longer-term development. Following the decision of the World Summit, the Security Council authorized the creation of a UN Peacebuilding Commission. The Peacebuilding Commission, an "intergovernmental advisory body," will marshal resources, coordinate all relevant actors in post-conflict situations, and advise the Security Council on strategies for countries making the transition from war to peace.

- **Human Rights Council:** The Annan report recommended that the UN Commission on Human Rights be replaced with a new Human Rights Council. It was argued that this Council would be less politicized in its membership and more consistent in its work than the UN Commission on Human Rights. The General Assembly voted to create the Human Rights Council on 15 March 2006. The Council will have 47 members elected directly by a majority of the General Assembly, and meet regularly throughout the year; it is intended to ensure greater scrutiny of the human rights records of its members.

Some commentators labelled the *2005 World Summit Outcome* document as a limited success, while other groups suggested it was a failure. Many have noted that reform efforts will be the subject of ongoing negotiations, such as the recent establishment of the Peacebuilding Commission, and that UN reform is "a process, not a moment."

REFORM OF THE UNITED NATIONS

INTRODUCTION

Multilateral institutions and processes have for years been at the centre of Canadian foreign policy, both as a means of pursuing Canadian interests internationally and as a principled commitment to building a rules-based international system. From its involvement in the founding of the United Nations and NATO following World War II, to its central role in drafting and implementing the Ottawa Convention to ban landmines and establishing the International Criminal Court in the 1990s, Canada has been a global leader in promoting regional and global governance through multilateral institutions and international law. There has been strong public support for Canada's commitment to multilateralism and for its participation in multilateral institutions.

The government has recently pursued two parallel initiatives aimed at improving the effectiveness of the United Nations and of multilateral cooperation more generally: contributing to efforts to reform the United Nations, and proposing the creation of a Group of 20 countries (G20 or L-20). Foreign Affairs Canada's (FAC) 2005-2006 Report on Plans and Priorities listed the promotion of "a more effective and flexible new multilateralism" as priority no. 3.[1] The Government of Canada's 2005 International Policy Statement (IPS) discussed this theme in some detail. It stated that Canada must "contribute to building a new framework of governance that can both serve our interests and solve contemporary global problems."[2]

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(1) Department of Foreign Affairs and International Trade (Foreign Affairs Canada), *Estimates 2005-2006 Part III – Report on Plans and Priorities (RPP): Foreign Affairs Canada*, pp. 13, 21-22, http://www.tbs-sct.gc.ca/est-pre/20052006/FAC-AEC/FAC-AECr56_e.asp.

(2) Government of Canada, *A Role of Pride and Influence in the World: Canada's International Policy Statement*, April 2005, "Overview," p. 26, http://www.international.gc.ca.

OVERVIEW OF UN REFORM

Over the past 15 years, the geopolitical landscape has been altered by the end of the Cold War, the increase in global economic integration, the growing recognition of global environmental challenges (e.g., climate change), and the rise of non-state actors. The reoccurrence of old threats (failed states, civil and international wars) and the emergence of new ones (international terrorism, the HIV/AIDS pandemic, Avian Flu) have drawn attention to the need for a more effective system of international governance, including reform of the United Nations and other international organizations. Paul Heinbecker, Canada's former Ambassador to the United Nations, has argued that "reform of the United Nations system is necessary but not sufficient to meet the challenges of the twenty-first century. The weaknesses of other international bodies need remedying and the lacunae between them need filling."[3]

There is a growing recognition among many states and non-state actors that transnational problems can be effectively addressed through multilateral institutions and agreements. Yet, the efficiency and legitimacy of these institutions have also been questioned. Indeed, the UN Charter, conceived in 1945, was intended primarily to prevent future conflicts between states and to save future generations from the scourge of "great power" wars. However, recent efforts concerning international terrorism, small arms, displaced persons, human rights, and the proliferation of weapons of mass destruction, reflect the trend to broaden the focus of security concerns and to address these and other challenges that transcend national boundaries. There have also been arguments that the United Nations must present an effective and adaptive strategy to cope with emerging security threats in order to ensure its continuing relevancy.

Reform of the UN system as a whole has been on the UN agenda almost since the birth of the organization. Reform efforts have tended to ebb and flow in prominence over the years, but have featured heavily in recent debates, due in part to the United Nations' 60th anniversary in 2005 and the controversy surrounding the 2003 U.S.-led campaign in Iraq. Reform efforts have targeted the UN Secretariat and the composition, focus, and working methods of the various UN Councils, especially the Security Council, the United Nations' main decision-making body. Since assuming office in 1997, Secretary-General Kofi Annan has led the reform effort with a series of initiatives, including consolidating the UN organizational structure, improving accountability and coordination among UN agencies and programs,

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(3)   Paul Heinbecker, "The UN in the 21st Century," in *Canada Among Nations 2004*, ed. David Carment *et al.*, McGill-Queen's University Press, Montréal, 2004, p. 257.

overhauling peacekeeping operations, integrating human rights advocacy into major areas of UN work, and developing new means of engagement with civil society and the private sector. He also convened high-level panels to make recommendations on UN reform. The Panel of Eminent Persons on United Nations–Civil Society Relations presented its report *We the Peoples: Civil Society, the United Nations and Global Governance* in June 2004. It concluded: "The involvement of a diverse range of actors, including those from civil society and the private sector, as well as local authorities and parliamentarians, is not only essential for effective action on global priorities but is also a protection against further erosion of multilateralism."[4]

A more secure world: Our shared responsibility, the report of the High-level Panel on Threats, Challenges and Change, was released in December 2004.[5] The panel was composed of 16 former heads of state, foreign ministers, and development, security, and diplomatic officials. The report, which represented an attempt to revitalize the United Nations' response to security threats, addresses the overall issue of threat perception and identifies six clusters of threats to international security: economic and social threats, including poverty, infectious disease and environmental degradation; inter-state conflict; internal conflict, including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. The report examines each cluster and makes 101 recommendations on collective security and the challenge of prevention, collective security and the use of force, and reform of the UN's institutions.

Secretary-General Annan's March 2005 report *In Larger Freedom: Towards Development, Security and Human Rights for All* builds on and incorporates many of the arguments and recommendations of the High-level Panel's report.[6] The Secretary-General's report seized the momentum of the United Nations' 60th anniversary, presenting a blueprint for reform of the organization. Many commentators suggested that Annan's report was both ambitious and necessary. The report argued that 2005 presented an "historic opportunity" to address the main challenges facing the global community in the areas of development, collective security, and good governance and human rights.

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(4)   United Nations, *We the Peoples: Civil Society, the United Nations and Global Governance*, Report of the Panel of Eminent Persons on United Nations–Civil Society Relations, June 2004, p. 7, http://www.un.org/reform/a_58_817.pdf.

(5)   United Nations, *A more secure world: Our shared responsibility*, Report of the High-level Panel on Threats, Challenges and Change, December 2004, http://www.un.org/secureworld/.

(6)   United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary-General of the United Nations, New York, March 2005, http://www.un.org/largerfreedom/.

In Larger Freedom and the recommendations contained in *A More Secure World* established a framework for negotiations between UN member states over the direction of UN reform. Member states negotiated proposals and versions of a draft document over many months. In September 2005, world leaders convened a "High-level Plenary Meeting of the General Assembly." This World Summit was intended to produce an outcome document on UN reform and to review efforts towards reaching the Millennium Development Goals, which were established in 2000.[7]

The Canadian government stated that it supported the recommendations made by Secretary-General Annan. However, many countries – including China, the United States, a group led by Italy, Pakistan, South Korea, Mexico, and a number of developing countries – stated their opposition to various parts of the Secretary-General's proposed reform package. For example, in the weeks prior to the September 2005 UN World Summit, the U.S. Ambassador to the United Nations, John Bolton, voiced concerns and proposed hundreds of amendments to the summit's draft outcome document. These late amendments, while not including radical departures from U.S. policy, were viewed by some observers as derailing the reform process.[8] The President of the General Assembly, Jean Ping, brought together 30 "core" countries to resolve these differences and focus on key contested issues. By the conclusion of the Summit, the General Assembly had adopted the *2005 World Summit Outcome* document, listing recommendations and assessing challenges ahead.

Overall, considering the high expectations surrounding the September 2005 Summit, some commentators labelled the resulting Outcome document as a limited success while other groups suggested it was a failure. For example, the document did not address the issues of disarmament and non-proliferation. In November, Canada's then Minister of Foreign Affairs, Pierre Pettigrew, argued that "we cannot take this setback as a definitive statement of the

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(7)   Through the Millennium Development Goals (MDGs), UN member states have pledged that by 2015 they will reduce extreme poverty and hunger by half, achieve universal primary education, empower women and promote gender equality, reduce the mortality of children under five years old by two-thirds, reduce maternal mortality by three-quarters, reverse the spread of HIV/AIDS, malaria, and other major diseases, ensure environmental sustainability, and create a global partnership for development; see United Nations, *UN Millennium Development Goals*, http://www.un.org/millenniumgoals/index.asp. The Millennium Project was established by the Secretary-General to assess progress towards the MDGs and provide recommendations on how to achieve them. The Project, which is directed by Jeffrey Sachs, released its report *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* in January 2005. This report argued that achieving the MDGs was still possible if developed and developing states took substantial and immediate action, and it provided recommendations to this effect.

(8)   Colum Lynch, "Bolton Voices Opposition to UN Proposals," *The Washington Post*, p. A23, 1 September 2005; also Julian Borger, "Bolton Throws UN Summit into Chaos," *The Guardian* [Manchester], 26 August 2005.

UN's value. Even though the World Summit in New York was a disappointment, the UN did not shut down: the United Nations system continues to function around the world."[9] As the United Nations is defined by the political will of 191 member states, and the ability of those member states to reach agreement, the organization's capacity and willingness to reform itself and transform its own institutions and working methods remain a delicate proposition.   The importance of the United Nations' work was noted recently in the 2005 *Human Security Report*, which suggested that the preventive diplomacy, peacemaking, and post-conflict operations of the United Nations have made a significant contribution to the decline in violent conflict since the end of the Cold War.[10]

KEY ASPECTS OF UN REFORM

Six aspects of UN reform and the organization's role in protecting international security and human rights have received particular attention in recent years, and are discussed here: the Responsibility to Protect (RTP); reform of the Security Council; the United Nations' role in the fight against terrorism; improvements in UN peacekeeping operations; UN efforts towards peacebuilding; and reform of the UN Commission on Human Rights. Each of these was the subject of recommendations in the reports of the Secretary-General and the High-level Panel on Threats, Challenges and Change and was addressed in the *2005 World Summit Outcome* document.

A. Collective Security and the Responsibility to Protect

The RTP concept is built on the idea of "conditional sovereignty." If states are unable or unwilling to protect their populations from gross humanitarian abuses or if they fail to halt such abuses, the international community has a responsibility to protect, which implies armed intervention. This new concept of collective security has stirred debate. While it is intended to prevent systematic atrocities and abuses, certain states have expressed concern over "principles" and "process."[11] It has been suggested, for example, that such interventions violate

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(9)   Foreign Affairs Canada, Address by the Minister of Foreign Affairs, Pierre Pettigrew, "Canada's International Policy Statement and UN Reform," 10 November 2005, http://w01.international.gc.ca/MinPub/Publication.asp?Language=E&publication_id=383392.

(10) Human Security Centre, *Human Security Report 2005: War and Peace in the 21st Century*, Oxford University Press, New York, 2005, pp. 9, 153-154.

(11) The International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, December 2001, http://www.iciss.ca/report-en.asp.

international law (state sovereignty) and international order, that they could trigger negative events such as mass refugee flows and destabilization, and that the RTP principle could be manipulated by a state or group of states to justify the pursuit of their interests. The *Report of the International Commission on Intervention and State Sovereignty* and the reports by the Secretary-General and High-level Panel have attempted to forge consensus on these issues and establish parameters on how to respond to cases of mass humanitarian abuses.

In addressing threats to collective security and the responsibility to protect people from avoidable catastrophes, the High-level Panel on Threats, Challenges and Change and Secretary-General Annan proposed five criteria for the authorization of force by the Security Council to counter threats to collective security: (i) the threat must be serious; (ii) the primary purpose of the proposed military action must be to halt or avert the threat in question; (iii) military force must be the last resort; (iv) means employed must be proportional to the threat in question; and (v) there must be a reasonable chance of the military action being successful in meeting the threat in question.[12]

The *2005 World Summit Outcome* adopted the RTP concept, stating that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The Outcome document asserts the primary role of the Security Council in taking or initiating collective action in cases where "national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The authority for this Security Council action is derived from the UN Charter, in particular Chapter VII; thus, it can result in military intervention, "on a case-by-case basis," where "peaceful means [are] inadequate."[13] The adoption of this principle is considered one of the significant outcomes of the World Summit. Building consensus around the responsibility to protect concept has been a Canadian foreign policy initiative for several years and was listed as a priority for UN reform in the government's 2005 International Policy Statement.[14] No concrete guidelines have yet been established as to how the RTP principle will be implemented; these will be the subject of further deliberations.

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(12)   United Nations, *In Larger Freedom* (2005), par. 126; and United Nations, *A more secure world* (2004), par. 207.

(13)   United Nations General Assembly, *2005 World Summit Outcome*, Resolution 60/1, 24 October 2005, pars. 138-139.

(14)   Government of Canada, *A Role of Pride and Influence in the World* (2005), "Diplomacy," pp. 12, 20.

B. Security Council Reform

The Security Council has been plagued by a lack of legitimacy for several reasons. It does not include several major countries (e.g., India, Brazil, Japan, Germany) among its permanent members, and there is a lack of regional balance in its permanent membership. In addition, the Security Council's decision-making lacks transparency, and its decision-making system has made it all but impossible for the Council to deal with major international crises on which the interests of permanent members diverge (e.g., Rwanda, the Middle East, Iraq, Darfur). The Security Council has also been criticized for its reluctance to hold itself to account, especially in terms of the administration of the defective Oil-for-Food Programme for Iraq and the failure to respond effectively to the 1994 Rwandan genocide.

In the past, reform proposals tended to focus on expanding the permanent membership of the Security Council to include Germany, Japan, India, representatives from Latin America and Africa, and/or a single seat for the European Union in place of the current French and U.K. seats. Canada has been opposed to increasing the number of permanent members, especially if it would involve extending veto powers to them, because this would probably make decision-making more difficult and delivering action more elusive. To this effect, Canada has made statements concerning the use of the veto, a mechanism that bestows significant power and influence on the Council's permanent members. In a statement before the General Assembly, Canada's permanent representative to the United Nations, Allan Rock, stated that "Canada believes that any use of the veto should be explained and justified."[15] Expanding the permanent membership of the Council would also reduce the role of medium-sized powers like Canada. The 2005 International Policy Statement reiterated Canada's focus on enhancing the "effectiveness" of the Council.[16] Indeed, certain observers have suggested that reform efforts that focus solely on expanding the number of seats will not improve the effectiveness of the Security Council without equal efforts to address the Council's transparency and accountability in working methods and consultations, its ability to work with the realities of U.S. power, and its persistent lack of political will to act, in whatever form, to deal with urgent humanitarian crises.[17]

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(15) Allan Rock, Permanent Representative of Canada to the United Nations, "Statement to the General Assembly on Security Council Reform," New York, 11 November 2005, http://www.international.gc.ca/canada_un/ottawa/statements/unga-en.asp?id=4567&content_type=2.

(16) Government of Canada, *A Role of Pride and Influence in the World* (2005), "Diplomacy," p. 21.

(17) Edward C. Luck, "The UN Security Council: Reform or Enlarge?" in *Irrelevant or Indispensable? The United Nations in the 21st Century*, ed. Paul Heinbecker and Patricia Goff, Wilfrid Laurier University Press, Waterloo, 2005.

The United States has consistently made statements supporting permanent membership status for Japan, and has also stated that it supports a modest expansion of the Council's permanent and non-permanent membership. According to the United States, criteria for such membership should include "size of economy and population; military capacity; contributions to peacekeeping operations; commitment to democracy and human rights; financial contributions to the United Nations; non-proliferation and counterterrorism records; and equitable geographic balance."[18]   While there is near-consensus that reform of the Security Council is necessary to ensure the effectiveness and legitimacy of the United Nations, various proposals have been hampered by the political and strategic concerns of different groups of member states.   Moreover, any proposals for Security Council reform will necessitate an amendment to the UN Charter that must be approved and ratified by two-thirds of the General Assembly, including all permanent members of the Security Council.[19]

The reports of the High-level Panel and the Secretary-General proposed two models for Security Council reform, both increasing the number of seats to 24 and giving each region – Africa, Asia/Pacific, Europe, and the Americas – 6 seats on the Council.

- Model A provides for 6 new permanent seats – 2 each for Africa and Asia/Pacific, 1 each for Europe and the Americas – with no new veto being created, and an increase of two-year-term non-permanent seats from 10 to 13.

- Model B provides for no new permanent seats but creates a new category of 8 four-year renewable-term seats – 2 for each region – and an increase of two-year-term non-permanent seats from 10 to 11.[20]

Security Council reform remained a contentious issue throughout the negotiations leading up to the September 2005 World Summit. The outcome document reflects the failure to achieve any agreement on the restructuring of the Security Council. Regional rivalries over proposed permanent seats, and the power and influence that such a seat would provide, have hampered efforts towards achieving consensus on Council reform. While continuing to assert the primacy of the Security Council in the maintenance of international peace and security, the

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(18)   John R. Bolton, U.S. Permanent Representative to the United Nations, "Statement to the United Nations on Security Council Reform," 10 November 2005, http://www.usunnewyork.usmission.gov/05_214.htm.

(19)   United Nations, *Charter of the United Nations*, Chapter XVIII, Article 108.

(20)   United Nations, *A more secure world* (2004), pars. 252-253.

Outcome document states: "We support early reform of the Security Council … 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."[21] The document only pledges continuing efforts to reach a decision on Council reform and a continuing examination of this issue.

C. Terrorism

A more secure world identifies terrorism as one of the six clusters of threats to international security, and defines it as

> any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.[22]

The Annan report endorses this definition and calls for a comprehensive global strategy against terrorism "based on five pillars: it must aim at dissuading people from resorting to terrorism or supporting it; it must deny terrorists access to funds and materials; it must deter States from sponsoring terrorism; it must develop State capacity to defeat terrorism; and it must defend human rights."[23]

While the *2005 World Summit Outcome* did "strongly condemn terrorism in all its forms and manifestations," it did not include a definition of terrorism.[24] The inability to reach consensus on the definition of terrorism reflects the controversy over the potential inclusion of

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(21) United Nations General Assembly, *2005 World Summit Outcome* (2005), par. 153.

(22) United Nations, *A more secure world* (2004), par. 164. Canada's *Anti-terrorism Act* of 2001 amended the *Criminal Code* to define "terrorist activity" as an action that takes place either within or outside of Canada that is an offence under one of 10 UN anti-terrorism conventions and protocols; or is taken or threatened for political, religious or ideological purposes and threatens the public or national security by killing, seriously harming or endangering a person, by causing substantial property damage that is likely to seriously harm people or by interfering with or disrupting an essential service, facility or system. For the detailed definition, please see section 83.01 of the Code, http://laws.justice.gc.ca/en/C-46/index.html.

(23) United Nations, *In Larger Freedom* (2005), par. 88.

(24) United Nations General Assembly, *2005 World Summit Outcome* (2005), par. 81.

"state terrorism" or exclusion of acts of resistance groups or "freedom fighters." Overall, the section on terrorism does not contain many decisive statements. As a result, Gareth Evans of the International Crisis Group assessed that world leaders "shirk[ed] the crucial norm setting task of saying that the particular form of violence against civilians was absolutely prohibited."[25] The Outcome document does, however, welcome the Annan report's identification of a counter-terrorism strategy and suggests that the General Assembly work towards developing such a strategy and responses to counter terrorism.

D. Peacekeeping Operations

UN peace operations have been the subject of reform efforts due to the perceived failures of UN peacekeeping missions in the 1990s. UN inaction during the 1994 Rwandan genocide drew strong criticism. A few years later, *The Fall of Srebrenica* (1999) examined the controversial UN-designated "safe areas" in the Bosnia conflict, after the massacre of thousands of Bosnian Muslims in Srebrenica, a UN "safe area," in July 1995. In 2000, the United Nations released the *Report of the Panel on United Nations Peace Operations*. The panel, which was chaired by Lakhdar Brahimi, identified in its report the complications now facing UN peacekeeping operations in situations of failed states and fragile peace agreements, with a complex array of armed groups, government and non-state actors. The report stressed the need for political will and material support (financial, civilian, and troops) from UN member states. It also strongly recommended that Security Council mandates and rules of engagement for peacekeeping operations be clarified and bolstered in order to improve the capacity of UN forces to fulfil their missions.[26]

The 2005 reports of the High-level Panel and the Secretary-General reiterated the findings of the Brahimi report and noted improvements that have followed that report's release. *In Larger Freedom* argues that recent operations and initiatives by regional organizations do not absolve the United Nations from its peacekeeping responsibilities. Instead, Annan's report favours "the establishment of an interlocking system of peacekeeping capacities that will enable the United Nations to work with relevant regional organizations in predictable and reliable

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(25) Gareth Evans, "Does the United Nations Have a Future?" Address, Ottawa, 14 November 2005, http://www.crisisgroup.org/home/index.cfm?id=3790&l=1.

(26) United Nations General Assembly, *Report of the Panel on United Nations Peace Operations*, Resolution A/55/305, 21 August 2000, http://www.un.org/peace/reports/peace_operations/.

partnerships."[27]   The *2005 World Summit Outcome* contains a relatively short section on peacekeeping. It supports the need to establish partnerships with regional organizations, such as the European Union and the African Union, and urges "further development of proposals for enhanced rapidly deployable capacities," including "an initial operating capability for a standing police capacity."[28]

E. UN Peacebuilding Commission

The High-level Panel identified a "key institutional gap" in the UN system in addressing state failure and collapse, regression into conflict, and the critical period between the end of a conflict and longer-term development.[29]   The Peacebuilding Commission was conceived as a new institutional mechanism to provide coordinated and sustained attention to post-conflict recovery efforts, and to help address the tendency for a return to violence within five years of the conclusion of armed conflict.[30]   The Commission reflects the links between conflict, security, development, and strong institutions, as identified in the reports of the Secretary-General and the High-level Panel.

At the 2005 UN World Summit, member states agreed to establish the Peacebuilding Commission, and on 20 December 2005 the Security Council adopted resolution 1645, authorizing its creation. It appears that this body will primarily act to advise the Security Council, but can also respond to requests for advice from the Economic and Social Council and General Assembly, "with the consent of a concerned Member State in exceptional circumstances on the verge of lapsing or relapsing into conflict and with which the Security Council is not seized in accordance with Article 12 of the Charter."[31]   Resolution 1645 also recommends that the Commission be supported by a Peacebuilding Fund through voluntary contributions. The Commission is intended to coordinate relevant actors, provide recommendations and

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(27)   United Nations, *In Larger Freedom* (2005), par. 112.

(28)   United Nations General Assembly, *2005 World Summit Outcome* (2005), pars. 92-93.

(29)   United Nations, *A more secure world* (2004), par. 261.

(30)   United Nations, *In Larger Freedom* (2005), Addendum 2.

(31)   United Nations Security Council, Resolution 1645, 20 December 2005, 5335th meeting, http://www.un.org/peace/peacebuilding/res1645.pdf, par. 12.   Article 12.1 of the *Charter of the United Nations* states that "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

information, "marshal" sufficient resources and financing, focus attention on "reconstruction and institution-building efforts," and advise on strategies that will enable a transition from conflict to peace and will create conditions for sustainable development.[32]

The Peacebuilding Commission will be consensus-based and consist of a Standing Organization that will include 31 member states: 7 from the Security Council, 7 members of the Economic and Social Council, 5 of the top 10 financial contributors to the UN system, 5 of the top 10 contributors of military personnel and civilian police, and 7 additional members according to regional balance and relevant post-conflict experience. The Commission's work will also be implemented through "country-specific meetings," which will include the state under consideration, relevant regional states engaged in the post-conflict process, major financial, civilian police, and military contributors "involved in the recovery effort," and international financial institutions.[33]

While the creation of the Peacebuilding Commission is considered an important success, there are potential issues concerning the overall authority of such an "advisory" body and long-term financing (the small peacebuilding support office will be staffed "from within existing resources" and the Peacebuilding Fund will consist of "voluntary contributions"). Public attention will, therefore, now focus on the implementation of the Peacebuilding Commission and the Commission's ability to effect change and successfully coordinate actors and agencies.

F. UN Human Rights Council

Secretary-General Annan proposed "to replace the Commission on Human Rights with a smaller standing Human Rights Council [whose] members would be elected directly by the General Assembly by a two-thirds majority of members present and voting. The creation of a Human Rights Council would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations."[34] According to *In Larger Freedom*, the new Council could be less politicized than the Commission

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(32) *Ibid.*, par. 2.

(33) *Ibid.*, pars. 4, 7.

(34) United Nations, *In Larger Freedom* (2005), par. 183.

on Human Rights, in terms of its membership;[35] it could also be less selective in terms of the focus and consistency of its work (assisted by a "peer review mechanism"). In addition, the proposal to make the Council a standing body could allow for more "in-depth" examination of human rights issues.[36]

At the 2005 World Summit, member states agreed in principle to establish a new Human Rights Council. The Outcome document states that the Human Rights Council is intended to promote respect for human rights and to address and make recommendations concerning violations of human rights.[37] Following the conclusion of the World Summit, however, concerns were expressed that the new Council would remain simply a proposal, as its mandate, functions, size, membership, and procedures were the subject of ongoing and often contentious negotiations.

These negotiations intensified in early 2006 and culminated in the General Assembly's vote on Resolution A/RES/60/251 on 15 March 2006, which created the new Human Rights Council. This decision was lauded by many as an important step towards improving the United Nations' capacity to promote and uphold international human rights standards. The Human Rights Council will be a subsidiary organ of the General Assembly and have 47 member states: 13 from Africa, 13 from Asia, 6 from Eastern Europe, 8 from Latin America and the Caribbean, and 7 from the group of Western European and Other States (including Canada and the United States). Members will be elected "directly and individually by secret ballot by the majority of the members of the General Assembly."[38] Members will serve three-year terms and "shall not be eligible for immediate re-election after two consecutive terms." Moreover, "the General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Council that commits gross and systematic violations of human rights." The Council will meet regularly with no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks.[39]

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(35) For example, the UN Commission on Human Rights listed Cuba, China, Sudan, and Zimbabwe as members in 2005, and was chaired by Libya in 2003, http://www.ohchr.org/english/bodies/chr/membership.htm.

(36) United Nations, *In Larger Freedom* (2005), Addendum 1.

(37) United Nations General Assembly, *2005 World Summit Outcome* (2005), pars. 157-160.

(38) United Nations General Assembly, "Human Rights Council," A/RES/60/251, 60th session, 3 April 2006.

(39) *Ibid.*

The creation of the new Council was not, however, without controversy. The United States emerged as the most prominent critic of the draft resolution proposed by the President of the General Assembly, and voted against the resolution. Although the United States was a strong supporter of the proposed Human Rights Council, it maintained a firm position in negotiations over the Council's selection process, criteria for membership and size, suggesting that the Council have no more than 30 members in order to improve on the effectiveness of the previous 53-member Human Rights Commission.[40] The U.S. government was critical of the fact that, whereas *In Larger Freedom* had called for members' election by a two-thirds majority, the approved General Assembly resolution required only a simple majority of the votes cast. The United States had also called for firm "exclusionary criteria" to ensure that human rights abusers were prohibited from Council membership. It did, however, affirm that it would "work cooperatively with other Member States to make the Council as strong and effective as it can be."[41]

Canada voted in favour of the new Council and is a candidate for membership under the "Western European" regional grouping. Canada stated that it would work to ensure an "efficient and effective" Council, and mentioned the need for a constructive "universal periodic review mechanism" and the need to involve civil society in the Council's work.[42] Overall, the debate between the supporters and detractors of the new Council reflects differing assessments as to the extent to which compromise was acceptable and necessary. The High Commissioner for Human Rights stated, "Let us be clear: the proposal now before the General Assembly is the result of compromise. It cannot be an ideal blueprint. [But] there is no reason to believe that more negotiating time will yield a better result."[43]

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(40) United States Mission to the United Nations, "Moving Forward on Establishing a Credible and Responsible Human Rights Council," Statement by Ambassador John Bolton, 11 January 2006, http://www.usunnewyork.usmission.gov/06_002.htm.

(41) United States Mission to the United Nations, "Explanation of Vote by Ambassador John R. Bolton, U.S. Permanent Representative to the United Nations, on the Human Rights Council Draft Resolution, in the General Assembly, March 15, 2006," 15 March 2006, http://www.usunnewyork.usmission.gov/06print_051.htm.

(42) Permanent Mission of Canada to the United Nations, "Human Rights Council: Canada's Commitments and Pledges," 10 April 2006, http://www.dfait-maeci.gc.ca/canada_un/ottawa/whats_new/default-en.asp?id=6239&content_type=2.

(43) United Nations Office of the High Commissioner for Human Rights, "High Commissioner for Human Rights Urges Support for Human Rights Council," Statement by Louise Arbour, High Commissioner for Human Rights, 23 February 2006, http://www.ohchr.org/english/press/hrc/hrc-hc-english.pdf.

ACCOUNTABILITY AT THE UNITED NATIONS

A. Corruption: The UN Oil-for-Food Programme for Iraq

In addition to reform efforts in the six areas discussed above, reports on corruption and misuse of UN programs have raised serious concerns – particularly in the United States – about lack of accountability at the United Nations. Some critics argue that the issue goes beyond problems with individual programs and extends to many aspects of UN decision-making and administration, as well as to the proper and transparent assessment of UN programs and activities. While Secretary-General Annan has made some progress in improving accountability, significant problems remain.

Perhaps the best-known case of corruption is the US$62-billion UN Oil-for-Food Programme for Iraq. The programme was originally established to address the humanitarian consequences of Security Council sanctions, through a program managing the sale of Iraqi oil. According to media reports and a recent CIA report, the programme illegally generated close to US$2 billion in revenue for the Iraqi government and apparently involved kickbacks to UN officials and preferential treatment of companies from some countries. Reports have also linked Mr. Annan's son to the programme. An Independent Inquiry Committee into the United Nations Oil-for-Food Programme, chaired by former Federal Reserve chairman Paul Volcker, was established in April 2004 and tasked with investigating the programme's "administration and management." The Committee released its *Second Interim Report* in March 2005. The report focuses on the Secretary-General's involvement in the decision to award a major contract in 1998 to Cotecna Inspection S.A., a Swiss company employing Mr. Annan's son, Kojo Annan, "to conduct inspections of humanitarian goods entering Iraq under the Oil-for-Food Programme."[44] The Committee found "no evidence that [this decision] was subject to any affirmative or improper influence of the Secretary-General"[45] but concluded that "the inquiry initiated by the Secretary-General was inadequate, and that [he] should have referred the matter to an appropriate United Nations department."[46]

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(44) Independent Inquiry Committee into the United Nations Oil-for-Food Programme, *Second Interim Report*, 29 March 2005, http://www.iic-offp.org/documents/InterimReportMar2005.pdf, p. 1.

(45) *Ibid.*, p. 77.

(46) *Ibid.*, p. 78.

The Volcker Committee issued its report on *The Management of the United Nations Oil-for-Food Programme* in September 2005. This report documented the management problems and structural flaws in the UN system, and questioned the organization's capacity to administer a programme of that size and extent. It concluded: "This investigation leads to the firm belief that reform is necessary if the United Nations is to regain and retain the measure of respect among the international community that its work requires."[47] The report found that despite maintaining significant control over the programme, the Security Council failed to establish clear parameters, oversight, and "administrative control."[48] There were also management problems associated with the UN Secretariat, including insufficient auditing of the programme, and coordination problems amongst UN agencies. The Committee report contains proposals for UN reform, including the creation of a Chief Operating Officer (with overall administrative authority), the establishment of an Independent Oversight Board, the improvement of oversight and coordination mechanisms, the strengthening of management practices, and the extension of financial disclosure requirements. The Volcker Committee issued its final *Report on the Manipulation of the Oil-for-Food Programme* on 27 October 2005, outlining the manipulation of the programme by the Hussein regime, and examining oil and humanitarian goods transactions, illicit payments and surcharges, and the role of specific banks and companies.

B. The United Nations and the United States: An Ambivalent Relationship

Reactions to the Oil-for-Food scandal have been particularly strong in the United States, and the U.S. Congress launched its own investigation into the problem. There were also some calls for the Secretary-General's resignation. This reaction reflects the general ambivalence that has characterized the relationship between the United States and the United Nations.

The United States was instrumental in the foundation of the United Nations, is the greatest financial contributor to the UN budget, and is arguably the United Nations' most influential member. However, following the end of the Cold War, the United States (especially

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(47) Independent Inquiry Committee into the United Nations Oil-for-Food Programme, *The Management of the United Nations Oil-for-Food Programme*, 7 September 2005, http://www.iic-offp.org/documents/Sept05/Mgmt_V1.pdf, p. 60.

(48) *Ibid.*

members of Congress) began to question the United Nations' utility and effectiveness. UN problems with efficiency and accountability, and the reports of corruption associated with the Oil-for-Food Programme, were critical in this regard. The report of a bi-partisan Task Force on the United States and the United Nations, co-chaired by Newt Gingrich and George Mitchell, concluded: "The American public's support for the ideals of the UN Charter has historically been strong, but their view of the institution has been shaken in recent years, following … revelations of UN mismanagement and scandal."[49] Accordingly, the United States has called for budget, management, and administrative reforms at the United Nations.

Concerns have been expressed by certain states and observers with regard to the influence wielded by the United States over the UN agenda. However, there are also concerns that the United Nations cannot be effective without the United States, and that the United States could abandon the United Nations as the premier intergovernmental organization in matters of international peace and security if it considers the United Nations to be increasingly ineffective. The United States did eventually circumvent the conflicted UN Security Council to engage in the 1999 NATO bombing campaign of Serbia and the 2003 invasion of Iraq. Despite this, the bi-partisan U.S. Task Force report stated "the firm belief that an effective United Nations is in America's interests."[50] Secretary of State Condoleezza Rice echoed these sentiments in a statement before the UN General Assembly. While declaring the United States' commitment to UN initiatives, Rice noted that the United Nations "must launch a lasting revolution of reform."[51]

THE L-20 INITIATIVE

During his tenure as prime minister, Paul Martin proposed and lobbied internationally for the establishment of a group of 20 countries at the leaders' level. The government's commitment to promoting "a more effective and flexible new multilateralism," in particular through its L-20 initiative, was highlighted as "priority 3" in Foreign Affairs Canada's *Report on Plans and Priorities 2005-2006* and mentioned as a key

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(49) United States Institute of Peace, *Report of the Task Force on the United Nations: American Interests and UN Reform*, Washington, 2005, http://www.usip.org/un/report/usip_un_report.pdf, p. 3.

(50) *Ibid.*, p. 2.

(51) United States Department of State, "Remarks by the Secretary of State Condoleezza Rice in the United Nations General Assembly," New York, 17 September 2005, http://www.usunnewyork.usmission.gov/05sec0917.htm.

initiative in the International Policy Statement. Such an L-20 would be modelled after the group of 20 finance ministers (the G-20), created in 1999 "to promote an open and constructive dialogue between industrial nations and emerging-market countries on key issues related to the international monetary and financial system and, in the process, to help strengthen the international financial architecture."[52] It is hoped that a more informal and flexible organization of leaders from key countries representing all regions of the world may help resolve difficult issues in international governance on which insufficient progress has been made in existing multilateral organizations of global governance. These issues include: climate change, trade, terrorism, health, weapons of mass destruction, agricultural subsidies, and the responsibility to protect. While there is no consensus on the membership of an L-20, the group would likely include the same countries as the G-20 of finance ministers: Argentina, Australia, Brazil, Britain, Canada, China, France, Germany, India, Indonesia, Italy, Japan, South Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the United States and the European Union.

International reactions to the L-20 initiative have been mixed. Some critics have argued that the formation of an L-20 would detract focus from efforts directed at reforming the United Nations. Others, however, have countered that the L-20 initiative is intended as a complementary body to the United Nations, not a competing one.[53] Support from the United States will be particularly important, and some observers have suggested that the likelihood of success with the current U.S. administration is small. However, given the Bush administration's continuing concerns about the United Nations and other more formal international organizations, others are hopeful that a less bureaucratic and more structured, purpose-built forum like the L-20 may be seen by U.S. policy-makers as an opportunity to address key challenges in global governance.

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APPENDIX 1: OVERVIEW OF THE UNITED NATIONS

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WHAT IS THE PURPOSE OF THE UNITED NATIONS?

The United Nations was created in 1945 following the conclusion of World War II. Its main purpose, according to the UN Charter, is to "maintain international peace and security" and to save succeeding generations from the "scourge" of war. It is an intergovernmental organization based on the principles of the "sovereign equality" of its members, non-interference in domestic affairs, and the renunciation of the "threat or use of force" to settle disputes between members.

HOW MANY STATES ARE MEMBERS OF THE UNITED NATIONS?

There are currently 191 member states of the United Nations.

WHAT ARE THE KEY BODIES OF THE UNITED NATIONS?

A. General Assembly

The General Assembly (GA) is the main forum for discussion at the United Nations. The GA is composed of the UN member states. Each member state has one vote and decisions are made by two-thirds majority. The GA may discuss any issue within the realm of the UN Charter, decide upon resolutions, and make recommendations to member states and the Security Council.

B. Security Council

Under Chapter VII of the UN Charter, the Security Council has the responsibility to identify threats to peace and acts of aggression, and to "restore international peace and security." These responses can include armed force by a coalition of member states, sanctions, peacekeeping forces, and diplomacy. The Council has 15 members: 5 permanent members (the P-5), and 10 non-permanent members that are elected by the GA for two-year terms.

The 5 permanent members are the United States, China, the United Kingdom, France, and the Russian Federation. Decisions require the votes of 9 members, including each of the P-5 members. This gives the P-5 members veto power over any decision or resolution.

C. Economic and Social Council

The Economic and Social Council (ECOSOC) comprises 54 members, based on geographical representation, which are elected by the GA. According to the UN Charter, the ECOSOC "may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters," make recommendations to the GA, hold conferences, and draft conventions. The ECOSOC coordinates the work of UN specialized agencies and commissions, and receives reports from UN funds and programmes.

D. International Court of Justice

The International Court of Justice (ICJ) is the "principal judicial organ" of the United Nations. Its main purpose is to settle disputes and questions relating to international law as brought before the Court by member states. The states concerned must accept the jurisdiction of the Court. Also, the GA and Security Council can request "advisory opinions" on legal questions from the ICJ. The Court is composed of 15 independent judges elected to serve nine-year terms by the GA and the Security Council.

E. The Secretary-General and the UN Secretariat

According to the UN Charter, the Secretary-General is the "chief administrative officer" of the United Nations; he or she is appointed by the GA upon the recommendation of the Security Council. The Secretary-General may bring issues to the attention of the Security Council and GA and may use his or her "good offices" to assist in the settlement of international disputes. The UN Secretariat provides the bureaucratic machinery of the UN organization. Secretariat personnel work on behalf of the United Nations; they do not work for, and cannot be influenced by, national governments.

WHAT ARE THE MILLENNIUM DEVELOPMENT GOALS?

The MDGs were adopted by member states at the UN Millennium Summit in 2000. UN member states have pledged that, by 2015, they will reduce extreme poverty and hunger by half, achieve universal primary education, empower women and promote gender equality (especially in education), reduce the mortality of children under five years old by two-thirds, reduce maternal mortality by three-quarters, reverse the spread of HIV/AIDS, malaria, and other major diseases, ensure environmental sustainability, and create a global partnership for development.

WHO PAYS FOR THE UNITED NATIONS?

The GA considers and approves the regular UN budget. Membership dues are determined mostly by capacity to pay, reflecting each state's Gross Domestic Product and per capita income. The largest financial contributor to the United Nations is the United States. There is a ceiling on the maximum contribution, and there is a minimum contribution for less-developed countries. In addition to membership fees, members also pay "assessed contributions" to peacekeeping missions. There have been cases where member states have not met their UN dues. Member states also make "voluntary contributions" to the United Nations and related UN agencies.

WHAT IS THE ROLE OF NON-GOVERNMENTAL
ORGANIZATIONS AT THE UNITED NATIONS?

The United Nations consists solely of member states; accordingly, non-governmental organizations (NGOs) are not members. Traditionally, NGOs were accorded a limited role in UN work. However, they have become increasingly involved and there has been an increasing awareness of the value of NGOs to UN work. The 2004 Report of the Panel of Eminent Persons on United Nations–Civil Society Relations, *We the Peoples*, recommended "that constructively engaging with civil society is a necessity for the United Nations, not an option. This engagement is essential to enable the Organization to better identify global priorities and to mobilize all resources to deal with the task at hand." The ECOSOC consults with NGOs and is the accreditation body for NGOs seeking participation in UN conferences.

WHAT IS THE ROLE OF NATIONAL PARLIAMENTS AT THE UNITED NATIONS?

While there have been some calls to increase the role of parliamentarians at the United Nations, these efforts have produced limited success. There is no parliamentary assembly of the United Nations.   However, parliamentarians can be involved in the work of the United Nations as part of national delegations. Also, the *2005 World Summit Outcome* called for "strengthened cooperation between the United Nations and national and regional parliaments, in particular through the Inter-Parliamentary Union" (par. 171).

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APPENDIX 2: CANADA AND THE UNITED NATIONS

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OVERVIEW OF CANADA'S RELATIONSHIP WITH THE UNITED NATIONS

Canada was a founding member of the United Nations. The UN system reflects Canada's pursuit of a multilateralist foreign policy. Successive Canadian governments have viewed the success of the United Nations as inexorably linked to Canadian interests.

CANADA AND THE SECURITY COUNCIL

Canada has served as a non-permanent member of the Security Council six times, most recently during 1999-2000. During this two-year term, Canada focused on increasing the transparency of the Security Council. In 1999, Canada provided leadership towards the Council's resolution on the "protection of civilians." Canada was involved in improving the effectiveness of Security Council sanctions and in reducing their negative humanitarian impact, based on the situation in Angola. Canada was also involved in the adoption of Resolution 1325 on "Women and Peace and Security," which calls on all parties to address the disproportionate suffering of women in conflict, and urges the mainstreaming of a "gender perspective" into peacekeeping operations.[1]

HOW MUCH DOES CANADA CONTRIBUTE TO THE UN BUDGET?

According to the Permanent Mission of Canada to the United Nations: "Canada continues to rank as 7th largest contributor to the UN regular budget. Under the current (2004-2006) UN Scale of Assessments, Canada pays 2.813% of the UN regular budget and the UN peacekeeping budget."[2]

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WHAT IS CANADA'S CONTRIBUTION TO UN PEACEKEEPING MISSIONS?

Canada was a key actor in the origins of UN peacekeeping. Canada has participated in many peacekeeping forces, including UN missions in Cyprus and Bosnia. However, Canada's contribution to UN peacekeeping missions has declined in recent years. The United Nations' January 2006 *Ranking of Military and Police Contributions to UN Operations* ranks Canada 32nd.[3] Canada's current involvement in peacekeeping and stabilization missions has tended to focus on regional organizations, such as NATO's involvement in Afghanistan.

WHAT IS CANADA'S COMMITMENT TO THE MILLENNIUM DEVELOPMENT GOALS?

Under the 2002 Monterrey Consensus on the International Financing of Development, developing countries aim to achieve the Millennium Development Goals (MDGs) through good governance and sound economic policies, while developed countries would assist this process through aid, debt relief, and international trade. The United Nations' 2005 *Millennium Development Goals Report* concluded that while progress has been made, developed countries still maintain high subsidies and tariffs on imported goods from developing countries, and most developed countries have not pledged levels of international aid necessary to meet the MDGs.[4]

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