

# Priorities for UN Secretary-General Ban Ki-moon: A Stronger UN for a Better World

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In his recent statement to the Security Council, Ban Ki-moon stated that he would continue to uphold the need for an end of the occupation that began in 1967, the creation of a Palestinian state, to co-exist in peace and security alongside Israel, and a just, lasting and comprehensive peace between Israel and all its Arab neighbours.<sup>1</sup>

We recall that Trygve Lie once called the office of the UN Secretary-General “the most impossible job on this earth.”

Article 97 of the UN Charter states that “The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.” After the terms of the first two Secretary-Generals, who were Nordic, the practice of rotating nominees among geographical regions took root<sup>2</sup>. In the ensuing period, an Asian, a European, a Latin American, and two Africans have been appointed in the stated order.

On January 1, 2007, Ban Ki-moon of Korea became the eighth person to assume the office of the Secretary-General of the United Nations. He stated that the promise and values of the early years in the UN’s history are as relevant today in our considerably more complex and interdependent world as they were over 60 years ago .

In this article, the leadership of the new U.N. Secretary-General will be examined. In the first section of this article, I want to examine the role of the Secretary-General and in the second section, the leadership of the Secretary-General. I list the priorities of the new Secretary-General and

elucidate the “responsibility to protect” in the third section. In the fourth section, issues related to the situations in the Middle East are examined.

Since only 2 years have elapsed after the appointment of Ban Ki-moon, it will be very difficult at this stage to carry out a comprehensive assessment of his performance as Secretary-General. However, I want to try to point out several issues for further discussion.

### **The Role of the Secretary-General**

What should be the role of the Secretary-General in the next decade? The seven Secretary-Generals preceding Ban Ki-moon were clearly different in their personal characteristics and leadership styles. Lie struggled to establish the role of the Secretary-General among super powers. Hammarskjöld enjoyed the good reputation of having a clear vision of global politics guided by international law and collective interests. U Thant expressed his concern about the Secretary-General having to don the twin hats of Secretary and General. Waldheim was sometimes criticized for his belief that his responsibility as the Secretary-General was to carry out the wishes of the member states. Pérez de Cuéllar was a practitioner with a tacit style. Initially, the international community did not harbor high expectations of Boutros-Ghali; however, subsequently, he drafted several landmark proposals for the UN.

Annan’s strategic style was somewhere in between those of Hammarskjöld and Waldheim<sup>3</sup>. He presupposed that it was important for him to play a substantial role in dispute settlement, speak for the universal value of mankind, and become a norm entrepreneur. He reasoned that it would be better for him to leave the management of the UN to his deputy. It is possible that he believed that a Secretary-General is expected to do more than merely manage the UN. The role of the Secretary-General has changed over the years. The role prescribed in Articles 98 and 99 of the

UN Charter has changed in a manner that reflects the change in the international community.

With increasing globalization after the end of the Cold War, the number of problems that cannot be solved by individual states themselves, such as those pertaining to poverty, the environment, and ethnic conflict, has increased. The concept of security is presently undergoing a change. Internal conflicts have been on the rise in the post-Cold War era. It has become necessary to safeguard an individual from various kinds of threats. It is what is called the concept of human security. Although national security continues to be a salient and fundamental issue, it is human security that has begun to assume increasing importance.

To address these issues, it is necessary for the UN to forge partnerships with the global civil society; in particular, it is imperative that the UN cooperates with non-state actors. From the perspective of non-state actors, a UN Secretariat that adopts a universal position is an attractive and advantageous option for cooperation.

In this context, Annan achieved considerable success in seeking the cooperation of the global civil society, as evidenced in his initiatives that materialized in the United Nations Global Compact and the Millennium Summit. Ban Ki-moon appears to be following the path of Annan.

### **The Leadership of the Secretary-General**

In his remarks at the Security Council High-Level Meeting on Peace and Security in Africa, Ban Ki-moon stated that in the 15 months that he had served as Secretary-General, he had devoted more time to African issues than to those of any other continent<sup>4</sup>. He stated that he was trying his utmost to deal with the situation in Darfur; however, he confessed that at the time of speaking, it seemed onerous for him to use his positional leverage because of the complicated character of the problem. Given the cir-

cumstances, he should be appreciated for endeavoring to become a norm entrepreneur.

For example, we might say that Ban Ki-moon's approach reflects the saliency of human security. He described the issues of peace and security as follows<sup>5</sup>.

“We must strengthen the UN's ability to play its role to the fullest extent in conflict prevention, peacemaking, peacekeeping and peacebuilding—these are all part of a continuum, and our approach must be integrated, coordinated and comprehensive. By enhancing our capacity for preventive diplomacy and supporting sustainable peace processes, we will build long-term solutions and respond more effectively to conflict.”

He also touched upon the issue of development in the following words.

“While threats to peace must be addressed, my concern lies equally with those men, women and children of the world struggling to make ends meet—it is intolerable that almost 1 billion people still live on less than \$1 a day .”

In the capacity of the Secretary-General, it is exacting to become a norm entrepreneur because he has to tread a very narrow path between the Westphalian system and the concept of a global society. In this context, we can appreciate Ban Ki-moon's cautious approach at this stage. The Secretary-General should not be irrelevant. At the same time, he cannot be ignored.

### **UN Secretary-General and the Responsibility to Protect**

In recent times, the concept of the responsibility to protect has often been mentioned in the UN's and related documents.

Annan argued that it could not be right, in a situation when the international community was faced with genocide or massive human rights abuse, for the UN to stand by and let atrocities unfold with disastrous consequences for many thousands of innocent people. While he was well aware of the sensitivities involved in the dispensation of the responsibility to protect, he believed that the UN must embrace the responsibility to protect and, when necessary, act on it<sup>6</sup>.

However, the Report of the International Commission of Inquiry on Darfur that was submitted to Annan<sup>7</sup> concluded that the government of Sudan had not pursued a policy of genocide because the crucial element of genocidal intent was missing. The commission pointed out that in some instances, individuals, including government officials, might have perpetrated acts with genocidal intent; however, whether this was the case in Darfur could only be determined by a competent court on a case-by-case basis. The commission then concluded that no genocidal policy had been pursued and implemented in Darfur by governmental authorities, directly or through militias under their control; however, international offences such as crimes against humanity and war crimes that had been committed in Darfur might be no less serious than genocide.

February 21, 2008 the Spokesperson for Secretary-General announced that Dr. Edward C. Luck was appointed as Special Adviser, with a focus on the responsibility to protect.

Ban Ki-moon's argument on this issue is as follows.

“The threat of genocide, war crimes, ethnic cleansing and crimes against humanity continues to scar the conscience of humanity. In the coming year I hope we can make progress in operationalizing the historic agreement on the responsibility to protect made by leaders at the 2005 World Summit<sup>8</sup>.”

Dr. Edward Luck pointed out that Ban Ki-moon's approach is "narrow but deep," resisting appeals to broaden the scope beyond the four crimes and violations agreed at the 2005 Summit, while proposing that a variety of policy tools under Chapters VI, VII, and VIII of the UN Charter be utilized to prevent, deter, and respond to serious violations.<sup>9</sup>

Ban Ki-moon visited Sudan and Chad in September 2007. He gave a keynote address to the United Nations Association of the Sudan in Khartoum and flagged the importance of moving ahead with the Darfur political process. His observation is as follows.

"Nowhere is the human rights and humanitarian situation more challenging than Darfur. Nowhere is the need for hope more acute. Since taking office, I have made the tragedy of Darfur a top priority. The continuing conflict in Darfur has put at stake not only innocent lives and the moral imperative to protect them, but also the credibility of the United Nations. We must act now to put an end to the suffering of the people of Darfur by bringing together all our resources to establish security, facilitate a durable political solution, bring an end to impunity, and meet the monumental humanitarian needs<sup>10</sup>."

Today, the UN is in a tight spot with regard to its relationship with the International Criminal Court because the issue deals with very sensitive elements that come to the fore when the UN engages in peacekeeping operations. Amid reports that ICC Prosecutor Luis Moreno-Ocampo was preparing to seek an indictment against President Al-Bashir, Ban Ki-moon stressed that the UN Secretary-General did not have any influence on the ICC Prosecutor.

A system of international protection of human rights has been developed by the UN. Within the framework of this system, the UN does not regard human rights issues as genuine matters of domestic jurisdiction.

However, it is still not clear whether this implies that international law can provide legal justification for the intervention of the international community into such matters. Ian Johnstone pointed out that while the responsibility to protect is not hard law, it does reflect an emerging consensus that “humanitarian intervention”, at least when authorized by the Security Council, is warranted and may be expected<sup>11</sup>.

In the past few years, UN has established the Human Rights Council and the Peacebuilding Commission. Through such structural reforms, elaboration of the concept of responsibility to protect assumes greater importance.

### **UN Secretary-General and Situations in the Middle East**

At press conference in Gaza, 20 January 2009, Ban Ki-moon stated that he had come to Gaza to see for himself the extent of the damage caused by the last three weeks of fighting and to demonstrate his solidarity to the population of Gaza, and to assure them of the United Nations and the international community’s full support to help them overcome this difficulty.

Richard Falk, the UN Special Rapporteur on the Occupied Palestinian Territories mentioned that in the last several years, the UN Security Council had endorsed the idea of humanitarian intervention under the rubric of a responsibility to protect, and no world circumstance combined the misery and vulnerability of the people more urgently than did the situation of the people of Gaza living under occupation since 1967. The Palestinian territories as part of historic Palestine were from the earliest days of the United Nations seen as a special responsibility of the world community. It was the UN that split the British controlled Palestinian mandate into two parts back in 1947, a “solution” tragically rejected at the time by the Arab world.

In these historical contexts, it is also the duty of the UN to provide humanitarian assistance to affected populations in the Middle East .

On the other hand, referring to the situation in Iraq, Ban Ki-moon stated that Iraq was the entire world's problem and that the international society was aware of the "road that brought us to this point." In this context, the UN could be instrumental in framing an inclusive political process to promote national reconciliation, cultivating a more stable regional environment, and providing humanitarian assistance to innocent civilians, including the almost four million refugees and internally displaced Iraqis<sup>12</sup>.

"The road that brought us to this point" was as follows. In 1993, the FAO reported that a large and growing number of Iraqis had a lower food intake than the populations in disaster-stricken African countries. In 1995, the WFP reported that 70 percent of the population had little or no access to food and that Iraq was also experiencing an increase in child mortality<sup>13</sup>. A 1995 WHO report noted shortages of medicine, medical supplies, food-stuff, water purification, sanitary equipment. At one point, Iraq had less than one-tenth of the medicines needed<sup>14</sup>. The dismal picture of Iraqi social conditions was summarized in a 1997 report to the Security Council by the Secretary-General<sup>15</sup>. He noted that one-third of children and one-quarter of men and women below 26 years of age were in a state of malnutrition. In the same year, UNICEF statistics suggested that the sanctions regime had killed more than 500,000 Iraqi children, and a UNICEF report concluded that there was no evidence that the nutritional status of Iraqi children had improved since the implementation of the Oil-for-Food Program. In 1999, the Security Council panel stated that the infant mortality rate in Iraq was among the highest in the world, at least 23 percent of all infants were of low weight at the time of birth, and chronic malnutrition affected every fourth child under five years of age<sup>16</sup>.

Brahimi once pointed out that Iraq is a painful case without substan-

tial political gain<sup>18</sup>. Whereas the Oil-for-Food Program had met its priority objective of preventing mass starvation and the outbreak of epidemics, it had proven incapable of substantially improving the humanitarian situation in Iraq<sup>19</sup>. H. C. Graf Sponeck, the former UN humanitarian coordinator for Iraq, concluded that humanitarian exemptions, as in the case of Iraq, had not adequately protected its population from the impact of comprehensive economic sanctions<sup>20</sup>. The sanctions regime had grave humanitarian consequences, and this has undercut the legitimacy of the sanctions<sup>21</sup>.

There were also regrettable incidents that further eroded the legitimacy of the economic sanctions. In October 2005, the Independent Inquiry Committee investigating into the UN's Oil-for-Food Program published a report on program manipulation<sup>17</sup>. It was stated in the report that illicit payments had been made under the program.

Ban Ki-moon made a one-day visit to Iraq in March 2007. He met with Prime Minister Nouri Kamel al-Maliki to discuss the United Nations commitment to help the people of Iraq. And he co-launched with al-Maliki the International Compact with Iraq in Sharm el-Sheik, Egypt, on 3 May 2007. Ban Ki-moon pointed out that the UN can pursue reconstruction and development through the International Compact and help to coordinate humanitarian efforts for the growing number of Iraqi refugees and internally displaced persons<sup>22</sup>.

## **Conclusion**

We should now discuss fundamental questions. What should be the role of the Secretary-General? If it mainly concerns issues of national security, the argument that ultimately it is necessary for the UN to respect state sovereignty would crop up. On the other hand, if it primarily deals with human rights and humanitarian issues, we would find that although thousands of people became victims of genocide, ethnic cleansing, and humani-

tarian disasters, the involvement of the UN in such situations was too limited. When examining the issues surrounding the UN Secretariat under a new leadership, it would be appropriate for us to consider these fundamental questions.

The strategic goals of the UN have been theoretically and procedurally legitimated by the member states. However, there remain certain doubts as to whether the UN's stance appropriately reflects world opinion. If it does not, under the new leadership, we should consider reforming the UN system in order to strengthen its legitimacy. To this end, one of the main concerns should be ensuring the effectiveness of the UN's initiatives and determining how the UN's objectives can best be achieved.

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