



PERMANENT MISSION OF THE REPUBLIC OF COSTA RICA
TO THE UNITED NATIONS

**Statement by Ambassador Bruno Stagno Ugarte
Permanent Representative of Costa Rica to the United Nations
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Please check against delivery.

Mr. President,

Allow me at the outset to congratulate you for convening these very timely consultations on the Report of the Secretary General and other substantive inputs to the 2005 Summit Event. My delegation will address the various recommendations in further detail during the consultations scheduled on each of the four clusters. For now, we would like to take this opportunity to express that we can agree with most of the recommendations contained in the Report of the Secretary General and that we will actively and constructively participate in our common strive for an ambitious outcome at the 2005 Summit.

My delegation associates itself with the statements delivered by Jamaica as Chairman of the Group of 77 and China and by Argentina as Chairman of the Rio Group.

Let me, however, address a number of key issues on which we believe the Report of the Secretary-General is still wanting.

Oversight, Management and Accountability

Mr. President,

During the informal consultations on the High-Level Panel Report, we expressed our surprise at the fact that internal threats and challenges as immediate, and as troubling and damaging, as the glaring failures in oversight and management regarding the Oil-for-Food Program (OIFP) and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), had not been referred to at all. We strongly urged the Secretary-General to exorcise these demons openly and squarely. We are pleased with the fact that the Secretary-General has indirectly addressed both issues, yet we also believe that neither challenge will be properly solved if we continue to understate the truth.

In paragraph 113 of the Report, the Secretary-General refers to “recent allegations of misconduct by United Nations administrators and peacekeepers” in what amounts to a true understatement. On Oil-for-Food, as documented by the Independent Inquiry Committee [IIC], the findings include conflict of interest, preemption and frustration of competitive bidding processes for political reasons, non-documentation of decision-making processes, non-verification of bidding parties references, and other systematic violations of formal procurement and management rules and procedures.¹ Although a series of internal reforms are currently underway to

¹ See Independent Inquiry Committee into the United Nations Oil-for-Food Programme. *First Interim Report*. February 3, 2005. and *Second Interim Report*. 29 March 2005.

increase transparency and accountability in procurement and management, none seem to warrant sufficient importance to be included in the Report. We respectfully disagree. We believe that having documented how formal rules and procedures “were repeatedly and knowingly short-circuited and violated”,² correcting the failings of the system is central to the credibility of the United Nations.

On MONUC, and in many other peacekeeping missions, as the problem is not unique to it,³ the allegations of misconduct amount to the systematic exploitation of minors for sexual favor and personal gain and the subsequent intimidation and retaliation practiced to keep both victims and witnesses silent⁴ and the active interference by contingent commanders and others with ongoing investigations.⁵ Although the Report of the Secretary General does refer later in paragraph 113 to sexual exploitation of minors, the solution provided is clearly insufficient, as there exists zero compliance with zero tolerance throughout parts of the mission.

In light of the fact that, already in 1997, the Office of Internal Oversight Services [OIOS] remarked that staff rules and issuances “have too often protected staff members from being held accountable for their actions and have done too little to protect the interests of the United Nations,”⁶ we firmly believe that anything less than full accountability and transparency can no longer be tolerated.

What is needed in both cases, and other recent disclosures of alleged misconduct, is effective enforcement and disciplinary, financial and criminal accountability, whenever and wherever it is proven that an abuse or crime has been committed. In that sense, we welcome the Interim Reports of the Independent Inquiry Committee and we are looking forward to the Final Report, its findings and recommendations. We also wholeheartedly endorse the recommendations contained in the Report submitted by HRH Prince Zeid Raad Zeid Al-Hussein and we congratulate him on conducting a very welcome first-ever comprehensive review of a decade-long problem.

Institutional Reform

I must confess that the Report by the Secretary-General is bewilderingly selective in the relative urgency it confers to different aspects of the institutional reform envisioned for the 2005 Summit. On the General Assembly, which the report rightly calls the main deliberative, policy-making and representative organ of the United Nations, and on which we have spent more than a decade discussing its revitalization and adopted 10 resolutions, the Secretary-General does not seem to recognize the same urgency with which he addresses Security Council reform. Although it is certainly incumbent on the Member States to agree to finally revitalize the General Assembly, the Report does not seize the opportunity and provide leverage for some bold recommendations. In particular, as regards the checks and balances that must exist between the General Assembly and the Security Council, the Report does not take issue with some of the recommendations contained in the Non-Paper prepared by the Open-Ended Working Group on Security Council Reform. This is paradoxical, as the Report frequently refers to the need for collective strategies, collective institutions, and a sense of collective responsibility, yet fails to effectively cast reform of our most collective body as central to any meaningful reform of the United Nations. In that sense, to rephrase paragraph 169 of the Report, we believe that no reform of the United Nations would be complete without reform of the General Assembly.

When it comes to Security Council reform, the Report not only endorses an early harvest, but moreover, allows for a harvest that is not decided nor determined by consensus. Moreover, the Report really only calls for enlargement, for only in passing does it refer to working methods, as if enlargement in and of itself was a

² *Op cit. First Interim Report*. February 3, 2005. p.18.

³ Office of Internal Oversight Services. Investigation by the Office of Internal Oversight Services into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo. A/59/661. January 5, 2005. page 13. paragraph 56.

⁴ Statement by Ms. Jane Holl Lute, Assistant Secretary-General for Peacekeeping Operations. House of Representatives. International Relations Subcommittee on Africa, Global Human Rights, and International Operations. March 1, 2005. p.22.

⁵ Office of Internal Oversight Services. *Op cit.* page 10. paragraph 38.

⁶ Office of Internal Oversight Services. Report of the Secretary-General on the Activities of the Office of Internal Oversight Services. A/57/246. October 2, 1997. Preface.

solution to representation. It failed to be in 1963. In that sense, we are surprised by the imprecise reference to the improvement of the working methods contained in paragraph 168 of the Report. Some may argue that, as of late, there have been a number of efforts at Cluster II reform issues regarding transparency and accessibility, yet these are clearly insufficient by any standard of accountability. The Open-Ended Working Group on Security Council Reform has many bold recommendations on working methods and we regret that the Secretary-General did not specifically endorse any of these.

Finally, we believe that the Charter confers privileges and responsibilities to the Permanent Members. In light of the fact that Security Council enlargement is distracting our collective attention from the priorities that had been set by GA resolution 58/291, we respectfully call on the Permanent Members to promptly indicate what reform would enjoy their concurring vote and ratification as required by Charter Article 108. The developing countries have too many expectations riding on the 2005 Summit Event, so it only seems appropriate that our principal focus throughout the preparatory process be the development agenda.

Development

On development, we wholeheartedly agree with the assessment contained in paragraph 30 in the sense that the Millennium Development Goals are only “a part of an even larger development agenda.” For the many reasons enumerated in paragraph 30, we are worried by the fact that some of the broader issues covered by international conferences and the evolving needs of middle-income developing countries, both of which require effective implementation, are not fully addressed in the Report. In particular, we are very worried by the assessment contained in paragraph 47 that for many middle-income countries most of the resources needed to fund the national development strategies “can and should be mobilized domestically.” This is all the more surprising if one takes into consideration that middle-income countries are home to 280 million people who live on less than 1 dollar a day and 870 million people who live on less than 2 dollars a day. Moreover, this assessment runs counter to the *2004 Global Monitoring Report* issued by the World Bank, which clearly states that aid plays an important role in the middle-income countries: “as a catalyst for reform; as a reinforcer of domestic efforts to tackle large pockets of poverty; and as a provider of countercyclical support to reduce vulnerability to financial shocks and help deal with their consequences.”⁷

Regarding trade, we strongly endorse the call for a pro-development outcome of the Doha Round contained in paragraph 55, however, we believe that duty-free and quota-free market access for exports should be granted too all developing countries, and not to particular subsets of these as recommended by the Report. The so-called first step recommended in paragraph 55 is inconsistent with free trade and, according to the *2004 Global Monitoring Report*, with the facts, as trade policies in the so-called Quad countries (Canada, European Union, Japan, United States) are most restrictive toward middle-income countries with GDP per capita in the \$1,500 to \$5,000 range.⁸ Furthermore, growth resulting from a pro-development Doha Round that benefits all developing countries could increase real income in these countries by \$350 billion by 2015, and lift an additional 140 million people out of poverty by that year, a decline of 8 percent.⁹

Regarding aid, we have agreed that developed countries would contribute 0.7 percent of their GNP to official development assistance, yet 35 years later, only 5 have reached or surpassed that mark. Yet, we do not find any call by the Secretary-General for urgency on that matter. No “early harvest” here. This is unfortunate in light of the fact contained in paragraph 48 that “global ODA currently stands at 0.25 per cent, still well short of the 0.33 percent reached in the late 1980s” and the recognition that recent commitments for future increases “reflect debt write-offs and dollar depreciation rather than net long-term finance.” On the issue of quality of aid disbursements, practices and procedures, we welcome the commitments made at the High-Level Forum on Harmonization in Paris, and urge United Nations Funds and Programs to engage in the harmonization agenda.

⁷ World Bank. *Global Monitoring Report 2004: Policies and Actions for Achieving the Millennium Development Goals and Related Outcomes*. [Washington DC: World Bank, 2004]. p.172.

⁸ *Ibid.* p.161. Based on bilateral overall trade restrictiveness indexes (OTRIs) of the Quad countries.

⁹ *Ibid.* p.11.

Rule of Law and Human Rights

Faced with new threats and challenges, the International Community requires clear and foreseeable rules to govern in a peaceful, equitable and predictable way the relations among nations. The respect and promotion of the Rule of Law and Human Rights must, necessarily, underlie any strategy to strengthen the United Nations system. We therefore congratulate the Secretary-General for amending the High Level Panel's highly selective approach to the Rule of Law and its passing consideration of human rights.

Although we are in general pleased with paragraphs 133-147, we do not believe that Rule of Law assistance should be confined to conflict and post-conflict situations. The Rule of Law must be mainstreamed throughout the United Nations. As regards paragraph 139, we welcome the need to call upon states to accept the compulsory jurisdiction of the ICJ, although we firmly believe that it is also necessary to withdraw any reservations to the exercise of that jurisdiction.

International Terrorism

On transnational terrorism, we believe that institutional reform is required in order to enhance the United Nations counter-terrorism activities and to maximize its comparative advantages in facilitating and enforcing a collective, principled and comprehensive counter-terrorism strategy. We regret that the Report, in urging Member States to join the strategy as presented by the Secretary-General on March 11th, follows the High-Level Panel Report in promoting an approach to terrorism that encourages further concentration of United Nations action on terrorism solely within the Security Council.

We are convinced that the United Nations can make a more effective use of its comparative advantages, capacities, resources, and mandates for combating terrorism through the establishment of a United Nations High Commissioner on Terrorism. The creation of such an Organ would unify the mandates and the resources currently scattered around the Organization, avoiding duplication, and would centralize decision-making in the hands of a professional, permanent and impartial body located at the centre of the Organization. The United Nations High Commissioner on Terrorism responds, in an actionable and identifiable way, to the pressing need to restructure the current institutional architecture on counter-terrorism in a manner that truly facilitates the implementation of a collective, principled and comprehensive counter-terrorism strategy that is at once credible, equitable, and sustainable. It is the best possible instrument to create a true sense of collective ownership and partnership for United Nations collective action on terrorism.

We are encouraged by the recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and we welcome the call made by the Secretary-General to conclude the draft Comprehensive Convention on International Terrorism before the end of the sixtieth session of the General Assembly. On the question of the definition of terrorism, however, and unlike the general principles for a definition proposed in the Report of the Secretary-General in the wake of the High-Level Panel Report, we believe it is incumbent on the Ad Hoc Committee to continue its progress on the elaboration of a detailed technical definition as is appropriate for an instrument of criminal law.

Mr. President,

To conclude, allow me to express our determination to spare no effort over the coming months to contribute constructively to a comprehensive pro-development outcome for the 2005 Summit Event. Thank you.