



SOME NOTES ABOUT UN REFORM

For INTS201 Model United Nations

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We've already seen what a large organisation the UN is, so the topic of UN reform is equally large. So the first question to be aware of when reading on UN reform, is: what do people mean when they call for UN reform? How do they understand the institution? What role do they want it to play? What do they understand to be the causes of issues they identify? So UN reform can mean very different things and they can be talking about very different parts of the institution. Debates on UN reform can cover anything from the structures and functions of both the General Assembly and Security Council to the role of the Secretariat and coordination problems between different UN agencies.

One key case for UN reform is that there have been profound changes in the state system since the UN was established: the structures of the UN were created for a state system of 40-odd states, yet just a few short years after its creation the number of states started to grow, there was a rapid expansion in the number of states in the 1960s with a large group of states gaining independence from the colonial powers (Meyer, 2012). State creation may have slowed but it has not stopped: decolonisation continues (East Timor, UN membership 2002); and some territories that were colonial constructs are reconstructing themselves often, unfortunately, violently (Montenegro joined the UN in 2006 through the break-up of what was the state of Yugoslavia and South Sudan joined in 2011). UN structures simply were not designed to deal with a membership of this size. Today there are 193 states.

Another way to approach the case for UN reform is to evaluate the UN's works against its three key areas of responsibility, namely promoting peace, human rights and social and economic progress. In terms of peace, the UN was designed to make world a safer place – and responsibility was particularly placed in hands of Security Council. We looked in the last lecture at the failure to give the UN its own enforcement capacity leaving the Military Staff Committee as a fairly useless organisation that nevertheless continues to meet. On the positive side, the UN may have played some role in stopping a further world war but it



has not been very successful in preventing regional conflicts (Hanhimaki, 2008). So this suggests a case for reform in the Security Council and related apparatus.

In terms of human rights, thanks to the UN there are a range of treaties and key institutions in place, key ones being the International Bill of Rights, the Human Rights Council, the High Commissioner for Human Rights and the International Criminal Court plus various special tribunals. However, sovereignty still reigns over human rights and UN institutions often lack jurisdiction (Hanhimaki, 2008). In terms of social and economic progress, there are a range of UN and linked bodies who work in this area, but there is limited agreement on how progress in the socio-economic arena should best be achieved. Different UN agencies and organisations have different approaches and resource bases and coordination between UN agencies on the ground remains a major concern. The Millennium Development Goals (MDGs) were a major achievement and progress toward them, although mixed, has occurred. The MDGs end in 2015 and their replacement – the Sustainable Development Goals – seem likely to take a more ambitious approach to ending absolute poverty. Still, overall in reviewing progress in the social and economic area, the case for UN reform is there.

This paper examines first recent major prompts for reform before turning to examine the debate about reform of the Security Council and then of the UN bureaucracy. The final section of the paper examines key constraints around UN reform, in particular: state sovereignty; the voting blocs and regional groupings; and US-UN relations.

Other Prompts for Reform of UN System

The debate about UN reform re-emerges periodically, generally in response to significant changes in circumstances, or scandals. Two of the most prominent prompts for debates over the past few decades have been (a) the incapacity to respond to regional conflict even with the end of the Cold War; and (b) the revelations of corruptions in the Oil for Food Program.

The End of the Cold War and UN Reform

For the Security Council, the end of the Cold War heralded a new activism in peace enforcement activities (Malone,2007). Yet the Council failed to adequately respond to the outbreak of civil war in Somalia in 1991 or the genocide in Rwanda in 1994. This produced some significant soul searching amongst some UN members. Further, although the number of deployments of peacekeeping forces has dramatically expanded, many of the missions are under-staffed and under-resourced.



Sexual Abuse and UN Peacekeeping Mission

The arrival of UN peacekeeping forces invariably results in an increase in prostitution – this pattern occurs for any domestic or foreign military base, however is of particular concern for the UN given the expectation they will reduce violence and exploitation.. There have also been a number of cases of UN missions being linked to increases in child prostitution and, in Bosnia, UN peacekeeping force members were alleged to have been directly involved in obtaining sex slaves for a brothel – the case only came to light in 2012 with the release of the film, *The Whistleblower*.

One of the most recent cases was in 2013 regarding the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Allegations came to light regarding rape by Chadian forces in the town of Gao. While the UN has tried to increase training and rules for peacekeeping forces, the reality remains that training, command and discipline of peacekeeping troops is still the responsibility of the member states that provides the troops. Thus the UN has reported the allegations to the Government of Chad but they cannot discipline forces involved.

The lack of effective training and resourcing for missions undoubtedly contributes to sexual abuse in peacekeeping missions, however, the broader issues that this, at times atrocious, record raises are whether the UN should have its own directly controlled forces for peacekeeping operations and whether the legal immunity from prosecution that is generally given to peacekeeping forces in the country they operate in should be abandoned.



In 2005, it seemed a major step had been taken in restraining the idea of state sovereignty and thus producing progress on security, when the Security Council endorsed the doctrine of Responsibility to Protect (R2P) – that is, when states fail to protect their populations from genocide, crimes against humanity, war crimes and ethnic cleansing, the international community has a responsibility to intervene to ensure safety. However, implementation of this doctrine has been selective. Examples where the Security Council have failed to act on this doctrine include the slaughter in Darfur and in Syria.

The Oil for Food Scandal

Corruption in the Oil for Food Programme, which came to light in early 2004, prompted a major debate on UN reform. The programme was established to allow Iraq to sell oil in exchange for food, medicine and other humanitarian needs after the Security Council imposed an economic blockade following the first Gulf War in 1991. It was implemented under Security Council resolutions to reduce harm to ordinary Iraqis from the blockade. The scheme also paid for Gulf War reparations (25% of the total program) and the UN's



administrative costs. There is clear evidence that programs funds were dishonestly diverted to Iraqi and UN officials and corrupt businesses. The key mechanism was that contracts were given to those willing to pay kickbacks to the Iraqi government from the inflated commissions they received. The single biggest source of kickbacks to the government is said to have been the Australian Wheat Board. There was undoubtedly a fair degree of corruption in the administration of the scheme but the key report did not find much corruption within the UN itself (Brown, 2007). Corruption overall is not uncommon in developing countries and their supportive partners are transnational corporations often based in the West – Western governments have done little to prevent this kind of behaviour.

Perhaps the bigger issues is the effectiveness of the sanctions regime – it did stop Iraq under Saddam Hussein from reconstituting its nuclear weapons program and being a threat to its neighbours , indeed the regime’s threat to the Iraqi people also diminished. At the same time, time the sanctions did harm the civilian population significantly and this harm was arguably exacerbated by the corruption. In terms of the corruption, attention tends to focus on the UN administrations involved, however, the Security Council also failed by ignoring transgressions that helped their allies (the US ignored oil smuggling through Jordan) and in not providing effective oversight (the rest of the P5).

Debates about Reform of the Security Council

Debates on reform of Security Council systems have covered: working methods, access to and use of the veto and membership (Malone, 2007: 614). In terms of its decision-making procedures there has been progress with more transparency regarding the agenda and more external advice on sought on issues. If new permanent members were added to provide better regional representation or recognise emerging powers, the obvious question is whether they would also have veto power? Malone (2007: 614) argues that member states are “unlikely to agree to the creation of any further veto rights. But for any new permanent members eventually agreed, accepting the seat without a veto... could prove unappealing.” This is potentially a way to get the existing P5 members to agree to some, at least, restrictions of their current veto right. Though I do not see that the US or indeed Russia would agree to any restrictions that would reduce their influence.

The question of who should be included in an expansion of permanent membership is also difficult. Germany and Japan have cases as the only two of the top six global economies without a permanent Security Council seat. Yet the developed world is already overrepresented and Brazil is the seventh largest global economy and there Security Council has no permanent representation from South America. India also has a strong case as the tenth largest economy, a nuclear and regional power. Africa has no permanent representation in the Security Council, the strongest claims from that region



are South Africa and Nigeria. However, little has progressed on this debate since the early 2000s as the Chinese are very wary of Japan having a permanent seat and the African regional grouping has not resolved who it would support.

More controversially, Brown (2007: 7) suggests that some of the weak and strong powers might need to make way for the emerging powers: "A Britain or France may need to move aside to make room for India or Brazil. But, equally, small countries will have to allow these same new regional powers a preferred status. The pretence of equality will recede further." Similarly, Schlichtmann (2011) argues that the French and British seat should be merged providing space for a new P5 member. He recommends India as it would both increase the representation of the Global South on the Security Council and increase the number of people who are represented by delegates on the Council.

A related issue here is, should increasing the number of permanent members be achieved by expanding the Council or by reducing the number of non-permanent seats? The former could lead to an unwieldy size for the Council, while the latter is likely to be politically unpalatable for many non-permanent members. Nevertheless, the demographic and socio-economic changes that underlie the calls for change in the Security Council permanent representation have not disappeared; indeed they continue to grow. Yet, it is difficult to envision the circumstances and political will that will bring about such a change.

The UN Bureaucracy

There is an oft repeated critique of the UN that it has too much bureaucracy and that its bureaucracy is also very inefficient. It's difficult to adequately assess the validity and significance of these claims. To put things in perspective, Brian Urquhart (2004) who was a founding bureaucrat and key force in the UN over a number of decades said:

There's the Secretary-General and the Secretariat, who, contrary to general belief, are rather effective and not, incidentally, a great bloated organization. The worldwide Secretariat of the entire UN system... is smaller than the public service of the State of Wisconsin, so let's just be a little bit careful about the 'bloated' business. The UN is not very efficient, I have to say, in some respects, because it's recruited from all over the world, and you have to work hard to get a common standard going, but it does work.

One problem is that the Secretary-General actually has quite limited management power, whereas in the programs and specialized agencies the senior management have clearer authority and capacity to manage change (Brown, 2007). The article by Brown (2007: 4) also explains nicely some of the politics around reform of the UN administration and he



certainly argues that reform is vital as the current systems are “dysfunctional.” He does note some progress in dealing with appointments, which even extended to the appointment process for the Secretary-General in 2006, as we saw in the lecture on “The UN Today.”

There are around 55,000 professional and support staff “in the UN proper and another 20,000 in the specialized agencies” (Weiss, 2012: 114). This does not include casuals, World Bank, International Monetary Fund and peacekeeping staff. Recruitment in the system overall still takes into account geographical distribution of employees, in other words the aim is for reasonable representation from different countries, though this is still not the case in senior posts where the developed nations are overrepresented and women remain underrepresented. There are certainly additional challenges in managing an international bureaucracy, though most large organisations, especially government ones, confront similar issues.

UN Employment

- Employment practices are the responsibility of Fifth Committee (Administrative and Budgetary), so you can find reports from their meetings on this topic.
- If you are set on getting a job at the UN you do need to understand the employment systems so read up on them – there are guides books and web resources. Equally you’ll be expected to have a strong knowledge of the history and functions of the UN system itself.

Another issue is the expanding responsibilities of the UN system. The number of bodies and their mandates has grown in parallel with the number of member states, plus, in recent years, there has been a growing tendency to identify issues as being global in nature. Further, the General Assembly has been passing an increasing number of resolutions and many of these are not clearly defined, especially in terms of outcomes and outputs. The Secretariat is expected to carry out these resolutions (Fasulo, 2009: 165).

There is overlap and confusion between the different parts of the UN system and even competition between different UN bodies. This can be useful when it drives action or checks and balances, but harmful when it wastes valuable energies in disputes over responsibility. Lack of field coordination is a particular concern. Part of the reason for the competition is also a reason for limited powers of the Secretary-General noted above, namely that the UN structure is horizontal – not the usual hierarchical structure that we associate with most governments today (Weiss, 2012: 74). The Specialized Agencies are really only nominally part of the UN system and even the Funds and Programs have a high level of autonomy and distinct management structures. Weiss (2012: 74) likens it to a system of “feudal kingdoms” and “feudal barons” located in different parts of the globe



and funded through a range of different mechanisms. The consensus is that there is too much decentralisation in the UN system, which is an interesting counter to the current trend towards decentralisation at the state level in response to governance issues.

Constraints around UN Reform

a) National Sovereignty

The UN is an organisation of formally sovereign nation-states. Remember in the lecture on the creation of the UN, I outlined how a key challenge for its founders was finding a path between national sovereignty and creating an international organisation with the capacity to help promote global peace and order. In the end, the founding documents made the organisation no more or less than a grouping of its member states, so it can only do as much as its member states allow it to.

Weiss (2012) argues that with processes of globalisation and other changes over time, sovereignty has become progressively less relevant as a principle or method for organising global relations. He says the UN:

...was set up after World War II in a very particular set of historical circumstances. In spite of decolonisation processes and a massive membership expansion, along with fundamental geopolitical and other changes, the world organization's basic structures and institutional make-up has remained fundamentally the same. Unlike earlier cataclysms, today's set of narrow escapes has not yet led to a transformation of the mechanics of international cooperation (Weiss, 2012: 2).

Yet, the UN remains a bastion for the idea and states defend it there more than ever. For Weiss, this assertion of sovereignty in the UN is the key reason for its incapacity to respond to many challenges, like humanitarian crises, global warming, the HIV/AIDS epidemic, the ebola crisis and gender inequality. He concludes that Westphalian sovereignty "remains a hearty enough virus. It is a chronic ailment for the United Nations, and perhaps a lethal one for the planet" (Weiss, 2012: 49). Thus, for Weiss the problem is that the UN is not a world government, yet to address many of the key challenges the globe is now confronting, it needs to be.

At the same time, there are a range of states in the UN system that claim sovereignty but demonstrate few of the characteristics of it. The most extreme of these are labelled "failed states" but there are a range of other states on a spectrum around this that have been labelled "weak" or "quasi" states. Thus another challenge for the UN system is that, in many parts of the globe, states do not offer the order that the UN system, based on



sovereign states, assumes as a given. This means, for example, that UN systems based on international law will not be functional in many places (Weiss, 2012: 30-2).

While Weiss' analysis is a powerful one, it is important to note that Security Council decisions across the post-Cold War period have produced some change in the meaning of sovereignty. Malone (2007) argues that the increasing use of legal and regulatory approaches like the International Criminal Court, various ad hoc commissions and some anti-terrorism agreements, has involved an expansion in the use of juridical techniques to sway UN member states. In other words, these actions are a small encroachment into sovereignty. R2P is a further, potentially more substantial advance on limiting sovereignty in cases of gross human rights violations. However, these precedents are all in the security arena and, as noted above, UN action is still not universal.

b) Regional Groups and Blocs

In terms of the two main blocs, the NAM and G77, the debate is whether they are a help or hindrance. Those who support them, see them as a key mechanism for coordination, a way to get a common position in very large groupings. Their opponents argue that they are outdated, especially the NAM - they ask what does non-alignment mean today? They also see that they reduce or even stop the progress of deliberations, which exacerbates the tendency to bypass the General Assembly and to take issues to the Security Council. However, the Security Council's agenda is also often overloaded and they often do not break new ground in their deliberations (Fasulo, 2008: 68-72).

One oft-cited example of how the blocs have limited progress on key issues is on defining terrorism. The UN does not have an agreed definition for the term due to two main concerns. The first is that the G77 did not agree to text condemning targeting of civilians because of they felt an exemption was needed for movements' resisting occupation. The second North-South divide is whether state terrorism should be included in the definition, with the North opposing this and the South pushing for its inclusion. For Weiss (2012: 55) this is another example of "vacuous North-South disputes" and he concludes that it will take defectors from both sides to reach a resolution. I am not as convinced that this is a vacuous debate because an agreed definition of terrorism will carry significant moral force globally, thus who is defined as a terrorist and who is not, is of much import.

The NAM and G77 have more relevance and indeed, salience, for their member states on some issues than on others. They are able to speak more coherently on issues of sustainable development and on the importance of the one country one vote principle in the General Assembly. Yet:

Frequently, developing countries subdivide according to the issue before the UN: between radicals and moderates; between Islamic and non-Islamic;



between those in a region and outside; between maritime and landlocked; between those achieving economic growth and those suffering from stagnation or decline. Even within the western group, there have always been numerous differences, which have come more to the fore with the abrupt disappearance of East-West tensions. Divisions among and within all groups over the pursuit of war against Iraq in 2003 clearly illustrates this phenomenon (Weiss, 2012: 72).

Then there are the regional blocs. Do they contribute to inefficiency or provide a mechanism for organisation? Critics say they produce a mentality of trading favours rather than the negotiation of resolutions in the best interest of the citizens of the world. For countries that do not tend to line up with the views of their regional bloc, it means it is difficult to effectively promote their preferred position on a topic and that they are unlikely to be elected to key UN leadership roles.

c) **The US-UN Relationship**

As we saw last week, the US played a key role in the establishment of the UN, indeed they drafted much of its charter. The UN's headquarters is in New York and, given that UN contributions are based on the size of each country's economy and the US is still the largest economy by far, they are the biggest contributor to the UN's regular budget (though they are mostly in arrears with their contributions as we saw last week). Overall, the US role and contribution is still vital. Richard Holbrooke, US ambassador to the UN 1999-2001, was not too far from the truth when he said: "I need to underscore repeatedly that the UN is only as good as the US commitment" (cited in Fasulo, 2009: 3). But the US has what can fairly be described as a love-hate relationship with the organisation and its commitment to the UN waxes and wanes in line with the state of the relationship.

The US generally cooperates with the UN when it means they can further their interests or, at minimum, not threaten them. At the same time, the UN was set up by the US so there is a degree to which the institution does serve their interests, regardless of how the US is characterising the institution at any time. For the past few decades, the UN-US relationship has been closely linked to whether there is a Democratic or Republican administration in the Washington, with the relationship more fraught under Republican administrations, which have adopted rather unilateralist foreign policies.

The US may not be as hegemonic as it was when it was the driving force behind the founding of the UN and for the few decades that followed, but still very little UN reform can go ahead without its support. Yet there are exceptions to this and one interesting one is the creation of the International Criminal Court (ICC) in 1998 (operational from 2002).



Equally, though the US failure to join the ICC demonstrates that the US is unwilling to give up even a small amount of sovereignty for the cause of generating more effective international authority (Weiss, 2012).

US support for reform initiatives can sometimes provoke misgivings and even opposition in other countries but overall as Brown (2007: 5) says “Diplomats want to get on with America.”

Conclusion

The UN is a limited institution - that was how it was set up to be so there is little point in blaming a particular Secretary-General or staff for this. Debates on UN reform re-emerge every decade, often linked to a scandal or crisis. Yet the political will is still lacking for more systematic changes, with countries of the North as likely to be obstructionist as those of the South because, as per Weiss (2012), states get very touchy about their sovereignty when their dealing with the UN. Thus it is hard not to conclude that the global crisis needed to provoke substantive UN reform – that is in the UN structures and voting, not just in its administrative organisation and management – would need to be earth shattering.

- ❖ *For your reflective blog or journal: what do you think it will take to create the momentum for UN reform. What might theories of international relations say about it?*



Key References

Brown, Mark M. (2007) "Can the UN be reformed?" John W. Holmes Memorial Lecture, Academic Council on the UN System.

Fasulo, Linda (2009) *An Insider's Guide to the UN* (2nd ed, Yale University Press)

Hanhimaki, Jussi M. (2008) *United Nations: A Very Short Introduction* (Oxford University Press, USA)

Malone, David M. (2007) "An Evolving UN Security Council", *Indian Journal of International Law* Vol 74 (4): 594-614

Meyer, Scott James (2012) "The Changing Role of the UN General Assembly" (October 31, *International Bar Notes*, The International Bar Association). Available at SSRN: <http://ssrn.com/abstract=2169161>

Schlichtmann, Klaus (2011) "An Enduring Concept for Security Council Reform," *Beijing Law Review*, Vol 2 pp. 97-110.

Urquhart, Sir Brian (2004), Interview "Twenty-First Century Global Problems" (Institute of International Studies, UC Berkeley). Available from: <http://globetrotter.berkeley.edu/people4/Urquhart/urquhart04-con5.html>

Weiss, Thomas G. (2012) *What's Wrong with the United Nations and How to Fix It* (2nd ed, Polity Press)