

# UN REFORM: AN OVERVIEW OF THE DEBATES

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We have already seen across the subject what a large organisation the UN is, thus it won't come as a surprise that the topic of UN reform is equally large. 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 as the causes of issues they identify? From these questions you can see that UN reform can mean very different things and analysts 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 as the UN was established 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 colonial powers (Meyer, 2012). State creation may have slowed but it has not stopped: decolonisation continues as with the independence of East Timor, which gained UN membership in 2002. Further, some states (often those that were colonial constructs) are reconstructing themselves, often, unfortunately, violently – for example, Montenegro joined the UN in 2006 through the break-up of what was the state of Yugoslavia and South Sudan joined in 2011 after separating from Sudan. UN structures were simply not designed to deal with a membership of this size. Today there are 193 states. As Thomas Weiss (2012: 2) puts it, 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.



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 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). Peacekeeping has had some successes but also a range of failures, none greater perhaps than the Rwandan genocide when the peacekeepers in the UN Assistance Mission for Rwanda (UNAMIR) essentially stood by and watched as the genocide unfolded thanks to inaction and failure to strengthen the force and mandate of the peacekeepers. This was despite the existence of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which was in fact the UN's first human rights treaty adopted on 9 December one day before the Universal Declaration of Human Rights (Mayersen, 2016).

Rwanda did not involve central interest of the five permanent (P5) members of the Security Council, thus the inaction was more shocking in some senses than when they are involved. When interests of the P5 are involved inaction by the Security Council is essentially expected – either items are not brought to the Council or they use their veto power. This suggests a case for reform in the Security Council, which is discussed further below.

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). Further, in a testament to the old adage that “if you can't beat them join them”, states with a record of human rights violations are too often elected to the Human Rights Council. For example, Saudi Arabia was re-elected in 2016 despite its ongoing violations of rights in Yemen.

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 different levels of resource available to them 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, occurred. The MDGs ended in 2015 and their replacement – the Sustainable Development Goals – have taken a somewhat more ambitious approach to ending absolute poverty, though the use of the US \$1.90 a day poverty line for measuring absolute poverty is a disgrace. In reviewing progress in the social and economic area, the case for UN reform is also clear.



**Environmental sustainability** may not take a central role in the UN Charter but it is fundamental to ongoing human existence. Again, we see a mixed picture, the Montreal Protocol on Substances that Deplete the Ozone Layer (a protocol to the Vienna Convention for the Protection of the Ozone Layer) entered into force in 1989 and has successfully helped protect the ozone layer by phasing out the production of numerous substances responsible for ozone depletion. However, on climate change and greenhouse gas production, agreement has been slow and commitments are rarely binding and not always met. The US, under President Trump, in 2017 announced its withdrawal from the Paris Climate Agreement (2015) which is part of the UN Framework Convention on Climate Change. However, this will not take effect until 2020 as per the Agreement's rules.

This rest of this paper examines first, some of the issues that have prompted significant debates about UN reform, second it outlines the debate about reform of the Security Council and third, the debate about reform of 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.

### Prompts for Reform of UN System

Debates about UN reform re-emerge 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 first, the incapacity to respond to regional conflict even with the end of the Cold War, and second, 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;
- the events in Bosnia-Herzegovina between 1992-1995 when some 100,000 Bosnian were killed including the infamous massacre of 8,000 men and boys in the Dutch-controlled supposed safe haven in Srebrenica; or
- the genocide in Rwanda in 1994, which left around one million dead (Mayersen, 2015).

These failures prompted some significant soul searching amongst some UN members. Some hope came in the late 1990s with the NATO, not UN, intervention in Kosovo and then the UN intervention in East Timor. Further, the number of deployments of peacekeeping forces dramatically expanded, however, many of the missions remain under-staffed and under-resourced.

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). R2P says that 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. The response in Darfur in Sudan was not strong, but that was actually before R2P was agreed. The UN interventions in Kenya in 2008 and Cote d’Ivoire in 2011 are thought to have reduced the likelihood of massacres (Mayersen, 2015). The situation in Syria is still dire and really shows the re-emergence of Cold War-like tensions and the fundamental problems when crises involve the interest of the P5. The UN’s response in South Sudan and Yemen has also been limited and in Myanmar all the Security Council has done is to urge the government to stop excessive use of military force in Rakhine state and express “grave concern over reports of human rights violations and abuses.”

**Sexual Abuse and UN Peacekeeping Missions**

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*.

A recent case was the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in 2013. Allegations were made about rape being perpetrated by Chadian UN 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. 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. The broader issues 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 countries they operate in should be abandoned.





### The Oil for Food Scandal

Corruption in the Oil for Food Programme, which became known 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 program 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 rest of the UN system (Brown, 2007). Corruption overall is not uncommon in developing countries but their supportive partners are transnational corporations mostly headquartered in the West. Their home states have done little to prevent their poor behaviours.

Still, perhaps the bigger issue in this case was the effectiveness of the sanctions regime, which 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 harmed the civilian population significantly and this harm was likely exacerbated by the corruption. In terms of the corruption, attention tends to focus on the UN administrators involved, however, the Security Council also failed by ignoring transgressions, especially those that help their allies (e.g. the US ignored oil smuggling through Jordan) and in not providing effective oversight.

### Debates about Reform of the Security Council

Debates on reform of Security Council systems three main areas: working and decision-making methods; access to, and use of, the veto; and membership (Malone, 2007: 614). In terms of its decision-making procedures, there has been some progress through greater transparency regarding the Council's agenda and more external advice being 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. However, the US and the Russia are very unlikely at the present time to 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 six largest global economies without a permanent Security Council seat. Yet, the developed world is already overrepresented. From a South American perspective, Brazil is the seventh largest global economy and the 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. Germany, India, Brazil and Japan have joined together as the P4 to propose enlarging the Security Council to 25 members with six new permanent representatives, themselves (obviously) plus two African states. Africa has no permanent representation in the Security Council and 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 which countries it would support for permanent membership.

Rather than enlargement, Brown (2007: 7) controversially suggested 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) argued that the French and British seats should be merged to provide space for a new P5 member, though in the wake of the pending Brexit that is less possible. He recommended India as the new member, 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 whether increasing the number of permanent members should 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 could bring about some change in the Council.

### **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 is 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.

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. The issue of women's employment made the headlines in 2018 due to claims of sexual harassment in a range of UN agencies, in particular UNAIDS and UNICEF. 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 need to understand the employment system, in particular the recruitments tests and nationality quotas. People spend weeks studying for UN recruitment tests and there are guides books and web resources around to help you. You are expected to have a strong knowledge of the history and functions of the UN system itself.

In terms of management issues, one problem is that the Secretary-General actually has quite limited power, whereas in the programs and specialized agencies the senior management have clearer authority and capacity to manage change (Brown, 2007). As Brown (2007: 4) explained, there is a lot of the politics around reform of the UN administration in particular between developing and developing countries groups concerned about the balance of power in the organisation. He argued that reform is vital as the current systems are "dysfunctional" but that some progress has been made in relation to increased transparency with high-level appointments. These were used in the appointment process for the Secretary-General in 2006, as we saw in the lecture on "The UN Today." 2016 saw further progress for the Secretary-General's appointment, which was agreed to the year before in General Assembly resolution 69/321. It involves public submission of candidatures, candidates meeting informally with members of the General Assembly and Security Council, debates of candidates and the Security Council holding and publishing the results of successive straw polls until an acceptable candidate is found. The new Secretary-General, António Guterres, has - like most new



Secretary-Generals - a honeymoon period in which he is likely to be able to achieve some reform. He has already created a UN Office of Counter-Terrorism, a High-level Advisory Board on Mediation focusing on peace and security issues, and reform on the UN development system. You can find some further information on his current reform agenda from the UN Library at: <http://ask.un.org/faq/207525>.

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 and it is much easier to create new bodies that it is to close them (Kostakos, 2018). Member states often have different views of the different bodies; they like some and regard others hostilely. Which body is in favour often depends on the politics of the government of the day in each country. For example, the US Congress has generally had a good relationship with the World Food Programme and refugee operations but Republicans tend to be hostile to the UN Population Fund and the Framework Convention on Climate Change. Returning to expansion of the UN agenda, 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) likened 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. 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) argued 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. Yet, the UN remains a bastion for the idea and states defend it there more than ever. This is even clearer in our current era of Brexit, Trump and the growth of right-wing nationalist political movements. Still, 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 concluded 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 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) argued 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 UN blocs, the Non-Aligned Movement (NAM) and G77 (the Group of 77, which now has 134 member states), 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 concluded 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).

There are the regional blocs too and equally it can be asked whether they contribute to inefficiency or provide a mechanism for organisation? Critics say they produce a mentality of trading favours rather the negotiation 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 in the lectures for week one of the subject, 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. They are mostly in arrears with their contributions as we saw last week and the Trump Administration has achieved reductions in the UN budget for 2018-19 and hence reduced its own contribution.



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 characterises 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. This is clearly the case with the new Trump Administration.

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, for example the creation of the International Criminal Court (ICC) in 1998 (operational from 2002). Equally, though US did not join the ICC, which demonstrates that they are 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 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 pretty earth shattering. Still, with the Trump Administration in power in the US, we may see major changes in the institution or its operations.



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