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Research Project

The United Nations: A Case for Reform

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DECLARATION

I, Stanley Ngugi Kamangu hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed..... Date.....

Stanley Ngugi Kamangu

This project has been submitted for examination with my approval as University Supervisor;

Signed..... Date.....

Prof. Maria Nzomo - Director, Institute of Diplomacy and International Studies, University of Nairobi

DEDICATION

I dedicate this work to Deborah, Nellie, James and Dave.

ACKNOWLEDGEMENTS

I wish to thank the many people who helped me in the course of this project. I am particularly grateful to my lecturers in the Institute of Diplomacy and International Studies for imparting valuable knowledge without which I could not realize this project and also for setting me on course in my desired career. I single out Prof. Maria Nzomo my supervisor for meticulously reading my work and subsequently guiding me and offering valuable insights on the study area and particularly on how to approach and realize a thesis.

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To my parents, I say thank you for facilitating me to quench my thirst for further studies. I am also grateful to my classmates and team mates who kept me in the search for knowledge.

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There are many others who supported me in my postgraduate years and to all I am grateful.

ABSTRACT

In 1945, at the height of the Second World War, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. The aim was to establish a post war order that would secure the peace, advance global prosperity, alleviate poverty and unemployment, and promote human rights worldwide. These were lofty goals. The UN provides a unique platform for international action. It offers unparalleled legitimacy for global engagement, owing to its universal membership; its inclusive decision-making processes; its unequalled reach; and its ability to provide critical services that are essential to international peace, security, stability and prosperity. However the world of today is not the world of 1945 and since the late 1990s there have been many calls for reform of the United Nations (UN) since an assessment of the UN's performance returns a mixed record. It is only just beginning to implement effective global social and economic policies, and its development strategies are under attack from many quarters. It is widely regarded as bureaucratically unwieldy, unnecessarily expensive, and weakened by poor personnel recruitment. Both those who want the UN to play a greater role in world affairs and those who want its role confined to humanitarian work or otherwise reduced, use the term "UN reform" to refer to their ideas. The range of opinion extends from those who want to eliminate the UN entirely, to those who want to make it into a full-fledged world government. This study looked at the purpose of the UN, its structure and whether it has lived up to its mandate/agenda. The problem this study seeks to address stems from the fact that there is little clarity or consensus about what reform might mean in practice since the range of opinion extends from making it a world government or eliminating the UN in total. This study will therefore seek to identify and document the areas that need reform and the nature of reforms required. In chapter two the study anchors its arguments on the liberalism theory of international relations. Chapter three provides a case study of the Change Management Team (CMT) led by Atul Khare which was appointed by SG Ban Ki-moon tasked with guiding the implementation of a reform agenda at the UN that starts with the devising of a wide-ranging plan to streamline activities, increase accountability and ensure the organization is more effective and efficient in delivering its many mandates. Chapter four details new issues that emerged in the course of the study: for instance before the CMT was formed there have been other attempts at reform and some have sailed through but there are obstacles among them is finding common ground among the disparate definitions of reform held by various stakeholders. The global community has no common definition of U.N. reform and, as a result, there is often debate among some over the scope, appropriateness, and effectiveness of past and current reform initiatives. There also exists fundamental differences that exist between developed and developing countries which makes reform a herculean task as reform requires cooperation amongst all member states. Chapter five outlines key findings and recommends areas for further research and issues that should inform any change efforts. The study employs a qualitative approach. Qualitative methods facilitate new perspectives on things about which much is known or to gain also more in-depth information that may be difficult to convey quantitatively. It is expected that this study will contribute to the growing academic discourse on UN reform. The issue of reform in academic circles still requires clarity as to what aspects of the UN require reform and why this reform should be instituted in the first place. This study will therefore seek to enrich this academic area by examining the various aspects of UN reform.

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CHAPTER ONE

1.0 Introduction

The name "United Nations", was coined by the 32nd President of the United States, Franklin Delano Roosevelt during the second world war when representatives of 26 nations of the then Allied Alliance led by the United Kingdom and France came together on 1 January 1942 in Washington D.C. and signed the “Declaration by United Nations” in support of the Atlantic Charter committing them to fight together against the Axis powers mainly composed of Germany, Italy and Japan.

The forerunner of the United Nations was the League of Nations, an organization conceived in similar circumstances during the first World War, and established in 1919 under the Treaty of Versailles "to promote international cooperation and to achieve peace and security. The League of Nations ceased its activities after failing to prevent the Second World War.

In 1945, representatives of 50 countries then met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. Those delegates deliberated on the basis of proposals worked out by the representatives of China, the Soviet Union, the United Kingdom and the United States at Dumbarton Oaks, United States in August-October 1944. The Charter –today with 19 chapters- was signed on 26 June 1945 by the representatives of the 50 countries. Poland later signed the Charter and became 51st member.

The United Nations officially came into existence on 24 October 1945, when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and their allies.

According to its Charter, the UN aims: *to save succeeding generations from the scourge of war,...to reaffirm faith in fundamental human rights,...to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.*¹

In addition to maintaining peace and security, other important objectives include developing friendly relations among countries based on respect for the principles of equal rights and self-determination of peoples; achieving worldwide cooperation to solve international economic, social, cultural, and humanitarian problems; respecting and promoting human rights; and serving as a centre where countries can coordinate their actions and activities toward these various ends.²

The UN was born when when U.S. President Franklin D. Roosevelt and British Prime Minister Winston Churchill signed the Atlantic Charter in August 1941. The name United Nations was originally used to denote the countries allied against Germany, Italy, and Japan. On January 1, 1942, 26 countries signed the Declaration by United Nations, which set forth the war aims of the Allied powers.

¹ Karen Mingst: United Nations, Encyclopedia Britannica, www.google.com

²ibid

The first major step towards the formation of the United Nations was taken August 21–October 7, 1944, at a meeting of the diplomatic experts of the Big Three powers plus China (a group often designated the “Big Four”) held at the Dumbarton Oaks Conference in Washington DC.

At the Yalta Conference, a meeting of the Big Three in a Crimean resort city in February 1945, Roosevelt, Churchill, and Soviet leader Stalin laid the basis for charter provisions delimiting the authority of the Security Council. Moreover, they reached a tentative accord on the number of Soviet republics to be granted independent memberships in the UN. Finally, the three leaders agreed that the new organization would include a trusteeship system to succeed the League of Nations mandate system.

The Dumbarton Oaks proposals, with modifications from the Yalta Conference, formed the basis of negotiations at the United Nations Conference on International Organization (UNCIO), which convened in San Francisco on April 25, 1945, and produced the final Charter of the United Nations.

The San Francisco conference was attended by representatives of 50 countries from all geographic areas of the world: 9 from Europe, 21 from the Americas, 7 from the Middle East, 2 from East Asia, and 3 from Africa, as well as 1 each from the Ukrainian Soviet Socialist Republic and the Belorussian Soviet Socialist Republic (in addition to the Soviet Union itself) and 5 from British Commonwealth countries.

Issues resolved by compromise were the role of the organization in the promotion of economic and social welfare; the status of colonial areas and the distribution of trusteeships; the status of regional and defense arrangements; and Great Power dominance versus the equality of

states. The UN Charter was unanimously adopted and signed on June 26 and promulgated on October 24, 1945.

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The essential principles underlying the purposes and functions of the organization are listed in Article 2 and include: the UN is based on the sovereign equality of its members; disputes are to be settled by peaceful means; members are to refrain from the threat or use of force in contravention of the purposes of the UN; each member must assist the organization in any enforcement actions it takes under the Charter; and states that are not members of the organization are required to act in accordance with these principles insofar as it is necessary to maintain international peace and security. Article 2 also stipulates a basic long-standing norm that the organization shall not intervene in matters considered within the domestic jurisdiction of any state. Although over time the line between international and domestic jurisdiction has become blurred.

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Decolonization created rapid growth in UN membership, and by 1965 it stood at 118, twice as much as at the Organisation's founding.

The goals of the UN at inception were indeed noble and were meant to create a post-war order that would secure the peace, advance global prosperity, alleviate poverty and unemployment, and promote human rights worldwide.

A half-century later the assessment of the UN is mixed at best and in recent years the world organization has been much criticized. Its development strategies are under attack from many quarters.

Since the late 1990s there have been many calls for reform of the United Nations (UN). However, there is little clarity or consensus about what reform might mean in practice. There are those who want the UN to play a greater role in world affairs and those who want its role confined to humanitarian work or otherwise reduced. The latter group uses the term "UN reform" to refer to their ideas. The range of opinion extends from those who want to eliminate the UN entirely, to those who want to make it into a full-fledged world government.

This study will look at the purpose of the UN, its structure and whether it has lived up to its mandate/agenda and whether it requires part or total overhaul or whether it would just be prudent to do away with it absolutely just like happened to its predecessor the League of Nations.

1.1 Background

The United Nations officially came into existence on 24 October 1945, when its Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and by a majority of other signatories.

The founders of the United Nations system were committed to creating an orderly world. Having lived through the economic crisis of the 1930s, the rise of fascist aggressor states, and the horrors of World War II, these statesmen, from Winston Churchill to the formidable Republican senator Arthur Vandenberg, were committed to creating new international structures to deal with problems that were international by nature. Part of their realism was the conviction that they had a responsibility to try to make things work better in the future through such structures.

With states from Africa and Asia joining the United Nations, development issues became increasingly important, resulting in the expansion of the United Nations in the development area, including the establishment of the United Nations Development Programme (UNDP) in 1965 and negotiations on an International Economic Order (NIEO) as part of the North-South conflict in the 1970s.⁵

The United Nations has undergone phases of reform since its foundation in 1945. During the first years, the first decisive change was the development of peacekeeping measures to oversee the implementation of ceasefire agreements in 1949 in the Middle East and one year later in the Kashmir conflict between India and Pakistan. A string of new peacekeeping missions were launched in Namibia, Yugoslavia, Somalia, and Angola by the Security Council which also triggered interest in the reform of this 15-members body.⁶

More than half a century later it is proper that the governments and peoples of the world should want an assessment of the United Nations' performance. The record is mixed at best, and

⁵ www://undp.org: The Hub For Innovative Partnerships, (November 2011)

⁶ Franda Marcus F., *The UN in the Twenty First Century: Management and Reform Processes in a Troubled Organisation*, (Lanham, Maryland: Rowman & Littlefield, 2006), p219

in recent years the world organization has been much criticized. It has suffered great humiliations in Bosnia that have eclipsed its peacekeeping successes elsewhere. It is only just beginning to implement effective global social and economic policies, and its development strategies are under attack from many quarters. It is widely regarded as bureaucratically unwieldy, unnecessarily expensive, and weakened by poor personnel recruitment. These sentiments are particularly strong in the United States, reflecting that country's current politics of frustration, but they are echoed in many other parts of the world. Yet even if the United Nations' administrative and personnel weaknesses were corrected, the world body would still require reshaping so that it could better respond to the stresses of the early 21st century. In every one of its activities, from peacekeeping to development, from monitoring human rights to overseeing environmental accords, it has been pressed by member states and their publics to play a larger role and to assume fresh responsibilities. During the early 1990s the number of U.N. peacekeeping personnel in the field increased ten fold, as did the cost of peacekeeping operations.⁷

Strains on the social fabric of many nations has brought calls for concerted U.N. policies of assistance. In the economic realm, too, the world organization is being asked to produce greater security, equity, and prosperity for all human beings, not just a privileged minority.⁸ These operations, hopes, and expectations far exceed the capabilities of the system as it is now

⁷ Kennedy Paul and Bruce Russett, *Reforming the United Nations*, Foreign Affairs, Vol; 74, No. 5, (Council of Foreign Relations, Sept-Oct ,1995), pp56-71

⁸ *ibid*

constituted, and they threaten to over whelm the United Nations and discredit it, perhaps forever, even in the eyes of its warmest supporters.⁹

The world of 2013 is clearly a vastly different place than that of 1945, and the gathering pace of technological change, global demographic growth, and environmental pressures will make the world of 2045 (or even 2020) radically different from that of today.

Thus the United Nations finds itself at a critical juncture, which should be honestly confronted by the member states who are its proprietors and who endowed it with its present features. Two paths lie before the world community. Countries should decide either to reduce their demands on the United Nations, thus giving it a decent chance of carrying out reduced policies with its existing resources, or they should recognize the necessity of improving its capacities and grant it greater resources, functions, and coordinating powers. Avoiding a decision risks condemning not just the organization but the world to a deeply troubled future. This is a much more fundamental issue than improvements to specific parts of the system, welcome though the latter would be.¹⁰

The first attempt at reforming the UN can be ascribed to the Soviet Union which launched reform initiatives during the East-West antagonism in the 1950s to curtail the independence of the Secretariat by replacing the post of Secretary-General with a troika, including a representative from the socialist states. Later Germany and Japan in particular, as

⁹ Kennedy Paul and Bruce Russett, Reforming the United Nations, Foreign Affairs, Vol; 74, No. 5,(Council of Foreign Relations, (Sept-Oct ,1995), pp56-71

¹⁰ *ibid*

well as India and Brazil, launched efforts to gain permanent seats and veto rights at the Council.

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The 1980s were characterized by financial crisis and the retreat of the United States, which triggered a reform of the budgetary process and the downsizing of the Organization. With the end of the Cold War the rediscovery of and renaissance of the United Nations were hailed; the first half of the 1990s saw a major expansion of the Organisation and the reform associated with the Agenda for Peace launched by Secretary-General Boutros Boutros-Ghali.

In the late 1990s, Secretary-General Kofi Annan improved the coherence of the United Nations, with a better coordinated development system and more effective humanitarian structures. The fight against the HIV/AIDS pandemic was energized, and a new concept of partnership between the United Nations and international business developed under the Global Compact.

Other reforms included the revamping of peacekeeping operations following the Brahimi Report. The World Summit in 2005 recognized, albeit mainly symbolically, an international 'responsibility to protect' populations from genocide and the Human Rights Council replaced the discredited Commission on Human Rights.¹²

As of 2007, Secretary-General Ban Ki-moon continued the reform agenda covering oversight, integrity, and ethics which had previously been launched in response to investigation of the UN Oil-for-Food Programme. The Programme responded to the humanitarian needs of the

¹¹ Franda Marcus F., *The UN in the Twenty First Century: Management and Reform Processes in a Troubled Organisation*, Lanham, Maryland: Rowman & Littlefield, 2006), p219

¹² *ibid*

Iraqi civilians and was the largest, most complex and most ambitious relief effort in the history of the United Nations. With reference to the 2005 World Summit, the General Assembly approved in April 2007 a number of loosely related reform initiatives, covering international environmental governance, a unified gender organization, and ‘Delivering as One’ at the country level to enhance the consolidation of UN programme activities.¹³

On June 1, 2011, Secretary-General Ban Ki-moon appointed Atul Khare of India to spearhead efforts to implement a reform agenda aimed at streamlining and improving the efficiency of the world body.¹⁴ Khare’s role was to lead the Change Management Team (CMT) at the UN, working with both departments and offices within the Secretariat and with other bodies in the UN system and the 193 member states. The CMT is tasked with guiding the implementation of a reform agenda at the UN that starts with the devising of a wide-ranging plan to streamline activities, increase accountability and ensure the organization is more effective and efficient in delivering its many mandates.

The chief reason effective international organisations are required is an eminently practical one, as the founders realized. States first established international organizations to cooperate on specific matters. The International Telecommunication Union was founded in 1865 as the International Telegraph Union, and the Universal Postal Union was established in 1874. Both are now United Nations specialized agencies.¹⁵

¹³ *ibid*

¹⁴ Muravchik Joshua, *The Future of the UN: Understanding the Past to Chart A Way Forward*, (2005)

¹⁵ *ibid*

In 1899, the International Peace Conference was held in The Hague to elaborate instruments for settling crises peacefully, preventing wars and codifying rules of warfare. It adopted the Convention for the Pacific Settlement of International Disputes and established the Permanent Court of Arbitration, which began work in 1902.

Kennedy and Russet state that “simply put, states, people, and businesses need an international system to provide physical, economic, and legal security. They need some form of international police force to deter terrorists and other breakers of the peace; bodies like the World Trade Organization to head off trade wars; institutions like those developed at Bretton Woods to assist emerging economies; international human rights organizations to guarantee individuals' basic freedoms across the globe and a myriad of agencies and offices to ensure such basics as telecommunications and safe air traffic. If the United Nations system did not exist, much of it would have to be invented.”¹⁶

Reformers will have to reckon with the fact that there are many different United Nations or at least, that different interest groups and governments look at the world body differently. Kennedy and Russet sum this different perspectives thus “to isolationist critics, it is a bloated bureaucracy that is wasting taxpayers' money. For true believers, it is the embryo of Tennyson's "parliament of man, the Federation of the world." ¹⁷

Moves toward reform must take into account that the very different political and ideological stances of member governments, interest groups, and voters will critically influence

¹⁶ Kennedy Paul and Bruce Russet, *Reforming the United Nations*, Foreign Affairs, Vol; 74, No. 5, (Council of Foreign Relations, Sept-Oct ,1995), pp56-71

¹⁷ *ibid*

whether specific proposals succeed or fail. Kennedy and Russet hold that, unless governments can agree on basic principles regarding the roles of the United Nations and are ready to compromise on changes in the system, years of international gridlock could lie ahead.¹⁸

The League of Nations the forerunner of the United Nations was conceived during the First World War and established in 1919 under the Treaty of Versailles "to promote international cooperation and to achieve peace and security." The League became obsolete after it failed to meet its mandate of preventing another world war. Was it that the organization was caught in a time warp as circumstances in 1919 when it was founded were profoundly different from the 1930s when World War II broke out? Would it have been swept under by reforms or would it have been modified and strengthened to avoid the cataclysmic situation that forced it into oblivion?

Can reform strengthen the UN or do we do away with it absolutely? This researcher posits that the world still needs an alliance of states and like Kennedy and Russet this researcher holds that if the United Nations system did not exist, much of it would have to be invented and an umbrella of countries would still be in place by any other name. Therefore doing away with it would be an extreme measure if not an irrational one because as the demands on states and governments increase, the need for a world organization is growing, not shrinking. However the UN's role at inception was to handle inter-state issues but today the world is witnessing more and more of intra-state conflicts (Yugoslavia, Darfur, Somalia, etc.). Does it mean that the UN's role in international relations has been achieved or somehow (auto) resolved itself? Isn't it then

¹⁸ *ibid*

time for the UN to fashion itself to be relevant in view of the upsurge of intra-state challenges and all other current scenarios rather than doing away with it in total?

This researcher takes the stance that a “mixed methods or middle of the road approach” is most apt for the UN at this time. The mixed methods approach recommended by this study involves reforming key areas and doing away with parts that are otherwise past their “shelf life”. The approach would appease both those for and those against the UN: The isolationist critics to whom it is a bloated bureaucracy that is wasting taxpayers' money and its true believers to whom it is the embryo of Tennyson's "parliament of man, the Federation of the world.”

This study will seek to bring out the areas that need reform, the case for reform and the nature of the reforms required.

1.2 Statement of Research Problem

Different interest groups and governments look at the world body differently. The media in Europe and North America see the United Nations as mainly taken up with peacekeeping and security issues in places like Bosnia. To finance ministers in Latin America or Southeast Asia, the United Nations is a complex, multi-headed creature whose affiliates such as the World Bank and International Monetary Fund offer (often contradictory) advice on economic development along with carrot-and-stick incentives. To women's groups and associated nongovernmental organizations the UN is a set of agencies dealing with education, reproductive rights, health care and the like.

To international lawyers and human rights advocates, it is an array of legal instruments and offices that advance the Universal Declaration of Human Rights and subsequent protocols

and agreements. To isolationist critics, it is a bloated bureaucracy that is wasting taxpayers' money. For true believers, it is the embryo of Tennyson's "parliament of man, the Federation of the world."¹⁹

This study found that another impediment to reform of the UN is the very different political and ideological stances of member governments and interest groups.

Caron and Bennet state that, it is perhaps not noted often enough that a healthy organization must always undergo reform. It is mature, yet it also grows. There is little argument that the United Nations needs reform in several dimensions.²⁰

However, it is Kennedy and Russets view that unless governments can agree on basic principles regarding the roles of the United Nations and are ready to compromise on changes in the system, years of international gridlock could lie ahead.²¹

Thus the problem this study seeks to address stems from the fact that there is little clarity or consensus about what reform might mean in practice since the range of opinion extends from making it a world government or eliminating the UN in total.

This study will therefore seek to identify and document the areas that need reform and the nature of reforms required.

¹⁹ Kennedy Paul and Bruce Russet, Reforming the United Nations, Foreign Affairs, Vol; 74, No. 5, (Council of Foreign Relations, Sept-Oct ,1995), pp56-71

²⁰ Caron David D. and Bennet J. Douglas in Proceedings of the annual meeting (American Society of International Law, Vol 88, American Society of International Law, April 1994),pp105-8

²¹ Kennedy Paul and Bruce Russet, Reforming the United Nations, Foreign Affairs, Vol; 74, No. 5, (Council of Foreign Relations, (Sept-Oct ,1995), pp56-71

1.3 Objectives of the Research

- To examine the history of the UN, its successes and failures and its relevance in the 21st Century.
- To examine why reforms are needed
- To establish and document the nature of reforms that should be instituted
- To analyse the challenges of instituting such reforms.

1.4 Hypotheses

- As currently structured the United Nations is not relevant to the needs of the 21st century.
- The United Nations needs a total overhaul in order to meet the demands of the 21st century
- The UN needs targetted and partial reforms in order to realign it with the current demands
- The UN does not need any reforms .

1.5 Justification of the Study

The purpose of this study is to contribute to the growing academic discourse on UN reform. The issue of reform in academic circles still requires clarity as to what aspects of the UN require reform and why this reform should be instituted in the first place. This study will therefore seek to enrich this academic area by examining the various aspects of UN reform. This will be done by a scholarly examination of the history of the UN, and the changes that have

occurred over time at the UN. This will shed light to academic debates on UN reform. The study therefore seeks to examine and analyse the type of reforms as well the aspects of the UN that need reform.

This study will inform policy makers on why, what, how and when the UN requires reform. This study will help them in understanding and clarifying the major aspects of the reform required. This study should therefore be used in policy formulation to inform better decision making on matters of the UN.

1.6 Literature Review

Sixty eight years ago the free nations of the world met in general assembly to begin the task of establishing a post-war order that would secure the peace, advance global prosperity, alleviate poverty and unemployment, and promote human rights worldwide.

After 70 years it is proper that the governments and peoples of the world should want an assessment of the United Nations' performance. The record is mixed at best, and in recent years the world organization has been much criticized. It has suffered great humiliations in Bosnia that have eclipsed its peacekeeping successes else where.²²

It is only just beginning to implement effective global social and economic policies, and its development strategies are under attack from many quarters. It is widely regarded as bureaucratically unwieldy, unnecessarily expensive, and weakened by poor personnel recruitment. These sentiments are particularly strong in the United States, reflecting that

²² Kennedy Paul and Bruce Russett, *Reforming the United Nations*, Foreign Affairs, Vol; 74, No. 5, (Council of Foreign Relations, (Sept-Oct ,1995), pp56-71

country's current politics of frustration, but they are echoed in many other parts of the world. Yet even if the United Nations' administrative and personnel weaknesses were corrected, the world body would still require reshaping so that it could better respond to the stresses of the early 21st century. In every one of its activities, from peacekeeping to development, from monitoring human rights to overseeing environmental accords, it has been pressed by member states and their publics to play a larger role and to assume fresh responsibilities.

During the early 1990s the number of U.N. peacekeeping personnel in the field increased ten fold, as did the cost of peacekeeping operations. Strains on the social fabric of many nations bring calls for concerted U.N. policies of assistance. In the economic realm, too, the world organization is being asked to produce greater security, equity, and prosperity for all human beings, not just a privileged minority. These operations, hopes, and expectations far exceed the capabilities of the system as it is now constituted, and they threaten to over whelm the United Nations and discredit it, perhaps forever, even in the eyes of its warmest supporters.

Close to seventy years after inception, the United Nations finds itself at a critical juncture, which should be honestly confronted by the member states who are its proprietors and who endowed it with its present features. Two paths lie before the world community. Countries should decide either to reduce their demands on the United Nations, thus giving it a decent chance of carrying out reduced policies with its existing resources, or they should recognize the necessity of improving its capacities and grant it greater resources, functions, and coordinating powers. Avoiding a decision, risks condemning not just the organization, but the world to a deeply troubled future.²³

²³ *ibid*

In light of global circumstances, it would be wiser to improve the United Nations for the benefit of future generations. A half-century ago member states recognized that a set of international instruments to achieve aims they could not secure by themselves was very much in their national interest. The world is clearly a vastly different place than that of 1945, and the gathering pace of technological change, global demographic growth, and environmental pressures will make the world of 2045 (or even 2020) radically different from that of today. As the demands on states and governments increase, the need for the world organization is growing, not shrinking.

No less than the UN's administrators acknowledge that reform are required. Indeed on June 1, 2011, Secretary-General Ban Ki-moon appointed Atul Khare of India to spearhead efforts to implement a reform agenda aimed at streamlining and improving the efficiency of the world body.²⁴ Khare's role was to lead the Change Management Team (CMT) at the UN, working with both departments and offices within the Secretariat and with other bodies in the UN system and the 193 member states. The CMT is tasked with guiding the implementation of a reform agenda at the UN that starts with the devising of a wide-ranging plan to streamline activities, increase accountability and ensure the organization is more effective and efficient in delivering its many mandates.

²⁴ Muravchik Joshua, *The Future of the UN: Understanding the Past to Chart A Way Forward*, (2005)

Kennedy and Russett aver that reformers will have to reckon with the fact that there are many different United Nations or, at least, that different interest groups and governments look at the world body differently.²⁵

The media in Europe and North America sees the United Nations as mainly taken up with peacekeeping and security issues in places like Bosnia. To finance ministers in Latin America or Southeast Asia, the United Nations is a complex, multi-headed creature whose World Bank and International Monetary Fund offer (often contradictory) advice on economic development along with carrot-and-stick incentives. To women's groups and associated nongovernmental organizations the UN is a set of agencies dealing with education, reproductive rights, health care, and the like. To international lawyers and human rights advocates, it is an array of legal instruments and offices that advance the Universal Declaration of Human Rights and subsequent protocols and agreements. To isolationist critics, it is a bloated bureaucracy that is wasting taxpayers' money. For true believers, it is the embryo of Tennyson's "parliament of man, the Federation of the world."²⁶

Moves toward reform must take into account that the very different political and ideological stances of member governments, interest groups, and voters will critically influence whether specific proposals succeed or fail. Indeed, unless governments can agree on basic principles regarding the roles of the United Nations and are ready to compromise on changes in the system, years of international gridlock could lie ahead.

²⁵ Kennedy Paul and Bruce Russett, *Reforming the United Nations*, *Foreign Affairs*, Vol; 74, No. 5, (Council of Foreign Relations, (Sept-Oct ,1995), pp56-71

²⁶ *ibid*

Those who favour improving the world organization should stress that proposals for a U.N. rapid-reaction force to handle the Rwandas of the future and the many other schemes for reform are intended not to reduce the freedom of member states but to buttress the real sovereignty of societies everywhere. By "real sovereignty" is meant the ability to influence outcomes, nationally and internationally, and it has declined in recent decades in countries like France, India, Argentina, and even the United States. Nations will not recover it until they are willing to sink their differences and work together toward common ends. This notion, however, is immediately tested once one turns to some of the specific areas in which reform of the United Nations is suggested.

Murithi²⁷ offers some conflicting perspectives on what is really needed at the UN. He notes that some quarters argue that there is no need to change the system but only a need to mobilize political will to make the system work better for humanity. Others argue that if you try to change the system you will end up weakening it and making it less functional and effective. Another school of thought maintains that the UN system and more specifically the Charter is outdated and needs to be reviewed. This position further argues that new institutions need to be established to better address the challenges that we are faced with in the 21st century. Ultimately, the challenge is to find a better match between institutions and emerging global problems in order to deepen democracy and improve humanity's collective ability to address these issues by including newly emerging global and local actors in decision-making and policy implementation.

²⁷ Murithi. T., Rethinking the United Nations system: Prospects for a World Federation of Nations, *International Journal on World Peace*, Vol. 20, no. 4, (Professors World Peace Academy, (December 2003), pp. 3-28

On Tuesday 23 September 2003 the Secretary-General of the United Nations opened the 58th plenary session of the United Nations General Assembly by stating that 'we have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded'.²⁸ He went on to observe that the time has come to decide whether it is possible to continue on the basis which the United Nations system established at that time or whether 'radical changes are needed.' Further the Secretary-General proposed that 'the role of the United Nations as a whole in economic and social affairs, including its relationship to the Bretton Woods institutions needs to be re-thought and reinvigorated.'

Bennet states that "I begin by accepting the premise of the panel, which is that the UN system does need reform. Reforming the United Nations is a matter of urgent and real interest to taxpayers in America and elsewhere, but the imperative of reform is not only a matter of dollars, yen, francs, marks, rubles and so forth. Bennet holds that, in this arena, efficiency has a human face. To millions of people around the world, the margin of survival is measured by the delivery of food, the availability of a vaccine, the safe haven provided by the UN flag, or the gift of knowledge, for example, about how to work marginal land more productively or care for the health of a child not yet born. Resources well spent mean lives saved, futures transformed, communities given fresh hope, and the whole fabric of international life strengthened. In this context, inefficiency and disorganization translates not simply into lost dollars, but worse, into wasted opportunities, blighted futures and even lost lives."²⁹

²⁸ *ibid*

²⁹ Caron D. and Douglas J. Bennet Reforming the United Nations: From Management to Governance , in Proceedings of the Annual Meeting of the American Society of International Law, Vol. 88, The Transformation of Sovereignty , American Society of International Law ,(April 6-9, 1994), pp. 105-108

Bennet states that “we owe it to ourselves and to our publics to develop workable and flexible multilateral arrangements that will at least improve our prospects for coping with the demands of this new era.”³⁰

When the U.N. founders drafted the charter, they were emerging from a war in which many nations had lost their independence because of the aggression of foreign states and during which the United States (though not Britain or France) had been anticipating the independence of colonial territories. The focus was on state building and the need to ensure that no member states, especially smaller ones, would suffer outside interference. Yet 50 years later, after Cambodia, Afghanistan, Haiti, and Rwanda, it is evident that a key challenge to international stability is the phenomenon of internal conflicts in which authority implodes, ethnic and religious conflicts erupt, many lives are lost, and millions flee across international borders.³¹

In terms of areas where reforms are required, Kennedy and Russett identify five areas where they posit that drastic changes are required urgently.

Russett starts off by proposing the expansion of the Security Council as one of the more reasonable ways to improve the representative character and thus the legitimacy of the world organization in the eyes of all its members and their people.³² Increasing the council's overall size from the present 15 members would allow more nations to participate on a rotating basis in

³⁰ *ibid*

³¹ Kennedy Paul and Bruce Russett, *Reforming the United Nations*, *Foreign Affairs*, Vol; 74, No. 5, (Council of Foreign Relations, Sept-Oct ,1995), <http://www.jstor.org/stable/20047300> ., pp56-71

³² *ibid*

decision-making by this critically important organ. And adding to the permanent membership would permit the Security Council to reflect the changes in the global balance since the five victorious powers of 1945 insisted that the charter include special provisions upholding their status and interests. Yet proposals to promote certain countries to permanent membership are quickly enmeshed in political objections. For example, Japan and Germany have strong claims, as the second- and third largest contributors to the U.N. budget, but would their neighbours be happy with the change?

Kennedy and Russett pose; given the special responsibility of the permanent members to maintain peace and security, should permanent membership be granted to Japan, whose constitution restricts it in sending forces abroad? Then, since admitting a Germany or Japan to permanent membership would unduly increase the influence of the "North," it would be necessary to compensate by including a number of states from the "South," especially larger regional powers like India, Brazil, Nigeria, and South Africa.³³

Kennedy and Russett observe that this suggestion provokes criticism from those countries' neighbours. Why not consider instead permanent regional membership on the Security Council, whereby different countries take turns representing their part of the world? Yet how likely is it that Britain and France would cede their historical status as permanent members and trust their interests to a European representative? Nations will not recover their sovereignty until they sink their differences and work toward common ends³⁴.

³³ *ibid*

³⁴ *ibid*

The veto right of each permanent member further complicates prospects for Security Council reform. The drafters of the U.N. Charter assumed that the Big Five were to be chiefly responsible for maintaining the peace and defeating aggressors, and therefore should control the use of United Nations forces. Over the subsequent half-century, however, the veto has been invoked in many other circumstances, such as blocking resolutions and opposing nominations. If the number of permanent members on the Security Council was increased, would that not increase the risk of many more vetoes in the future?³⁵

One solution might be to deny the newer permanent members the veto, but that would confuse things by introducing a third membership category. Some have proposed that the veto be abolished which is a splendidly egalitarian idea, but highly unlikely to win approval by the Permanent Five. The best that can be hoped for is a compromise within the background that an increase in the number of both permanent and rotating members of the Security Council, and a restriction of the veto to questions of war and peace as the founders intended, would not crimp the Security Council's effectiveness but would make it less like the old boys club of 1945.

The world organization must have better access to well-trained forces to implement the peacekeeping missions agreed on by the Security Council, and such missions must be differentiated from peace enforcement operations so that the confusions that occurred in Somalia and Bosnia will not be repeated. These are the two most important issues in what is one of the United Nations' most important functions: securing the peace. The first immediately brings up the problem of sovereignty again. Member states always reserve the right to decide whether they will respond to the secretary-general's request to donate troops or other forces to any

³⁵ *ibid*

peacekeeping operation. In this as in every thing else the United Nations depends on the whim of governments, and there is definite evidence of donor fatigue, partly because of the embarrassment of the triple crisis of Somalia/Bosnia/Rwanda but more generally because of the unprecedented number of missions undertaken and peacekeepers deployed since 1989.³⁶ The Security Council is going to have to be more selective in the field operations it authorizes, although deciding what criteria to apply in evaluating a request for intervention could be excruciatingly difficult.³⁷

Charges that the United Nations misspends the contributions of its members are widespread, and critics insist that eliminating superfluous agencies, trimming perquisites, and improving management through out the organization would yield great savings. Defenders point out that the United Nations spends relatively little considering all that it is expected to but most everyone would concede that there is room for further efficiency measures. Some, such as eliminating various staff positions, have already been carried out, following recommendations in the 1993 Thornburgh Report.³⁸

But proposals by the Secretary-Generals office to cut agencies and personnel have frequently been blocked by member states. Most important, no amount of savings will permit the world organization to be solvent if members, especially those in the Security Council, keep adding to the United Nations' tasks and operations. Responsibility, in other words, must also be shouldered by the governments. This applies even more directly to the late payment or even non

³⁶ *ibid*

³⁷ *ibid*

³⁸ *ibid*

payment of countries' annual contributions. Ambitious reformers suggest, considering the vagaries of the present system and the prospect of increased demands on the organization, that the United Nations be assured an income flow that is larger but also independent of member governments' willingness or capacity to pay on time.³⁹ The case for funding an innovative and reliable revenue flow for the United Nations is strong. The organization ought not to have its work delayed and diminished by fiscal uncertainties. There is no lack of ideas on potential new sources.

Most involve taxes on the use of the global commons (a small levy on currency transactions or tickets for international airline flights, for example). Since international business, tourism, and communications rely on international governance structures, the argument goes, a modest contribution to the latter's operating costs seems appropriate. That said, however, all the proposed global taxes raise technical and legal issues that would require detailed study and negotiation through the General Assembly. The question remains: would member states at last permit the United Nations a revenue source other than their own contributions?

Kennedy and Russet call for a process for considering substantive improvements in the UN system. It clearly requires a serious overhaul to prepare it for the years ahead. Member states, acting through their permanent missions in the General Assembly, must now push ahead with a sustained examination of the various reform proposals, understanding that no single one will be perfect but that a distillation and then an advancement of the better ideas is urgently

³⁹ *ibid*

required. The historic moment should not be missed. The world owes it to the generations yet to come.⁴⁰

Murithi notes that we seriously need to consider whether the United Nations Charter, which was written over 50 years ago, can respond to the international reality that we are faced with at the beginning of the twenty-first century. Murithi poses, “is it about re-thinking the whole system or just focusing on the political and social component of the system, that is the Security Council, the General Assembly, and ECOSOC?”⁴¹

At the UN General Assembly on 15 September 2002, the Foreign Minister of Poland Włodzimierz Cimoszewicz proposed that a new Charter for the international system needed to be drafted to more effectively address the challenges of the forthcoming decades. He pointed out that certain clauses of the current UN Charter have already become obsolete. He further stressed that a new Charter should address not only the threats that we currently face but also establish a more effective institutional framework to deal with the problems we face today.⁴²

According to Murithi, it is necessary to reflect on the fact that the UN Charter in many ways is outdated and needs to be replaced by more democratic statutes and mandates including a more pronounced concern for the social and political interests of sub-national groups and minorities within states as well as broader transnational issues.⁴³ With specific reference to the veto provision within the constitution of the UN Security Council, it seems, and it has now

⁴⁰ *ibid*

⁴¹ Murithi T., *Rethinking the United Nations System: Prospects for a World Federation of Nations*, *International Journal on World Peace*, Vol. 20, no. 4, (Professors World Peace Academy, (December 2003), pp. 3-28

⁴² *ibid*

⁴³ *ibid*

become increasingly clear, that the UN Charter was drafted to safeguard the interests of the powers who were involved in drafting it and therefore it lacks the ability to globally respond (in a democratic way) to the interests of middle-level and weaker states. This was demonstrated by the inability of the Council to purposefully intervene in Rwanda to prevent and mitigate the genocide which took place in April 1994 or Srebrenica in Bosnia in July 1995.

Murithi states that the endless diplomatic wrangling at the Security Council was a spectacular collapse in global governance which resulted in genocide. Murithi anchors his case by referring to Linda Polman's book, *We Did Nothing: Why The Truth Doesn't Always Come Out When The UN Goes In*.⁴⁴

The system as structured is constrained by the machinations of states and other actors and has therefore not succeeded in preventing the proliferation of intra-state conflicts some of which have had disastrous consequences for humanity as a whole. Though there have been major advancements in the form of the various Declarations and Conventions for the promotion of human security. There has not been an equal degree of commitment in the implementation of these Declarations and Conventions. The exigencies and imperatives of selfish state-centric interests have always, and continue to carry the day when it comes to the issue of implementing what has been agreed upon.⁴⁵

The majority of national policy makers are beholden to the conviction that there is no recourse to any higher authority beyond the nation-state. The status-quo is an anarchical

⁴⁴ Linda Polman, *We Did Nothing: Why the truth doesn't always come out when the UN goes in*, (London: Penguin, 2003).

⁴⁵ Murithi T., *Rethinking the United Nations System: Prospects for a World Federation of Nations*, *International Journal on World Peace*, Vol. 20, no. 4, (Professors World Peace Academy, (December 2003), pp. 3-28

international society which is not constrained by a higher global leviathan or authority. This view maintains that order in the international relations depends on the consensus between nation states about political issues. In the absence of such a consensus anarchy is the prevailing condition because there are no overarching mechanisms to constrain the desires and actions of states.⁴⁶

According to Murithi, at the outset of the twenty-first century this question has again become relevant with the recent unilateral actions of powerful states outside the rubric of established international law and other multi-lateral frameworks.

Murithi argues that new institutions need to be established to better address the challenges that we are faced with in the 21st century. Ultimately, the challenge is to find a better match between institutions and emerging global problems in order to deepen democracy and improve humanity's collective ability to address these issues by including newly emerging global and local actors in decision-making and policy implementation.

Murithi posits that to further interrogate this issue the best way to proceed is to pose questions and to see whether we can generate responses which will help us to clarify our thinking on this issue.

These questions include: a) In what way has the system failed in promoting peace and security that requires us to re-think the system? What are the limitations that require us to re-think the United Nations System in the context of enhancing peace and security? b) What are some of the new or emerging challenges that we are faced with and is the system adequately designed to respond to these challenges? c) Can the current state-centric system promote peace

⁴⁶ *ibid*

and security? d) Is the nation-state still the preferred unit of formal governance or has globalization from below and globalization from above brought about the need to re-think the primacy and dominance of states within this system? e) How effectively is the current system relating to the emerging non state actors who are now actively engaged in promoting international peace and security including non-governmental actors, ecumenical groups and other associations and networks. f) With regards to enhancing the effectiveness of the present system, will simply reforming be enough? It may be necessary to transform the system in order to strengthen its ability to promote peace and security. g) If the current system evolved out of earlier systems does it not follow that the present system will also evolve into a new system in order to effectively address the problems of peace and security, including: environmental protection, international migration, international trade and development, global public health issues like HIV/AIDS, weapons of mass destruction, cross-border terrorism and so on? What are some of the proposals that are gaining currency about how to transform the international system to enhance peace and security? h) What is the premise upon which this new order can be based? Should we be building upon established notions of human security by placing the human being rather than states at the centre of our focus and analysis? Do we need to move from the exclusive focus on the international system as a grouping of states and seriously consider emerging notions of a global society based on the grouping of humankind? What kind of administrative order can adequately respond to the needs of a global society? i) What then is the next stage in the evolution of global governance and the international system for the improved promotion of peace and security? Are there lessons that we can learn on multi-level structures of governance that are

now being created by the European Union and the African Union? Will this include finding a more institutionalised way of interfacing and involving non-state actors? ⁴⁷

Murithi in his paper in the *International Journal on World Peace*⁴⁸ then goes on to comprehensively answer the questions using case studies.

The writer notes that there are some major obstacles to change including the need for the UN Security Council to assent to such change. But there is nothing to prevent the groundwork being done to bring about this transformation. If not in the 21st century, then perhaps by the 22nd century.

At the 58th UN General Assembly the UN Secretary-General cautioned the Assembly not to "shy away from questions about the adequacy, and effectiveness, of the rules and instruments at our disposal." He went on to suggest that, "among those instruments, none is more important than the Security Council itself...and there was an urgent need for the Council to regain the confidence of States, and of world public opinion both by demonstrating its ability to deal effectively with the most difficult issues, and by becoming more broadly representative of the international community as a whole as well as the geographical realities of today."⁴⁹

This study looks at the various approaches and postulates that reform of the UN is overdue and the best approach would be use the approaches presented here especially the nine

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ *ibid*

question approach posited in Murithi's *Rethinking the United Nations System: Prospects for a World Federation of Nations* (2003).⁵⁰

However this study does not take it for granted and acknowledges it will be an enormous challenge to develop an overarching framework of principles and rules to renegotiate and reconfigure global governance to promote global solidarity and collective security in the twenty-first century. It is however a challenge that will make the difference between continuing on the age-old path of human self-destruction or choosing a new path that will lead us to human self-improvement.

1.7 Theoretical Framework

This section seeks to ground this study within a theoretical framework of international relations that becomes the tool to be utilized in this study. It therefore reviews a number of theories that touch on the topic under study to eventually settle on the most apt theory of International Relations.

International relations theory attempts to provide a framework upon which international relations can be analyzed. Ole Holsti describes international relations theories act as a pair of coloured sunglasses, allowing the wearer to see only the salient events relevant to the theory. An adherent of realism may completely disregard an event that a constructivist might pounce upon as crucial, and vice versa. The most applicable theories in the context of this study realism and liberalism though this study will apply the liberalist theory. However the researcher wishes to go

⁵⁰ Murithi T., *Rethinking the United Nations System: Prospects for a World Federation of Nations*, *International Journal on World Peace*, Vol. 20, no. 4, (Professors World Peace Academy, (December 2003), pp. 3-28

of a tangent and review the state cartel theory and functionalism which are closely related with liberalism.

Early international relations scholarship in the interwar years focused on the need for the balance of power system to be replaced with a system of collective security. These thinkers were later described as "Idealists".⁵¹ The leading critique of this school of thinking was the "realist" analysis offered by Carr.

Early realism can be characterized as a reaction against interwar idealist thinking. The outbreak of World War II was seen by realists as evidence of the deficiencies of idealist thinking. There are various strands of modern day realist thinking. However, the main tenets of the theory have been identified as statism, survival, and self-help.

In relation to statism, Realists believe that nation states are the main actors in international politics.⁵² As such it is a state-centric theory of international relations. This contrasts with liberal international relations theories which accommodate roles for non-state actors and international institutions. This difference is sometimes expressed by describing a realist world view as one which sees nation states as billiard balls, liberals would consider relationships between states to be more of a cobweb.

⁵¹ Burchill, Scott and Linklater, Andrew, "Introduction" *Theories of International Relations*, ed. Scott Burchill ... [et al.], p.7. (Palgrave, 2005).

⁵² Snyder, Jack, 'One World, Rival Theories, Foreign Policy, 145 (November/December 2004), p.59

As regards survival, Realists believe that the international system is governed by anarchy, meaning that there is no central authority. Therefore, international politics is a struggle for power between self-interested states.⁵³ And in Self-help, Realists believe that no other states can be relied upon to help guarantee the state's survival.

Realism makes several key assumptions. It assumes that nation-states are unitary, geographically based actors in an anarchic international system with no authority above capable of regulating interactions between states as no true authoritative world government exists. Secondly, it assumes that sovereign states, rather than IGOs, NGOs or MNCs, are the primary actors in international affairs. Thus, states, as the highest order, are in competition with one another. As such, a state acts as a rational autonomous actor in pursuit of its own self-interest with a primary goal to maintain and ensure its own security—and thus its sovereignty and survival. Realism holds that in pursuit of their interests, states will attempt to amass resources, and that relations between states are determined by their relative levels of power. That level of power is in turn determined by the state's military, economic, and political capabilities.

Some realists (*human nature realists*)⁵⁴ believe that states are inherently aggressive, that territorial expansion is constrained only by opposing powers, while others (*offensive/defensive realists*)⁵⁵ believe that states are obsessed with the security and continuation of the state's existence. The defensive view can lead to a security dilemma where increasing one's own

⁵³ *Ibid*, p.55

⁵⁴ Mearsheimer, John (2001). *The Tragedy of Great Power Politics*. New York: (W.W. Norton & Company), pp. 25–26.

⁵⁵ *ibid*

security can bring along greater instability as the opponent(s) builds up its own arms, making security a zero-sum game where only *relative gains* can be made.

Neorealism or structural realism is a development of realism advanced by Kenneth Waltz in *Theory of International Politics*. It is, however, only one strand of neorealism. Joseph Grieco has combined neo-realist thinking with more traditional realists. This strand of theory is sometimes called "modern realism"⁵⁶. Waltz's neorealism contends that the effect of structure must be taken into account in explaining state behavior. Structure is defined twofold as a) the ordering principle of the international system which is anarchy and b) the distribution of capabilities across units. Waltz also challenges traditional realism's emphasis on traditional military power, instead characterizing power in terms of the combined capabilities of the state.⁵⁷

In the context of this study the realist theory cannot be considered relevant since the thrust of this study is to put forward a case for unitary action by states on global, inter-state and intra-state issues. The only challenge is whether the states act in the right way and if not how can unitary action be structured or restructured to be relevant in the 21st century and thereafter. Therefore in the view of this study the most relevant theory for this study is the theory of liberalism.

However this is an academic project and as such approaching an issue with a wide perspective or multiple perspectives is in order. This study while relying on the liberalist theory will also look at a few theories of interest and relevance to the study.

⁵⁶ Lamy, Steven, Contemporary Approaches: Neo-realism and neo-liberalism in "The Globalisation of World Politics, Baylis, (Smith and Owens, OUP, 4th ed.), p127

⁵⁷ *Ibid*, pp.127-128

Another theory that qualifies for mention in the context of this study is the 'English School' of international relations theory, also known as International Society, Liberal Realism, Rationalism or the British institutionalists. It maintains that there is a 'society of states' at the international level, despite the condition of 'anarchy' (literally the lack of a ruler or world state).⁵⁸

Despite being called the English School, many of the academics from this school were neither English nor from the United Kingdom. A great deal of the work of the English School concerns the examination of traditions of past international theory, casting it, as Martin Wight did in his 1950s-era lectures at the London School of Economics, into three divisions: (1) Realist or Hobbesian (after Thomas Hobbes), (2) Rationalist (or Grotian, after Hugo Grotius), (3) Revolutionist (or Kantian, after Immanuel Kant). In broad terms, the English School itself has supported the rationalist or Grotian tradition, seeking a middle way (via media) between the 'power politics' of realism and the 'utopianism' of revolutionism.⁵⁹

Another theory that calls for mention in the context of this study is Functionalism. As a theory of international relations it arose principally from the experience of European integration. Rather than the self-interest that realists see as a motivating factor, functionalists focus on common interests shared by states.

Its roots can be traced back to the liberal/idealist tradition that started with Kant and goes as far as Woodrow Wilson's "Fourteen Points" speech.

⁵⁸ Buzan, Barry , *From International to World Society, English School Theory and the Social Structure of Globalisation* , (Cambridge: Cambridge University Press, 2004).

⁵⁹ Ibid

Integration develops its own internal dynamic: as states integrate in limited functional or technical areas, they increasingly find that momentum for further rounds of integration in related areas. This "invisible hand" of integration phenomenon is termed "spill-over." Although integration can be resisted, it becomes harder to stop integration's reach as it progresses. This usage, and the usage in functionalism in international relations, is the less common meaning of *functionalism*.

The functionalist approach excludes and refutes the idea of state power and political influence (realist approach) in interpreting the cause for such proliferation of international organizations during the inter-war (which was characterized by nation-state conflict) and the subsequent years.⁶⁰

More commonly, however, functionalism is an argument that explains phenomena as functions of a system rather than an actor or actors and therefore it cannot be absolutely applicable in this study since the study is making a based on reforming the system and the eligibility of actors in certain areas. Immanuel Wallerstein employed a functionalist theory when he argued that the Westphalian international political system arose to secure and protect the developing international capitalist system. His theory is called "functionalist" because it says that an event was a function of the preferences of a system and not the preferences of an agent.

Functionalism is different from structural or realist arguments in that while both look to broader, structural causes, realists (and structuralists more broadly) say that the structure gives

⁶⁰ Wolf, Peter. "International Organization and Attitude Change: A Re-examination of the Functionalist Approach." *International Organization*. Vol.27. (July 1973): pp. 347-371

incentives to agents, while functionalists attribute causal power to the system itself, bypassing agents entirely.

Another theory that makes interesting academic consideration is the State cartel theory. It is derived from an old institutional theory of economics, from the theory of private or enterprise cartels.⁶¹ It has a German background, because Germany was formerly the land of highest developed economic cartels and the motherland of classical cartel theory. State cartel theory uses a mix of methods ranging from positivist data evaluation to critical socioeconomic analyses or reflexive methods like criticism of thinking or ideology.

The theory has mainly been specified with regard to the European Union (EU), but could be made much more general. Hence state cartel theory should consider all international governmental organizations (IGOs) as *cartels* made up by states.

The philosophical precondition of the specified knowledge transfer from cartel theory is the – one century old – insight, that there are striking analogies between combinations of states and combinations of economic enterprises (i.e. the cartels formerly legal and very numerous in Europe).⁶² These analogies are both institutionally and functionally.

Among the other theories of International Relations, State cartel theory shares a lot of commonality with Functionalism in international relations. A bit more than the latter, state cartel theory has its focus on a theory of international organizations.

⁶¹ Robert Liefman: *Cartels, Concerns and Trusts*, London, (1932), www.google.co.ke

⁶² Rudolf Hilferding, *Das Finanzkapital*, Frankfurt 1973 [Wien 1910], Vol. II, p. 279

This study examines the case for reforming the UN within the liberalist theory. The precursor to liberal international relations theory was "idealism". Idealism (or utopianism) was a critical matter by those who saw themselves as 'realists', for instance E. H. Carr.⁶³ In international relations, idealism (also called "Wilsonianism" because of its association with Woodrow Wilson who personified it) is a school of thought that holds that a state should make its internal political philosophy the goal of its foreign policy. For example, an idealist might believe that ending poverty at home should be coupled with tackling poverty abroad. Fundamentally idealists believe in the inherent goodness of human beings who can do good if provided with good laws and institutions like the UN. Wilson's idealism was a precursor to liberal international relations theory, which would arise amongst the "institution-builders" after World War II. The reference to Woodrow Wilson is also note worthy in our context because he was a key proponent of the creation of the UN.

Liberalism holds that interaction between states is not limited to the political/security ("high politics"), but also economic/cultural ("low politics") whether through commercial firms, organizations or individuals. Thus, instead of an anarchic international system, there are plenty of opportunities for cooperation and broader notions of power, such as cultural capital (for example, the influence of films leading to the popularity of the country's culture and creating a market for its exports worldwide).

Another assumption is that absolute gains can be made through co-operation and interdependence—thus peace can be achieved.

⁶³ Schmidt B.C, *The Political Discourse of Anarchy: A Disciplinary History of International Relations*, 1998, p.219

According to its Charter, the UN aims: *to save succeeding generations from the scourge of war,...to reaffirm faith in fundamental human rights,...to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.*⁶⁴

In addition to maintaining peace and security, other important objectives include developing friendly relations among countries based on respect for the principles of equal rights and self-determination of peoples; achieving worldwide cooperation to solve international economic, social, cultural, and humanitarian problems; respecting and promoting human rights; and serving as a centre where countries can coordinate their actions and activities toward these various ends.⁶⁵

Liberalism provides for this study's case for reforming the UN to make it more relevant to its noble outlined above as the theory is predicated on the assumption that immense gains can be made through co-operation and interdependence and peace can be realized.

There are other theories worth mention like Neo-liberalism, liberal institutionalism or neo-liberal institutionalism⁶⁶ as they are an advancement of liberal thinking. These hold that international institutions can allow nations to successfully cooperate in the international system.

⁶⁴ Karen Mingst: United Nations, Encyclopedia Britannica, www.google.com

⁶⁵ibid

⁶⁶ Sutch, Peter, Elias, 2006, Juanita, International Relations: The Basics, Routledge p.11

Post-liberal theory argues that within the modern, globalized world, states in fact are driven to cooperate in order to ensure security and sovereign interests. The departure from classical liberal theory is most notably felt in the re-interpretation of the concepts of Sovereignty and Autonomy. Autonomy becomes a problematic concept in shifting away from a notion of freedom, self-determination, and agency to a heavily responsible and duty laden concept. Importantly, autonomy is linked to a capacity for good governance. Similarly, sovereignty also experiences a shift from a right to a duty. In the global economy, International organizations hold sovereign states to account, leading to a situation where sovereignty is co-produced among 'sovereign' states. The concept becomes a variable capacity of good governance and can no longer be accepted as an absolute right. One possible way to interpret this theory is the idea that in order to maintain global stability and security and solve the problem of the anarchic world system in International Relations, no overarching, global, sovereign authority is created. Instead, states collectively abandon some rights for full autonomy and sovereignty.⁶⁷

In the context of this study this is a position that needs further examination in view of the fact that this study posits that the UN as currently structured is not effective to an acceptable standard and therefore it requires reform and perhaps a deviation from its current overarching, global sovereign authoritative stance.

Though this study leans more towards the liberalism theory of international relations no doubt the researchers understanding and approach to the topic has been profoundly enriched by

⁶⁷ Chandler, David (2010). *International State-building - The Rise of the Post-Liberal Paradigm*. Abingdon, (Oxon: Routledge), pp. 43–90.

the other theories discussed in this section and the researcher feels it would be intellectually depriving to students of the topic under study not to cite and elucidate these other theories.

1.8 Methodology

Social research is classified as either quantitative or qualitative. Mugenda⁶⁸ states that quantitative research is conducted under strict statistical rules, measurement procedures and statistical data analyses techniques. Qualitative research on the other hand refers to a variety of research approaches conducted in natural settings. The basic philosophical assumptions in qualitative approaches are that reality is multiple and not necessarily measurable. Qualitative methods can be used to gain new perspectives on things about which much is known or to gain more in-depth information that may be difficult to convey quantitatively.⁶⁹ The topic under examination in this study is anchored on multiple hypotheses and if only for that reason then this study falls within the realm of a qualitative research, however this study recognises that it seeks to gain new perspectives on whether the UN requires reform, what reforms and when and if this new information will be difficult to convey quantitatively. This study therefore falls within the realm of a qualitative research.

The research design that will be used in this research project will be a combination of purposive sampling, snowball sampling and quota sampling of practicing diplomats, experts and scholars related to or interested with the UN system. Purposive sampling is a technique that allows a researcher to use cases that have the required information with the respect to the

⁶⁸ Mugenda A.G., *Social Science Research-Theory and Principles*, (Nairobi, Arts Press, 2008), p82

⁶⁹ Strauss A., & Corbin J., : *Basics of Qualitative Research: Grounded Theory procedures and Techniques*, Newbury Park, CA: Sage Publications, (1990)

objectives of his her study. The cases are hand picked because they are informative and or have the required characteristics.⁷⁰

In this study the purposive sampling will include the identification of the target group who are experts in international relations and who are willing to give their expert view on the effectiveness or otherwise of the UN and specifically the case for reform.

Snowball sampling is a technique also referred to as chain referral sampling and will start with a subject who displays the qualities the researcher is interested in investigating. The researcher then asks the respondent to suggest another person in the same field for interviewing. This process is repeated until the researcher gets the number of cases he or she requires to provide enough information on the topic. This method is useful when the population that possesses the characteristics under study is not easy to identify or the details under enquiry are not in the public domain.⁷¹

In this study the snowball sampling will help the researcher to get references of experts willing to participate in the study from the first group of experts identified through the purposive sampling.

Quota sampling is also known as availability sampling. The objective is to include various groups or quotas of the population in the study. The selection of actual participants for each category is never random but rather subjects are conveniently picked because they fit into the identified categories or groups.⁷² In this study quota sampling will be used in an attempt to

⁷⁰ Mugenda A.G., *Social Science Research-Theory and Principles*, (Nairobi, Arts Press, 2008), p196

⁷¹ *Ibid*, p196

⁷² *Ibid*, p197

collect varied feedback from IR practitioners , scholars and experts from varied institutions with ties or an interest in the UN system and who have different perspectives on the issue at hand. This will ensure a more comprehensive data set.

1.9 Scope and Limitations of The Research

This study will give a historical overview of the UN system from 1945 while touching a little on its predecessor –the League of Nations. The researcher will also delve into whether it’s logical to either do away with the UN or to retain it and reform it as many quarters propose top among them its administrators like current Secretary General Ban ki moon who appointed a Change Management Team in 2011.

The study will then review the major reform proposals since inception and their relevance and the reforms undertaken from inception of the UN to date,

The study will also show the reforms required from the perspective of experts and the researcher’s view

In conclusion the study will explore the theoretical paradigms that should guide/inform any reform initiatives.

1.10 Chapter Outline

Chapter One introduces the topic of the research study by first setting the broad context of the research study, the statement of the problem, justification, theoretical framework, literature review, hypotheses and the methodology of the study.

Chapter Two is a historical overview of the UN including the reforms, changes, amendments that have occurred and proposed for implementation

Chapter Three will be a case study of the UN Change Management Team and its reform agenda. The CMT was appointed by Secretary General of the UN, Ban-ki Moon in 2011 to implement reform within the UN system.

Chapter Four will be a critical analysis of key emerging issues in the UN system.

Chapter Five will include key findings and the conclusion as well as suggestions for areas for further research.

CHAPTER TWO

2.0 HISTORICAL OVERVIEW OF REFORMING THE UN

2.1 Historical Overview

The United Nations was the second Intergovernmental organization established in the 20th century that was worldwide in scope and membership. Its predecessor, the League of Nations, was created by the Treaty of Versailles in 1919 and disbanded in 1946.

Changes in the nature of international relations resulted in modifications in the responsibilities of the UN and its decision-making apparatus. Cold War tensions between the United States and the Soviet Union deeply affected the UN's security functions during its first 45 years. Extensive post-World War II decolonization in Africa, Asia, and the Middle East increased the volume and nature of political, economic, and social issues that confronted the organization. The Cold War's end in 1991 brought renewed attention and appeals to the UN. Amid an increasingly volatile geopolitical climate, there were new challenges to established practices and functions, especially in the areas of conflict resolution and humanitarian assistance. At the beginning of the 21st century, the UN and its programs and affiliated agencies struggled to address humanitarian crises and civil wars, unprecedented refugee flows, the devastation caused by the spread of AIDS, global financial disruptions, international terrorism, and the disparities in wealth between the world's richest and poorest peoples.

There have been increased calls for reforming the UN and some amendments have sailed through. Since 1945, the United Nations' membership has more than tripled (from 50 members to 191), yet only three amendments have been added to the Charter. The Charter, as a whole, has only

been slightly affected, but the composition and voting requirements of two principal UN organs were altered by the amendments.

In 1963, it was proposed that the Security Council (SC) membership be enlarged from 11 to 15. This was ratified in 1965 by adjusting Article 23. The Economic and Social Council (ECOSOC), in Article 61, was amended on two occasions. Once in 1963, increasing its membership from 18 to 27, and again in 1971 increasing the number to 54. Finally, Article 27 was adjusted to increase the number of affirmative votes from 7 to 9 to establish a two thirds majority. This revision was noted in Article 109 making a vote of any nine (instead of seven) members of the SC necessary for the review of the present Charter for amendments. The number and powers of the SC permanent members remains unchanged: the five states maintain veto authority over all UN activities.

As membership grew, the organization re-allocated power within two of its most powerful Councils. This was a direct consequence of the growing need for equitable representation. The expansion of the Council gives more voice to countries other than the five permanent members. Today developed and developing countries share seats within two of the principle organs of the UN. However, the fact that the three amendments deal exclusively with the issue of representation within the United Nations Councils tells us something about its members' agenda. While the absolute size of these two organs have grown, their relative representation of total membership has actually decreased. Moreover, the permanent members' veto authority remains absolute. This might help to explain why the UN Charter has remained so un-amended over its lifetime.

The Amendments to the UN Charter were appropriate and valuable at that time of implementation because they reflected the changing situations in international affairs and the UN itself. Today, fair and equitable representation of member status depends on the ability to amend UN operations. The veto of the permanent members of the SC and the majority voting rights in the ECOSOC should be revisited for this reason. Carola Saba⁷³ in a review of the amendments notes that the unbalanced distribution of power among UN members creates a disincentive to allow the founding document to evolve. If the UN Charter is to truly represent its principles, appropriate measures should be taken to correct articles, which are misleading in interpretation and/or need further revision to be applicable to today's global field.

No less a person than the Secretary General Ban Ki- moon has recognized that the system needs reform who in June 2011 appointed a Change Management Team (CMT) under Atul Khare of India. The CMT is tasked with guiding the implementation of a reform agenda that starts with the devising of a wide ranging plan to streamline activities, increase accountability and ensure the organization is more effective and delivering its many mandates.

Karen Mingst⁷⁴ argues that The UN formed a continuum with the League of Nations in general purpose, structure, and functions; many of the UN's principal organs and related agencies were adopted from similar structures established earlier in the century. In some respects, however, the UN constituted a very different organization, especially with regard to its

⁷³ Carola Saba, Analysis of The United Nations Charter Amendments, New York University, September 15, 2003, <https://files.nyu.edu/cbs242/public>

⁷⁴ Karen Mingst: United Nations, Encyclopedia Britannica, www.google.com

objective of maintaining international peace and security and its commitment to economic and social development.⁷⁵

In September 2003 the Secretary-General of the United Nations while opening the 58th plenary session of the United Nations General Assembly stated that “we have come to a fork in the road. He went on to observe that the time has come to decide whether it is possible to continue on the basis which the United Nations system established at that time or whether 'radical changes are needed.' Further the Secretary-General proposed that 'the role of the United Nations as a whole in economic and social affairs, including its relationship to the Bretton Woods institutions needs to be re-thought and reinvigorated.'⁷⁶

Murithi⁷⁷ argues that since the end of the Cold War we are faced a series of questions about whether the international system that we currently have can effectively address the problem of peace and security which continues to confront humanity. By the international system here we are referring to the primarily to the political structures United Nations System. That is to say, the member states in the form of the General Assembly, the Security Council, the Secretariat, the Economic and Social Council which are tasked with promoting international peace and security.

Murithi⁷⁸ notes that some quarters that there is no need to change the system but only a need to mobilize political will to make the system work better for humanity. Others argue that if you try to change the system you will end up weakening it and making it less functional and

⁷⁵ *ibid*

⁷⁶ Tim Murithi: Rethinking The United Nations System: Prospects For A World Federation Of Nations: International Journal on World Peace, Vol. 20, No. 4, (Professors World Peace Academy December 2003) pp. 3-28 , <http://www.jstor.org/stable/20753418> .

⁷⁷ *ibid*

⁷⁸ *ibid*

effective. Another school of thought maintains that the UN system and more specifically the Charter is outdated and needs to be reviewed. This position further argues that new institutions need to be established to better address the challenges that we are faced with in the 21st century. Ultimately, the challenge is to find a better match between institutions and emerging global problems in order to deepen democracy and improve humanity's collective ability to address these issues by including newly emerging global and local actors in decision-making and policy implementation.

Making a case for reform of the UN, Kennedy and Russett⁷⁹ hold that it is proper that the governments and peoples of the world should want an assessment of the United Nations' performance. The record is mixed at best, and in recent years the world organization has been much criticized. It has suffered great humiliations in Bosnia that have eclipsed its peacekeeping successes elsewhere. It is only just beginning to implement effective global social and economic policies, and its development strategies are under attack from many quarters. It is widely regarded as bureaucratically unwieldy, unnecessarily expensive, and weakened by poor personnel recruitment. Former Ambassador Donald McHenry said: The whole UN civil service got hijacked by the Cold War and decolonialization.⁸⁰ The whole UN civil service got hijacked by the Cold War and decolonialization. Everybody, [the United States] included, started insisting on certain jobs within the UN and using them for defeated politicians. . . . Once you took on such an individual, you had to take on three other people [who could actually] do the job.

⁷⁹ Paul Kennedy and Bruce Russett : Reforming the United Nations, Foreign Affairs, Vol. 74, No. 5, Council on Foreign Relations, (Sep. - Oct., 1995), pp. 56-71, www.jstor.org/stable/20047300

⁸⁰ David D. Caron and Douglas J. Bennet : Reforming the United Nations: From Management to Governance Proceedings of the Annual Meeting (American Society of International Law), Vol. 88, The Transformation of Sovereignty (APRIL 6-9, 1994), American Society of International Law pp. 105, <http://www.jstor.org/stable/25658797>

Caron and Bennet ⁸¹ maintain that “perhaps because the UN capacity to solve real problems was stymied during the Cold War, nations developed the bad habit of using the Organization for other purposes, including patronage, posturing, propaganda and pork.”

Caron and Benet hold that historians will figure out who was minding the store when this trend started; the fact is that for a long time the member states have preferred micromanagement to governance. The need for reform has been a hobbyhorse for the critics and an excuse for delinquency, not the basis of a strategy for success.

According to Caron and Benet argue that in the UN, accountability is muddled by political tampering, and priority-setting is virtually impossible because of member-induced rigidities in the budget process⁸². The times require new habits be developed and assume responsibility collectively, not only because of the way the UN system works, but for whether the UN system succeeds or fails. A sense of stewardship thus has to be developed.

Kennedy and Russett⁸³ argue that “even if the United Nations' administrative and personnel weaknesses were corrected, the world body would still require reshaping so that it could better respond to the stresses of the early 21st century. In every one of its activities, from peacekeeping to development, from monitoring human rights to overseeing environmental accords, it has been pressed by member states and their publics to play a larger role and to assume fresh responsibilities.⁸⁴ During the early 1990s the number of U.N. peacekeeping

⁸¹ *ibid*

⁸² *ibid*

⁸³ Paul Kennedy and Bruce Russett : Reforming the United Nations, Foreign Affairs, Vol. 74, No. 5, Council on Foreign Relations, (Sep. - Oct., 1995), pp. 56-71, www.jstor.org/stable/20047300

⁸⁴ *Ibid*

personnel in the field increased tenfold, as did the cost of peacekeeping operations. Strains on the social fabric of many nations bring calls for concerted U.N. policies of assistance.

According to Kennedy and Russett,⁸⁵ in the economic realm, too, the world organization is being asked to produce greater security, equity, and prosperity for all human beings, not just a privileged minority. These operations, hopes, and expectations far exceed the capabilities of the system as it is now constituted, and they threaten to overwhelm the United Nations and discredit it, perhaps forever, even in the eyes of its warmest supporters.

Today, the United Nations finds itself at a critical juncture, which should be confronted by the member states who are its proprietors and who endowed it with its present features. Two paths lie before the world community. Countries should decide either to reduce their demands on the United Nations, thus giving it a decent chance of carrying out reduced policies with its existing resources, or they should recognize the necessity of improving its capacities and grant it greater resources, functions, and coordinating powers. Avoiding a decision risks condemning not just the organization but the world to a deeply troubled future. This is a much more fundamental issue than improvements to specific parts of the system.

Further arguments for reforming the UN were given impetus by other world leaders. For instance, speaking at the UN General Assembly in 2002, the Foreign Minister of Poland Włodzimierz Cimoszewicz proposed that a new Charter for the international system needed to be drafted to more effectively address the challenges of the forthcoming decades. He pointed out that certain clauses of the current UN Charter have already become obsolete. He further stressed that a new Charter should address not only the current threats but also establish a more effective institutional framework to deal with the problems we face today. Some of these problems include

⁸⁵ Ibid

poverty, the spread of infectious diseases, climate change, environmental degradation, the promotion of sustainable development, strengthening the global human rights regime and governance as well as dealing with new forms of terror and the proliferation of destructive weapons.⁸⁶

Murithi⁸⁷ postulates that reforming the UN would stem from examining several issues and he posits that to interrogate the issue of reform the best way to proceed is to pose questions and then generate responses which will help to clarify the thinking on the issue of reform. These questions include:

1. In what way has the system failed in promoting peace and security that requires us to re-think the system? What are the limitations that require a re-think of the United Nations System in the context of enhancing peace and security?
2. What are some of the new or emerging challenges that we are faced with and is the United Nations system adequately designed to respond to these challenges?
3. Can the current state-centric system promote peace and security?
4. Is the nation-state still the preferred unit of formal governance or has globalization from below and globalization from above brought about the need to re-think the primacy and dominance of states within this system?
5. How effectively is the current system relating to the emerging non state actors who are now actively engaged in promoting international peace and security

⁸⁶ Tim Murithi: Rethinking The United Nations System: Prospects For A World Federation Of Nations: International Journal on World Peace, Vol. 20, No. 4, (Professors World Peace Academy, December 2003) pp. 3-28 , <http://www.jstor.org/stable/20753418>

⁸⁷ Ibid

including non-governmental actors, ecumenical groups and other associations and networks?

6. With regard to enhancing the effectiveness of the present system, will simply reforming be enough? It may be necessary to transform the system in order to strengthen its ability to promote peace and security.

7. If the current system evolved out of earlier systems does it not follow that the present system will also evolve into a new system in order to effectively address the problems of peace and security, including: environmental protection, international migration, international trade and development, global public health issues like HIV/AIDS, weapons of mass destruction, cross-border terrorism and so on? What are some of the proposals that are gaining currency about how to transform the international system to enhance peace and security?

8. What is the premise upon which this new order can be based? Should we be building upon established notions of human security by placing the human being rather than states at the centre of our focus and analysis? Do we need to move from the exclusive focus on the international system as a grouping of states and seriously consider emerging notions of a global society based on the grouping of humankind? What kind of administrative order can adequately respond to the needs of a global society?

9. What then is the next stage in the evolution of global governance and the international system for the improved promotion of peace and security? Are there lessons that we can learn on multi-level structures of governance that are now being

created by the European Union and the African Union? Will this include finding a more institutionalised way of interfacing and involving non-state actors?

On the issue of rethinking the system, a question then arises: Is it about re-thinking the whole system or just focusing on the political and social component of the system, that is to say the Security Council, the General Assembly, and ECOSOC?

Speaking at the UN General Assembly on 15 September 2002, the Foreign Minister of Poland Włodzimierz Cimoszewicz proposed that a new Charter for the international system needed to be drafted to more effectively address the challenges of the forthcoming decades. He pointed out that certain clauses of the current UN Charter have already become obsolete. He further stressed that a new Charter should address not only the threats that we currently face but also establish a more effective institutional framework to deal with the problems we face today. Some of these problems include poverty, the spread of infectious diseases, climate change, environmental degradation, the promotion of sustainable development, strengthening the global human rights regime and governance as well as dealing with new forms of terror and the proliferation of destructive weapons. As stated by the UN Secretary-General in his address to the General-Assembly 'all these struggles are linked. We now see, with chilling clarity, that a world where many millions of people endure brutal oppression and extreme misery will never be fully secure, even for its most privileged inhabitants.' In this regard it is necessary to reflect on the fact that the UN Charter in many ways is outdated and needs to be replaced by more democratic statutes and mandates including a more pronounced concern for the social and political interests of sub-national groups and minorities within states as well as broader transnational issues. With specific reference to the veto provision within the constitution of the UN Security Council, it seems, and it has now become increasingly clear, that the UN Charter was drafted to safeguard

the interests of the powers who were involved in drafting it and therefore it lacks the ability to globally respond (in a democratic way) to the interests of middle-level and weaker states. This was demonstrated by the inability of the Council to purposefully intervene in Rwanda to prevent and mitigate the genocide which took place in April 1994 or Srebrenica in Bosnia in July 1995. The endless diplomatic wrangling at the Security Council was a spectacular collapse in global governance which resulted in genocide as documented in Linda Polman's book, *We Did Nothing: Why The Truth Doesn't Always Come Out When The UN Goes In*.⁸⁸ The system as it is structured and as it is constrained by the machinations of states and other actors has not succeeded in preventing the proliferation of intra-state conflicts some of which have had disastrous consequences for humanity as a whole. Though there have been major advancements in the form the various Declarations and Conventions for the promotion of human security. There has not been an equal degree of commitment in the implementation of these Declarations and Conventions. The exigencies and imperatives of selfish state-centric interests have always, and continue to carry the day when it comes to the issue of implementing what has been agreed upon. The majority of national policy makers are beholden to the conviction that there is no recourse to any higher authority beyond the nation-state. The status-quo is an anarchical international society⁸⁹ which is not constrained by a higher global leviathan or authority.⁹⁰ This view maintains that order in the international relations depends on the consensus between nation states about political issues. In the absence of such a consensus anarchy is the prevailing condition because there are no overarching mechanisms to constrain the desires and actions of states. At the outset

⁸⁸ Linda Polman, *We Did Nothing: Why the Truth Doesn't Always Come Out When the UN Goes in*, (London: Penguin, 2003).

⁸⁹ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977).

⁹⁰ Thomas Hobbes, *Leviathan* (London: Penguin, 1985).

of the twenty-first century this question has again become relevant with the recent unilateral actions of powerful states outside the rubric of established international law and other multi-lateral frameworks.

With regard to peace and security, the world is still relying on institutions and structures that were invented close to 70 years ago to try and prevent, manage and resolve modern conflicts which have altogether a different dynamic and thus require a different approach, with a multiplicity of actors each playing a particular role. Historically the effects of colonialism and Cold War geo-strategic imperatives produced arbitrary borders and the random division and grouping of ethnic groups, which laid the foundation for the problems we face today.⁹¹ Ethnic groups by themselves are not sufficient to cause conflict. The nature of the state and how it is constituted is a key factor. When power is over centralized in the hands of a few at the expense of the many, this can lead to conflict escalation. The control of the state and its institutions means access to power and the ability to distribute resources to certain sectors of the population. When power is abused and resources are distributed unequally, then social and political tensions are generated which can lead to violent confrontation. Intense competition leads to political alliances being formed between sub-national groups to capture state power and control it for their own benefit⁹²This leaves other groups with no legitimate channels through which to contest this control and the unequal distribution of power and resources. This is the basic problem in all the regions of the world which are faced with conflict or potential conflict situations such as in: Asia (Sri Lanka, Kashmir, Afghanistan, Chechnya), the Middle East (Israel and Palestine), Africa (the

⁹¹ Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State*, (London: James Currey, 1992). Crawford Young, *The African Colonial State in Comparative Perspective*, (New Have: Yale University Press, 1994).

⁹² Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda*, (West Hartford, Conn: Kumarian Press, 1998).

Democratic Republic of the Congo, the Sudan, Cote D Ivoire, Burundi), Latin America (Chiapas in Mexico, Colombia), Europe (the Balkans notably Serbia and Montenegro-Kosovo, Macedonia, Corsica in France and Basque region in Spain) and to a lesser extent in Australia and North America (with the claims of aboriginal-First Nations peoples for example).

Murithi argues that when it comes to peace and security on one level the problem seems to be the state-centric system. More often than not the solution that the international community proposes in conflict situations where the state has collapsed, or the state is failing, is the reconstitution of the state, because there are no other guidelines as to what other forms of governance and political community can be established. Somalia for example is caught in a precarious situation in which the absence of a sovereign centrally organized government has been the status-quo for more than a decade. The inability of the disputing groups within Somalia to agree on the constitution of a new state is precisely the problem, but putting the state back together again is still being demanded, by the international community, as the only solution.

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⁹³ Tim Murithi: Rethinking The United Nations System: Prospects For A World Federation Of Nations: International Journal on World Peace, Vol. 20, No. 4, (Professors World Peace Academy, December 2003) pp. 3-28 , <http://www.jstor.org/stable/20753418>

been the status-quo for more than a decade. The inability of the disputing groups within Somalia to agree on the constitution of a new state is precisely the problem, but putting the state back together again is still being demanded, by the international community, as the only solution.

On whether the nation-state is still the preferred unit of formal governance or whether globalization from below and globalization from above brought about the need to re-think the primacy and dominance of states within this system. Proponents of the latter argue that the emerging challenges and problems cannot be addressed by states acting on their own or through what the UN Secretary-General has identified as 'ad-hoc coalitions'. In this regard, the Secretary-General was making reference to countries that chose to act on their own without first seeking legitimacy for their actions through international law. In such cases, the international legal framework would be seriously undermined and this would mean that states or non-state actors could choose to act outside of the accepted norms of international relations, hence undermining the very fabric that holds the system together. Of course, sub-regional groupings can establish missions and operations to address the immediate threat to security in their region. If the doctrine of unilateral action was to gain greater currency in the 21st century it would effectively herald the end of the United Nations system as we know it. Several countries and populations are beginning to feel that the UN system as it currently functions cannot respond to their interests. The atrocities committed during the Rwanda genocide, for example, have been linked to a systematic failure of the system to do what it was designed to do. Paradoxically, it is the inability of the state-centric framework to keep its constituent member states in check and its inability to dialogue with oppressed and repressed non-state actors that has led us to this current condition of global insecurity. The proper role of the state in providing security and ensuring the welfare of its citizen has been put to the test in most of the current conflict situations. The

governments of some nations-states faced with a conflict situation only have sovereignty over some sections of their countries. This leaves other parts of the country under the direct control of non-state, sub-national, or so-called 'rebel', groups. This suggests that within the context of a review or transformation of the state-centric frameworks of governance that have proliferated and dominated the world, the proper role of the state will have to be redefined. In These emerging realities are complicated by the twin forces of nationalism and globalization which are at play at the same time. Sub-national fragmentation and supra-national integration is creating much confusion at the level of policy. On the one hand, it seems states are still viable entities because many sub-national groups are aspiring to achieve statehood for their protection, such as efforts to create Kurdish and Palestinian states. On the other hand, nation-states are having to pool their sovereignty to respond to issues of common concern. So in the midst of these processes one can either justify the consolidation of nation-statism or highlight the withering away of the nation-state. These issues will remain essentially contested for some time to come.

The concept of global governance has developed over time to refer to the increasing role of non-state actors in influencing, designing and implementing global policy and action in the international sphere In the traditional state, civil society, government, and economic institutions form a threefold basis for society. These forces must be in the right balance, with government basically serving as a referee to ensure things function well in both civil society, which includes religious institutions as well as NGOs, and the economic sphere. The role of democratic governments is to ensure that the rights of individuals and groups are respected and that the democratic conditions for political deliberation and dialogue exist to permit people to participate in the management of their social and economic affairs. This means no social or economic group will co-opt the government for selfish purposes. It also means that people in government cannot

abuse their position of power. The question is whether a similar framework can be replicated at the global level? Indeed, a more precise question is how all these multiplicity of actors can function more effectively within a more clearly defined framework of global governance in order to enhance current efforts to build durable peace in the various war-affected regions of the world.⁹⁴ In many instances, the formalistic state-centric institutions are increasingly finding themselves playing the role of coordinating and steering collective efforts rather than commanding and controlling policy from the centre.⁹⁵

It may be necessary to transform the system in order to strengthen its ability to promote peace and security. We should not be quick to overlook the good work being done by UN HCR, UNDP, WFP, OHCHR, UNICEF, UNIFEM and their life saving efforts of other humanitarian branches of the UN system. What we need to realise is that the work of these institutions can be even more enhanced and strengthened if the system was designed in such a way that it could interact more effectively with non-state actors who are actively involved in providing humanitarian assistance, promoting development and good governance on the ground. The question that needs to be considered is how their activities can continue to be enhanced in the context of a new organization. The UN, formed as a forum of governments, does not have any actual power to be a referee in the international civil society or economic spheres. The Security Council, the only organ with power, was designed to prevent states from warring with one another not to handle conflicts within states. It was therefore not structured to perform the role of government in the international arena. In addition, there are no checks and balances built into its Charter that would give anyone confidence that it could function as a fair referee. So in its

⁹⁴ Mark DufHeld, *Global Governance and The New Wars*, (London: Zed Books, 2001).

⁹⁵ J. Pierre, *Debating Governance: Authority, Steering and Democracy*, (Oxford: Oxford University Press, 2000).

current format the old UN system would not be able to mediate between international civil society and transnational corporations. A new institution would be required. For example, on the particular issue of foreign mineral extraction in war affected areas there are as yet no effective institutions for global governance to deal with the issue of mineral extraction in war-affected regions. They may require banning the trade of mineral resources during times of war in war-affected regions to halt the cycle of violence which can then provide the basis to regulate the illicit trade of small arms and manage to mitigate effects of environmental destruction. There are also no effective global regulatory frameworks for ensuring the resources are utilized to improve the well-being of people in a particular conflict zone.⁹⁶ This is often left to the whim of the government that is currently in power, which in the context of a war is almost always partisan and self-seeking in its policies and outlook. For peace building to succeed in such situations "the international community needs to devote more attention to the global nature of conflict-promoting resource flows, to develop consensus on acceptable standards for economic behaviour in conflict zones."⁹⁷ The case for reform has been made extensively but in light of the events of the last decade including genocide and the inability of the system to address the concerns of sub-national actors it appears that transforming the system may be what is required.

There is a 'need to rethink the concept and practice of sovereignty'.⁹⁸ The citizens of the twenty-first century and beyond will increasingly be citizens of a global society rather than of a nation-state. This does not mean that the nation-state will dissolve, any more than local communities

⁹⁶ 11. Mark Dufheld, *Global Governance and The New Wars*, London: Zed Books, 2001.

⁹⁷ International Peace Academy, *Policies and Practices for Regulating Resource Flows to Armed Conflict*, New York: IPA, 2002, p. 16.

⁹⁸ J. Camilleri and J. Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (Brookfield, Vermont: Ashgate, 1992).

have been replaced by the nation state even though some have tried to do so. Instead, the nation-state will find its rightful place in the scheme of things, rather than the dominant role it was given in the last century which in many instances turned it into an instrument for coercion, which has generated many of the conflict situations that we have to deal with today.

There are important lessons that can be learned from the multi-level frame works of governance currently being developed by the European Union and the distribution of authority at the supranational, regional, national and local levels. As far as human political communities are concerned the most established expression of the pooling of sovereignty is the creation of the European Union, cemented recently by the compromise decision by the Convention of Europe to agree to a set of terms which lay the foundation for closer integration (after the Convention is ratified by governments and the constituent populations). The EU promotes norms of democracy and human rights protection that establish a standard which can offer the countries and regions in conflict within the European sphere of influence an incentive to subscribe to peaceful approaches of managing and regulating their own affairs. The European Union through its Council of Europe and other institutions systematically intervenes diplomatically and has begun to intervene through policing action, in Macedonia for example, to manage conflicts and bring about conditions for sustainable peace in the countries within its sphere of influence. A similar process is underway on the African continent in the form of the newly created African Union. The overall objective is to create a transnational or supra-national structure of governance that can bring pressure to bare on the behaviour of states and gradually transform attitudes and practices to build and promote sustainable peace and security. How can these 'Supra-nations' be incorporated into the system of global governance? The concept of multi-level governance has begun to gain currency. In the European Union for example 'supranational, national, regional and

local governments are enmeshed in territorially overarching policy networks'⁹⁹ or what we can also conceptualize as 'overlapping sovereignty'.

There is no reason why multi-level governance cannot be adopted to the global level even with the inclusion of non-state actors and transnational corporations as part of the framework of policy and decision-making. The utility of multi-level governance structures and institutions is that problems can best be solved at the level of competence of the actors. States can avoid getting entangled in peace building at the grassroots level beyond providing the security conditions which are conducive towards encouraging sustainable peace building and reconciliation. This therefore is a model that relies on less control from the centre and more power and autonomy devolved to the localities. The principle of subsidiarity according to which decision-making should be kept as close to the people as possible should be emphasized as a central pillar in the evolution of global governance. Likewise, in a multi-level global governance framework governments would be held to account, through a higher supra-national entity, for any actions that undermine peace and the general human and gender rights of their citizens. This would be a radical shift away from the notion that nations exist in a state of anarchy with no overarching authority. Only through the re-creation or the creation of a more inclusive and participatory institution can bring about the progressive shift that is required to deal with the problems of this century. So many years after the end of the Cold War, no clear direction has been set as to how to transform the international system and bring about a form of multilateralism that will effectively address the interest of #//communities, without exception. With 2 years to go before the expiry of the 2015 deadline for achieving Millennium Development Goals it is clear that something needs to change. Otherwise we will still be where we are today.

⁹⁹ L. Hooghe and G. Marks, *Multi-Level Governance and European Integration*. (London: Rowman and Littlefield, 2001).

Naturally there is bound to be much resistance from the beneficiaries of the status-quo. There is also skepticism that the deepening of global institutions will bring about the better protection and representation of local populations and communities affected by global policies.¹⁰⁰ However the important thing is not to submit to a self-defeating view about the impossibility of change, because human history shows us quite clearly that there has always been change and there will always be change. The United Nations system itself was a product of change and innovation, so there is no reason why it cannot evolve into a more effective and responsive international system. A cautiously gradual approach can ensure that the hard won achievements of the twentieth-century to protect the welfare and rights of humanity are not lost in the twenty-first century.

It will be an enormous challenge to develop an overarching framework of principles and rules to renegotiate and reconfigure global governance to promote global solidarity and collective security in the twenty-first century. It is however a challenge that will make the difference between continuing on the age-old path of human self-destruction or choosing a new path that will lead us to human self-improvement.

The reform initiatives require different mechanisms. Given the limitations of the SG's office one approach would be to amend the charter to allow the SG more powers. Other reforms can however be achieved through non charter reforms.

Indeed Articles 108 and 109 of the UN Charter provide for potential changes to the U.N. Charter. Article 108 of the Charter states that a proposed Charter amendment must be approved by two-thirds of the full General Assembly, and be ratified "according to the constitutional processes" of two-thirds of U.N. member states, including the all permanent members of the

¹⁰⁰ 20. Kofi Annan, Speech to the 58th General Assembly, 23 September 2003.

Security Council.¹⁰¹ The Charter was first amended in 1963 to increase U.N. Security Council membership from 11 to 15 members, and to increase ECOSOC membership from 18 to 27. It was last amended in 1973, when ECOSOC membership increased from 27 to 54.¹⁰² Examples of possible reform initiatives that might involve amending the U.N. Charter include, but are not limited to: increasing permanent and/or non permanent Security Council membership; increasing membership on ECOSOC; and adding or removing a principal organ.

Article 109 of the Charter allows for a convening of a General Conference of U.N. members with the purpose of “reviewing the present Charter.” The date and place of the Conference would be determined by a two-thirds vote in the General Assembly, and an affirmative vote from any nine Security Council members. Potential revisions to the Charter would be adopted at the conference by a two-thirds vote (with each country having one vote), and take effect when ratified by the governments of two-thirds of U.N. member states. A Charter review conference has never been held.

Non-Charter Reform Process

Since 1945, the General Assembly has authorized reforms of its own processes and procedures—as well as those of the Secretariat—without Charter amendment. The General Assembly has established various fora for discussing reform issues, including a Committee on

¹⁰¹ Article 108 of the U.N. Charter states, “Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations, including all the permanent members of the Security Council.” A copy of the U.N. Charter is available at <http://www.un.org/aboutun/charter/>

¹⁰² Simma, Bruno, *The Charter of the United Nations: A Commentary*. Second Edition, Vol. II. New York, Oxford University Press, 2002, p. 1367-1357.

the Charter of the United Nations¹⁰⁰ and a Working Group on the Security Council.¹⁰³ The General Assembly has also implemented reforms on its own by adopting proposals introduced by member states or the Secretary-General.¹⁰⁴ The Secretary-General can also implement reform in his capacity as chief administrative officer. The Secretary-General can also make administrative decisions regarding the organization of some U.N. departments.

For example, as part of his reform proposal in 1997, Annan established a Senior Management Group to “ensure more integrated and cohesive management of the Secretariat.”¹⁰⁵ Ban Ki-moon’s CMT can also be seen in this light.

Other non-Charter reforms have included the establishment of consensus-based budgeting in 1986; the creation of an Office of Strategic Planning in the Secretariat, authorized by Kofi Annan in 1997; and the establishment of a Peace building Commission by the Security Council and General Assembly in 2006.¹⁰⁶

¹⁰³ The “Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,” <http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1757>

¹⁰⁴ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21s 2011,p24, www.fas.org/sgt/crs/row/RL33848.pdf

¹⁰⁵ U.N. document, A/52/684, November 10, 1997.

¹⁰⁶ Louis B. Sohn, “Important Improvements in the Functioning of the Principal Organs of the United Nations that Can be Made Without Charter Revision,” American Journal of International Law, October 1997.

CHAPTER THREE

THE CASE FOR REFORM IN THE UN- A CASE STUDY OF THE CHANGE MANAGEMENT TEAM

3.1 Introduction

This section will focus on reform at the UN anchored on a case study of the Change Management Team (CMT) put in place by UN Secretary General Ban Ki-moon in mid 2011. The CMT is the most recent reform initiative and of particular importance it is an admission by the UN leadership that the UN needs reform. The CMT in a 2011 report outlines areas that require reform and it therefore provides researchers with an insight into the areas that require reform and likewise a window to identify and document the gaps that it does not address.

The founders of the United Nations system have been described as “utter realists” .¹⁰⁷ Kennedy and Russet¹⁰⁸ argue that having lived through the economic crisis of the 1930s, the rise of fascist aggressor states and the horrors of World War II, the founders of the UN, from Winston Churchill to the formidable Republican senator Arthur Vandenberg, were committed to creating new international structures to deal with problems that were international by nature. Part of their realism was the conviction that they had a responsibility to try to make things work

¹⁰⁷Paul Kennedy and Bruce Russet : Reforming the United Nations, Foreign Affairs, Vol. 74, No. 5, Council on Foreign Relations, (Sep. - Oct., 1995), pp. 56-71, www.jstor.org/stable/20047300

¹⁰⁸ Ibid

better in the future through such structures. A half-century later it is proper that the governments and peoples of the world should want an assessment of the United Nations' performance."¹⁰⁹

Speaking of the general condition in the international arena, it's a special condition. We can compare it to the situation prevailing after World War II. There were new powers taking shape and some powers were facing a declining trend. There were new currents emerging in the international arena. The situation's becoming similar to the post World War II era. There's a need for reconsideration. If this structure was effective, we wouldn't have to face so many crises today. There was a good definition presented at the outset, but in practice there were political pressures by certain powers. You see that many issues of interest are being misused.¹¹⁰

In an examination of the UN, Dilipchandra¹¹¹ cites several successes and failures.

Successes of the United Nations

The UN has prevented the occurrence of any further world wars which is instrumental in the maintenance of international balance of power. The United Nations also played a significant role in disarming the world and making it nuclear free. Various treaty negotiations like 'Partial Test Ban Treaty' and 'Nuclear non-proliferation treaty' have been signed under UN.

Demise of colonialism and imperialism on one hand and apartheid on the other had UN sanctions behind them. Alongside this the UN also acted as vanguard for the protection of human rights of the people of the world, Universal Declaration of Human Rights, 1948.

¹⁰⁹ ibid

¹¹⁰ Kamangu. S, Interview with Wamaitha N., Associate, Dean, Mt.Kenya University, Nairobi, June 2013

¹¹¹ Dilipchandra 12.hubpages.com

Despite being crippled by the Bretton Woods institutions, UN has played a limited but effective role on economic matters. It has supported the North-South dialogue and aspired for emergence of a new international economic order.

Agencies of United Nations like WHO, UNICEF, UNESCO have keenly participated in the transformation of the international social sector. Peace keeping operations, peaceful resolution of disputes and refugee concerns have always been on the list of core issues that the UN focused on.

Since 1945, the UN has been credited with negotiating 172 peaceful settlements that have ended regional conflicts. The world body was also instrumental in the institutionalization of international laws and world legal framework. The passage of various conventions and declarations on child, women, climate, etc, highlights the extra-political affairs of the otherwise political world body.

The UN has successfully controlled the situation in Serbia, Yugoslavia and Balkan areas. Alongside this a number of the UN's peace missions in Africa have brought volatile situations under control.

Failures of the UN

On the flip side the United Nations has also suffered failures. Amongst them are :

The UN's opinion on Hungary and Czechoslovakia was ignored by the erstwhile Soviet Union in 1950s.

Israel has been taking unilateral actions over decades in its geographical vicinity and nothing substantial has been done by the UN to check Israel's excesses. The UN has also not played any emphatic role in crisis like the Cuban Missile Crisis and Vietnam.

The UN was nowhere in the picture when NATO rained bombs over former Yugoslavia.

Uni-polarity and unilateralism have shaken the relevance of the world body. For instance unilateral action in Iraq was bereft of UN sanction.

The UN failed to generate a universal consensus to protect the deteriorating world climate, even at Copenhagen in 2009.

The number of nuclear powers in the world has kept on increasing and UN could not control the horizontal expansion and proliferation of weapons and arms.

Financial dependence on the industrialized nations has at times deviated the UN from neutrality and impartiality. The world body has also failed to reflect the democratic aspiration of the world. Paradoxically without being democratic itself, it still talks of democratization of the world.

Aids continues to ravage the world as it crosses regions and boundaries in spread and intensity.

Iraq and Afghanistan continue to suffer anarchy . Even The US President scheme of withdrawal has not brought any specific solutions in the region. The UN was totally exposed in the case of US invasion on Iraq in the name of the search for weapons of mass destruction. US has withdrawn its combat forces but law and order and mutual distrust has worsened yet the UN seems to be clueless.

The world of 2013 is clearly a vastly different place than that of 1945, and the gathering pace of technological change, global demographic growth and environmental pressures will make the world of 2045 (or even 2020) radically different from that of today. The UN as it stands today needs an infusion of change to attune it to the demands of the time. It's more of a "square peg in a round hole". "The world has moved on from the structures of 1945 and

therefore, the U.N must adapt to reflect the times we live in and address the challenges of the 21st century. The U.N is struggling to do this.”¹¹²

This study adopts a liberalist perspective in regard to examining the reform agenda of the CMT driven by the view that the world has shifted from a realist perspective to a liberalist paradigm and therefore reform at the UN should be liberalist in nature. The chapter will also examine the challenges that reform may face.

3.1.1 Calls for Reform and the Reforms Initiated

The United Nations has undergone phases of reform since its foundation in 1945. During the first years, the first decisive change was the development of peacekeeping measures to oversee the implementation of ceasefire agreements in 1949 in the Middle East and one year later in the Kashmir conflict between India and Pakistan.¹¹³

The Soviet Union launched reform initiatives during the East-West antagonism in the 1950s to curtail the independence of the Secretariat by replacing the post of Secretary-General with a troika, including a representative from the socialist states.¹¹⁴ Decolonization created rapid growth in UN membership, and by 1965 it stood at 118, twice as much as at the Organization’s founding.¹¹⁵

With states from Africa and Asia joining the United Nations, development issues became increasingly important, resulting in the expansion of the United Nations in the development area,

¹¹² Kamangu S., Interview with Muinde B., U.N Official, Nairobi, June 2013

¹¹³ Reform of the United Nations, wikipedia, www.google.com

¹¹⁴ Ibid

¹¹⁵ Ibid

including the establishment of the United Nations Development Programme(UNDP) in 1965 and negotiations on an International Economic Order (NIEO) as part of the North-South conflict in the 1970s. The 1980s were characterized by financial crisis and the retreat of the United States, which triggered a reform of the budgetary process and the downsizing of the Organization. With the end of the Cold War the rediscovery of and renaissance of the United Nations were hailed; the first half of the 1990s saw a major expansion of the Organization and the reform associated with the Agenda for Peace launched by Secretary-General Boutros Boutros-Ghali.

When a string of new peacekeeping missions were launched in Namibia, Yugoslavia, Somalia, and Angola by the Security Council, the action also triggered interest in the reform of this 15-members body. Germany and Japan in particular, as well as India and Brazil, launched efforts to gain permanent seats and veto rights at the Council. In the late 1990s, Secretary-General Kofi Annan improved the coherence of the United Nations, with a better co-ordinated development system and more effective humanitarian structures. The fight against the HIV/AIDS pandemic was energized, and a new concept of partnership between the United Nations and international business developed under the Global Compact. Other reforms included the revamping of peacekeeping operations following the Brahimi Report. The World Summit in 2005 recognized, albeit mainly symbolically, an international 'responsibility to protect' populations from genocide and the Human Rights Council replaced the Commission on Human Rights.

In 2006 Ban Ki-moon succeeded Kofi Annan as Secretary General. In February 2007, Ban introduced his first set of reform initiatives. Ban Ki-moon's reform agenda covered oversight, integrity, and ethics which had previously been launched in response to investigation of the UN Oil-for-Food Programme. The Programme responded to the humanitarian needs of the

Iraqi civilians and was the largest, most complex and most ambitious relief effort in the history of the United Nations.¹¹⁶

In April 2004, Secretary-General Annan, with the endorsement of the U.N. Security Council, appointed an independent high-level commission to inquire into corruption in the U.N.-led Iraq Oil-for-Food Program.¹¹⁷ The commission, led by former Federal Reserve Chairman Paul Volcker, concluded that the failures of the Oil-For-Food Program were evidence of a greater need for “fundamental and wide-ranging administrative reform” in the United Nations.¹¹⁸ The commission recommended establishing an Independent Oversight Board to review U.N. auditing, accounting, and budgeting activities; creating the position of Chief Operating Officer to oversee administrative matters such as personnel and planning practices; providing fair compensation to third parties involved in U.N. programs (while ensuring that the compensation does not lead to inappropriate profit); and expanding financial disclosure requirements to cover a variety of U.N. staff, including those working on procurement.

In 2007, Ban Ki-moon also proposed the establishment of a new Department of Field Support to improve the coordination and effectiveness of U.N. field activities. He also called for the Department of Disarmament Affairs (DDA) to become an office under the Secretary-General instead of a stand-alone department. He noted that the U.N. disarmament and non-proliferation agenda needs revitalization, and will require “a greater role and personal involvement of the

¹¹⁶ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21s 2011, www.fas.org/sgt/crs/row/RL33848.pdf

¹¹⁷ U.N. document, A/RES/1538, April 21, 2004

¹¹⁸ “Briefing by Paul A. Volcker, Chairman of the Independent Inquiry Committee into the U.N. Oil-For-Food Program for the Permanent Subcommittee on Investigations of the U.S. Senate,” Washington, DC, October 31, 2005.

Secretary-General.” Ban’s proposals were met with scepticism by many developing countries, which were concerned with the possible downgrading of DDA and the impact of a new Department of Field Support on current peacekeeping operations. On March 15, 2007, after extensive consultations among the Secretary-General and member states, the General Assembly approved two framework resolutions offering preliminary support for Ban’s proposals. The first resolution supported establishment of an Office of Disarmament Affairs (ODA). It stated that DDA will retain its budgetary autonomy and “the integrity of the existing structures and functions.”¹¹⁹ It also stated that the High-Representative for ODA should be appointed at the rank of Under-Secretary General and report directly to the Secretary-General.

The resolution requested that after appointing the High-Representative, the Secretary-General report to the General Assembly on the financial, administrative, and budgetary implications of the reorganization, as well as report on the ODA’s activities at the 62nd session of the General Assembly.¹²⁰ On July 2, 2007, the Secretary-General appointed Sergio Duarte, a career diplomat from Brazil, as High Representative.

From 1997, there were calls within the United Nations to draw all UN agencies working on development issues together; for the many UN Development Programmes, Funds, and Specialised Agencies were encroaching upon each other's activities.

In September 2005, heads of U.N. member states met for the World Summit at U.N. Headquarters in New York to discuss strengthening the United Nations through institutional reform. The resulting Summit Outcome Document sought to lay the groundwork for a series of

¹¹⁹ U.N. document, A/61/L.55, March 13, 2007.

¹²⁰ U.N. document, A/RES/61/257.

reforms that included establishing a Peace building Commission, creating a new Human Rights Council, and enlarging the U.N. Security Council. Member states also agreed to Secretariat and management reforms including improving internal U.N. oversight capacity, establishing a U.N. ethics office, enhancing U.N. whistle-blower protection, and reviewing all U.N. mandates five years or older.¹²¹

An initial proposal on institutional reform was to merge the UNICEF, the World Food Programme and the UNFPA into the UNDP.. With reference to the 2005 World Summit, the General Assembly approved in April 2007 a number of loosely related reform initiatives, covering international environmental governance, a unified gender organization, and ‘Delivering as One’ at the country level to enhance the consolidation of UN programme activities.¹²²

Of particular significance is that at this point, Secretary General Kofi Annan streamlined all UN Agencies working on International Development Issues under a new United Nations Development Group, chaired by the Administrator of the UNDP.¹²³ This is when the Delivering as One concept was introduced. The main normative instrument for reforming the UN development system is the Quadrennial comprehensive policy review (QCPR).

UNDG’s strategic priorities are to respond to the Triennial comprehensive policy review (TCPR) - which became in 2008 the Quadrennial comprehensive policy review (QCPR) - and global development priorities, as well as to ensure the UN development system becomes more internally focused and coherent. The UNDG strategic priorities give direction to UNDG

¹²¹ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21s 2011, www.fas.org/sgt/crs/row/RL33848.pdf

¹²² Reforming the UN, wikipedia, www.google.com

¹²³ Remarks By U.N. Secretary-General Kofi Annan At United Nations General Assembly Session, United Nations Headquarters, Federal News Service, 22 September 1997

members efforts at the global, regional and country level to facilitate a step change in the quality and impact of UN support at the country level.¹²⁴ The QCPR of the operational system of the United Nations is a process and a United Nations General Assembly resolution by which the members of the United Nations General Assembly review the coherence effectiveness and funding of UN development programmes, funds, and specialised agencies of the UN operational system for development. The General Assembly resolution which designs and gives mandates to the UN system to better address reform objectives is negotiated every four years. The most recent QCPR was adopted in December 2012. UNDG brings together 32 UN agencies and groups, plus five observers working on various and/or similar development issues from the UNDP to the ILO.¹²⁵ Currently, the UNDG is one of the main UN actors involved in the development of the Post-2015 Development Agenda.

Since the World Summit, U.N. member states have worked toward implementing these reforms with varied degrees of success. Some reforms, such as the creation of the Human Rights Council and the Peace building Commission, have already occurred or are ongoing. Other reforms, such as mandate review and U.N. Security Council enlargement, have stalled or not been addressed. U.N. member states disagree as to whether some proposed reforms are necessary, as well as how to most effectively implement previously agreed-to reforms.

One such example of push and pull was witnessed after the second General Assembly resolution which addressed peacekeeping restructuring supported establishing a Department of Field Support to be headed by an Under-Secretary General. It requested that the Secretary-

¹²⁴ Muravchik, Joshua :*The Future of the United Nations: Understanding the Past to Chart a Way Forward* AEI Press, (2005)

¹²⁵ "Ban appoints experienced UN official to lead change management team", United Nations. 1 June 2011.

General submit “a comprehensive report ... elaborating on the restructuring of the Department of Peacekeeping Operations and the establishment of the Department of Field Support, including functions, budgetary discipline and full financial implications.”¹²⁶ The General Assembly supported Ban’s proposal but only in principle. It emerged that the point of contention among some member states during negotiations was the level of autonomy the Secretary-General would have to organize the Secretariat vis-à-vis the Assembly’s authority to determine the budget and how it should be spent.¹²⁷ However after much dithering, in late June 2007, the Assembly approved the restructuring, establishing the Department of Field Support with a new Under-Secretary-General to head the Department.¹²⁸

There are a plethora of divergent opinions (and at times suspicions) in the approach to the UN reform issue. There are those who want to the UN eliminated while others want to make it into a full-fledged world government. There are also those who want its role confined to humanitarian work or otherwise reduced and all these sides all use the term "UN reform" to refer to their ideas. Most of the ‘structural’ reform options discussed in scholarly discourse would be highly likely to require amendment of the relevant UN charter provisions. Though in principle, amendment could deliver the fastest and most elegant reform, it must also be recognised that the necessary agreement of States Parties may in practice be impossible to achieve.¹²⁹

¹²⁶ U.N. document, A/RES/61/256, March 15, 2007. For more information on the peacekeeping restructuring, see CRS Report RL33700, United Nations Peacekeeping: Issues for Congress, by Marjorie Ann Browne.

¹²⁷ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21s 2011,p10 www.fas.org/sgt/crs/row/RL33848.pdf

¹²⁸ The framework resolution, A/RES/61/256 was adopted March 15, 2007, and the Assembly adopted A/RES/61/279 on June 29, 2007.

¹²⁹ Kamangu S., Interview with Muli P., Foreign Relations Analyst, Nairobi, June 2013

Developed countries, for example, support delegating more power to the U.N. Secretary-General to implement management reforms, whereas developing countries fear that giving the Secretary-General more authority may undermine the power of the U.N. General Assembly and therefore the influence of individual countries.¹³⁰

The common thread however running through all the opinions from within and outside the UN is that the Organisation can no longer operate as was envisaged by its proponents.

3.1.2 Proposals for Reform

Since the 1990s the calls for reform of the UN have been numerous however, there is little clarity or consensus about what reform might mean in practice. The proposals are many though not comprehensive. The topic of U.N reform has been going on since the creation of the UN in 1945 and will continue long after we are all gone. The question is whether any real reform will be achieved.¹³¹

A very frequently discussed proposal is to change the permanent membership of the UN Security Council, which reflects the power structure of the world as it was in 1945.¹³² The UNSC is unlikely to be altered any time soon. Any resolution to expand the UNSC would need to garner the support of two-thirds of the 193 members of the UN General Assembly (UNGA), or 129 votes, as well as endorsement by the five permanent members to succeed.¹³³

¹³⁰ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21 2011, www.fas.org/sgt/crs/row/RL33848.pdf

¹³¹ Kamangu S., Interview with Wamaitha N., Associate Dean, Mt. Kenya University, Nairobi, June 2013

¹³² Reforming the UN, wikipedia, www.google.com

¹³³ Kamangu S., Interview with Hersi A., Foreign Relations Expert, Nairobi, June 2013

At another level, calls for reforming the UN demand to make the UN administration (usually called the UN Secretariat or "the bureaucracy") more transparent, more accountable, and more efficient, including direct election of the Secretary-General by the people.¹³⁴

Another frequent demand is that the UN becomes "more democratic", and a key institution of a world democracy. A direct democracy would request the presidential election of the UN Secretary-General by direct vote of the citizens of the democratic countries (world presidentialism) as well as the General Assembly (just as cities, states and nations have their own representatives in many systems, who attend specifically to issues relevant to the given level of authority) and the International Court of Justice.¹³⁵ Others have proposed a combination of direct and indirect democracy, whereby national governments might ratify the expressed will of the people for such important posts as an empowered World Court.¹³⁶ For an organisation that preaches democracy and its tenets, the U.N's key organs are not themselves reflective of democracy.¹³⁷

The issue of financing UN and its operations has also come under examination so has a proposal on the United Nations Parliamentary Assembly, or United Nations People's Assembly (UNPA), as an addition to the United Nations System that eventually would allow for direct election of UN Parliament members by citizens of all over the world.¹³⁸

¹³⁴ Ibid

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ Kamangu S., Interview with Hersi A., Foreign Relations Expert, Nairobi, June 2013

¹³⁸ Ibid

The proposals for a UNPA date back to the UN's formation in 1945, but largely stagnated until the 1990s. They have recently gained traction amidst increasing globalization, as national parliamentarians and citizens groups seek to counter the growing influence of unelected international bureaucracies.

Following the publication of Fourth Assessment Report of the IPCC in February 2007, a "Paris Call for Action" read out by French President Chirac and supported by 46 countries, called for the United Nations Environment Programme to be replaced by a new and more powerful United Nations Environment Organization (UNEO), to be modeled on the World Health Organization. The 46 countries included the European Union nations, but notably did not include the United States, China, Russia, and India, the top four emitters of greenhouse gases.¹³⁹

Another proposal is that several provisions of the United Nations Charter are no longer relevant. On March 21, 2005, Secretary-General Annan released his report, *In Larger Freedom*, in response to the findings of the High-Level Panel on Threats, Challenges and Change. The report was presented to member states as a starting point for discussion at the 2005 U.N. World Summit. *In Larger Freedom*¹⁴⁰ proposed the removal of these provisions:

- Since there are no longer any trust territories, the Trusteeship Council no longer serves any purpose, and has not met since 1994. Thus, Chapter XIII of the Charter is no longer relevant, and can be deleted.
- Due to Cold War disagreements, the Military Staff Committee never succeeded in its intended purpose. Although it formally still meets every two weeks,

¹³⁹ Doyle, Alister : "46 nations call for tougher U.N. environment role". Reuters, (03-02-2007).

¹⁴⁰ Annan, Kofi: *In Larger Freedom: Towards Security, Development and Human Rights For All*, Report of the UN Secretary General to Heads of States and Government, September 2005

it has been effectively inactive since 1948. Thus, article 47, and the references to it in articles 26, 45 and 46 can be deleted.

- The "enemy clauses" in articles 53 and 107 contain special provisions relating to the members of the Axis in World War II (Germany, Japan, etc.) Some nations consider these to be no longer relevant; Japan in particular would like to see them removed.

This calls for Charter amendment which is a rarely used practice and has only occurred on three occasions. Non-Charter reforms are more common. One school of thought in particular suggests that the Military Staff Committee could be revitalized by member states finally meeting their Article 45 commitments to provide a force able to perform peacemaking and peace enforcement under the legitimacy of the United Nations flag.

In addition, Secretary-General Annan proposed a broad range of institutional and programmatic reforms, including modifying the composition of the U.N. Security Council so that it more adequately reflects current political realities, and replacing the Commission on Human Rights with a new Human Rights Council. Annan also recommended streamlining the General Assembly agenda and committee structure so that the Assembly can increase the speed of its decision making and react more swiftly and efficiently to events as they occur. Annan also supported reforming the U.N. Economic and Social Council (ECOSOC) so that it may better coordinate with economic and social agencies and departments within the U.N. system.

3.2 The Change Management Team

In 2011, after securing a second term as the UN Secretary-General, Ban Ki-moon stated that U.N. reform is a top priority during his tenure.¹⁴¹ He maintained that progress needs to be made in three areas: (1) improving what and how the United Nations delivers on the ground, (2) doing more with what the United Nations has, and (3) increasing accountability. Ban also emphasized the United Nations' need to improve its budget process and embrace innovations that will save money and increase impact.¹⁴²

For a start, Secretary-General Ban identified six core priority areas for improving U.N. management: (1) program effectiveness, (2) human resources, (3) information and communication technology, (4) procurement and common services, (5) innovation in business processes, and (6) governing body processes.¹⁴³

To address these priorities, in June 2011 the Secretary General appointed Atul Khare of India to spearhead efforts to implement a reform agenda aimed at streamlining and improving the efficiency of the world body.¹⁴⁴ Khare, would lead the Change Management Team (CMT) at the UN, working with both departments and offices within the Secretariat and with other bodies in

¹⁴¹ ITAR-TASS Russian News U.N. Security Council Reform is Most Pressing Issue—New Secretary-General,” Agency, November 1, 2006.

¹⁴² Secretary-General Ban Ki-moon, “Remarks to the General Assembly on 2011 Priorities,” New York City, January

14, 2011, www.un.org

¹⁴³ Ban Ki-moon, “My Priorities as Secretary-General: A Stronger United Nations for a Better World,” under “Strengthening the United Nations,” at <http://www.un.org/sg/priority.shtml>.

¹⁴⁴ UN Secretary General Ban appoints Atul Khare of India to be the leader of his change management team”. *United Nations*. 1 June 2011, www.un.org

the UN system and the 193 member states. The CMT was tasked with guiding the implementation of a reform agenda at the UN that starts with (1) the devising of a wide-ranging plan to streamline activities, (2) increase accountability and (3) ensure the organization is more effective and efficient in delivering its many mandates.¹⁴⁵

Announcing Khare's appointment, Ban said the CMT, would prove particularly vital as the UN works to strengthen its performance at a time of budgetary constraints and rapid global change.¹⁴⁶ In December 2011, the CMT came up with detailed proposals to the Secretary General in a document titled The Change Plan.¹⁴⁷ The CMT can be likened to a commission of Inquiry whose aim is simply to gather information and that's as far as it goes in terms of reforms. However, you will note that the information that the CMT provided was already publicly available from various research papers from academics.¹⁴⁸

According to the CMT, the proposals would guide the Secretary-General to promote: A modern, engaged and efficient Secretariat, transparent and accountable in its work, responsibly stewarding resources, to deliver high-quality results, building confidence in the UN and its ideals.

¹⁴⁵ Deccan Herald: "UN change management team: Spearheaded by Atul Khare".www.decanherald.com/content/1665568,. 1 June 2011

¹⁴⁶ Decan Herald (ibid)

¹⁴⁷ The Change Plan: Proposals by the Change Management Team to the Secretary General, New York, December 2011, www.un.org/sg/pdf/the-change-plan.pdf

¹⁴⁸ Kamangu S., Interview with Muli P ., Foreign Relations Analyst, June 2013

The achievement of the vision would rely on four key deliverables:

1. Enhancing Trust and Confidence: Towards a more stakeholder and client-oriented organizational culture;
2. Engaging Staff: A global, dynamic, adaptable, meritocratic and physically secure work force;
3. Improving Working Methods: A more open and accountable UN with streamlined procedures;
4. Rationalizing structures and functions: Optimal locations, common services and expanded partnerships.

The CMT document stated that “this plan complements and will enable the achievement of the specific priorities in substantive areas to be outlined separately by the Secretary-General.”

The Plan had 61 recommendations, the majority of which could be implemented under the authority of the Secretary-General or be implemented by a specific direction of the Secretary-General. The remaining recommendations would require Member State approval and would be submitted to Member States through existing channels of consultation and approval, via the appropriate legislative body.

The CMT maintained that effective monitoring and evaluation of the implementation of the Plan is critical for its success. It recommended that the Secretary-General assesses the achievements under the plan, as appropriate, through the annual Senior Managers Compacts. In addition, peer reviews of each Department’s/Office’s achievements under the plan should also be conducted under the chairmanship of the Deputy Secretary General annually.

In its conclusions the CMT report states that the Team believes that implementation of the recommendations contained in the plan would result in a modern, engaged and efficient

Secretariat that enjoys the confidence of the Member States of the Organization and “we, the peoples” by being transparent and accountable in its work, delivering high-quality results, particularly in a climate of scarce resources. This plan reinforces the reality that change is a process, and not an event. Clearly, regular reviews of the implementation, and appropriate modifications to the Plan, as the situation evolves, would be needed. It points out pertinent issues crucial for success of the Plan viz:

- Commitments by senior staff to demonstrate through actions and words that they, too, are prepared to do their part and more, for the realization of this plan, is critical.
- Effective dissemination, and indeed internalization of the Plan by the leaders, managers and staff alike is crucial for its eventual success. The Secretary-General will meet with his new Senior Management Group to promote a culture of continuous change in mid-2012, at the regular retreats of Senior Advisors organized jointly by UNITAR and UNSSC.
- As noted earlier, the Change Management Focal Points Network, anchored in the Office of the Deputy Secretary-General and the Change Management Advisory Group will continue to generate new ideas and monitor progress on all issues raised in the Change Plan, based on the benchmarks and timelines developed in consultation with project leaders and senior managers.
- The Change Management Network, together with project leaders, supported by senior management would also be critical for generating support and further ideas for change. Staff at all levels should be afforded opportunities to actively participate in the implementation of this plan.

- Support and commitment from Member States will be crucial. The CMT recommends that should this report meet with the approval of the Secretary-General, it be made available to all interested Member States as a non-official ‘white-paper.’ It could also be posted on the website of the Organization in the spirit of full transparency.

3.3 Mechanics of Implementing Reform

The CMT Plan recommendations are largely to be implemented under the authority of the Secretary-General or be implemented by a specific direction of the Secretary-General. So the CMT is not the vehicle to spearhead change rather it’s just a “commission of enquiry” which just like its Kenyan “look a likes” did a report and returned the mandate of any action to the appointing authority. The remaining recommendations would require Member State approval.

However a school of thought exists that, the extent and effectiveness of Ban’s reform efforts remain to be seen. On the one hand, some experts and policymakers argue that Ban is not doing enough to press Member States for comprehensive reform or to institute reforms in the Secretariat. On the other hand and in regard to member states, some emphasize that like previous Secretaries-General, Ban’s success in achieving reform is limited by the responsibilities of his office. Although the Secretary-General—as the “chief administrative officer” of the United Nations—can facilitate and advocate reform, the power to implement wide ranging and comprehensive change lies primarily with U.N. member states¹⁴⁹

¹⁴⁹ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21 2011,p24, www.fas.org/sgt/crs/row/RL33848.pdf

Previous and current U.N. reform initiatives encompass an array of organizational issues that may require different processes for implementation. Granted the limitations of the SG's office as outlined above then logically comprehensive reforms can only be achieved by amending the U.N. Charter to allow the SG more latitude or through non-Charter reforms since history shows that Charter amendment is a rarely used practice and has only occurred on three occasions.¹⁵⁰ Non-Charter reforms are more common and comparatively easier to achieve.

3.3.1 Possible Challenges to Reform

Achieving meaningful and comprehensive U.N. reform is a significant and ongoing challenge for U.N. member states. Congress may wish to take possible reform obstacles into account when considering legislation that exercises oversight or supports a reform agenda.

3.3.2 National Self-Interest and Differing Reform Perspectives

Each U.N. member state has its own political agenda and foreign policy goals, and may also have its own definition of U.N. reform. As a result, member states often hold differing views on how best to implement reform and how to measure the success or failure of a given reform initiative.

In some cases, failure to reach consensus can lead to significant delay, or failure, of certain reform initiatives. Some member states package their policy priorities as U.N. reform to further their own policy goals. This can cause distrust among member states as countries question whether reform proposals by other member states are based on self-interest or a genuine desire to improve the U.N. system.

¹⁵⁰ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21 2011,p8 www.fas.org/sgt/crs/row/RL33848.pdf

3.3.3 Competing Priorities

Some observers cite the inability of U.N. member states or secretaries-general to effectively prioritize reform initiatives as an obstacle to U.N. reform. When Secretary-General Annan presented his 2005 reform proposals, for example, he requested that they be adopted by the General Assembly not in increments, but as a package of reforms.¹⁵¹ Instead of considering a large series of reform proposals, some observers argue that member states should select few reform priorities and work toward their adoption and implementation.

Others contend that the most efficient way to achieve reform may be for member states first to adopt reform initiatives they can agree to and then gradually work toward tackling the more divisive and complicated reform issues.

3.3.5 Organizational Structure and Bureaucracy

The United Nations is a highly complex and decentralized organization, and therefore may be slow to consider or implement potential reforms. Some argue that there is a “culture of inaction”¹⁵² in the United Nations, and that U.N. managers and staff are resistant to the implementation of new programs or changes to existing programs. Many contend that prospective and agreed-to reforms lack clear plans for implementation, including deadlines and cost estimates. They stress that this overall lack of planning may affect the progress and ultimate success of reforms already implemented, as well as those reforms currently being considered by

¹⁵¹ “The Secretary-General’s Statement to the General Assembly,” New York, March 21, 2005,

<http://www.un.org/largerfreedom/sg-statement.html>.

¹⁵² “Annan’s ‘Culture of Inaction.’” The Chicago Tribune, December 12, 2006.

the General Assembly.¹⁵³ Some also emphasize that without proper implementation plans and follow-up, U.N. member states will be unable to adequately gauge the overall effectiveness of reforms.

3.3.6 Limited Resources

Many observers note that a significant challenge for U.N. reform efforts may be the effective implementation of reforms within the current U.N. budget. Some reform initiatives, such as the Peacebuilding Commission, were established by member states to operate “within existing resources.”¹⁵⁴ Many argue that the existing U.N. budget limits may not be able to support all of the reform initiatives currently being considered. Some member states, including the United States, however, contend that money saved from other reforms, such as mandate review, could create a funding source for further reforms and/or the creation of new U.N. programs or bodies.¹⁵⁵

3.3.7 External Influences

The complex relationships that exist among member states outside of the U.N. system may be another challenge affecting U.N. reform efforts. These relationships are entirely independent of the United Nations but can affect how countries work together within the U.N. framework to achieve reform objectives. Military conflict, religious and ethnic differences,

¹⁵³ U.S. Government Accountability Office, GAO-07-14, United Nations Management Reforms Progressing Slowly with Many Awaiting General Assembly Review, October 2006.

¹⁵⁴ U.N. document, A/RES/60/1, 2005 World Summit Outcome, September 16, 2005.

¹⁵⁵ Luisa Blanchfield: UN Reform: US Policy and Inter Perspectives, Congressional Research Service, December 21s 2011,p24, www.fas.org/sgt/crs/row/RL33848.pdf

political conflict, trade and economic issues and geography can all potentially impact reform cooperation among U.N. member states.

A vital lesson learned from the study of the UN is that in the 21st century the mindset of policy makers at the state level is still in a Realist mode where international politics is a struggle for power between self-interested states.¹⁵⁶

The foregoing observation lays the strongest basis for this study's argument for a liberalist approach to reform at the UN. The study puts forward a case for unitary action by states on global, inter-state and intra-state issues. Earlier this study pointed out that there exists a school of thought that contends that the most efficient way to achieve reform may be for member states first to adopt reform initiatives they can agree to and then gradually work toward tackling the more divisive and complicated reform issues. Reform must therefore factor in the states (foreign policy makers) responsibility to embrace a liberalist mindset. Having attuned the policy makers to a common ground then the thrust would be to structure or restructure unitary actions to make them relevant to the demands of the 21st century and thereafter.

¹⁵⁶ Paul Kennedy and Bruce Russett : Reforming the United Nations, *Foreign Affairs*, Vol. 74, No. 5, Council on Foreign Relations, (Sep. - Oct., 1995), pp. 56-71, www.jstor.org/stable/20047300

CHAPTER FOUR

REFORMING THE UNITED NATIONS: EMERGING ISSUES

4.1 Introduction

In recent years, there has been growing concern in the international community that the United Nations has become ineffective and unwieldy in the face of increasing global challenges and responsibilities.

In response to these concerns, then-U.N. Secretary-General Kofi Annan and some U.N. member states proposed in 2005 a series of management, programmatic, and structural reforms to improve the organization. Many of these reforms are in various stages of implementation, while others are still being considered by member states.

This chapter focuses on U.N. reform efforts and priorities from the perspective of several key actors, the U.N. Secretary-General, selected member states, and a cross-section of groups tasked with addressing U.N. reform. The chapter provides a historical overview and the issues that emerge from these reform efforts, eventually focusing on the most current efforts related to the Change Management Team (CMT). Is the CMT a first step towards current reform efforts or does its mandate end with the proposals it made to the SG in late 2011? How can reform be implemented comprehensively at the UN, through Charter or non Charter reforms? What are the obstacles to the former and the latter? Caron and Benet¹⁵⁷ stated that “it is instructive that much of the discussion of reform this past year has echoes in another generation's discussions

¹⁵⁷ David D. Caron and Douglas J. Bennet, Reforming the United Nations: From Management to Governance: Proceedings of the Annual Meeting -American Society of International Law, Vol. 88, *The Transformation of Sovereignty*, APRIL 6-9, pp. 105-108, (American Society of International Law, 1994) <http://www.jstor.org/stable/25658797> .Accessed: 04/07/2013 06:47

regarding the League of Nations. This points not to the futility of reform, but rather to its centrality. An organization, like a river, has a course. While opportunities to influence that course recur, it is the challenge for those present at each opportunity to identify and push anew for the changes necessary". In the context of this study, many of the proposals in the CMT report are to be addressed by the SG Ban Ki-moon: in Caron and Benets context this study will examine, how effective the SG is; what does his reform record say about his ability to deliver reforms at the UN?

4.2 Secretary-General Ban Ki-moon and U.N. Reform

On December 14, 2006, Ban Ki-moon of South Korea took the oath of office to succeed outgoing U.N. Secretary-General Annan. He was appointed to a second five-year term on June 21, 2011.

Ban stated that U.N. reform is a top priority during his tenure.¹⁵⁸ He posited that progress needs to be made in three areas: (1) improving what and how the United Nations delivers on the ground, (2) doing more with what the United Nations has, and (3) increasing accountability. Ban also emphasized the United Nations' need to improve its budget process and embrace innovations that will save money and increase impact.¹⁵⁹

From this study it emerges that there are varied opinions on the effectiveness of Ban's reform. On the one hand, some experts and policymakers argue that Ban is not doing enough to

¹⁵⁸ "U.N. Security Council Reform is Most Pressing Issue—New Secretary-General," ITAR-TASS Russian News Agency, November 1, 2006.

¹⁵⁹ Secretary-General Ban Ki-moon, Remarks to the General Assembly on 2011 Priorities, New York City, January 14, 2011

press Member States for comprehensive reform or to institute reforms in the Secretariat¹⁶⁰. On the other hand, some emphasize that like previous Secretaries-General, Ban's success in achieving reform is limited by the responsibilities of his office. Although the Secretary-General—as the “chief administrative officer” of the United Nations—can facilitate and advocate reform, the power to implement wide ranging and comprehensive change lies primarily with U.N. member states.

4.2.1 Disarmament and Peacekeeping Restructuring

In February 2007, Ban introduced his first set of reform initiatives. He proposed the establishment of a new Department of Field Support to improve the coordination and effectiveness of U.N. field activities. He also called for the Department of Disarmament Affairs (DDA) to become an office under the Secretary-General instead of a stand-alone department. He noted that the U.N. disarmament and non-proliferation agenda needs revitalization, and will require “a greater role and personal involvement of the Secretary-General.”¹⁶¹

Ban's proposals were met with scepticism by many developing countries, which were concerned with the possible downgrading of DDA and the impact of a new Department of Field Support on current peacekeeping operations.¹⁶²

On March 15, 2007, after extensive consultations among the Secretary-General and member states, the General Assembly approved two framework resolutions offering preliminary

¹⁶⁰ Luisa Blanchfield, UN Reform: US Policy and International Perspectives, Congressional Research Service, December 21 2011, www.fas.org

¹⁶¹ U.N. document, A/61/749, February 15 2007.

¹⁶² Farley, Maggie, “Ban's U.N. Peacekeeping Reforms Rejected,” Los Angeles Times, February 6, 2007.

support for Ban's proposals. The first resolution supported establishment of an Office of Disarmament Affairs (ODA). It stated that DDA will retain its budgetary autonomy and "the integrity of the existing structures and functions."¹⁶³ It also stated that the High-Representative for ODA should be appointed at the rank of Under-Secretary General and report directly to the Secretary-General.

The resolution requested that after appointing the High-Representative, the Secretary-General report to the General Assembly on the financial, administrative, and budgetary implications of the reorganization, as well as report on the ODA's activities at the 62nd session of the General Assembly.¹⁶⁴ On July 2, 2007, the Secretary-General appointed Sergio Duarte, a career diplomat from Brazil, as High Representative.

The second General Assembly resolution addressed peacekeeping restructuring and supported establishing a Department of Field Support to be headed by an Under-Secretary General. It requested that the Secretary-General submit "a comprehensive report ... elaborating on the restructuring of the Department of Peacekeeping Operations and the establishment of the Department of Field Support, including functions, budgetary discipline and full financial implications."¹⁶⁵ The General Assembly supported Ban's proposal in principle. In late June 2007, the Assembly approved the restructuring, establishing the Department of Field Support with a new Under-Secretary-General to head the Department.¹⁶⁶ A significant point of contention

¹⁶³ U.N. document, A/61/L.55, March 13, 2007.

¹⁶⁴ U.N. document, A/RES/61/257.

¹⁶⁵ U.N. document, A/RES/61/256, March 15, 2007 and CRS Report RL33700, United Nations Peacekeeping: Issues for Congress, by Marjorie Ann Browne.

¹⁶⁶ The Framework Resolution, A/RES/61/256 was adopted March 15, 2007, and the Assembly adopted A/RES/61/279 on June 29, 2007

among some member states during negotiations was the level of autonomy the Secretary-General would have to organize the Secretariat vis-à-vis the Assembly's authority to determine the budget and how it should be spent. Thus, in its initial framework resolution the General Assembly required the Secretary-General to provide comprehensive information on the functions, budgets, and other financial implications of the reorganization.

4.2.2 Other Selected Reform Efforts of the Secretary-General

Secretary-General Ban has raised additional reform related issues, including: **Financial Disclosure**—Ban submitted his mandatory personal financial disclosure form and released it to the public. He encouraged other U.N. staff to follow his example of public financial disclosure, but will not make it a requirement. U.N. staff members are required to complete and submit confidential financial disclosure statements on an annual basis as part of the U.N. financial disclosure program; however, public disclosure is not a requirement and is done on a voluntary basis.

Staff Mobility—Ban announced the availability of several Secretariat positions to be filled by internal U.N. staff. He encouraged other managers to do the same, noting the importance of staff mobility among U.N. agencies and departments. During the last few years, the United Nations has launched initiatives to support staff mobility, including the Voluntary Initiative for Network Exchange (VINE) and the Managed Reassignment Program for junior professionals.

4.3 Past Efforts at Reform: A Historical Perspective

U.N. member states have worked toward implementing reform with varied results since the 2005 World Summit. Some reforms, particularly initiatives such as internal oversight, mandate review, and Security Council enhancement, are stalled or have not been addressed.

Other reforms, such as enhancing U.N. system wide coherence and creating the Peace building Commission,¹⁶⁷ are completed or are underway. In March 2006, the General Assembly passed a resolution replacing the Commission on Human Rights with a new Human Rights Council. Many governments, including the United States, viewed the Council's establishment as a key component of U.N. reform. The Council was designed to be an improvement over the Commission, which was criticized by many governments and human rights experts for the composition of its membership when widely perceived human rights abusers were elected as members. Since the Council was established, some in the international community, including the United States, have expressed concern with the Council's effectiveness in addressing human rights. Many contend that the Council has focused disproportionately on Israel while failing to address other pressing human rights situations. Six of the Council's 18 special sessions, for example, have focused on Israel. In mid-2007, members agreed to make the "human rights situation in Palestine and other occupied Arab territories" a permanent part of the Council's agenda. Some management and budget reforms endorsed by heads of state and government at the World Summit were also implemented, including the establishment of a U.N. Ethics Office, enhanced whistle-blower protection policies, the adoption of international public sector

¹⁶⁷ The Peace building Commission was established by concurrent General Assembly and Security Council resolutions on December 20, 2005. Its mandate is to advise and propose "integrated strategies for post-conflict recovery, focusing attention on reconstruction, institution-building and sustainable development, in countries emerging from conflict." (See U.N. documents, A/RES/60/180 and S/RES/1645(2005), December 20, 2005.)

accounting standards, and improved financial disclosure policies for U.N. staff. The U.N. Ethics Office was established on January 1, 2006. Initially, some U.N. member states expressed concern that the office was insufficiently staffed. In May 2007, a director of the office was appointed and additional staff hired. The office has reportedly provided increased ethics training for U.N. staff, including workshops and materials for distribution.

4.3.1 U.N. System-wide Coherence

The 2005 World Summit Outcome Document called on the Secretary-General to improve U.N. system-wide coherence and coordination by “strengthening linkages” between the U.N. system’s normative work and its operational activities.”¹⁶⁸ Accordingly, in February 2006, the Secretary General announced the creation of a High-Level Panel on System-wide Coherence (the panel) to examine how the U.N. system can work more effectively, especially in the areas of development, humanitarian assistance, and the environment. The 15-member panel released its report, *Delivering as One*, on November 9, 2006. The panel met over a six-month period and engaged in an examination of the strengths and weaknesses of the U.N. system. The panel’s final report emphasized the overall value and progress of the United Nations, but also noted that without substantial reforms the United Nations will be “unable to deliver on its promises and maintain its legitimate position at the heart of the multilateral system.”¹⁶⁹ In its report, the panel made several recommendations to improve system-wide coherence. Two of these proposals—the

¹⁶⁸ U.N. document, A/RES/60/1, 2005 World Summit Outcome, adopted September 16, 2005, p. 36

¹⁶⁹ U.N. document, A/61/583, *Delivering as One*, Report of the Secretary-General’s High-Level Panel, November 9, 2006.

creation of the “Delivering as One” pilot initiative and the establishment of a new U.N. entity for women—have been implemented and are discussed below.

4.3.2 The “Delivering as One” Initiative

The panel recommended the concept of “Delivering as One” (DAO) to promote greater coherence and consolidation of U.N. departments and agencies at the country, regional, and headquarters level, and also recommended an overhaul of U.N. business practices to bring greater focus on achieving the Millennium Development Goals (MDGs).¹⁷⁰ In December 2006, the United Nations announced that it would test a voluntary DAO pilot program in Vietnam with an aim of promoting faster and more effective development. It subsequently announced the establishment of voluntary DAO initiatives in seven additional countries: Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, and Uruguay. Under DAO, U.N. agencies operating in-country share one budget, one leader, one office, and one program with harmonized business practices.

It is expected that such changes create greater country ownership, reduce transaction costs for governments, and increase the impact and effectiveness of the U.N. system through more coherent and coordinated programs. Since DAO was established, participating countries and U.N. entities have sought to evaluate the initiative’s progress and challenges through various stock-taking reports, meetings, and working groups. Overall, DAO participants have found that the implementation in the pilot countries has (1) given renewed government leadership to U.N. programs; (2) led to better alignment of national priorities and U.N. efforts; and (3) enhanced the

¹⁷⁰ Luisa Blanchfield and Marian L. Lawson, *The Millennium Development Goals: The September 2010 U.N. High-level Meeting*, RS Report R41410,

coherence and effectiveness of U.N. support. Statement of Outcome and Way Forward, adopted in Hanoi, June 16, 2010, at the High-Level Tripartite Conference, Delivering as One: Lessons from Country-led Evaluation and Way Forward. In Mozambique, for example, U.N. agencies estimate that by harmonizing procurement procedures and long-term agreements, it will reduce the costs of procurement per purchase by up to 89%.

At the same time, many agree that much more can be done to improve DAO. Several pilot evaluations, for example, found that the U.N. Resident Coordinators (who lead U.N. development activities in their countries) do not have full authority over all U.N. entities operating in-country, leading to a lack of coordination and coherence. Moreover, U.N. headquarters, which include not only agency headquarters but also governing bodies, are viewed by many as being “behind the curve” on DAO, particularly because the pace of reform at the headquarters levels appears to lag behind reform and innovation at the country level. Finally, the evaluations found that a lack of multi-year and predictable core funding has reduced the United Nations’ capacity to improve long-term planning and limits its ability to provide accurate and timely inputs in national planning.

4.3.3 Establishment of “UN Women”

The Panel on System-wide Coherence also recommended that the United Nations establish one entity focused on women’s equality and empowerment. It found that “there is a strong sense that the United Nations system’s contribution [to achieving gender equality and women’s empowerment] has been incoherent, under-resourced and fragmented.”¹⁷¹ Since the

¹⁷¹ U.N. document, A/61/583, Delivering as One, Report of the Secretary-General’s High-level Panel, November 9,

panel made its recommendation, U.N. member states and U.N. Secretary-General Ban Ki-moon have taken steps to establish a new U.N. entity for women. On July 2, 2010, the U.N. General Assembly unanimously adopted resolution 64/289 that transferred the mandates and functions of the

Division for the Advancement of Women, the U.N. Development Fund for Women, the Office of the Special Advisor on Gender Issues and Advancement of Women, and the International Research and Training Institute for the Advancement of Women, into a newly established “United Nations Entity for Gender Equality and the Empowerment of Women,” known as “UN Women.”

In the resolution, member states also decided to establish an Executive Board as the governing body of the entity to provide intergovernmental support and supervision of its operational activities.¹⁷²

On September 14, 2010, Secretary-General Ban appointed Michelle Bachelet, former President of Chile, as the Executive Director and Under Secretary-General for UN Women. Bachelet is a member of all senior U.N. decision-making bodies and reports directly to the Secretary-General. Her appointment was met with general approval by many policymakers, including some Members of Congress. UN Women is headquartered in New York and became operational on January 1, 2011.

2006, p. 34.

¹⁷² U.N. document, A/RES/64/289, adopted July 2, 2010.

4.3.4 Overhaul of Internal Justice System

On April 4, 2007, the General Assembly adopted a framework resolution to create a new system of internal justice administration for the U.N. Secretariat and separately administered U.N. funds and programs.¹⁷³ The system is part of the U.N. Secretariat and coordinated through an Office of the Administration of Justice that operates in two tiers—the U.N. Dispute Tribunal and the U.N. Appeals Tribunal. The resolution establishes formal and informal channels to protect U.N. staff facing disciplinary action, and provides additional accountability among staff, especially managers. If a staff member has a grievance, he or she is strongly encouraged to reach a solution through informal measures such as mediation or consultation with the Office of the Ombudsman. If the grievance persists, staff may then pursue a decision in the formal justice system, which includes a management evaluation by the Office of the Under-Secretary General for Management, and, if the issue is not resolved, a decision from the judges in the Dispute Tribunal. Decisions by the Dispute Tribunal can be appealed to the U.N. Appeals Tribunal. The previous internal justice system was criticized by member states for being “slow, cumbersome, ineffective, and lacking in professionalism.”¹⁷⁴ The system was backlogged with cases and many of its employees lacked formal legal training or qualifications. The Office of Administration of Justice and its Tribunals became operational on July 1, 2009. Since then, the Tribunal judges have worked their way through a backlog of cases from the previous system of internal justice.¹⁷⁵

¹⁷³ The funds and programs include the U.N. Development Program (UNDP), U.N. Children’s Fund (UNICEF), U.N. Population Fund (UNFPA), U.N. High Commissioner for Human Rights (UNHCR), and U.N. Office for Project Services (UNOPS). U.N. document, A/RES/61/261, adopted April 4, 2007.

¹⁷⁴ U.N. documents, A/RES/61/261, April 4, 2007.

¹⁷⁵ A list of the Dispute Tribunal decisions are available at <http://www.un.org/en/oaj/dispute/judgments.shtml>. For more information, see <http://www.un.org/en/oaj/unjs/>.

4.3.5 Mandate Review

The Outcome Document negotiated by member states at the 2005 U.N. World Summit called for a systematic review of all U.N. mandates five years or older, a process that has never before been undertaken. Member states are reviewing mandates, but progress is slow due to resistance from some countries that fear that mandates important to them will be discarded. If the working group recommends a mandate for removal, the General Assembly would need to amend the resolution that established the mandate.

4.3.6 Human Resources and Technology

At the 63rd session of the U.N. General Assembly held in New York starting in the fall of 2008, the Assembly adopted by consensus a 13-part resolution on human resources management that stated the need for “rationalizing the Organization’s current system of contracts which lacks transparency and is complex to administer.”¹⁷⁶ In what some have called a major shift from the current system, the General Assembly approved new contractual arrangements for U.N. staff that consolidated 16 types of employment contracts into three types of appointments—temporary, fixed-term, and continuing—under one set of staff rules. Temporary appointments are less than one year; fixed-term appointments are more than one year and renewable; continuing appointments are open-ended. These appointments took effect on July 1, 2009. In addition, the Assembly recognized the need to improve U.N. system information and communication technologies. It adopted a resolution that, among other things, established the Office of

¹⁷⁶ U.N. document A/RES/63/250, adopted December 24, 2008.

Information and Communication Technology as an independent unit to be chaired by the Chief Information Technology Officer at the level of Assistant Secretary-General.¹⁷⁷

The Assembly continued to address human resources and technology reform during its 65th session starting in the fall of 2010. On December 24, 2010, the General Assembly adopted two resolutions aimed at reforming the U.N. human resources management system and harmonizing the different sets of standards applied to the salaries and benefits of U.N. staff in more than 600 duty stations.¹⁷⁸ According to the U.N. Department of Political Affairs, the harmonization package took effect on July 1, 2011, across the U.N. common staff system, with a five-year transitional phase for U.N. agencies, funds and programs.¹⁷⁹

4.4 Management Reform: Establishment of the Change Management Team

Secretary-General Ban identified six core priority areas for improving U.N. management: (1) program effectiveness, (2) human resources, (3) information and communication technology, (4) procurement and common services, (5) innovation in business processes, and (6) governing body processes.¹⁸⁰ To address these priorities, in June 2011 he established Change Management Team (CMT) to formulate plans to streamline reform processes, increase accountability, and

¹⁷⁷ U.N. document, A/RES/63/262, adopted by consensus, December 24, 2008.

¹⁷⁸ U.N. document, A/RES/65/247, Human Resources Management, adopted December 24, 2010; and U.N. document, A/RES/65/248, United Nations Common System: Report of the International Civil Service Commission, adopted December 24, 2010. Also see U.N. press release, GA/11043, December 23, 2010.

¹⁷⁹ Human Resources Management Reform, U.N. Department of Management Fact Sheet, June 2011, at <http://www.un.org/en/hq/dm/pdfs/ohrm/HR%20Factsheet.pdf>

¹⁸⁰ Ban Ki-moon, "My Priorities as Secretary-General: A Stronger United Nations for a Better World," under "Strengthening the United Nations," at <http://www.un.org/sg/priority.shtml>.

improve U.N. effectiveness and efficiency in delivering its mandates. The team is directed by the Deputy Secretary-General, currently Asha-Rose Migiro, and led by Assistant Secretary-General Atul Khare. It reports to the Secretary-General and works with U.N. Secretariat departments and offices, other entities across the U.N. system, and member states.¹⁸¹ At the end of 2011 the CMT drew a raft of proposals aimed at reducing travel costs; establishing databases for staff evaluations; improving publishing and virtual communication technologies and expediting recruitment of active duty military in the Departments of Peacekeeping Operations and Field Support.¹⁸²

The CMT's 2011 proposals were a step in the right direction. They may have been "soft" as opposed to fronting a radical and structural surgery of the UN but if the Team's work is ongoing then we can expect changes albeit very gradually to a point of their current and future proposals being implemented by future generations of SGs. To note is that the CMT is the equivalent of Kenya' "Commissions of Enquiry" which simply find out what is wrong with an issue and make recommendations to the appointing authority without any role reserved for undertaking reform.

The CMT made its proposals and left them to be implemented by the SG and other officers under the SG. Subsequently it now depends on the SG's willingness, prowess and wherewithal to push through the reforms.

¹⁸¹ U.N. document, SG/A/1295, Secretary-General Appoints Atul Khare of India Leader of his Change Management Team, (UN, May 31, 2011).

¹⁸² U.N. Office in Geneva Staff Coordinating Council, Change Management at the U.N., (UN, September 15, 2011), at <http://staffcoordinatingcouncil.org/index.php/news/114-change>

On the CMT as a structure, history shows that since the United Nations was established in 1945, many commissions, panels, committees, and task forces” have been created to examine ways to improve the United Nations.¹⁸³ These groups are established by a variety of stakeholders, including past secretaries-general, individual member states, groups of member states, NGOs, academic institutions, and others.—the Volcker Commission, the U.S. Institute of Peace U.N. Reform Task Force, and Secretary-General Kofi Annan’s report, *In Larger Freedom: Toward Development, Security and Human Rights for All*.

Though the circumstances and mandates for each group are different, from this study it has emerged that basically they made similar recommendations for improving the United Nations. Notably, each group highlighted the need for enhanced internal oversight and Secretariat reform, including staff buyouts and enhanced financial disclosure requirements. The groups also emphasized the need for overall streamlining and consolidation of the U.N. system. So the CMT could be new name wise and people wise but the approach is not new. So it emerges that since “vehicles” have existed there before, then it would be imperative to examine other encumbrances.

4.5 Emerging Issues: Challenges to Reform

From this study it has emerged that a significant challenge for advocates of U.N. reform is finding common ground among the disparate definitions of reform held by various stakeholders. The global community has no common definition of U.N. reform and, as a result, there is often debate among some over the scope, appropriateness, and effectiveness of past and

¹⁸³ Edward C. Luck, U.N. Reform Commissions: Is Anyone Listening? Keynote speech at University of Waterloo, May 16, 2002

current reform initiatives. One method for determining how a stakeholder defines U.N. reform may be to identify policy priorities in the U.N. reform debate. In some cases, common objectives among stakeholders have translated into substantive reform policy, though shared goals do not always guarantee successful outcomes.

Recent reform debates in the U.N. General Assembly and its committees drew attention to fundamental differences that exist among some member states, particularly developing countries (represented primarily by the Group of 77 and China), and developed countries (including the United States, Japan, and the United Kingdom). Developed countries, which account for the majority of assessed contributions to the U.N. regular budget, would like the Secretary-General to have greater flexibility and authority to implement reforms, specifically those related to oversight and human resources. Developing countries, however, generally object to policies that may enhance the power of the Secretary-General and decrease the power of the General Assembly and its budget and administrative committees. Observers are concerned that this difference in reform philosophy will create a deadlock in the General Assembly and significantly delay the implementation of some key management and budget reforms.

The EU is composed of 27 countries, accounting for about 13% of the vote share in the U.N. General Assembly and approximately 38% of the U.N. regular budget.¹⁸⁴ The EU's reform initiatives often focus on management reform and increasing the U.N. capacity for development. The EU attaches great importance to keeping U.N. management reform on track, and supports management reforms such as mandate review. It also views the work of the Secretary-General

¹⁸⁴ The EU at the U.N.—Overview, at [http://www.europa-euun.org/documents/infopack/en/EU-UN Brochure-1_en.pdf](http://www.europa-euun.org/documents/infopack/en/EU-UN%20Brochure-1_en.pdf), and http://www.europa-eu-un.org/articles/articleslist_s30_en.htm.

appointed Panel on System-wide Coherence as a priority, and supports the panel's efforts to explore how the U.N. system may improve system coordination in the areas of development, humanitarian assistance, and the environment. The EU actively supports the reform of core U.N. organs, including the Security Council, General Assembly and ECOSOC,¹⁸⁵ and it also attaches particular importance to the implementation of the Millennium Development Goals.

The G-77 is a loosely affiliated group of 131 U.N. member states representing the interests of developing countries.¹⁸⁶ The G-77 was established in 1964 and represents approximately 68% of U.N. member states. It has played a significant role in recent reform debates due in part to its large membership, which can be a significant voting bloc in the General Assembly. The G-77 generally supports U.N. reform and has long viewed development as a key U.N. reform issue, emphasizing that it should be given the "utmost priority by the United Nations."¹⁸⁷ The G-77 views reform as a process to examine how the mandates of the United Nations can work through "well-coordinated synergies" to achieve the Millennium Development Goals. It believes that U.N. reform should not alter the "intergovernmental nature of the United Nations' decision-making, oversight, and monitoring process." Additionally, it does not view reform as a mechanism to "reduce budget levels ... to fund more activities from within the existing pool of resources, nor to redefine the roles and responsibilities assigned to the various organs."¹⁸⁸

¹⁸⁵ EU 'ECOSOC reform', October 25, 2005, http://www.europa-eu-un.org/articles/en/article_5350_en.htm.

¹⁸⁶ G-77 statements made at the United Nations, <http://www.g77.org/index.html>

¹⁸⁷ U.N. document, A/60/879, Statement Adopted by the Special Ministerial Meeting of the Group of 77 and China, Putrajaya (Malaysia June 7, 2006).

¹⁸⁸ U.N. document, A/60/907, June 27, 2006.

The G-77 supported some management reforms adopted by the U.N. General Assembly at the 2005 World Summit, including the establishment of an ethics office and whistle-blower protection policy. It has, however, actively opposed other initiatives proposed by the Secretary-General, particularly those proposals that it feels may weaken the authority of the General Assembly in the areas of management, budget, and oversight.

For example, the G-77 opposed proposals by Secretary-General Annan that gave the Secretariat more power to move, hire, and fire U.N. Secretariat staff, as well as to modify and consolidate the budgeting process.¹⁸⁹ The G-77 also maintains that the positions of all member countries should be taken into consideration during the reform process. It has also expressed concern that reform initiatives proposed by the Secretary-General may be influenced by the larger U.N. financial contributors, such as the United States, Japan, and some members of the European Union.¹⁹⁰

Developed Countries

In some cases, the reform priorities of developed countries may not always align with the reform priorities of the G-77 and other developing countries. While the G-77 views development as a top U.N. reform priority, many developed countries tend to focus on management, budget, and structural reform. Generally, developed countries make significantly larger financial contributions to the U.N. system than developing country member states and therefore may want to ensure that their funds are used in what they perceive as the most effective way. For example,

¹⁸⁹ Ibid, Blanchfield

¹⁹⁰ Irene Martinetti , U.N. Management Reform: The Role and Perspective of the G-77, *Center for U.N. Reform*, September 10, 2007.

the United States and the EU, which together account for a significant portion of the regular budget, view management and budget reform as a top priority. Japan, which contributed approximately 12.5% of the U.N. regular budget in 2010, also views management reform as a priority, particularly Secretariat reform, Security Council reform, and system-wide coherence.¹⁹¹

The differing perspectives on U.N. reform among developing and developed nations were highlighted in December 2005 when a group of U.N. member states, led primarily by developed countries such as the United States and Japan, sought to link progress on management reforms to the U.N. budget. The countries placed a spending cap of \$950 million (about six months of U.N. spending) on the two-year, \$3.6 billion budget in hopes that the General Assembly would adopt a series of management and budget reform measures proposed by Secretary-General Annan.¹⁹² On May 8, 2006, the General Assembly's Fifth Committee (Administrative and Budgetary) bypassed the traditional practice of budget-by-consensus and voted on a resolution, supported by the G-77 that approved some reforms but delayed the consideration of several others. The developed nations that imposed the budget cap were disappointed with the outcome, and eventually lifted the budget cap in June 2006 because they were unwilling to cause a shutdown of the United Nations.¹⁹³

¹⁹¹ Japanese Ministry of Foreign Affairs, "Japan's Efforts for Reform of the U.N.," <http://www.mofa.go.jp/policy/un/reform/pamp0608.pdf>

¹⁹¹ Kofi Annan, "Investing in the United Nations: For a Stronger Organization World Wide", (UN, New York March 2006), www.un.org

¹⁹³ U.N. document, A/RES/60/283, July 7, 2006.

Indeed it was former Ambassador Donald McHenry who once said that “the whole UN civil service got hijacked by the Cold War and decolonialization.”¹⁹⁴ Caron and Bennet stated that the UN capacity to solve real problems was stymied during the Cold War. Nations developed the bad habit of using the Organization for other purposes, including patronage, posturing, propaganda and pork. Let the historians figure out who was minding the store when this trend started; the fact is that for a long time the member states have preferred micromanagement to governance.

The need for reform has been a hobbyhorse for the critics and an excuse for delinquency, not the basis of a strategy for success. Today, accountability is muddled by political tampering, and priority-setting is virtually impossible because of member-induced rigidities in the budget process. The times require that we develop new habits and collectively assume responsibility, not simply for the way the UN system works, but for whether the UN system succeeds or fails. We must develop a sense of stewardship. Today, cooperation is both more possible and more necessary than ever before. Political borders are being overwhelmed by economic, technological, environmental, demographic and criminal forces.

National governments cannot, on their own, deliver many of the things that their citizens rightly demand. We talk frequently about "national" interests and "national" security; what we are really talking about is the well-being of our people, their safety, their freedom, their prosperity and their health. Thought of in that light, national interests and security are no longer so neatly packaged. They span the spectrum from individual to global. And cooperation is needed to cope effectively with many of the problems that matter most to us and to our families.

¹⁹⁴ R. C. Longworth, 'Some Work Hard, Others Hardly Work at the U.N'. , (Chicago Tribune, September 15, 1993).

Caron and Bennet¹⁹⁵ were categorical, “we owe it to ourselves and to our publics to develop workable and flexible multilateral arrangements that will at least improve our prospects for coping with the demands of this new era.” They propose a shift of the reform focus from micromanagement and interference to good governance setting broad objectives, holding UN managers responsible and evaluating results.

Caron and Bennet¹⁹⁶ hold that member states, including the United States, must once again take responsibility for achieving the goals stated in the UN Charter: "to save succeeding generations from the scourge of war ... to reaffirm faith in fundamental human rights ... to establish conditions under which justice . . . can be maintained”,

4.6 Circumventing the Challenges

It has emerged that since reform of the UN is imperative there has to be a will to shrewdly and persuasively circumvent the obstacles. Blanchfield¹⁹⁷ states that previous and current U.N. reform initiatives encompass an array of organizational issues that may require different processes for implementation. These reforms might be achieved by amending the U.N. Charter or through various non-Charter reforms. However Charter amendment is a rarely used practice and has only occurred on three occasions¹⁹⁸ in the last 70 years—and all dealing only

¹⁹⁵ David D. Caron and Douglas J. Bennet, ‘Reforming the United Nations: From Management to Governance: Proceedings of the Annual Meeting -American Society of International Law, Vol. 88,*The Transformation of Sovereignty*, APRIL 6-9, (American Society of International Law, 1994), p 6<http://www.jstor.org/stable/25658797> .Accessed: 04/07/2013 06:47

¹⁹⁶ Ibid, P 108

¹⁹⁷ Luisa Blanchfield, ‘UN Reform: US Policy and International Perspectives, (Congressional Research Service, December 21 2011), p 26, www.fas.org

¹⁹⁸ Ibid

with seat numbers in two of the six principal in the last organs, once for the Security Council and twice for the United Nations Economic and Social Council.

At the San Francisco conference where the UN Charter was drafted, delegates who were dissatisfied with a revival of a kind of nineteenth-century Concert of Europe—with more powerful states given special roles—but also did not wish to impede the effective creation of the new world body expected that a review conference for all UN member states would be convened relatively quickly to discuss changes in the charter and organizational structures. Although Article 109 reserved the possibility of a General Conference “for the purposes of reviewing the present Charter,” the P-5 (permanent five members of the Security Council) preferred setting the bar high for any changes. They not only resisted efforts to convene such a conference but also clearly communicated their intention to safeguard their veto rights.

As originally defined in the UN Charter, the composition and decision making procedures of the Security Council were increasingly challenged as membership steadily and dramatically grew following the acceleration of decolonization. Between the UN’s establishment in 1945 and the end of the first wave of decolonization in 1963, the number of UN member states swelled from 51 to 114. Only six countries from Africa and Asia were UN members originally, while two decades later, more than half of the UN’s membership were from these two developing continents. As a result, these newly decolonized countries demanded a better reflection of their numbers and priorities in the Security Council and throughout the UN system.

The only significant reform of the Security Council came to pass in 1965, after two-thirds of all UN member states ratified and all five permanent members of the Security Council approved Resolution 1990 (adopted by the General Assembly in December 1963) which

proposed enlarging the Security Council from 11 to 15 members and the required majority from 7 to 9 votes. The veto power exclusively reserved for the P-5 was left intact.¹⁹⁹

The 1965 amendment also increased ECOSOC membership from 18 to 27. It was again amended in 1973, to raise ECOSOC's membership from 27 to 54.

Although Article 109 reserved the possibility of a General Conference "for the purposes of reviewing the present Charter," the increasing polarization of UN member countries during the Cold War in the 1950s prevented such a gathering then, and none has been convened since.²⁰⁰

On her part, Blanchfield states that the date and place of the Conference would be determined by a two-thirds vote in the General Assembly, and an affirmative vote from any nine Security Council members. Potential revisions to the Charter would be adopted at the conference by a two-thirds vote (with each country having one vote), and take effect when ratified by the governments of two-thirds of U.N. member states. However a Charter review conference remains a mirage.

In regard to Charter reform, Caron and Benet argue that all constitutional designs must be fashioned from the existing political process, the very monster that has to be brought under control. The trick, in creating a constitution, is to harness forces in the effective power process so that they contribute to rather than oppose minimum and optimum order. Reality is both an important element in constitutional design and an important corrective in constitutional dreams.

¹⁹⁹ Thomas G. Weiss, 'The Illusion of UN Security Council Reform', *The Washington Quarterly*, (The Center for Strategic and International Studies and the Massachusetts Institute of Technology 2003), 26:4 pp. 147–161.

²⁰⁰ *ibid*

The point has special relevance to discussions about changing the United Nations. No reality-based discussion of Charter revision can ignore Article 108, which allows for amendments by two-thirds of the General Assembly members but requires ratification by all the Security Council permanent members in order for those amendments to come into force. This does not mean that reform is unattainable.

Caron and Benet hold that the UN Charter is not the World Constitution, and it certainly is not the world constitutive process. The Charter was a product of the world constitutive process in 1944 and 1945. The UN Charter's security mechanism is the Security Council with its five Permanent Member states, the great powers of the epoch, and, after 1963, its ten term-members, selected, at two-year intervals, by all the other members of the General Assembly. The asymmetries of power in this organ were neither a mistake nor an oversight. The whole idea was to marshal effective power in pursuit of peace. Indeed, the agreement of the greats seemed so necessary for any effective security action that each of the five Permanent Members was allowed the power to veto any proposed initiative. As for the contingency for action, the drafters could hardly have allowed more discretion. Whatever the Council characterized as a "threat to the peace," a remarkably open-textured and subjective concept, justified the application of its plenary powers.

As Caron and Benet aver, if history should teach us, international constitutional amendment, in its conventional understanding, is the least likely to succeed at the UN and to be satisfactory. Therefore then the most realistic approach to reform is through non-charter process

Since 1945, the General Assembly has authorized reforms of its own processes and procedures—as well as those of the Secretariat—without Charter amendment. The General Assembly has established various fora for discussing reform issues, including a Committee on

the Charter of the United Nations and a Working Group on the Security Council. The “Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,” was established in 1974 to consider “any specific proposals that Governments might make with a view to enhancing the ability of the U.N. to achieve its purposes,” as well as “suggestions for the more effective functioning of the U.N. that might not require amendments to the Charter.” The Committee also makes recommendations for possible Charter amendments. Most recently, in 1995 it proposed an amendment to delete “enemy state” clauses in the Charter.

The General Assembly has also implemented reforms on its own by adopting proposals introduced by member states or the Secretary-General. The Secretary-General can also implement reform in his capacity as chief administrative officer. For example, as part of his reform proposal in 1997, Annan established a Senior Management Group to “ensure more integrated and cohesive management of the Secretariat.”²⁰¹ The Secretary-General can also make administrative decisions regarding the organization of some U.N. departments.

Other non-Charter reforms have included the establishment of consensus-based budgeting in 1986; the creation of an Office of Strategic Planning in the Secretariat, authorized by Kofi Annan in 1997; and the establishment of a Peace building Commission by the Security Council and General Assembly in 2006.

There are obvious challenges to reforming the UN either through charter or non charter reforms both from within and without but the UN is not irreformable as history has shown.

²⁰¹ U.N. document, A/52/684, November 10, 1997.

As Kennedy and Russet²⁰² note the United Nations is not the inefficient, incompetent body unfair critics depict it to be, it clearly requires a serious overhaul to prepare it for the years ahead. The process has already begun with the formation of groups and the CMT in the General Assembly and with the publication of reports on the United Nations' past, present, and future especially around the time it was celebrating its 50th anniversary.

Member states, acting through their permanent missions in the General Assembly, must now push ahead with a sustained examination of the various reform proposals, understanding that no single one will be perfect but that a distillation and then an advancement of the better ideas is urgently required. The historic moment should not be missed. The world owes it to the generations yet to come.

²⁰² Paul Kennedy and Bruce Russett, 'Reforming the United Nations', *Foreign Affairs*, Vol. 74, No. 5, Sep. - Oct., (Council on Foreign Relations, 1995), pp. 56-71, <http://www.jstor.org/stable/20047300> .Accessed: 04/07/2013

CHAPTER FIVE

SUMMARY, KEY FINDINGS AND RECOMMENDATIONS

5.1 Summary

5.1.1 Introduction

This chapter sums up the study and outlines the key issues the researcher found out and concludes with recommendations that the researcher feels should guide any effort at reforming the United Nations.

Sixty eight years ago the free nations of the world met in general assembly to begin the task of establishing a post-war order that would secure the peace, advance global prosperity, alleviate poverty and unemployment, and promote human rights worldwide. These were lofty goals, but the founders of the United Nations system were utter realists. Having lived through the economic crisis of the 1930s, the rise of fascist aggressor states, and the horrors of World War II. These statesmen, from Winston Churchill to the formidable Republican senator Arthur Vandenberg, were committed to creating new international structures to deal with problems that were international by nature. Part of their realism was the conviction that they had a responsibility to try to make things work better in the future through such structures. It is proper that so many years later the governments and peoples of the world should want an assessment of the United Nations' performance. The record is mixed at best, and in recent years the world organization has been much criticized. In every one of its activities, from peacekeeping to development, from monitoring human rights to overseeing environmental accords, it has been

pressed by member states and their publics to play a larger role and to assume fresh responsibilities.

These operations, hopes, and expectations far exceed the capabilities of the system as it is now constituted, and they threaten to overwhelm the United Nations and discredit it, perhaps forever, even in the eyes of its warmest supporters. Two paths lie before the world community. Countries should decide either to reduce their demands on the United Nations, thus giving it a decent chance of carrying out reduced policies with its existing resources, or they should recognize the necessity of improving its capacities and grant it greater resources, functions, and coordinating powers.

Avoiding a decision, risks condemning not just the organization but the world to a deeply troubled future. In light of global circumstances, it would be wiser to take the second of these two paths and improve the United Nations for the benefit of future generations. A half-century ago member states recognized that a set of international instruments to achieve aims they could not secure by themselves was very much in their national interest. The world of 1995 is clearly a vastly different place than that of 1945, and the gathering pace of technological change, global demographic growth, and environmental pressures will make the world of 2045 (or even 2020) radically different from that of today.

As the demands on states and governments increase, the need for the world organization is growing, not shrinking. The chief reason effective international instruments are required is an eminently practical one, as the founders realized. Simply put, states, people, and businesses need an international system to provide physical, economic, and legal security.

Reformers will have to reckon with the fact that there are many different United Nations or at least, that different interest groups and governments look at the world body differently. Moves toward reform must take into account that the very different political and ideological stances of member governments, interest groups, and voters will critically influence whether specific proposals succeed or fail. Kennedy and Russett²⁰³ summed up the discordant views thus, “to isolationists, it is a waste of money; to true believers, it is the "parliament of man.”

Indeed, unless governments can agree on basic principles regarding the roles of the United Nations and are ready to compromise on changes in the system, years of international gridlock could lie ahead.

There is also the touchy issue of states' sovereignty. Although the original members agreed in 1945 (and countries that joined later concurred by subscribing to the charter) to bind themselves in various ways for the common good, they emphasized national sovereignty and prohibited intervention in matters "essentially within the domestic jurisdiction of any state. "What they constructed was not an embryonic world government but an international corporation, so to speak, with the nation-states as shareholders. The concern with sovereignty is no less strong today, whether among conservative Americans or governments in Beijing or New Delhi, and any schemes to enhance the United Nations will have to reckon with that sentiment. The organization can only be as effective as member governments, in agreement, desire it to be. As Kennedy and Russett state, if the Nations system did not exist, much of it would have to be invented.”²⁰⁴

²⁰³ Paul Kennedy and Bruce Russett, ‘Reforming the United Nations’, *Foreign Affairs*, Vol. 74, No. 5, Sep. - Oct., (Council on Foreign Relations, 1995), pp. 56-71, <http://www.jstor.org/stable/20047300> .Accessed: 04/07/2013

²⁰⁴ Ibid

This steady loss of sovereignty will probably make countries more jealous of their autonomy at first. But the only chance U.N. members have in dealing with the cluster of transnational problems is to work out a cluster of transnational responses. This requires creating and empowering more effective international structures and operating procedures, not as ends in themselves but as means to satisfy national needs. But until states arrive at that conceptual breakthrough, efforts to enhance the U.N. system will be checked.

Those who favour improving the world organization should stress that proposals for a U.N. rapid-reaction force to handle the Rwandas of the future and the many other schemes for reform are intended not to reduce the freedom of member states but to buttress the real sovereignty of societies everywhere. By "real sovereignty" is meant the ability to influence outcomes, nationally and internationally, and it has declined in recent decades in countries like France, India, Argentina, and even the United States. Nations will not recover it until they are willing to sink their differences and work together toward common ends.

It's all very simple to agree that reform is needed but the real test comes when one examines the specifics as can be said "the devil is in the details". But irrespective the world body clearly requires a serious overhaul to prepare it for the years ahead. The process has already begun with the formation of study groups in the General Assembly and with the publication of reports on the United Nations' past, present, and future and the 2011 CMT.

5.2 Key Findings

With the exception of the 1965 expansion from 11 to 15 members, efforts at Security Council reform since the organization's inception in 1945 have repeatedly proved implausible.

The principle of UN Charter reform, which includes altering everything from institutional purposes and structures to more mundane operating procedures, retains salience for diplomats in New York as a formal agenda item as well as an informal and enduring cocktail party pastime. In practice, however, substantive and substantial reform has proved virtually impossible. In fact, only three amendments have been made to the UN Charter. In practice, substantive and substantial reform has been virtually impossible.

Weiss notes that the use of the term “reform” is applied often and far more broadly than constitutional changes to UN policy; for example, at the outset of their terms, UN secretaries general routinely initiate so-called reform measures that merely involve personnel changes and management shell games.²⁰⁵

The history of reform efforts geared toward making the Security Council more reflective of growing UN membership and of changing world politics since the organization’s establishment conveys the slim prospects for meaningful change. UN founders deliberately divided member rights and roles by establishing a universal General Assembly with the most general functions and a restricted Security Council with executing authority for maintaining the peace—unanimity among the great powers was a prerequisite for action. This arrangement was designed to contrast with the Council of the League of Nations, a general executive committee for all of the organization’s functions that failed miserably in the security arena because it required agreement from all states. Eternal seats for the era’s great powers—the United States, the Soviet Union, France, the United Kingdom, and China—now known as the Permanent 5 (P-

²⁰⁵ Thomas G. Weiss, “The Illusion of UN Security Council Reform,” *The Washington Quarterly*, 26:4 pp. 147–161, (Center for Strategic and International Studies and the Massachusetts Institute of Technology, 2003).

5) with the right to veto decisions of substance, was an essential component of the original 1945 deal.

The veto has been and remains an obstacle to reform both because of the P-5's vested interests in preserving power and because no provision in the charter requires them to relinquish this right. Political paralysis, when it comes to deciding on candidates for either permanently rotating or new permanent seats on the Security Council—the latter with or without vetoes—has further prevented successful Security Council reform. Increasing membership numbers beyond the current 15—5 permanent and 10 non-permanent members serving rotating two-year terms—seems relatively unobjectionable to promote and reflect greater diversity²⁰⁶. Even more difficult has been reaching agreement on new permanent members.

With specific reference to the veto provision within the constitution of the UN Security Council, Murithi²⁰⁷ states that it has now become increasingly clear, that the UN Charter was drafted to safeguard the interests of the powers who were involved in drafting it and therefore it lacks the ability to globally respond (in a democratic way) to the interests of middle-level and weaker states. This was demonstrated by the inability of the Council to purposefully intervene in Rwanda to prevent and mitigate the genocide which took place in April 1994 or Srebrenica in Bosnia in July 1995.

Some argue that there is no need to change the system but only a need to mobilize political will to make the system work better for humanity. Others argue that if you try to change the system you will end up weakening it and making it less functional and effective. Another

²⁰⁶ Ibid

²⁰⁷ Tim Murithi, 'Rethinking The United Nations System: Prospects For A World Federation Of Nations', United Nations Institute for Training and Research (UNITAR), *International Journal on World Peace*, Vol. 20, No. 4, pp. 3-28, (Professors World Peace Academy, December 2003), <http://www.jstor.org/stable/20753418>

school of thought maintains that the UN system and more specifically the Charter is outdated and needs to be reviewed. This position further argues that new institutions need to be established to better address the challenges that we are faced with in the 21st century. Ultimately, the challenge is to find a better match between institutions and emerging global problems in order to deepen democracy and improve humanity's collective ability to address these issues by including newly emerging global and local actors in decision-making and policy implementation. This study also finds that certain clauses of the current UN Charter have already become obsolete.

Though there have been major advancements in the form of the various Declarations and Conventions for the promotion of human security. There has not been an equal degree of commitment in the implementation of these Declarations and Conventions. The exigencies and imperatives of selfish state-centric interests have always, and continue to carry the day when it comes to the issue of implementing what has been agreed upon. According to Murithi²⁰⁸ The majority of national policy makers are beholden to the conviction that that there is no recourse to any higher authority beyond the nation-state. The status-quo is an anarchical international society which is not constrained by a higher global leviathan or authority.

5.3 Recommendations

This study agrees with Kennedy and Ruset²⁰⁹ that member states, acting through their permanent missions in the General Assembly, must now push ahead with a sustained examination of the various reform proposals, understanding that no single one will be perfect but

²⁰⁸ Ibid

²⁰⁹ Ibid, Kennedy and Ruset,

that a distillation and then an advancement of the better ideas is urgently required. The historic moment should not be missed. The world owes it to the generations yet to come.

Though the calls for reform are as many as the reforms required there is almost consensus that the Security Council requires reform. Expanding the Security Council seems like one of the more reasonable ways to improve the representative character and thus the legitimacy of the world organization in the eyes of all its members and their people. Increasing the council's overall size from the present 15 members would allow more nations to participate on a rotating basis in decision-making by this critically important organ. And adding to the permanent membership would permit the Security Council to reflect the changes in the global balance since the five victorious powers of 1945 insisted that the charter include special provisions upholding their status and interests.

The veto right of each permanent member further complicates prospects for Security Council reform. The drafters of the U.N. Charter assumed that the Big Five were to be chiefly responsible for maintaining the peace and defeating aggressors, and therefore should control the use of United Nations forces. Moreover, it was vital that the great powers not opt out of the organization the shadow of the U.S. absence from the League of Nations loomed large here so their governments had to be reassured that at least in matters of war and peace their interests would not be overruled.

Over the subsequent half-century, however, the veto has been invoked in many other circumstances, such as blocking resolutions and opposing nominations. If the number of permanent members on the Security Council was increased, would that not increase the risk of many more vetoes in the future? One solution might be to deny the newer permanent members

the veto, but that would confuse things by introducing a third membership category. Some have proposed that the veto be abolished which is a splendidly egalitarian idea, but highly unlikely to win approval by the Permanent Five.

This study recommends that to circumvent the issue, member states should reach a compromise after negotiations in the General Assembly. An increase in the number of both permanent and rotating members of the Security Council, and a restriction of the veto to questions of war and peace as the founders intended, would not crimp the Security Council's effectiveness but would make it less like the old boys club of 1945. However, this recommendation will raise questions about the definition of "war and peace" in light of the expanded definition of security to include elements of Human Security.

The concept of multi-level governance has begun to gain currency. There is no reason why multi-level governance cannot be adopted to the global level even with the inclusion of non-state actors and transnational corporations as part of the framework of policy and decision-making. The utility of multi-level governance structures and institutions is that problems can best be solved at the level of competence of the actors. States can avoid getting entangled in peace building at the grassroots level beyond providing the security conditions which are conducive towards encouraging sustainable peace building and reconciliation. This therefore is a model that relies on less control from the centre and more power and autonomy devolved to the localities. The principle of subsidiarity according to which decision-making should be kept as close to the people as possible is recommended herein as a central pillar in the evolution of global governance.

Likewise, in a multi-level global governance framework governments would be held to account, through a higher supra-national entity, for any actions that undermine peace and the general human and gender rights of their citizens. This would be a radical shift away from the notion that nations exist in a state of anarchy with no overarching authority.

Naturally there is bound to be much resistance from the beneficiaries of the status-quo. There is also scepticism that the deepening of global institutions will bring about the better protection and representation of local populations and communities affected by global policies. The important thing is not to submit to a self-defeating view about the impossibility of change, because human history shows us quite clearly that there has always been change and there will always be change. The United Nations system itself was a product of change and innovation, so there is no reason why it cannot evolve into a more effective and responsive international system. A cautiously gradual approach can ensure that the hard won achievements of the twentieth-century to protect the welfare and rights of humanity are not lost in the twenty-first century.

Only through the re-creation or the creation of a more inclusive and participatory institution can bring about the progressive shift that is required to deal with the problems of this century. History shows us that since the era of the Roman empires the forces of conservatism, who are largely beneficiaries of the status-quo always resist change. Fortunately, history also shows us that the only thing that has remained constant in human affairs is the perpetual tendency toward change and innovation.

Murithi ²¹⁰ argues that there are some major obstacles to change including the need for the UN Security Council to assent to such change. But there is nothing to prevent the groundwork being done to bring about this transformation if not in the 21st century then perhaps by the 22nd century. The UN Secretary-General cautioned the 58th General Assembly not to "shy away from questions about the adequacy, and effectiveness, of the rules and instruments at our disposal." He went on to suggest that, "among those instruments, none is more important than the Security Council itself...and there was an urgent need for the Council to regain the confidence of States, and of world public opinion both by demonstrating its ability to deal effectively with the most difficult issues, and by becoming more broadly representative of the international community as a whole as well as the geographical realities of today.

This study agrees with Murithi when he states that it will be an enormous challenge to develop an overarching framework of principles and rules to renegotiate and reconfigure global governance to promote global solidarity and collective security in the twenty-first century. It is however a challenge that will make the difference between continuing on the age-old path of human self-destruction or choosing a new path that will lead us to human self-improvement.

²¹⁰ Tim Murithi, 'Rethinking The United Nations System: Prospects For A World Federation Of Nations', United Nations Institute for Training and Research (UNITAR), , *International Journal on World Peace*, Vol. 20, No. 4, pp. 3-28, (Professors World Peace Academy December 2003), <http://www.jstor.org/stable/20753418>

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