

# Concepts for the Restructuring of the United Nations System

Klaus Hübner

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Klaus Hübner is a retired professor of economics at the Free University of Berlin. He has served on the Executive Board of the German United Nations Association, on the Executive Committee of the World Federation of United Nations Associations (WFUNA), on the Governing Board of the International Institute for Educational Planning (IIEP), and on the UN Political Advisory Council of the German Foreign Office.

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## Introduction

The year 2015 is a significant one for the United Nations. On the one hand, it is the organization's 70th anniversary year. On the other hand, it marks the UN General Assembly's intention to adopt the "Post-2015 Agenda for Development," which will combine the results of the Millennium Development Goals (MDGs) with the Sustainable Development Goals (SDGs) to be determined after the Rio+20 Conference on a new global strategy. We are now, therefore, engaged in negotiations that should lead to a successful outcome at the 70th General Assembly. This is a main concern of the present UN Secretary-General, Ban Ki-moon. However, concentrating on a new long-range planning exercise, lasting until 2030, should not now prevent us from developing ideas that could lead to a restructuring of the UN system.

Two introductory remarks are in order. One relates to the use of the term "United Nations system," the other to the term "reform". Since neither term is clearly defined, some comments are needed. The United Nations system, also designated as the "UN system" or the "UN family", is a rather complicated and diffuse structure. It is a kind of a network, a structure of very loosely interconnected agencies that act autonomously, partly *de facto*, partly *de jure*. This so-called system has become more and more confusing, redundant and inefficient during the course of its historical development. But it did not come about without government demand; it was created by the Member States whose number has almost quadrupled since the UN was created.

As a result of this development, for example, virtually all federal ministries in Germany have working relationships with the UN system. It may be assumed that in Berlin (and in Bonn) more

than 100 - perhaps as many as 150 – government agencies are entrusted with UN-related tasks. Criticism by representatives of Member States of the UN system’s lack of coordination and coherence is therefore hypocritical. It may be raised, with equal validity, in regard to the behaviour of their own governments.

The second observation relates to the concept of reform. As is well known, amendments to the Charter require a two-thirds majority of the members of the General Assembly; they enter into force only if two thirds of the members of the General Assembly including all five permanent members of the Security Council have ratified them (see Articles 108 and 109 of the Charter). Only if the reform concept is extended to mean that all changes made without revision of the Charter are also to be called “reforms” may we comment on that theme. Three types of reform may be recognized: (1) organizational management changes by the UN Secretary-General that do not require approval by the Member States; (2) institutional-organizational staff changes that are not possible without the consent of the Member States; and (3) institutional-organizational changes requiring Charter revision.

Erskine Childers und Brian Urquhart stressed in their widely known work proposing renovation of the UN system on the occasion of the 50th anniversary of the Organization that reforms depend upon the “harmonization” of policy measures within the Member States: “Unless member-governments can achieve this fundamental prerequisite in their home capitals there will be another decade of whistling in the coordination winds while global problems accumulate and intensify” [Childers/Urquhart (1994), p. 33]. Meanwhile, two more decades have passed, and the fact remains that Member States are neither willing nor able to replace the old system with an integrated UN architecture.

Since the founding of the United Nations, an extraordinary number of reform proposals have been put forward. Enumerating and evaluating them in detail would require multiple volumes with hundreds, or even thousands, of pages. Consequently, this essay must be clearly limited in regard to both the selected period and content. Accordingly, the Outcome Document of the World Summit of 2005 was chosen as a starting point [United Nations/General Assembly (2005 b)] in respect to official reform initiatives. Based on proposals presented ten years ago on the 60th anniversary of the United Nations, it seems clear that they could be realized only if they didn’t require revision of the Charter. The second substantive part of this essay will summarize, within a longer time frame, the conceptually similar proposals by three authors that do call for comprehensive Charter revision.

### **Comments on the Outcome Document of the World Summit in September 2005**

The starting point of our discussion is the previously mentioned Outcome Document of the 2005 World Summit, in which functional and structural aspects of reform are interrelated. This document seeks to promote “multilateral solutions” for problems in four areas: (1) development, (2) peace and collective security, (3) human rights and the rule of law, and (4) strengthening of the United Nations Charter [United Nations/General Assembly (2005 b), paragraph 16].

As paragraph 9 of the document’s introduction declares: “[P]eace and security, development and human rights are the pillars of the United Nations system and the foundations for collective

security and well-being. We recognize that development, peace and security and human rights are interlinked and mutually reinforcing”.

Recognition of this interdependence is far from new. The principles laid down in the 1945 UN Charter make clear that it is based upon a comprehensive security concept. From its very inception, it was not just about security as a military problem. This was unambiguously expressed in Chapter I (Purposes and Principles) and also in Chapter IX (International Economic and Social Co-operation). Peace and international security, economic and social development, and human rights were the three foundational pillars in the architecture of the UN system.

But the Cold War, lasting until 1989/1990, found both camps, East and West, evaluating the activities of the UN system, in both political and scholarly discourse, primarily through the focus of military security. Only the end of their confrontation allowed new thinking and the setting of new priorities. Terms such as “comprehensive security” and “human security” then gained currency.

The Human Development Report of the UNDP in 1994 presented a new way of thinking. It says: “The concept of human security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or a global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people. The superpowers were locked in an ideological struggle – fighting a cold war all over the world” [United Nations Development Programme [UNDP] (1994), p. 22]. It then quotes the US Secretary of State (of 1945): “The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace” [United Nations Development Programme (UNDP) (1994), p. 24].

Since then, the UNDP has promoted a new concept, calling for greater emphasis on human security and sustainable human development. Seven main conditions for human security were noted: economic security, food security, health security, environmental security, personal security, community security, and political security. This comprehensive list also reflected the three dimensions of sustainability currently being discussed in the context of the Post-2015 Agenda for Sustainable Development.

In the summary of his report on the implementation and follow-up of the results of the Millennium Summit and other conferences the then Secretary-General, Kofi Annan, noted: “[W]e will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed” [United Nations/General Assembly (2005 a), paragraph17].

The question of what progress has thus far been achieved cannot yet be comprehensively answered, as it will have to cover the implementation of the targets of the Millennium Declaration to be concluded at the end of 2015.

Here, we note the need to discuss the institutional aspects of the afore-mentioned Outcome Document of the World Summit of 2005 [United Nations/General Assembly (2005 b)]. Paragraphs 97-105 proposed the establishment of a Peacebuilding Commission, whose work was to begin work no later than 31 December 2005. Paragraphs 157-160 called for a Human Rights Council.

We shall not go into detail here about the document's history, which goes back to the "Agenda for Peace" [Boutros-Ghali, Boutros (1992)]. In brief, the point at issue was the proposal of a High-Level Group to close the "institutional gap" between the Security Council and the Economic and Social Council [United Nations/General Assembly (2004), paragraphs 224-228] and the aforementioned reform report, "In Larger Freedom", by Kofi Annan. It must be noted, however, that – incidentally, for the first time – a joint subsidiary organ of two of the UN's principal organs, namely the General Assembly and the Security Council, was created. The main objective of this Commission is to financially facilitate and implement processes of post-conflict peacebuilding. At present, six African States are subjects of discussion by a Commission comprising 31 members elected in a highly complicated way. Whereas individuals from the five permanent members of the Security Council automatically belong to a group of seven Commission members elected by the Security Council, the composition of the five States that are among the ten largest total contributors to the UN (the regular budget plus the voluntary contributions to UN funds and programmes) may well vary. (Currently, Japan, Canada, Norway, Sweden and Spain belong to this group).

To secure funding, in 2006 a Peace-Building Fund was set up, which is supplemented by voluntary contributions. Leading the top ten contributors, who raised a total of almost 67 percent of the accumulated sum of 510 million US dollars (until 2013), were the United Kingdom and Sweden, each contributing about 100 million dollars. Germany, with contributions of around 25.5 million US dollars, ranked 7th.

Evaluation of the Commission, whose work is clearly dominated by the Security Council, has not been very positive: "... the hopes expressed in the founding resolutions have yet to be realized". Finally, it was observed that we need a Peace-Building Commission that is "more relevant, more flexible, better performing, more empowered, better supported, more ambitious, better understood" [United Nations/General Assembly/Security Council (2010), pp. 38-39]. In contrast, the Heads of State and Government stressed the need to "strive for a sustained, coordinated and coherent response to peacebuilding needs through multilateral, regional and bilateral mechanisms that are aligned with nationally identified peacebuilding strategies and priorities..." [United Nations/General Assembly/Security Council (2012), paragraph 7].

Another institutional change was made in the field of human rights. First, the so-called "Vienna Formula" of 1993 was unequivocally repeated: "We reaffirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis" [United Nations/General Assembly (2005 b), paragraph 121]. It was also decided "to strengthen the United Nations human rights machinery ..." (paragraph 123) and to call for a substantial increase in funding for the Office of the High Commissioner for Human Rights. Additionally, the document called for "... the doubling of its [the Commission's] regular budget resources over the

next five years with a view to progressively setting a balance between regular budget and voluntary contributions to its resources, ...” (paragraph 124).

Here, we may note a positive development. While in the UN regular budget (of 2004-2005) 67.6 million US dollars were foreseen, the amount increased to 177.2 million US dollars in 2012-2013. Also, the Commission’s share of the total UN budget gradually increased from 1.9 to 3.2 percent during this period and voluntary contributions increased from 128.8 to 232.3 million US dollars, while the share of earmarked contributions declined from 75 to 26 percent.

As previously noted, Chapter V of the Outcome Document (Strengthening the United Nations) proposed the establishment of a Human Rights Council. In paragraph 160, the President of the General Assembly was invited “to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council”.

The UN Human Rights Council was established after intensive negotiations in the spring of 2006 thereby replacing the UN Commission on Human Rights. Thus, no additional institution was created. The status of the Council was enhanced in that it is no longer a commission of ECOSOC, but rather a subsidiary organ of the General Assembly. An evaluation process begun in the autumn of 2010 was completed in 2011. The results proved to be disappointing to many concerned NGOs, who then presented series of demands for changes. These failed, however, to find a place in the final document. Such changes as were made were mainly procedural and technical and related to improving the second cycle of the Universal Periodic Review (UPR), which called for review of the human rights practices of all UN Member States [United Nations Human Rights Council (2011), Annex UN Doc. A/HCR/RES/16/21].

With regard to the three principal organs - the General Assembly, the Security Council and Economic and Social Council (ECOSOC) – the changes made were quite moderate.

Paragraph 151 stated: “We call for strengthening the relations between the General Assembly and the other principal organs to ensure better coordination on topical issues that require coordinated action by the United Nations, in accordance with their respective mandates”.

There was consensus on the central role of the General Assembly “as the chief deliberative, policy-making and representative organ of the United Nations” (paragraph 149). But numerous such declarations over the years that have spoken of revitalizing the Assembly imply an underlying belief in the inefficiency of that body.

A modest recommendation was also made in regard to the Security Council. Paragraph 153 of the Outcome Document states: “We support early reform of the Security Council – an essential element of our overall effort to reform the United Nations – in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions. We commend ourselves to continuing our efforts to achieve a decision to this end and request the General Assembly to review progress on the reform set out above by the end of 2005”.

Debate on Security Council reform, with various ups and downs in intensity, continues. Although the current phase is widely regarded as a low period, it is nevertheless marked by great interest in participating in the meetings of the “Open-ended Working Group on the Question of Equitable Representation on and Increase of the Number of Members in the Security Council”.

As is well known, only one reform of the Council has come about through revision of the Charter (Articles 23 and 27). In 1963, it was agreed that the number of non-permanent members would be increased from six to ten. After ratification in 1965, the total number thus rose from 11 to 15. The non-permanent members are elected for two years, without immediate re-election, as follows: five from the regions of Africa and Asia/Pacific, one member from Eastern Europe, and two each from Latin America/Caribbean and “Western Europe and Others.”

With respect to the Economic and Social Council, paragraphs 155 and 156 declare: it is a principal body for coordination, policy review and policy dialogue; it shall (a) hold a biennial high-level Development Cooperation Forum, (b) ensure the follow-up of the outcomes of the major United Nations conferences and summits, (c) support and complement international efforts aimed at addressing humanitarian emergencies, including natural disasters, and (d) play a major role in the overall coordination of funds, programmes and agencies, ensuring coherence among them and avoiding duplication of mandates and activities.

Here again there were Charter revisions: in 1963, the number of members was increased from 18 to 27, and in 1971 from 27 to 54. These revisions of Article 61 of the Charter entered into force two years later, in 1965 and 1973 respectively. Considering the substantial increase in UN membership since 1971, a further increase might now be in order.

It should be noted, however, that there may be impetus for reform - or non-reform - from outside the UN system. It can be argued, for example, that the establishment and work of the G-20 and other fora, such as BRICS, have diminished the role of ECOSOC. In September 2013, however, there was a revived attempt (recalling a resolution of November 2006) to give ECOSOC a more meaningful role and to concretize its work [United Nations/General Assembly (2013) including appendix]. ECOSOC’s significant involvement in the Post-2015 Development Agenda can be seen as a touchstone of this effort.

Finally, the Outcome Document also dealt with the Charter of the United Nations and presented the following recommendations [United Nations/General Assembly (2005 b), paragraphs 176-178]:

Paragraph 176 relates to the Trusteeship Council: Chapter XIII of the Charter and states that references to the Council in Chapter XII should be deleted. Considerations to convert the moribund Trusteeship Council into an “Environmental Council” or into a “Human Rights Council” as a principal organ of the United Nations, as proposed by former Secretaries-General, were shelved. The Trusteeship Council, however, is by no means already dead. It met in August 2013 to change the presidency among the five permanent members of the Security Council: Alexis Lamek (France) was elected President and Peter Wilson (United Kingdom) Vice-President. UNNews observed: “The Council’s future is under consideration as part of the broader reform of the UN and the Security Council”.

Paragraph 177 states: References to “enemy States” in Articles 53, 77 and 107 of the Charter should be eliminated. Given the accession of the two German States in September 1973, over 40 years ago, this concept is considered obsolete, as only “peace-loving States”, as stated in Article 4 of the UN Charter, may be members of the Organization. However, in the last ten years, no serious efforts have been made to carry out the recommended deletions.

Paragraph 178 states: “We request the Security Council to consider the composition, mandate and working methods of the Military Staff Committee”. It refers to Article 47 of the Charter in the hope of a more appropriate initiative.

Finally, we must take note of an important functional reform in regard to the “Responsibility to Protect” (R2P). Paragraph 138 states: “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. The issue of operationalization was cited in paragraph 139: “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations ...”.

Before dealing with the three pillars of R2P mentioned by Ban Ki-moon, it should be noted that in no earlier official document – neither in the report of the International Commission on Intervention and State Sovereignty (ICISS) nor in subsequent UN documents – is the right to intervene in the internal affairs of a sovereign state mentioned. In this respect, the Outcome Document adopted by the General Assembly at the 2005 World Summit is much clearer in respect to employing international sanctions, provided that they are approved by the Security Council.

In his report, “Implementing the Responsibility to Protect,” the UN Secretary-General presented to the 63rd General Assembly a three-pillar strategy [United Nations/General Assembly (2009), paragraphs 13 to 66]. The first pillar deals with the protection responsibilities of the State, namely to protect its own citizens from atrocities. The second pillar, “International assistance and capacity-building,” refers to the responsibility of the international community to help governments that need assistance to stop or prevent such crimes. The third pillar “Timely and decisive response” calls on the international community to intervene directly through different mechanisms. They may be political/diplomatic, economic or legal measures and may even involve – in the extreme case, after a decision of the Security Council – coercive measures. As an example, we should note resolution 1973 (2011) of the Security Council in reference to the case of Libya.

Ban Ki-moon explained in his introductory summary: “The strategy stresses the value of prevention and, when it fails, of early and flexible response tailored to the specific circumstances of each case. There is no sequence to be followed from one pillar to another, nor is it assumed that one is more important than another. Like any other edifice, the structure of the responsibility

to protect relies on the equal size, strength and viability of each of its supporting pillars” [United Nations/General Assembly (2009), p. 2].

During the 63rd General Assembly 94 delegates took the floor and spoke on behalf of a total of 180 governments. Only four States - Cuba, Nicaragua, Sudan, and Venezuela - asked for renegotiation of the Outcome Document of 2005: [Negrón-Gonzales, Melinda/Contarino, Michael (2014), p. 262].

In summary, it may be said that the first and second pillars received general support. Only in the case of the third pillar, was there resistance and reservations. The literature speaks of “feedback”, defined as an attempt by governments to change a global norm. A distinction is made, however, between “hard” and “soft” feedback. Feedback in the hard category came from five Asian countries that do not question the responsibility to protect as such, but want to subordinate it to the principle of national sovereignty. Those countries are China, India, Iran, Pakistan, and Sri Lanka. Soft feedback was offered from Brazil (calling for “responsibility while protecting”), the Russian Federation, and South Africa. Among others, the P-3 (France, United Kingdom, and the United States), Germany and Japan favor the third pillar, without reservations [Negrón-Gonzales, Melinda/Contarino, Michael (2014), Table 1, p. 262].

Therefore, depending upon assessments of the operation of the Security Council, evaluations of the third pillar will vary greatly [see Hehir, Aidan (2012)].

### **Every 10 years: a new proposal for revision of the Charter?**

The demand for full review and revision of the Charter is not new; rather, it is as old as the Charter itself. In fact, proposals for revision were made at both the first and second sessions of the UN General Assembly.

In an article entitled “What is wrong with the United Nations?” [Rao, P.C./Lakshmanan, R. (1976)] one will find a list of revision proposals put forward in 1976/1977 for the Ad hoc Committee on the Charter of the United Nations for consideration by the General Assembly. Many of these remain highly relevant.

In the following, the works of three authors – **Harold Stassen, Maurice Bertrand and Joseph Schwartzberg** - will be outlined. They show some interesting similarities concerning the Charter revision.

On the occasion of the 40th anniversary of the United Nations in 1985, **Harold Stassen**, who had been a member of the American delegation to the San Francisco meeting at which the original Charter was designed and adopted, sent a new design to the representatives of the then 159 UN Member States with a request for comments. Two years later, “*The Stassen 1987 Draft Charter for a Better United Nations Organization*” appeared. The following recommendations, at the core of the new Charter text, are particularly worthy of notice:

The new Charter would maintain, with some modifications, the existing structure. But it would add to that structure six more principal organs. Three of these would be to resolve conflicts: (1) A



*World Panel of Mediators*, (2) *A World Board of Arbitration*, and (3) *A World Court of Equity*. The Panel would consist of three to 15 persons; the Board would consist of nine persons, appointed for life, who could decide on disputes if all parties agree; and the Court would have 11 judges, with the power to offer legal opinions on any dispute if a Member State so requests. The three additional organs proposed were: (1) *A Central Cabinet of Administrators*, (2) *An Inspection Corps*, and (3) *A Peace Force*.

While all Member States would continue to have one vote each in the General Assembly, a weighted voting procedure was proposed for the election of members of a Central Cabinet of 25 Administrators. This Cabinet would consist of representatives from the ten “*major states*” and fifteen other States or groups of States, elected for five years. Voting weights would range from a maximum of 1,000 votes for the major states to a minimum of one, and would be based on three factors: population, annual gross national product and annual per capita product, “*taken into equal account*” and reviewed every ten years. This Central Cabinet would meet at least twice a month at the UN Headquarters in New York with the UN Secretary-General acting as Chair. It would focus on two tasks: the governance of state-free spaces (the oceans and outer space), and the establishment, approval and management of the budget.

The *Inspection Corps* would be responsible “to fulfil the inspecting, monitoring and safeguarding assignments of the United Nations”.

The *UN Peace Force* would consist of no more than 250 000 volunteers serving for at least five years. With the exception of the “*special permanent members*” (discussed below) of the Security Council, the volunteers could come from all Member States; but no Member State could account for more than ten percent of the total force. The *UN Peace Force* would be trained for three tasks: 1. to serve as a buffer in tense situations posing a threat to peace; 2. to serve as a stabilization or security force in connection with the activities of a UN commission or organization; and 3. to reduce violence caused by terrorism.

Stassen also proposed changes in the principal organs of the UN already in existence. He recommended increasing the membership of the Security Council to 19, including ten permanent members, among whom the United States and the Soviet Union were to be designated as “*special permanent members*”. The nine non-permanent members would be elected by the General Assembly by the aforementioned system of weighted voting for two-year terms. Voting in the Security Council would follow the principle of “one state – one vote”. And decisions would require 12 votes, including those of the “*special permanent members*”, as well as three quarters of the permanent members.

Finally, Stassen proposed a new financing mechanism. He called for a one percent duty upon all international trade movements, with half of that amount coming from exporting countries and the other half from importing countries. “This United Nations duty shall be reported and paid monthly by all Member States” [Stassen, Harold (1987), Article 76, p. 24].

In the following years, Stassen continued his efforts. He proposed “The 1990 Draft Charter Suggested for a Better United Nation Organization to Emerge from the Original and Serve All Peoples in the Next Half Century” and, finally, a printed version, “United Nations: A Working

Paper on Restructuring” in which he compared his proposed charter with that of 1945. His new work promoted other innovations, such as, *inter alia*, a regular annual *Worldwide Conference of Religions* at the UN Headquarters, *Research Institute of People and Governance* and a *Universe Environmental Institute*. Furthermore, he lowered the recommended duty on international trade to 0.5 percent, making it a compulsory contribution to the regular budget of the United Nations.

Another personality, who tried for more than a decade to achieve comprehensive reform of the UN system, was **Maurice Bertrand**. In 1986 he published his study, “Some Reflections on Reform of the United Nations”. This work sharply criticized the shortcomings of the UN system, noting its extraordinary complexity, its extreme fragmentation, the mediocre quality of its output, and the inadequate qualifications of many of its staff.

Bertrand’s priority was the creation of an *Economic World Organization*, wherein the sectoral structure of the UN system would be replaced by a regional one. At the intergovernmental level, Bertrand suggested replacing the existing ECOSOC with an “*Economic Security Council*” consisting of 12 to 37 Member States to be elected according to the level of gross national product, population size and regional affiliation. Bertrand undertook further reform initiatives in the following decade, some of them in concert with the UNA-USA. In 1994/1995 he published some studies on the topic “Réformer ou refaire l’ONU et les institutions mondiales?” whereby he compared the present UN system as “le non-système actuel d’organisations mondiales” with his “system of global security” and put forward a design for a new charter. At the centre of his organization chart is a *Council for Global Security* consisting of 23 Member States. Among these were 12 States with populations of over 100 million inhabitants and/or a gross national product of about 2.5 percent of world’s total. Another 11 Member States were to be elected regionally taking into account the indicators mentioned above (“en se regroupant dans 11 collèges électoraux établis à l’échelon régional”). When decisions requiring a qualified majority were needed, a weighted voting system would be used.

A number of additional organs were proposed: a World Parliament, a General Assembly of Member States, a World Commission, a Council of National Minorities, a World Central Bank, a World Fund for Development and Investment, and an International Court of Justice. Also recommended were Special Committees, including a Military Committee for Preventive Security, a Parliamentary Committee for Preventive Security, a Committee on Economic and Financial Security and a Committee for Democratization. Furthermore, the new charter envisaged Sectoral Committees, including those for education, health, agriculture, human rights, population, nuclear energy, and world trade. Finally, Technical Committees were also envisaged.

The aforementioned World Commission would consist of 18 individuals, chosen for their competence and independence. Their election, for six-year terms, would require a two-thirds majority vote in the Council for Global Security. (This is analogous to the European Commission model.)

It is noteworthy that Bertrand’s recommendations do not relate to UN Specialized Agencies, given his proposal to establish Sectoral Committees instead.

On the occasion of the 50th anniversary of the United Nations numerous other proposals for reforming the United Nations system appeared. Following the end of the East-West confrontation, calls for a “new world order” became particularly salient. This was reflected in a number of reform proposals, both in the United Nations and in the academic community. Of special note were the famous agendas for peace (1992), development (1994) and democratization (1996) put forward by Boutros Boutros-Ghali; the Nordic UN Reform Project (1996); the reports of the Commission on Global Governance, with its proposal to establish a “Council for Economic Security” (1995); and the Independent Working Group on the Future of the United Nations (1995), calling for three peer councils whereby an Economic Council and a Social Council should form a “global alliance for sustainable development”; as well as the previously noted recommendations by Childers and Urquhart in their study “Renewing the United Nations”. The last of these is noteworthy in that it implied no changes of the UN Charter [an overview of the reform approaches put forward by these authors can be found in Hübner, Klaus /Martens, Jens (2000)].

Finally, the recent (2013) publication, “Transforming the United Nations System: Designs for a Workable World,” by **Joseph E Schwartzberg**, merits discussion. Schwartzberg observes: “Our present system of global governance – if one can call anarchy a system – shows little evidence that the principal actors on the global stage have come to grips with the magnitude of the existential threats to a sustainable civilization”.

The introductory chapter provides a comparison of two UN Member States, each of which has one vote in the General Assembly: China, with 1.35 billion inhabitants, and Nauru with 9,300. The ratio is 145.000:1. The 129 least populous UN Member States, with a combined share of the world’s population of eight percent, make up a two-thirds majority in the UN General Assembly. Therefore, he argues for fundamental reform of the voting procedures.

In concrete terms, Schwartzberg calls for a weighted voting system, taking into account three principles: (1) democratic/demographic: the population size; (2) economic effectiveness: the contribution to the regular UN budget or share of global gross national product; and (3) the legal/principle of sovereign equality. On this basis, we here provide some examples of weighted votes:

The United States:  $(4.558+24.728+0.5201)/3 = 9.936$

China:  $(19.783+8.616+0.521)/3 = 9.640$

Each of a number of Microstates:  $(n+n+0.521)/3 = 0.174$

Germany:  $(1.200+5.942+0.521)/3 = 2.554$

In proposing a *World Parliamentary Assembly* as a subsidiary organ of the UN General Assembly, according to Article 22 Charter, Schwartzberg applies another weighting method, taking into account maximum and minimum populations in analogy to the procedures used for the European Parliament. (See also the allocation of seats in the Federal Council of Germany, ranging from a maximum of six to a minimum of three, based on population.)

In the case of the Security Council, the author argues for abolishing the veto in favor of allocating seats to twelve major world regions. Three of these - China, India and the United States - would be comprised by individual States, and would have 12.24, 9.30 and 12.53 percent of the votes respectively. Sub-Saharan Africa (43 States) would have 7.16 percent, while Europe (41 States) would have 15.86 percent.

The ECOSOC should be converted to an Economic, Social and Environmental Council (ESEC) and the number of members increased from 54 to 60. Here, a quasi-regional system with partially weighted voting rights is recommended. First, the weighted voting formula used in the General Assembly would be applied to identify all Member States with more than one percent [see Schwartzberg, Joseph E. (2013), Table 2.3 on p.25]. There are presently 17 such States. (With the exceptions of Bangladesh, Nigeria, Pakistan and Spain, all of these also belong to the G-20.) The other 43 States should then be allocated via regional groups, similar to those of the Security Council.

Referring to the coherence report of the United Nations *Delivering as One*, Schwartzberg raises a number of questions relating to the UN system. These may be related to the Coherence Report, which states, *inter alia*: “Inefficient and ineffective governance and unpredictable funding have contributed to policy incoherence, duplication and operational ineffectiveness across the system. Cooperation between organizations has been hindered by competition for funding, mission creep and outdated business practices” [United Nations/General Assembly (2006), p. 10].

Although he did not go as far as Maurice Bertrand, who wanted to give up all the specialized agencies of the UN, Schwartzberg posed the following questions [Schwartzberg, Joseph E. (2013): p. 153f.): Why do we need three separate organizations in Rome – FAO, IFAD, and WFP – instead of one single body for food and agriculture? Why should UNESCO’s mandate not be extended to the tasks of the UNWTO and WIPO? Why not merge the ITU and UPU with the ICAO and IMO? Why not assign the work of the UNRWA to the UNHCR? Why should the UNFPA and UNEP not be given the status of specialized agencies? He suggests also that decision-making in the specialized agencies should be based on weighted voting schemes using relevant modifications of the formula for the General Assembly. Additionally, in his opinion, there is a need for reform of the funding system. He proposes that each Member State should pay some small, but uniform, percentage of its gross national income. Even if that percentage were to be set as low as 0.1%, that would yield (based on the data of 2009), revenues of 58.65 billion US dollars, more than double what the entire UN system spent in that year.

### **Closing Remarks**

Accusations of inefficiency and ineffectiveness should not here be repeated. It is all-too-easy to apply ex-post judgements of the criteria for this type of criticism. For instance, the question about what size of a decision-making agency may be considered as “efficient” cannot be answered a priori. In general terms, it can only be stated that the larger and more heterogeneous the membership of an organization is, the greater will be the risk of inefficiency.

Early in this essay, when it came to evaluating the recommendations of the 2005 World Summit deliberations on the Outcome Document, we saw a number of innovations, such as the creation

of the UN Peacebuilding Commission and the UN Human Rights Council and the concept of the “responsibility to protect”. However, a final evaluation is not yet possible. Additional institutions were since established that found no explicit mention in the Outcome Document. For example, we may note the 2013 High-level Political Forum that was a successor of the Commission on Sustainable Development and the creation in 2010 of “UN Women” through the merger of four independently operating parts of the UN system.

The Outcome Document also drew attention to a series of issues that either seemed obsolete for decades or are still so controversial that there is no hope on a Charter revision.

In the latter part of this essay, focusing on the works of three authors, one concern is particularly visible. A revision of the UN Charter without the introduction of systems of weighted voting promises absolutely no chance of success. In this context, it is relevant that weighted voting procedures already do exist in certain organizations of the UN system. Particularly noteworthy are the voting rules in the decision-making bodies of the Bretton Woods institutions, where the United States alone has enough weight to form a blocking minority, and where changes in the world economic system are inadequately reflected in the distribution of votes.

The ILO provides a very different model. It has a 56-member *Governing Board* composed of 28 government representatives, 14 representatives of management and 14 representatives of labour. Of the 28 government representatives, ten are appointed from countries deemed to be of “major economic importance” (Article 7, paragraph 2 of the ILO Constitution). Over time, the use of a number of economic criteria led to changes in the composition (at the bottom) of another ten “quasi-permanent” government representatives.

The crucial question is which indicators should be used for decision-making, within what framework of minima and maxima, and at what intervals? More effort should be invested in resolving these problems. Let us recall the debates on the distribution of votes in the German Federal Council, taking into account population figures, with ranges between three votes (for Bremen and Hamburg, with 0.7 and 1.7 million inhabitants) and six votes (for Baden-Wuerttemberg and Bavaria, with 10.6 and 12.5 million inhabitants). In the European Parliament comparable differences also exist. Therefore, it is not a question of whether weighted voting should be introduced, but rather upon which criteria a particular weighted voting system should be based.

Additional problems relate to the diversity of institutions within the UN system as well as to the share of members in their executive bodies. Here comparative analysis would certainly be useful, especially in the context of mergers. The question of future relationships between the core agencies of the United Nations and the Specialized Agencies in the event of greater centralization has been approached, directly or indirectly, by all three authors discussed in the second part of this essay.

Finally, more thought should be given to the issues of democratization, the institutional involvement of NGOs, and relations with national parliaments.

In that it will likely be difficult to bring about the major decision of drafting a new UN Charter, the task of scholars must be to continue to submit alternative designs for discussion by the political public. Events marking the landmark anniversaries of the United Nations continue to provide good opportunities for doing so.

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