



**New Zealand Centre
for Global Studies**

Te Pokapū Akoranga Aorere o Aotearoa



Time to Upgrade Our Global Institutions: A fresh vision from Aotearoa New Zealand

Detailed Proposals

In late 2019 the United Nations Association of New Zealand and the NZ Centre for Global Studies decided to undertake a study on upgrading the UN System. The result was a Discussion Paper, “Time to Upgrade Our Global Institutions: A fresh vision from Aotearoa New Zealand”.

The Discussion Paper was presented to UNANZ and NZCGS and subsequently to the New Zealand Government in December 2020. It can be found at <https://www.unanz.org.nz/learn/submissions-and-reports/>

Private Sector engagement

The United Nations has developed a constructive conceptual framework for enhanced cooperation with the private sector— the Global Compact. But there is no constitutional partnership arrangement between the global public sector, (namely the UN System, the IMF and World Bank Group or the WTO) and the global private sector, other than the connections in the International Labour Organisation.

We suggest

- *Strengthening the UN Global Compact so that both corporate business leadership and agricultural leadership are included.*
- *The Secretary-General, the WEF and the WBCSD should be invited to explore options for a possible Private Sector Council for Global Responsibility, as a second phase of renewal.*

2. Fix the Gene

This version of the Paper is a detailed summary of the specific suggestions for upgrading the UN system contained in our December 2020 Discussion Paper *“Time to Upgrade Our Global Institutions: A fresh vision from Aotearoa New Zealand”*.

The suggestions in this version do not follow exactly the order of the narrative in the Discussion Paper. The Discussion Paper canvassed both ideas that would be priorities for New Zealand and also ideas that would be priorities for others. But it was organised to highlight the suggested New Zealand priorities. This summary, reflecting wider interest in the project, is organised to focus first on ideas for improving the UN System structures and then on improving outcomes from the UN system.

Our suggestions in the Discussion Paper and detailed here do not represent our preferred or optimal long term hopes for the United Nations system. Our proposals focus instead on what we think could be achievable given the current global political situation. This includes a pragmatic approach to the process for adoption and implementation.

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Time to Upgrade Our Global Institutions: A fresh vision from Aotearoa New Zealand

Detailed Proposals

The following is a detailed summary of the specific suggestions for upgrading the UN system contained in the 12 December 2020 Discussion Paper *“Time to Upgrade Our Global Institutions: A fresh vision from Aotearoa New Zealand”*.

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The proposals in this summary do not follow exactly the order of the narrative in the Discussion Paper. The Discussion Paper canvassed both ideas that would be priorities for New Zealand and also ideas that would be priorities for others. But it was organised to highlight the suggested New Zealand priorities. This summary, reflecting wider interest in the project, is organised to focus first on ideas for improving the UN System structures and then on improving outcomes from the UN system.

The suggestions below do not represent our preferred or optimal long term hopes for the United Nations system. They focus instead on what we think could be achievable in the short term. This includes a pragmatic approach to the process for adoption and implementation. We are very conscious that while the Charter can be amended, Article 108 gives each P5 member a veto by withholding ratification. In the US it has been particularly difficult in

recent years to get Senate ratification of treaties because a two thirds majority is required. Therefore, even if the US Administration supported a Charter amendment to upgrade the system, it would be naïve to assume that ratification would follow. But the challenge facing any upgrade of the UN system is not just the position of the US, or indeed of the P5 as a whole. In many countries ratification could become hostage to unpredictable elements in the domestic political space. It seems inherently unwise, given the current global situation, to make upgrading the system contingent on the haphazard political risks of universal ratification processes that would inevitably extend over many years.

In these circumstance we suggest an upgrading of the UN system that it could be implemented without a Charter amendment. We stress that this does not require a minimalist approach to the substance. To the contrary there are more than 300 detailed proposals below for upgrading the UN system. An eventual deal could be either more or less ambitious.

A final introductory point comes from lessons learned from past reform failures and past successes in large multilateral negotiations. History shows that when ambition is low or where the negotiating agenda is constructed selectively so that issues of major concern to some states are not on the table, it is very hard to put together packages with enough “win/win” elements to get traction on the deal. Our suggestions therefore cover the UN system as a whole and suggest upgrades that respond to the many diverse areas of concern held by the membership of the international community as a whole – not just the major players.

The suggestions are organised into 12 sections:

Ideas to upgrade UN System Structures

1. Begin to address the democratic deficit
2. Fix the General Assembly
3. Renew the Security Council to reflect modern needs
4. Improve accountability and compliance with international law by states
5. Renew the operational system – the Secretariat and Agencies
6. Upgrade the personnel, budget and accountability frameworks

Ideas to upgrade UN System outcomes

7. Improve disparities between rich and poor
8. Protect the Planet from climate change and other environmental disasters
9. Protect the Oceans
10. Control armaments to protect against nuclear and other WMD catastrophes
11. Upgrade outcomes from the Human Rights machinery with an enhanced focus on indigenous values and issues and the status of women
12. Upgrade machinery for conflict prevention

1. Begin to address the Democratic deficit, including input by Indigenous Peoples

Despite the high-sounding opening words of the Charter ... “We the peoples...”, the machinery that was established and the practice that was put in place in 1945, were very state centric. Serious inputs by legislative branches of government, by civil society, by indigenous peoples and by the private sector were never part of the 1945 model. Over the years, the IPU as a world organization of parliaments’ was invited to participate as an

observer in some UN work.¹ Some elements of civil society have been granted “consultative status” to ECOSOC. There is a “Forum” for indigenous peoples. Some member state delegations include selected Parliamentarians, NGO employees and private sector representatives. But these mechanisms do not provide for any real or systematic democratic input from these key modern stakeholders.

Given the current global situation this is probably not the moment that would allow international organisations to fully address this democratic deficit. But we suggest some practical or compromise reforms that might modestly adjust the 1945 model and improve the democratic deficit.

Parliamentary Input

We suggest

- *Formalise a mechanism for input by Parliamentarians .*
- *Parliaments in the member states be invited to each send six members to a Parliamentary Assembly to be held in the General Assembly hall. The UN would provide conference services.*
- *The role would be advisory and recommendatory rather than participating in decision making.*
- *This Parliamentary Assembly might meet twice a year. It would meet early in the year for a week or two to enable Parliamentarians to express views on system performance the previous year. Secondly it would meet again for a week towards the end of the year to consider issues on the General Assembly agenda and if desired, to make recommendations.*

Civil Society Input

We suggest

- *The current ad hoc consultative status for civil society be transformed into a more structured role that would give a sense of normalcy to the engagement.*
- *This role should be an advisory one rather than participating in decision making.*
- *The General Assembly should establish this role by inviting a fixed number of civil society representatives from each member state each year to a Civil Society Caucus Forum at the UN.*
- *The Forum could be for a week in the period before the annual High-Level Leaders Session. The UN would provide conference services.*
- *The Representatives would be invited to consider the issues for discussion on the General Assembly agenda and offer advice.*
- *Initially individual member states would decide the process for selecting representatives from their state to take the places allocated.*
- *The Secretary General should be charged with developing a process whereby civil society itself could establish a mechanism, perhaps some sort of “Civil Society Council for Global Responsibility”, which might become the mechanism for determining participants in the Forum.*

Indigenous peoples input

¹ A/RES/57/32 (19 Nov. 2002)

The Permanent Forum on Indigenous issues is currently an Advisory Body to ECOSOC. It is part of the 1945 state centric and state controlled model. Effectively indigenous peoples can only participate as observers.

We suggest

- *An upgraded UN system should include a component that recognises the unique status of indigenous peoples and provides a capacity for them to stand tall on their own feet.*
- *The new model should involve a more independent mechanism for input by Indigenous peoples.*
- *The General Assembly should recognise a list of states with indigenous populations..*
- *Indigenous populations from those states should be able to send, say, up to 10 members from each to an Indigenous Peoples Assembly to be held each year in the General Assembly hall. The UN would provide conference services.*
- *Indigenous peoples in each such country should independently determine their own representatives. Such representatives would then be accredited through normal protocol mechanisms.*
- *The Indigenous Peoples Assembly might meet towards the end of the year to consider issues on the General Assembly agenda and if desired, to make recommendations.*
- *The Indigenous Peoples Assembly should be empowered to add additional countries to the list as it sees fit.*
- *Participation by indigenous peoples in the work of a transformed Human Rights Council should also be upgraded. Detailed suggestions to this effect are set **out below in section 11 on upgrading the Human Rights machinery.***

ral Assembly

The General Assembly is no longer the action oriented premier international body envisaged in Chapter IV of the Charter. Instead, it has become often just a process oriented talking shop.

The current Assembly calendar is based on outdated assumptions from the early days of the UN before the era of mass commercial air travel when it was assumed that delegates would travel to a short and focused session of 10-12 weeks at the end of each year. Provision was made for emergency sessions to deal with major issues arising during the remaining 9 months. But over time it became the norm for large delegations to be stationed at Permanent Missions in New York. Many delegations and many diplomats now had to find ways to fill a 12-month year. The Assembly evolved a culture of passing problems to an ever-proliferating number of subsidiary bodies. This culture incentivises process rather than substance and delegation of issues downward rather than resolving issues through high level negotiation., The net result is that the Assembly itself has become depowered. Now it mostly focuses on rubber stamping inconsequential resolutions.

High Level Segment

The existing culture around the Leaders High-Level Segment is almost entirely about networking and media opportunities. With the exception of rare Summit events, it is virtually unknown that Leaders would participate in any formal decision making on substantive multilateral policy matters. This has emerged because the General Assembly and its related machinery consistently fail to undertake the hard preparatory work that could present Leaders with decision ready material.

Few if any leaders would want to put their names to the sorts of irrelevant documents that take up so much time in the Assembly and its subsidiary bodies at present. It would be impossible to persuade public opinion and the media that such an exercise was worthwhile.

It would be seriously energizing for the UN system as a whole and could significantly increase its accountability and relevance if Leaders came to New York not just to give a podium speech and interact in “side meetings”, but also were able to show that they had played a formal substantive role in decisions on important issues,

The prospect that Leaders would be approving decisions is likely to exert positive downwards pressure on diplomats, officials and negotiators to deliver substantive results instead of the current seemingly endless low-level churn. The 2015 Paris Climate Conference showed that leaders do expect to engage personally at the final stage of negotiations to resolve crucial issues. The historical experience from San Francisco in 1945 reinforces this point. If the issues are critical leaders will want to decide them.

We suggest:

- *Establish a new Calendar of work under which the Assembly Session would start on 1 January each year. The Assembly would have a work programme covering the whole year.*
- *The year would culminate with the High-level Segment at which Leaders would review progress, adopt priorities for the following year, adopt decisions on substantive issues on which progress had been made during the year and adopt budgets for the following year.*
- *The Assembly should focus its years’ work on preparing a series of short, focused draft decisions (not elaborate resolutions that resemble Christmas trees) for a Leaders segment that would be held close to the end of each year. These preparatory materials would include*
 - *Draft outcomes on substantive policy matters responding to the policy priorities set by Leaders the previous year (Draft Treaties, Protocols, Declarations could be attached to the draft decisions.)*
 - *Draft decisions determining the policy priorities for the system for the following year*
 - *Draft decisions on the budget, priorities for the Secretariat and necessary administrative matters*
- *The Rules of Procedure should require that where critical issues remain in dispute within the Assembly preparatory negotiations, including a small number of bracketed options for resolution by Leaders should be the default approach.*

Become Action Oriented and work the whole year

As explained above, a UN culture developed of passing problems down to an ever-proliferating number of subsidiary bodies. The culture incentivised process and delegation downward rather than resolving major issues through high level negotiation.

Achieving real outcomes on substantive outcomes that give Leaders something positive to consider at the end of year High-Level Segment, will require ongoing serious high-level leadership during the year. If there is meaningful negotiation happening on major issues, relevant Ministers will often want to be there at key points to lead negotiations. Some governments will want to empower Special Envoys or other senior representatives.

We suggest:

- *The first key to making a change is for the system to have a clear vision about prioritizing important substantive negotiations on issues that are seen globally as very serious matters and a process for delivering that.*
- *The second key is that the system must work hard throughout the year to prepare deliverable outcomes on at least one such matter each year that will be credible for Leaders. Achieving that will mean giving up the current culture of lowest common denominator bland consensus documents.*
- *Shift the mode of output from elaborately drafted resolutions (which have become very much the norm for the General Assembly on substantive issues) to brief procedural decisions, brief substantive decisions or focused directions indicating priorities for next stages of work. Resolutions should be reserved for cases where major substantive outcomes have been negotiated.*
- *The Rules of Procedure should require that participation at all formal meetings must involve delegations always being represented by a Minister, a Special Envoy of the Government, the Permanent Representative or other person at Ambassadorial level. This is not to say that representatives will not, at times, decide to use more junior delegation members to engage informally to nut out details of an element of a negotiation. This too is best practice.*

Voting

General Assembly decision making is likely to be a concern for many important stakeholders. Some believe that current decision rules are unbalanced and result in bad policy outcomes. Some even suggest abandoning the principle of “one state one vote”. Others are concerned that the current practice incentivises proliferation and

waste. This has led occasionally to suggestions that all decisions should be taken by consensus. But actual practice in the General Assembly has shown that consensus is not a feasible alternative. It effectively offers vetoes on key issues as has been seen in the disarmament, management and financial areas. This is seen by many as unacceptable.

We suggest:

- *Finding a workable solution to this issue that addresses the differing concerns but without compromising the one state one vote principle.*
- *Reinforce the principle already in Article 18(2) of the Charter providing for qualified majorities, in certain important cases.*
- *Clarify Article 18(2) by elaborating the definition of an “important question” and the meaning of a two thirds majority.*
- *A qualified majority should be required for all major substantive decisions by the General Assembly as well as those involving approving budgets, contribution rates, personnel rules, the appointment of the Secretary – General, the establishment of any new subsidiary intergovernmental body and the approval of new agenda items.*
- *A qualified majority could be defined as requiring the support of two thirds of the UN member states present and voting and that majority must include a majority in all 12 of the constituencies **outlined in section 3 below for Security Council elections plus a majority of the 20 states outlined in section 3 below for enhanced participation in the Security Council i.e., what we have called the “T20 states”.***

Agenda – Size and prioritisation

The current General Assembly agenda contains a huge number of items. Their lack of relevance to what public opinion in most countries would see as worthy of the time, effort and expenditure is obvious. The absence of interest by the media in the General Assembly speaks volumes. Producing negotiated outcomes on hard issues is hard work. It takes time and sustained effort. It takes high level attention. It also requires tough prioritisation of effort. None of these can be brought to bear under the current format.

A renewed and action oriented UN system needs intergovernmental machinery which can act decisively and effectively on the critical political issues that require immediate and sustained negotiation. Pet projects, vanity initiatives and make work items should disappear. (Pursuing them can become a form of escapism and avoidance – a way of hiding from the really hard work that needs to be done.)

We suggest

- *A decision to specify a short and prioritised list of the critical issues as the initial set of standing agenda items for the General Assembly.*
- *A strong statement about the need for continued prioritisation of the agenda and devoting the limited and valuable negotiation time to the big issues. **Specific suggestions for removing all but the fundamental issues are set out several of the sections that follow***
- *The annual High-Level segment could review progress made by the Assembly during the year on each of these items and take decisions as appropriate on the major policy issues as well as indicate priorities for the coming year and adjust the list of items accordingly.*

Subsidiary and Related Intergovernmental Bodies

The current system has so many separate governing entities or intergovernmental forums that the model is seriously broken. Duplication, inefficiency, inflexibility and inconsistency all seriously inhibit the achievement of policy outcomes. The more than 200 sets of multiple tiered governance also incentivise poor oversight, poor budgeting and very unhelpful micromanagement.

The proliferation of governing boards, executive boards and other intergovernmental oversight bodies also makes it very difficult for many countries to participate effectively in governance and oversight. This is especially true for small countries and the many resource poor recipient countries which struggle to participate effectively in oversight of the many Agencies, Funds and Programmes all trying to deliver development assistance to them. Effective participation is important so as to be able to advocate effectively, to ensure understanding of each country’s specific needs, to monitor delivery and hold agencies accountable for their performance. Many countries lack the numbers of officials and travel funding to optimise intergovernmental oversight. Consolidation of oversight machinery as discussed below therefore offers an important gain in terms of monitoring and accountability.

The proposals below for transformation of the General Assembly offer an alternate, more focused, more integrated and efficient structure for intergovernmental machinery. If there were a significantly changed and reduced agenda as envisaged above, and a commitment to change the culture of General Assembly to one of high-level productive action, there would be no need to continue any of the current Standing, Main and Ad Hoc committees of the General Assembly. Similarly, all of the subsidiary and ad hoc intergovernmental bodies of the General Assembly and ECOSOC, and the various Conferences, Commissions, Committees, (including those under the auspices of various environmental, human rights and other treaties) could be terminated.

We appreciate that some existing subsidiary bodies have special interest constituencies, especially among some groups of states or civil society. Some of these bodies have been established in the past because they were clearly seen as responding to important needs and values. But many of those needs and values have changed or can be much more effectively addressed in the reformed General Assembly we have suggested or in the small number of high-powered subsidiary Councils we are suggesting.

We suggest

- *All of the current Standing, Main and Ad Hoc committees of the General Assembly and all of the subsidiary and ad hoc intergovernmental bodies of the General Assembly and ECOSOC, and the various Conferences, Commissions, Committees, (including those under the auspices of various environmental, human rights and other treaties) be terminated.*
- *These be replaced by*
 - o *a significantly transformed Economic and Social Council*
 - o *a significantly transformed Human Rights Council (HRC)*
 - o *An Arms Control and Disarmament Council; and*
 - o *a set of situation specific Conflict Prevention Configurations*
- *The Rules of Procedure should specify that the transformed ECOSOC and HRC and the new Arms Control and Disarmament Council are not deliberative in their own right. They should not seek to reach decisions, except on certain defined matters as suggested below. Their role should be essentially preparatory. Where matters of major disagreement are revealed, these should be identified so that they are clear for the General Assembly which is the deliberative body responsible for negotiating solutions or taking decisions. Traditional techniques such as square bracketing could be used for this purpose.*
- *The conflict prevention and peacekeeping configurations should have a more operational focus. They should work in an essentially consent based political environment. Good outcomes will most often be reliant on bringing the parties themselves to agreement rather than by imposing the views of the members of the configuration. Sometimes issues may arise between members that relate to practical, financial, procedural or logistical matters. In such cases the Rules of Procedure should provide that the Chair of the configuration shall report the matter to the General Assembly which shall, without delay, meet to negotiate a solution or decide the matter under its weighted voting provisions set out above.*

Policy workload and role of Councils and Configurations

Substantial policy negotiation inevitably entails a seriously heavy workload. And the policy workload must be accommodated alongside the intergovernmental oversight and budget setting functions of the General Assembly. There are currently numerous often overlapping intergovernmental forums within the system responsible for debate and negotiations on these matters. None of them are doing this very successfully. And most of the current ECOSOC agenda suffers from the same overload and irrelevance that afflicts the General Assembly

Above we suggested that the General Assembly be supported on policy issues by three high powered Councils. Our suggestions for the distribution of the policy workload are set out below.

We suggest:

- *Economic development and the SDGs and Environment and Climate Change – we propose putting the full responsibility for negotiations and progress on economic development and the SDGs and Environment and Climate Change on ECOSOC and the General Assembly in a structured and layered process. **More detail is set out in sections 7,8 and 9 below.***

- o *The ECOSOC agenda should be prioritised to focus on achieving the SDGs and the environmental challenges of protecting the planet and protection of the oceans.*
 - o *Under this model, ECOSOC could meet for two 12-week sessions (one on economic and social development and one on the environment) in the first half of the year.*
 - o *The General Assembly would allocate two 2-week segments (one segment on economic and social development and one on the environment) later in the year to resolve issues and prepare materials and draft decisions for the High-Level segment at the end of the year.*
- *Arms control disarmament non-proliferation and outer space issues.* *The repeated failures of the Conference on Disarmament or the Disarmament Commission and many of the other current intergovernmental disarmament, arms control bodies, are not by any means simply a structural failure. On the other hand, structures and process have contributed to these failures.*
 - o *We suggest that a new Council and a structured and layered negotiating process with a high level and focused negotiating format. **The detail is set out in the suggestions in section 10 below.** A new structure will not necessarily guarantee better outcomes. But it may help to improve the negotiating cultures that have been undermining constructive work and help to build the necessary political will to engage in constructive negotiation.*
 - o *The new Council could meet for one 12-week session in New York in the first half of the year. The General Assembly would allocate a 2-week segment to resolve issues and prepare materials and draft decisions for the High-Level segment at the end of the year.*
 - *Human rights.* *As suggested in our **detailed recommendations in section 11 below**, the Human Rights Council would be upgraded and would be allocated significantly extra time to undertake its new tasks.*
 - o *The Human Rights Council could meet in Geneva for two 12-week sessions in the first half of the year.*
 - o *The General Assembly would allocate a 2-week segment to resolve issues and prepare materials and draft decisions for the High-Level segment at the end of the year.*

We also propose the establishment of Conflict Prevention Configurations as subsidiary bodies of the General assembly mandated to respond to international peace and security challenges that do not meet the proposed new higher threshold for Security Council action. We set out below suggested Organisational details. Operational details are **outlined further in Sections 3 and 12.**

We suggest

- *As explained below in section 3 on the Security Council and section 12 on conflict prevention, an important part of an eventual deal relating to the Council could entail shifting some of the existing business undertaken in the Security Council out of the Council. We therefore **suggest in section 12** that the concept designed in 2005 for the Peacebuilding Commission be used as the model for the General Assembly to lead conflict prevention in cases which do not meet the high threshold for Security Council involvement. In particular it could operate in different “configurations” with different participants according to the needs of the situation in question.*
- *There is no added value in retaining the PBS as a subsidiary body. Consistently with the idea of improving the performance of the General Assembly by lifting the level of engagement on important issues, the PBC policy role should be undertaken by the General Assembly directly.*
- *The configurations would meet as needed including often in the field.*
- *The General Assembly calendar should include one segment for an agenda item to cover thematic and organisational matters relating to conflict prevention and peacekeeping.*

Oversight, Budget and Administration

UN service delivery by the operational arms of the system, like all publicly funded activity, needs good political oversight and accountability, and good decision making to set budgets. The challenge is to do this without reconstituting the dysfunction of the past which was caused by proliferation of mandates, unfunded projects and intrusive political micromanagement. That stifled good management, innovation, flexibility and effective delivery, and made prioritisation of operational outcomes close to impossible.

We suggest **in section 5 below** the consolidation of some secretariats. But it is also time for some significant improvements in the current dysfunctional model of multiple intergovernmental oversight and budgeting

bodies. budgets. The proliferation of intergovernmental oversight bodies has become a deep problem that undermines the performance of the system as a whole.

We suggest:

- *Amalgamating all of the dispersed intergovernmental oversight bodies into a coherent high-level process within the General Assembly.*
- *The new consolidated model for the intergovernmental oversight machinery, based on modern principles of good public sector governance, should*
 - *lift the level of decision making and adapting the procedure for decision making in order to reduce the temptation to proliferate and micromanage.*
 - *Decisions should only be taken during the annual High-Level General Assembly Session. This would help to limit the number and the range of decisions. It would incentivise prioritisation and relevance*
 - *Limit political intergovernmental decision making to high level outcomes and setting priorities thus significantly reducing the current corrosive micromanagement,*
 - *Grant real empowerment to officials,*
 - *Balance trust and empowerment with accountability, both between the intergovernmental level and the Secretariat and between the diplomatic negotiators themselves.*
 - *Link actual funding to the actual priorities established at the intergovernmental level*
 - *Problematic current tools such as the current Advisory Committee (ACABQ) would be eliminated. Delegations should bring their own management and budget expertise to bear in the decision-making process.*

Managing the workload on oversight, budgets and administration

We suggest:

- *A new format in which the General Assembly holds two twelve week working sessions to undertake oversight and budget development work covering all of the **13 Secretariat service delivery groups detailed in section 5 below**. This would take 24 weeks of the year*
- *The first segment of 12 weeks would be “Oversight and Review” and held in the first months of the calendar year. This would focus on accountability i.e. the previous year’s delivery and performance. The Assembly would at that time also consider all the Group reports and financial audits.*
- *The second cluster of 12 weeks would be on “Priorities and Budget”. These would be held in the middle of the year and through northern late summer/early autumn. This would provide opportunities to consider Secretariat proposals for priorities and budget for each of the Secretariat Groups for the coming year. The sessions would produce draft recommendations regarding the priorities and budget.*
- *A final segment in late autumn (perhaps 2 weeks) would allow the General Assembly to bring together and reconcile policy and budget recommendations for all the groups in a consolidated document. These could then be considered and approved at the High-Level Session towards the end of the year. Oversight, budget and administration would therefore take 22 weeks of the year.*

New Policy issues arising and Emergency issues

As indicated above, the time will come when there will be new major issues that need to be on the agenda.

We suggest:

- *In the future Leaders should determine during the High-Level Segment whether additional major policy issues need to be added to the agenda for consideration the following year.*
- *In the same way it is likely that there will be new issues of an emergency nature that might arise during the course of the year. In such an eventuality, the General Assembly may decide to add an emergency agenda item.*
- *As a discipline on the process, and to ensure very wide support for the addition of new items, that in both cases the decision should be by the new qualified majority recommended above.*

3. Renewed Security Council that better reflects the world of today and modern needs

Focus on what is achievable not what is optimal

As indicated above, it seems inherently unwise to make upgrading the system contingent on the haphazard political risks of universal ratification processes. Upgrading the Security Council should therefore also proceed on the basis that it could be implemented without a Charter amendment. This involves a technically more complex approach, and one which many may see as transitional, but it is one which seems significantly more achievable in the current global political context.

All of the proposals canvassed below could be agreed and implemented by a Summit Leaders meeting, if there were sufficient political will as part of an overall package of UN system upgrades.

We suggest

- *Put aside for now the option of Charter amendments to expand the current Security Council in favour of more achievable options that can increase effective participation in Council negotiation and improve decision making through alternative means.*
- *If we are wrong, and credible levels of political will do emerge that would make formal legal Charter amendments possible, the detailed suggestions below would also be useful solutions to some of the issues that would have to be resolved in that context*

A Practical Alternative to Charter Amendments

All of the proposals following in the sections below have been designed so they could be included in a Declaration to be adopted at a Summit Leaders meeting and implemented via that Declaration. As indicated above this approach requires more complex and technical provisions than the alternative approach of amending the Charter. But these are manageable in the context of a wider package of UN system upgrades.

We suggest (with details set out in the following paragraphs):

- *New understandings regarding the breadth and depth of the Security Council mandate.*
- *Balance an expanded scope of Council decision making with new higher thresholds for inclusion of cases on the Council agenda.*
- *Agree new practical measures for wider participation in Council negotiation by an expanded number of states which might be called "Participating States". These states would be in addition to the fifteen "members" provided for in Article 23 of the Charter.*
- *Composition of the expanded group of Participant States should be designed so as to bring to the table key major global stakeholders as well as a much broader representation of regions and sub regions.*
- *Processes would also be established for selection/election of the additional "Participating States"*
- *New practical measures on decision making to accommodate the role of the new "Participating States". These would be not inconsistent with Article 27 including the rule in Article 27 regarding the "concurring votes of the permanent members". But some new interpretation and application of aspects of Article 27 is suggested below.*

Role and status of the additional Participating States

In the absence of a Charter amendment the additional Participating States could not be called "members". This term is reserved for the states identified or elected under article 23. Nor would they be entitled to vote in the sense envisaged in Article 27. However it is open to Leaders to agree not only to establish such a new category but also that new Rules of Procedure should provide for these additional participating states to operate in the Security Council in all other respects as if they were a "member". Specific suggestions are included below regarding the practical operation of decision making under the new model.

We suggest

- *The term "Participating States" apply collectively to all states participating in the Council including the P5 and the E 10, as well as the additional participating states suggested under the new model*
- *The additional Participating States would not be called "members". This term would continue to be used for the states identified in or elected under article 23.*
- *The additional Participating States would not be able to "vote" in the sense envisaged in Article 27*
- *New Rules of Procedure should provide for these additional participating states to operate in the Security Council in all other respects as if they were a "member".*

Council Mandate

A wider definition of the Security Council mandate is possible without amendment to the Charter. Article 24 confers on the Council “primary responsibility for the maintenance of international peace and security”. Initially this was seen as a responsibility only for protecting against aggression. However, the understanding and application of Article 24 has already evolved, allowing the Council to play a leading role in managing many civil war situations and even moving tentatively into the areas of health emergencies and climate change. But in practice items on the Council agenda have related almost exclusively to ‘threats to peace’. This reflects past history and also that there is a relatively clear understanding of what is meant by ‘international peace’.

The words ‘peace’ and ‘security’ are often used as if they were synonymous. But they are not by any means the same thing. Upgrading the UN system is an opportunity for a twenty-first century interpretation of Article 24. This could focus not just on the word “peace”, but also on the word “security”. The word security is much more open textured and much wider in scope than just matters relating to peace – or the absence of conflict. A clarified interpretation of security for the purposes of Chapters V, VI, VII and VIII of the Charter could therefore focus on a wider but carefully limited responsibility – security in the face of serious global emergencies of all kinds as well as major global risks which are threats to security.

We suggest:

- *A clarified interpretation of the word security recognising that the words peace and security in Article 24 of the Charter are not synonymous and that the word “security” is much wider and more open textured than “peace”.*
- *Agreement on the possibility of a wider field of Security Council action in matters of “security”. This could be specified to include examples of serious global security emergencies and risks, such as those arising from environmental disasters, financial collapses, pandemics, the emergence of new major terrorist movements, a nuclear, chemical or biological emergency event, collapse of governance in a region, a massive famine or a humanitarian or refugee emergency of massive proportions.*
- *Reiterate that the Council can adopt binding measures under Chapter VII and that such measures are binding on all states, all international and regional organisations, all parties to conflicts or disputes whether or not the party is a state.*
- *Specify that when the Council adopts binding measures under Chapter VII*
 - o *the measures intended to be binding should be clearly indicated as such*
 - o *when so indicated in the measure, all states would be under an obligation to transform the measures into binding obligations in domestic law.*

Thresholds - Limiting the mandate to truly global concerns

It is important to keep in mind that some governments already have concerns about Security Council overreach and mandate creep.² Even in the current areas of maintaining international peace some fear inappropriate Council intervention. Negotiation about the future interpretation and application of the Council mandate therefore needs to address not only the width of the mandate but also its depth. It needs on the one hand to confer sufficient authority for real emergencies, but also it needs also to be quite limited – focused on a high threshold for major global threats or major emergencies.

It would be important therefore in the process of clarifying the meaning of security, to set some clearer thresholds than exist at present for the work of the Security Council. It should also be underlined that any wider meaning would be utilized only in very serious emergencies.

We suggest:

- *Set some clearer thresholds for all of the work of the Security Council*
- *Be clear that any wider meaning would be utilized only in serious emergencies*
- *Agree that certain matters previously handled by the Council as threats to international peace and security could be handled by the General Assembly, recognising that the consent-based focus of the General Assembly would help establish political comfort levels that the wider interpretation of the mandate would not result in creeping expansion of global government. (See also the related detail*

² “UNSC in an Age of Great Power Rivalry” UNU 2015 - <https://collections.unu.edu/eserv/UNU:6112/UNSCAgeofPowerRivalry.pdf> see pages 8 and 12

and suggestions on how this could work in practice is provided in section 2 above relating to the General Assembly and in section 12 on conflict prevention below)

Size of the Council

There are strong concerns by many states about poor representation on the Council for many regions and sub regions under the 1945 model. This results in widespread support for expanding the Council. For some this is a simple political imperative based on the increased size of the international community. Others support expansion due to existence of complex regional and often global political social and economic factors in play in situations that require collective action by the Council. This fact means that having only 15 (or even 30 states) participating in negotiation and resolution of such issues is problematic in negotiating solutions that will be sustainable and be seen as legitimate.

Some might argue that our suggestion of 47 “Participating States” is too large to be efficient. But it needs to be remembered that 50 states were present at San Francisco in 1945 negotiating at high level for 10 weeks or more. 50 can be efficient. And it is not efficient when the number of participants excludes major stakeholders who need to be at the table to reach sustainable solutions. Nor is it efficient when the number is small and produces grievance, as at present, that leads to non-compliance. It is important that the efficiency argument is not allowed to be used as a proxy for bureaucratic convenience or for maintaining past political dominance.

Below are proposals for practical changes to the architecture which will result in participation by a wider and more balanced group of stakeholders.

We suggest

- *A new model for participation in the Council involving 47 states, including the 5 Permanent members and the ten elected members.*

Composition

As suggested above we are convinced that there is a strong case for finding ways to ensure participation, as far as possible, by all the major states, including the states representing the majority of the global population and economic activity. For reasons of practicality and equity, and because relative economic and political power changes over time, this new participation model should require that such additional participants not be permanent but be recalculated on a regular cycle – say every 4 years. Also, in order to achieve balance, legitimacy and political acceptability the new model would also need to accommodate participation by a much expanded number of medium and smaller states.

We suggest:

- *Practical changes to the architecture for participation which would involve a wider and more balanced group of stakeholders.*
- *Pragmatically there is a case for including in Council discussions and decisions, as far as possible, most of the states with major economic or coercive power including the states representing the majority of the global population and economic activity. That suggests a Council that would need to include perhaps the top 20 countries in the world.*
- *Regional balance, legitimacy and political acceptability also require that the Council include a significantly increased number of medium and small states, elected by the General Assembly.*
- *Participation in the Council should therefore involve two categories:*
 - *The first category would be the five Permanent Members plus the 15 other largest states in the world (calculated using a basket of indexes including population, economies and other key relevant indicators.³) We suggest this group be called “T20”.*
 - *Apart from the five current permanent members no state in this T20 category would have permanent membership as such. The Secretary General would be charged with recalculating “T20” entitlement for the additional 15 participants every 4 years and forwarding this calculation to the General Assembly. The calculation would become final after 25 days unless the General Assembly by a qualified majority decided otherwise. The additional 15 T20 states would serve for the next 4 years.*

³ Basket could include top 20 in: population, GDP, GNI, Human Development Index ranking, GNI per capita, level of ODA contributions, level of contributions of troops to UN peacekeeping, ranking in Transparency International lowest corruption index, ranking in appropriate indexes of environmental and human rights performance

- o *The second category would be 27 elected states representing 12 regional constituencies outlined below. They would comprise the 10 non-permanent members referred to in Article 23 (elected every two years) and an additional 17 participants elected by the General Assembly every four years. The composition of the constituencies should be balanced as fairly as possible with approximately 6-7 states per seat.*

Term

The tenure of the five permanent members cannot be changed without Charter amendment and it is hard to imagine circumstances that might make this politically possible in the foreseeable future. The terms of the ten current elected members are prescribed in Article 23(2) as being for two years with no right of immediate reelection.

We believe that the current limitation of elected members to 2 years is one of the key reasons for underperformance by the Council. 4-year terms for the additional participating states would substantially improve the quality of the upgrading exercise. But the situation is technically complex having to accommodate two different categories of elected states. One option might be for all non-permanent member states to simply refrain from seeking election under the current 2-year term and instead opt for a 4-year term under the new model. However, Article 27 clearly specifies that valid decisions require support by nine “members”. This probably means that the election process for two-year terms by ten elected members must continue.

We suggest

- *As far as tenure is concerned, the “Participating States” would comprise four distinct sets:*
 - o *The 5 “members” identified in Article 23 whose tenure is “permanent”,*
 - o *The 10 “members” elected under Article 23 to serve a non-renewable term of two years,*
 - o *The 15 “T20” Participating States selected to serve a 4-year term, as suggested above,*
 - o *The 17 elected “Participating States” elected to serve a 4-year term, as suggested above,*

Elections

In 1963 the Charter was amended to expand the Council and it also established a rotating model of elections for members (ie one third of the members) each year. No doubt this stemmed from a desire to promote some measure of continuity. The changes we have suggested will produce a significant level of continuity from the establishment of four-year terms for the additional members and from the creation of the “T20” category. The rationale for yearly rotation of 5 members therefore becomes much less relevant. An option, which will help to simplify the election schedule, is to remove the current rotation process so that there is an election for the 10 Article 23 elected “members” every two years. The Charter does not require that the rotation model continues indefinitely. It simply requires that an election for a one-year term take place “in the first election...” ie the first election after the 1963 amendments.

We suggest that the model for future elections should be:

- Year 1
 - o *election of 17 new “participating states” for 4-year terms*
 - o *election of 5 member states for a term of one year to replace the retiring members*
 - o *15 “T20 participating states” should be selected as suggested above*
- Year 2 *election of 10 member states for a term of two years*
- Year 3 *no election*
- Year 4
 - o *election for 10 member states for a term of two years to replace the 10 retiring members,*
 - o *election of 17 “Participating States” for a term of four years to replace the 17 retiring states*
 - o *selection of 15 “T20” members in accordance with the specified process and criteria*

Constituencies

To improve the equity of representation on the Council and to produce constituency compositions that will recognise political realities and allow alternative pathways for representation, it is vital to provide a sufficient number and sufficiently balanced set of electoral groups. These can involve a number of groupings that are currently seen as sub regions.

The experience of failed past Council expansion initiatives indicates that, because of the existence of regional rivalries, various states, whose larger regional rivals may secure Council membership because of their size, will

be incentivised to torpedo the whole reform process, unless they can see an alternate pathway to regular membership for themselves as well.

A carefully devised regional and sub regional representation model, involving constituencies such as that we have suggested provides a pragmatic solution to this problem. Moreover, these constituencies would also achieve a much fairer balance than exists at present in terms of opportunity to serve on key institutions. The twelve suggested constituencies set out below are a possible solution to these issues while also balancing the overall size of the Council at a reasonable number.

We suggest

- *12 constituencies be established for elections to the Council.*
- *The number of members in a regional constituency that would be eligible for election (i.e. excluding “Top 20 members”) would be proportionately as similar as possible*
- *A distribution of approximately 6-7 states per seat.*
- *Regionally appropriate “T20” members might normally participate in the constituency for non-electoral purposes as discussed below. However, because T20 members are not eligible to be elected members, they are therefore excluded from the calculations to produce the numbers of seats below. Also, it is possible that some T20 members (such as the USA at present) would prefer not to be members of a group*

Composition of Constituencies

The composition of the constituencies suggested below is merely an illustrative example. Membership of the constituencies and the numbers of seats allocated will be hotly negotiated issues. Other key elements of these negotiations would be the allocation amongst the constituencies of the 10 two-year seats and the possible need for rules that would limit or phase reelection. (This may offer a possible way of further evening out the balance and relative distribution between constituencies.)

Note – for illustrative purposes only, in the example set out below the T20 are assumed to be the same as the current G20 (but minus the EU and plus Spain). The actual T20 composition at any point in time would depend on the agreed criteria and actual calculations at the relevant time.

We suggest the following:

North Africa (12) 2 seats

*Egypt, Libya, Tunisia, Algeria, Morocco,
Mauritania, Mali, Burkina Faso, Niger, Chad,
Central African Republic, Sudan,*

East Africa (14) 2 seats

*Eritrea, Ethiopia, Djibouti, Burundi, Rwanda, Tanzania,
Kenya, Uganda, South Sudan, Somalia, Madagascar,
Comoros, Mauritius, Seychelles*

West Africa (15) 2 seats

*Senegal, Guinea Bissau, Gambia, Guinea, Sierra Leone,
Ghana, Cape Verde, Liberia, Cote d'Ivoire,
Togo, Benin, Sao Tome and Principe, Nigeria, Cameroon, Equatorial Guinea,*

Southern Africa (12) 2 seats

*Angola, Namibia, Botswana, Lesotho, Swaziland
Mozambique, Zimbabwe, Zambia, Malawi,
Congo, DRC, Gabon,
Additional member for non-electoral purposes: South Africa*

Middle East (11) 2 seats

*Lebanon, Syria, Jordan, Iraq, Kuwait
Qatar, UAE, Oman, Yemen, Iran, Afghanistan,
Additional member for non-electoral purposes: Saudi Arabia*

South and Central Asia (11) 2 seats

Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Pakistan

Nepal, Bhutan, Bangladesh, Maldives, Sri Lanka, Mongolia
Additional members for non-electoral purposes: India, China

East Asia (11) 2 seats

Myanmar, Thailand, Laos, Cambodia, Malaysia, Singapore, Brunei, Timor Leste, Philippines, Vietnam, DPRK
Additional members for non-electoral purposes: Indonesia, Japan, ROK

Western Europe (19) 3 seats

Ireland, Portugal, Switzerland, Liechtenstein, Luxembourg, Belgium, Netherlands, Denmark, Norway, Sweden, Iceland, Finland, Austria, Andorra, San Marino, Malta, Greece, Cyprus, Israel
Additional members for non-electoral purposes: France, Germany, Italy, Spain, Turkey, UK

Eastern Europe (22) 3 seats

Estonia, Latvia, Lithuania, Belarus, Ukraine, Moldova, Czechia, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bosnia, Montenegro, Nth Macedonia, Albania, Bulgaria, Romania, Poland, Georgia, Armenia, Azerbaijan
Additional member for non-electoral purposes: Russia

Americas and Caribbean (14) 2 seats

Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago
Additional members for non-electoral purposes: Canada, USA

Latin America (16) 3 seats

Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela
Additional members for non-electoral purposes: Argentina, Brazil, Mexico

Pacific (14) 2 seats

Fiji, Kiribati, Marshall Is, Micronesia, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu
Additional member for non-electoral purposes: Australia

Value of Logical Constituencies in the wider UN system

Constituencies are likely to also evolve to have useful non electoral importance. They are likely to function as like-minded groups for caucusing on substantive General Assembly matters. They will also be important for some General Assembly decision-making purposes, as suggested in in several of our suggestions above. Constituencies could include regionally relevant T20 members for these non-electoral purposes.

We suggest

- *Constituencies could include regionally relevant T20 members for these non-electoral purposes.*

Constituencies also offer possible interim solutions to the role for involvement of Economic Integration Organisations and nations that are not yet full UN members

Various entities such as the EU (sometimes called Economic Integration Organisations) or the AU play an important political and economic role globally that has important implications for the UN system. In the absence of a Charter amendment, it is difficult to address the concerns expressed by their members that these Organisations should be formally recognised.

There are also several nations that have exercised their right to self-determination under Resolution 1514 (XV) but have chosen an international legal personality that the Charter does not recognise as meeting the criteria for UN membership. These include Pacific Forum members like the Cook Islands and Niue, CARICOM members

such as Montserrat. There is also the case of Palestine. Some of these are full members of various Specialised Agencies. Some are entitled to participate in their own right as full legal parties to a number of large multilateral treaties. But in the absence of a Charter amendment, it is difficult to address their concerns about a more complete role in the UN system.

The existence of constituency groups could help to respond to these concerns.

We suggest

- *Constituency groups should be empowered to decide to include (for non-electoral purposes) in their Constituency Group, entities in their regions not currently able to be members of the United Nations but widely recognised as exercising many of the characteristics of states*

Decision making - the veto

Reaching agreement on the rules governing voting for an expanded Security Council will be extremely difficult. Continuing without any adjustment, or worse expanding, the existing dominant position of a small group of states by virtue of the veto, will be politically unacceptable to much of the UN membership. On the other hand we believe that to have any chance of success in modernising the existing Security Council in the short to medium term, some accommodation with the P5 on voting will be needed.

France has already floated a willingness to look at limiting the veto. However, it is hard to imagine that, as long as the Security Council exists in its current form, Russia, China or the USA would ever relinquish the right to unilaterally block a Council decision relating to “international peace”, and especially where there was a direct military threat to one of them.

A compromise will probably therefore have to be built on acceptance by all other states that for now the P5, the veto would continue. But the compromise should also require some practical adjustment of the veto.

There will also be very challenging issues to be resolved about what actually constitutes a “vote” in the context of the expanded membership, particularly if Council renewal is progressed in the absence of a Charter amendment. This is discussed below in the context of new Rules of Procedure.

We suggest:

- *A compromise be negotiated relating to the use of the veto recognising the political reality that the veto will remain in some form*
- *The flip side of the compromise would also be an agreed commitment to self-restraint in the use of the veto in practice i.e. that permanent members would refrain from use of their veto in defined circumstances*
- *Practical self-restraint would need to go further than the class of humanitarian emergency cases already suggested by France,*
- *There could also be a commitment that self-restraint would be exercised in all cases except where there was a direct threat to the P5 member itself.*
- *In addition there could also be a clear reassertion of the rule already in Article 27(3), but very rarely observed in practice, that for decisions under Chapter VI, a P5 member must abstain from voting where it is a party to a dispute.*
- *There should also be clarification of what being a “party to a dispute” under Chapter VI means in the modern era. It should probably mean any matter or situation where the decision includes any element on which there was a dispute ie a strong difference of position publicly stated in the Council between the P5 member in question and any other Participating State.*
- *Clearer Rules of Procedure relating to the role of the Council President should also be agreed as part of the compromise. Specifically*
 - *The Rules should require that in the event of such a dispute existing the President shall if necessary rule that any negative vote by a permanent member party to the dispute does not constitute a veto.*
 - *The current Rule 20 should be clarified so that if the state which the President represents is a party to such a “dispute” the President must decide not to preside in that case and that the provisions in Rule 20 for devolution of the Chair shall apply in the event of such a “dispute”.*

Decision making - Involvement of new Participating States

As indicated above, the new mode of participation could not equate with formal voting. To change formal decision-making rules relating to voting would require amending the Charter.

In practice, however, much of the key decision making by the Council, and all of the negotiation between its members, takes place informally. It is possible therefore to contemplate changes to participation, consistently with the Charter, which would elevate the role of the new category of defined participants to equal players from the outset in informal discussions, in all the actual negotiations and a role in decision making.

Articles 31 and 44 of the Charter already provide for wider participation than the 15 Member states. Article 31 gives a right to states specially affected to participate “without the right to vote”. But in practice this participation has been reduced to that of observers, excluded from informal discussions and negotiations and who only have the right to speak after decisions have effectively been made. Interestingly, the wording of Rule 37 of the Provisional Rules of Procedure of the Council is somewhat narrower than the wording of Article 31. This suggests that there is scope for more innovative use in practice than has been the case under historically by the Council.

Article 44 provides a further indication of scope for innovation in practice. It provides that under Chapter VII, certain troop contributors may be invited to participate “in decisions”. Interestingly it does not use the phrase “without the right to vote”. What this may mean has not yet been explored in the practice of the Council.

All the new additional participants would want to feel that the system incentivises as far as possible full and equal participation by all. As outlined above, Article 44 of the Charter hints at an approach which, while not conferring a formal vote, nevertheless envisages more meaningful inclusion in decision making. As indicated above, the absence of precision in the Charter on this point seems to suggest that the drafters were open to some flexible evolution of the way in which additional participants could participate in decision making. While Article 44 is specifically focused on troop contributors under certain kinds of Chapter VII operations, the possibility of wider evolution in participation in decision making under Article 31 is also more open than is commonly thought. But clearly, evolution could not go so far as conferring a formal vote.

Another factor in the context of decision making is the desirability of the widest possible buy-in. A decision by a bare majority, or a decision where one or several large powers were strongly opposed, would likely ensure that the issue was never resolved in a sustainable manner. This factor encourages decision making that produces the widest possible consensus.

But experience and political realism confirm that the system will also fail if it gives every participant a veto. In the face of a serious security threat, timely and effective action is critical. An absolute consensus rule is therefore far too risky because the practical reality is that in the international community there will almost always be at least one outlier state. So, along with incentivising the widest possible buy-in, the system must also be able to break deadlocks. A default voting mechanism is therefore required.

The decision-making model suggested below attempts to balance all these competing political considerations. It is designed to operate without any formal change to the current model by Charter amendment.

We suggest the Rules of Procedure should provide for an innovative decision making procedure:

- *All 32 of the new participating states may without further invitation or decision participate fully in all discussions, meetings and negotiations, formal or informal and whatever the format.*
- *Decision making on all matters, other than matters of procedure, shall normally be expected to be taken by consensus of all participating states.*
- *In the event that consensus is not possible, a vote shall be taken. Two possible options for voting could be*
 - *A more simple option would provide that the expressions of position by the 32 Participating States while not votes within the meaning of Article 27, shall be recorded in the same way as votes of the members. A decision shall not be adopted unless it includes the affirmative votes by nine members of the Security Council and the permanent members (subject to the above understandings about veto self-restraint and compulsory abstention).*
 - *Alternatively, new language could be used to describe the formal decision-making process. This could involve using a new term such as “indication of agreement”. The ROP could say that “indications of agreement” have the same intent as a vote under article 27 and that*

henceforth the Security Council will no longer undertake voting as envisaged under Article 27. The ROP would specify that, accordingly, the Council President would be obliged to rule any request for an article 27 vote as out of order. Instead, on such matters the Council will only take "indications of agreement" in which all of the "participating states" may fully engage. A decision shall not be adopted unless it includes affirmative indications of agreement by nine members of the Security Council and the permanent members (subject to the above understandings about veto self-restraint and compulsory abstention).

Other matters for Rules of Procedure:

As seen above, new Rules of procedure (ROP) rather than the current "Provisional" ones would be required. Moreover, in the absence of a formal Charter amendment a more complicated approach to the Rules of Procedure of the Security Council is probably needed. With that in mind the content of the key elements of the ROP should be negotiated as part of the deal, not left to a subsequent negotiation among lawyers as happened in 1945.

We suggest

- *The content of the key elements of the new ROP should be negotiated as part of the deal to be agreed by Leaders.*
- *The ROP should specify how the new "participating states" would be identified or elected. This would need to include the process for selecting both the T20 and for electing the additional elected participants.*

Level and mode of operation

We believe that given the weighty responsibilities and expectations for a renewed Council, most governments would want to ensure that the Council operates at a very high level. It should be set up with that in mind.

We suggest

- *The Permanent Representatives of all participating states should be appointed at much higher levels so that they are either the equivalent of Ministers (as has sometimes been the case in some states practice) or High-Level Envoys. This should be specified in the ROP.*
- *The ROP should also provide that the Council could convene in different, or even multiple parallel formats, depending on the threat under discussion*

Working Methods, including participation by states not members of the Council

The working methods of the current Security Council are much criticised and are sometimes hotly contested within the Council. There is wide agreement amongst UN members (with the exception of Council Permanent Members) that the working methods of the Council are one of the root causes of current performance issues.

in section 12 below, which deals with new systems for conflict prevention, we have proposed some important new working methods for the Council. However, when considering an upgraded and renewed Security Council it makes little sense to focus on all of the problems in the working methods under the 1945 model.

Substantially expanding the size of the participation in the Council, as proposed, and bringing to the table countries representing a larger number of sub regional constituencies, will greatly change the political dynamics and the culture. This will inevitably drive new working methods. It will certainly offer opportunities for innovation. Most countries are accustomed to making larger groups work, both regionally and in the UN.

Moreover, expanding terms for the new participating states to 4 years will also have a significant positive effect. It will give states sufficient time to become fully engaged and practiced at making an effective contribution, which is a challenge for many in the current model of two year terms. The changes suggested for decision making will open up a more positive space for creative working methods.

Bringing to the table the top 20 countries of the world, many with inevitably long term tenure, will greatly increase the political and economic gravitas of the Council and greatly expand the capacity of the Council collectively to bring to bear points of political and other influence. It will also bring to the table many experienced diplomats and much financial and other resources that can make a real difference .

These upgrades to the 1945 model will drive substantial change in Council working methods. However, there are two particular areas which deserve attention in the context of upgrading the system.

First, a major factor in the increasingly challenging Council performance has been a stilted and archaic approach to receiving actionable information about global developments. Attempts have been made to secure better informal briefings from the Secretary General, but this is still a problem area.

Secondly, there is a further issue of participation that needs to be addressed. That is the ad hoc participation by states not members of the Council that are a party to a dispute or conflict before the Council or are substantially affected by a matter being discussed in the Council. Such states are entitled to ad hoc participation. But, under the 1945 model, the Security Council has applied this form of participation extremely narrowly. States concerned often feel a strong sense of grievance that they have not been afforded due process and instead been given only a ritualistic opportunity to speak in a formal meeting once the decision has already been finalised by Council members in private. This practice has undoubtedly contributed to some of the non-compliance that occurs.

We suggest

- *Specific recognition in the upgrade decision of the importance of working methods reforms that would deliver stronger, effective and flexible informal procedures for ensuring Council situational awareness.*
- *New ROP provide for much larger ad hoc participation by states that are that are a party to a dispute or conflict before the Council or are substantially affected by a matter being discussed in the Council or are substantial troop contributors in any kind of operation. Such enhanced participation should include the possibility of sustained engagement with Council members in their informal discussions. But they would not have a vote*

4. Improved accountability and compliance with international law by states

The purely optional nature of acceptance of jurisdiction by the International Court of Justice is essentially identical to that adopted for the Permanent Court of International Justice in December 1920. This model is the only feature of the pre-WWII architecture that was not adapted and updated in 1945. The judicial architecture underpinning the UN is therefore still largely based on assumptions and policies regarding international law that are over 100 years old.

The UN Charter contained only very limited measures to incentivise compliance by states with binding decisions adopted under the UN system including international law-making treaties. The continuation of the 1920 model focused on international legal adjudication of “disputes” between states, reflecting much older assumptions about international law i.e., that international legal problems would be manifested between states in an almost bilateral kind of way. The 1945 model failed to adapt international legal jurisdiction to the fundamental change that took place in 1945 whereby decisions could be taken collectively establishing international legal obligations binding erga omnes - owed to the international community at large.

Experience in recent times demonstrates that reliance on essentially voluntary compliance, even with Security Council decisions, is unrealistic. In practice articles 5, 6, 19 and 41 of the UN Charter have often proved insufficient to ensure accountability and to ensure that States will be held responsible for non-compliance with binding decisions of the UN or major breaches of international law. Ambiguity, in the Charter and in treaties and in Security Council practice, about what constitutes binding language, only exacerbates the situation. The result is that compliance and implementation in respect of binding international law adopted through the UN system has become unfair. States who don’t want to act in good faith, or inadequately regulated corporates, or corrupt actors can effectively ignore the law and thereby undermine the system, as well as putting the majority of states at an economic, financial or political disadvantage.

The only significant steps forward in the legal and compliance architecture in recent times have been:

- the dispute settlement mechanism for international trade law disputes operated by the WTO
- the ad hoc criminal tribunals and the International Criminal Court,
- the accountability mechanisms for compliance with international human rights treaties and operated under the Human Rights Council.

However, in the current troubled global political environment all of these developments have been seriously challenged and, in some cases, undermined. The WTO mechanism has become largely inoperable due to a dispute about its structure and process.

The ICC has failed to gain the universal adherence and respect that was hoped for. There are also arguments strongly held by some, in Africa and elsewhere, that the ICC has overreached by prematurely exercising jurisdiction in situations where conflict is still active. The concern is that this disincentivises conflict resolution and has the potential to extend the duration of conflict and loss of life because indictees feel that they have nothing to lose by keeping fighting. Others see exercising jurisdiction in such situations as politicising the Court's role and possibly tipping the playing field as between combatants. There is no evidence of this in any specific cases, but the potential certainly exists. The Nuremburg precedent seems to suggest that there is wisdom in war crimes jurisdiction being exercised in the aftermath of conflict.

New Capacity for encouraging Compliance

We suggest

- *Establishment of a new entity – a new Department in the Secretariat to independently and professionally monitor and report on compliance with binding decisions of the Security Council and a range of wider obligations under major multilateral treaties. (We believe that providing both mandate and capability in the Secretariat is less likely to become politicised than setting up new intergovernmental mechanisms that are likely to become politicised and confrontational)*
- *This new capacity should focus initially on monitoring, transparency and reporting.*
- *Such a system should be mandated so that major issues of concern identified could be referred to the Security Council or the General Assembly.*
- *Such a system would also specify that the Secretariat capacity should have various tools at its disposal, including*
 - o *the ability to task all UN system field personnel for information and reporting,*
 - o *dispatching visiting missions,*
 - o *employing independent experts, (perhaps similar to the current UN Sanctions Committee expert groups),*
 - o *commissioning analysis from specialist academic or consultancy bodies.*

The ICC

Upgrading the UN system provides an opportunity to rescue the ICC structure from its current situation. Left to its own devices its future does not look promising. But to do so will require everyone, as with everything else in a package, to make some compromises.

We suggest:

- *A Summit to upgrade the UN system would include all the parties to the ICC Statute. It would therefore be competent to make decisions relating to the ICC, if there was the political will.*
- *Such a Summit should agree that in practice a changed model would apply for ICC governance and funding matters*
- *the role of the Assembly of Parties would be performed by the General Assembly*
- *as with the ICJ, the UN regular budget would cover the ICC costs. (The UN already covers the remaining but reducing costs of the ad hoc criminal tribunals.)*
- *The Summit should also address the very problematic issue of decisions about jurisdiction.*
- *Political leaders should of course refrain from trying to influence the Court when it comes to specific cases. That would politicise the process in an unacceptable way.*
- *Political leaders can and should collectively give generic indications to the Court about the wisdom of exercising jurisdiction in certain categories of cases in the light of prevailing global political conditions.*
- *Leaders should recommend to the ICC that, pending further overall reform of the international judicial architecture and in order to reduce certain perceptions of politicisation of some of its activities, in future it focuses its investigations and its decisions on situations where conflict has ended.*

5. Renew the Operational system – the Secretariat and Agencies

We believe that there would be significant gains for the whole international community if there were some rationalisation of the multiple overlapping secretariats supporting similar outcomes. These gains would be in both the quality of service delivery by the secretariats and in the quality of oversight and accountability. There seems to be particular value in consolidation in order to harmonise

- o back office administrative and financial support
- o personnel management
- o field support and logistics systems

Helping to get the SDGs and the 2030 Agenda back on track, and service delivery to developing countries would particularly benefit from greater institutional coherence among the Agencies, Funds and Programmes themselves. Development funding is a scarce and often contested commodity. In the post Covid 19 environment it is likely to be even more contested, with domestic pressures on expenditure in most if not all donor Governments.

For many Agencies operating in very similar spaces having separate legal personalities inevitably pulls them into silo mentalities. The different financial, planning, programming and HR structures mean that despite the best of intentions of the “one UN” concept, they will always pull in their own directions and always have an element of underlying competition for donor contributions. They will never be able to make best collective use of the always scarce human resources or the scarce capital provided by member states. They will always spend time and money on their own individual priorities often to the disadvantage of recipient countries.

There are a number of secretariats which on balance should continue to be independent and we make suggestions to that effect below. Also, we appreciate that some of the existing agencies in the UN development family have niche branding that has value. Some have specific domestic constituencies in certain countries. For instance UNICEF has useful domestic branding in some countries that facilitates fund raising. We believe that that it is possible and desirable to retain the benefits of these niche brandings while at the same time gaining the benefits of structural consolidation.

Consolidation

We suggest

- *A new Single Secretariat Delivery Structure, under the authority of the Secretary-General, with a new integrated structure, controlled by the Secretary General. (A possible structure for this new integrated Secretariat is detailed below)*
- *The new integrated structure should accommodate the need to retain appropriate “niche branding” by including limited but distinct sub identities or branding in some cases (eg Children - where UNICEF has strong domestic level branding and fund raising or WFP or the High Commissioner for Refugees both of which have very strong and useful branding in the field.) However, this would not extend to a separate legal identity. That would undermine the significant benefits of an integrated back office including staffing and finance and better integrated and flexible deliver of programmes in the field*
- *Consolidation should not be driven by an agenda of restructuring to reduce staff and costs. The fundamental problem facing the Un system is not the value of the professional work or the policy work or the actual field operations. Most of this must continue. But consolidation and the other reforms we suggest will have significant advantages in terms of the quality of policy advice and field operations and especially if staff rules and HR policies can be transformed into a new modernised single international civil service.*

Technical Agencies

A number of the technical agencies support and facilitate a lot of international trade and economic activity. In the post Covid 19 build back phase rebuilding them may have unintended negative consequences.

We suggest

- *There is little short-term value in seeking to consolidate the WTO or the IFIs or a number of the technical operational agencies such as ICAO, WIPO, IMO (other than its marine pollution functions), ITU, WMO and ILO. These agencies do support and facilitate a lot of international trade and related economic activity.*
- *Agencies such as UNIDO (industrial development) or UNWTO (tourism) at first glance seem to have a technical sector focus. But in practice both seem to serve principally as a focus for assisting developing*

countries in these sectors of their economies. These roles could be much better performed as part of a rejuvenated UN Secretariat focused on SDG achievement.

- Consolidating or merging WHO, UNESCO and IAEA with the mainstream UN is a more difficult equation.
 - o On the one hand all three of them could benefit from the reforms of intergovernmental machinery suggested above. Operational capture of oversight is an element of the problems that currently exist. Oversight and policy establishment by a coherent high-level process that allows integrated examination of the issues could only be of benefit in terms of substance and process and also for healing some of the politicisation that has occurred.
 - o But, at the operational level the organisations involve technical and professional work and in that sense the case could be made that their operational activities have much in common with the Specialised Agencies mentioned above that we have suggested excluding from an initial round of reforms. But should they therefore retain their separate legal identities in the interim? A compromise option may be to decide to shift the intergovernmental processes and oversight to the General Assembly while leaving the Agencies operational structures running along present lines. The integrated Secretariat structure suggested below reflects this idea.

Leadership

Another issue that needs to be considered is the unfortunate politicisation effect that results from the current system of political election of the heads of the agencies. This competition has resulted increasingly in a tainting effect that has left some Agency Heads much more vulnerable than is desirable, especially when globally critical issues like a pandemic or nuclear proliferation need to be addressed. This is a further advantage of removing the independent legal personalities of some of these sensitive agencies like IAEA, WHO and UNESCO.

We suggest

- *Strengthening and protecting the independent and professional nature of the leadership roles in sensitive areas such as health and non-proliferation*
- *These leaders should be insulated by serving within the reformed and integrated UN Secretariat and being appointed by the Secretary General but be able to sit as full members of the SGs top level Cabinet.*
- *The finances of these Agencies would be appropriated by the General Assembly separately from the UN Secretariat.*

A possible new Secretariat structure

We suggest that the new Single Secretariat Delivery Structure should be controlled by the Secretary General, and under his direct authority, a Cabinet of 13 Deputy Secretary-Generals, leading the following thirteen UN Secretariat Groups:

- Office of Senior Deputy SG who would also be Chef de Cabinet. The group would include 3 components, each headed at the Under-Secretary-General level:
 - o the Executive Office of the Secretary-General (incorporating a Strategic Planning Office),
 - o the Office of Internal Oversight and
 - o UN Women,
- Peace, International Security and Disarmament Group. The group would comprise five components, each headed at the Under-Secretary-General level:
 - o **Conflict Prevention and Peacebuilding**, this would be constituted by a transformation of the current Department of Political and Peacebuilding Affairs, the Special Adviser on Prevention of Genocide the Special Representative for Children in Armed Conflict and the Counter Terrorism Office.
 - o **Peace Operations**, this would involve the current Department of Peace Operations
 - o **Disarmament** including the current ODA, UNIDIR and an amalgamation of the individual secretariats supporting all the other Disarmament organisations; e.g. the OPCW and the CTBTO,
 - o **Non-Proliferation**. The various units of the IAEA Secretariat in Vienna
 - o **Outer Space**. The UN Office for Outer Space Affairs (with its UN Programme on Space Applications, and its Policy & Legal Affairs Section), responsible for the peaceful use of outer space and orbital space.

Sustainable Development and Economic Transformation Group. The Group would replace DESA and the UNIDO, World Tourism Organisation, Habitat and UNCTAD secretariats. It would comprise 4 components each headed at the Under Secretary General level:

- o **Policy** to provide analysis, advice and policy recommendations to achieve transformational change in delivering SDG outcomes and improve the disparities between rich and poor.
- o **Monitoring, evaluation and Agency coordination** to monitor and evaluate progress globally and at country level in achieving the SDGs and lead coordination and interaction between the UN system and the IMF and World Bank to ensure that policy responses are fully integrated and that policy responses best ensure achievement of the SDGs.
- o **Resource mobilisation** to mobilise and leverage financial resources to assist UN support for achieving the SDGs, in particular drawing on the best practice from the IFIs.
- o **Research and Statistics** This would bring new capacity to provide research to support the UN system and the SDG implementation and economic transformation. It would incorporate the current UN Statistics. It would also bring under one funding and reporting umbrella, but retaining where necessary appropriate independence, the UN University, UNITAR, UN Social Development Research Institute and UN Staff College.

Global Emergency Group. This Group would comprise 2 components, each headed at the Under Secretary General level:

- o **Risk analysis and policy advice** to provide policy advice in respect of possible emerging global emergencies. The current UN Disaster Risk Reduction office would be included.
- o **Emergency response operations** to provide central coordination of operational responses by the UN system and by governments to a global risk emergency

Development, Humanitarian and Refugee Operations Group. This Group would comprise 3 components, each headed at the Under Secretary General level and responsible for development assistance, refugees and humanitarian assistance, and operational delivery in the field:

- o **UN Development Operations** comprising an amalgamation of UNDP, IDA, WFP, IFAD, UNICEF, UNFPA, UNCDF, and UN Volunteers
- o **UN Refugees** comprising the various units of the current UNHCR secretariat and headed by the High Commissioner
- o **Humanitarian Response** comprising OCHA

Global Health Group. The Group would comprise 2 components, each headed at the Under Secretary General level:

- o **World Health** the Secretariat of WHO, adapted following lessons learned following Covid 19
- o **UN Aids**

Education and Culture Group the Group would comprise 2 components, each headed at the Under Secretary General level:

- o **UN Education and Culture** this would be constituted from transformed UNESCO,
- o **World Heritage and Cultural Property** this would be an amalgamation of the current secretariats of the Cultural Property Centre and the World Heritage Committee.

Environment and Natural Resources Group. The Group would comprise 3 components, each headed at the Under Secretary General level:

- o **UN Environment** would absorb UNEP, GEF, IPCC, the marine pollution work of IMO, and all of the secretariats of the various environment related treaties e.g. the ozone protection treaties, the climate change treaties, the hazardous substances treaties, the biological diversity convention, the desertification Convention, the endangered species convention, the migratory species convention and the wetlands convention etc
- o **UN Agriculture** would absorb all of the Secretariat policy and analysis functions performed by FAO relating to agriculture and food, including the Codex Alimentarius Commission
- o **UN Oceans** would absorb all of the UN Secretariat current functions relating to the oceans performed by the FAO fisheries, the UN Office of Legal Affairs including the International Seabed Authority and the Continental Shelf Commission

Good governance Group, this Group would include 6 components each headed at the Under-Secretary-General level;

- o **UN Human Rights**, including most current Secretariat policy advice and advocacy functions covering human rights and indigenous peoples. It would be headed by the High Commissioner for Human Rights. The High Commissioner's current independent advocacy role would be appropriately recognised.
- o **UN Human Rights Treaty Machinery** this would absorb and amalgamate into a single entity all of the various Secretariat functions for reporting by states under all Human Rights treaties
- o **Legal Advice** including much of the current Legal Affairs functions (but excluding oceans related work), and headed by the Legal Counsel, (recognising appropriately the Legal Counsel's responsibility to provide independent legal advice).
- o **Crime Prevention** this would involve an amalgamated and transformed UN Office on Drugs and Crime and International Narcotics Control Board, and cover multinational crime, cybercrime, terrorism, abuse of social media platforms and corruption and the risks associated with artificial intelligence
- o **Rule of Law and Good Governance** this would be a new Secretariat capacity to expand and better integrate functions currently undertaken in UNDP, DPKO, DPA and OLA to support the development of policy relating to good governance and to provide integrated and coherent support to UN Conflict Prevention, UN Development and UN Peacekeeping in meeting country specific needs.
- o **UN System Integrity** this would be a new function - a new mechanism for better compliance with international law **as outlined in section 4 above**. This Department would also be the funding and reporting umbrella for the ICJ, the ICC and ITLOS.

Management Group this would be a transformed version of the current Department of Management, comprising Personnel and Finance and related functions.

Information Technology and Public Information Group. The Group would comprise 2 components, Information Technology and Global Communications, each headed at the Under Secretary General level

Services Group. The Group would comprise 3 components, each headed at the Under Secretary General level, Facilities Management, Conference Services and Organisational Security,

Field Operations Group - an amalgamation of current Operational Support functions including field support for peacekeeping missions, UN political missions, UNDP, (and other development bodies), UNHCR, UNHCHR, UNRWA, UNICEF, WFP and UNOPS.

6. Upgrade the Personnel, Budget and accountability frameworks

There are approximately 78,000 staff members across the UN System (not including peacekeeping which involves approximately another 95,000) and many thousands of contractors, interns, volunteers or loaned staff). Many of these staff members are highly dedicated, experienced professionals committed to an independent role serving all members equally. But they all operate under an antiquated management structure which may have been state of the art in the 1950s, but it has not kept up with current best practice.

Personnel

We have discussed above the possible transformation of the UN Secretariat structure and options for consolidating with it many of the related functions performed by various Funds, Programmes and Agencies. There is an opportunity to create, for the first time a much more effective, modernised, flexible and accountable single international civil service.

We suggest

- *Despite the provisions in Article 100 of the Charter, there remains significant scope for political interference in appointments. This should be eliminated, at all levels of the organisation. We propose a decision that explicitly declares that no country or group can “own” any position or expect to take a turn for any role including the most senior positions.*
- *There should be strengthened rules prohibiting members states or their representatives from lobbying, promoting or seeking to influence decisions in respect of personnel matters at any level.*
- *The Secretary General should be appointed by the General Assembly for a single 7-year term under a process that is explicitly not rotated between regions. The Security Council would be responsible for conducting a search process, based on modern best practice. It would establish a short list of no less than two candidates for decision by the Assembly.*
- *Deputy Secretary Generals should be appointed by the Secretary General for a single 7-year term under a process is explicitly not rotated between regions or allocated informally to particular countries. The Secretary general would advise the General Assembly of his intention to appoint a Deputy Secretary General and in the absence of a request by the General Assembly within 30 days to not proceed the appointment would become final.*
- *Geographical and Gender balance should continue to be very important objectives, but not at the level of individual appointments, or subunits. The expectation should be that balance is achieved across the organisation and across the levels, as a whole.*
- *Staff should be appointed for the organisation as a whole and be able to apply for or be rotated to serve the organisation in any appropriate role or location.*
- *Service in the field should be a normal expectation for most staff and promotion should be linked to this*
- *Recognising the need for the organisation to be able to respond quickly and flexibly especially in the field but also in HQ to changing situations and crises, the organisation would not have fixed positions or posts determined either by intergovernmental decisions or otherwise. The organisation would have complete flexibility to expand or contract the numbers of staff in any location or task to meet the needs within overall budget limits.*
- *The appointment system would be streamlined, enabling appointments to be made quickly. The required norm should be weeks rather than the current months.*
- *Most staff would be appointed on long term collective contracts and be subject to satisfactory performance. Some categories of staff in specific areas (eg administrative support) may be considered for short term contracts*
- *The organisation would also be able to employ staff for specific short-term roles in the field on short term appointments under a collective contract, with the term linked to the expected nature of the task*
- *All staff would be subject to a best practice performance review system and all contracts, collective and individual, would establish best public sector practice accountability mechanisms, including fair but quick termination when appropriate.*
- *The current UN Ombudsman and mediation capacity for staff would be retained but reviewed.*
- *Staff secondments from member states would be prohibited.*
- *A requirement for the organisation to be a good employer would be put in place.*
- *In recognition that reform will be difficult and stressful for staff, a commitment should be made to fair, generous and equitable treatment during the reform and transformation process*

- *In the short term most UN bodies or agencies affected by the reforms could continue in their current locations. Technology is likely to facilitate significantly the ability of the organisation to have work units remote from HQ. However, consolidation, amalgamation or closure of specific offices is inevitable. This will be would be a matter for the Secretary-General exclusively to determine.*

Finance and administration

The budget for the whole UN system, including all the Agencies Funds and Programmes is approximately \$US 52 billion. This is significantly smaller than the 2020 budget for New York City of \$US 88.19 billion⁴.

There are real issues relating to the system for sharing the costs, the process of deciding budgets, the accountability systems and the outdated management systems used by international organisations. Costs are currently shared in a mixed model, some appropriated collectively with binding obligations to pay, and some voluntary, contributions of cash and kind, including loaned personnel. The model is controversial. There is opposition to the voluntary component because it gives the donors backdoor and non-transparent levers of power. Some donors therefore really like this model. But there is also opposition to formulas for the appropriated funding especially when they result in some states (mainly the USA) paying very large shares of the budget and others virtually nothing. There are as a result questions by some relating to the voting power of those whose contributions are negligible.

Ineffective and inefficient management systems have led to political micromanagement at the intergovernmental level of budget outputs – contrary to current management good practice. And micromanagement has further distorted the power of some states whose contributions are comparatively minimal.

All these areas of the system have been highly resistant to real reform. They should be transformed, based on best public sector practice, into a new modernised, flexible and accountable single system.

We suggest:

- *All states that enjoy power in or receive benefits from the UN should contribute to its budget. This is not only necessary to finance delivery of the services that the UN is expected to deliver, but also it helps to ensure both commitment by the members and general political credibility.*
- *Voluntary contributions should be strictly limited to providing funds that will be the subject of development grants, development services or humanitarian services.*
- *The operational and capital budget of the whole system, (including the operational and capital costs of the former development Agencies and Funds) should be through General Assembly appropriations.*
- *All appropriations should be coupled with a binding obligation to pay contributions.*
- *In terms of calculating contributions, just as the principle of progressive financial responsibility makes sense in domestic politics, in the same way internationally, the wealthy should pay more. However, there are some important lessons from the mistakes in the post 1945 model. First, the model has become politically unsustainable, because it results in allocating too large a portion of the budget to one state. Just as it is appropriate domestically for a range of political reasons to cap tax rates at particular levels, it is appropriate for the UN to also set a cap (perhaps 15 – 20%). This would ensure that no state feels disproportionate ownership of the system or aggrieved by the imbalance. History shows, both in domestic and international politics, that where such imbalances exist, this eventually incentivises the unilateral exercise of disproportionate power or reneging on contributions.*
- *There should continue to be a category (based on the Least Developed Country group) where contributions are very low.*
- *However, there is a strong case (for reasons similar to the proposed ceiling), to also introduce a floor that would be applicable to the rest of the membership. Currently there is a problem where many states, (a lot of whom find the resources to purchase large quantities of modern weapons), pay UN contributions which are trivial in the context of their national budgets. They are also able to exercise power in the organisation quite disproportionate to their investment in it. Ultimately, if the organisation is worth upgrading, it is worth everyone contributing a meaningful amount to funding its operations.*
- *There should also be a significant premium applied to the contributions of all Participating States in the wider Security Council **proposed in section 3 above**, both for T20 and elected Council Participating States.*

⁴ <https://www1.nyc.gov/office-of-the-mayor/news/487-20/in-face-an-economic-crisis-mayor-de-blasio-budget-prioritizes-safety-police>

- *Administration should be based on the principle of delegation and accountability, not the current model of political interference and micromanagement.*
- *The current system has resulted in a mountain of ongoing mandates, progressively established, which authorise activity but without any meaningful link to funding. Mandates far exceed the resources provided. It is vital therefore that the mandate system be terminated and be replaced with new model based on modern public sector best practice, as outlined here.*
- *The intergovernmental level should set policy and broad priorities or expectations in the form of desired outcomes for each group. This will require discipline and responsibility at the intergovernmental level. The Secretary General and the Deputies should then be delegated full responsibility for delivery and implementation. This implies full executive control to determine all inputs, including staff requirements and material resources.*
- *The Secretary General must ensure internal delegation of decision making, with appropriate accountability, to properly empowered line managers. Too often the UN administration has become inflexible in the past by a model in which high level managers have little or no executive authority and executive control is exercised by the Department of Management, which has no accountability for outcomes.*

Accountability by Secretariat officials

It is essential that in a modern best practice management environment where micromanagement is removed, and Secretariat officials are given authority to spend their budget, that there be significantly higher levels of performance and accountability for that.

The proposed new approach to oversight, and the firm linking of budgets to specified priorities, would mean that Governments can use the annual oversight sessions for Secretariat Groups to drill down to actual unit performance against established priorities. Accountability is greatly enhanced when managers have to answer about delivery in that context. And this incentivises managers to enforce internal accountability – holding staff responsible under the disciplinary provisions in their contracts for failures.

We suggest:

- *Relevant contracts should provide that the Secretary-General, the Deputies and the managers reporting to them are personally responsible for delivering the outcomes specified by the General Assembly and doing so within the appropriated budget and in accordance with policies laid down.*
- *Contracts should also be clear that accountability means that they must account (i.e., explain their progress or failures) regarding what has been achieved in respect of the specified outcomes.*
- *The General Assembly (**as suggested in Section 2 above**) will hold a session each year focusing on the performance of each Secretariat group. Governments will be supported in this by financial and operational reporting from each group and audit reports.*
- *Governments should use these sessions to press for transparency and identify responsibility where necessary.*
- *The Secretary-General and managers below him should be required to take firm and effective corrective action, including discipline or termination of responsible managers or staff where the accountability mechanism reveals that performance has been unsatisfactory.*

7. Improve disparities between rich and poor and deliver on SDGs

Improved input by developing countries to ensure system accountability

The proliferation of governing boards, executive boards and other intergovernmental oversight bodies makes it very difficult for many resource poor recipient countries to participate effectively in oversight of the many Agencies, Funds and Programmes all trying to deliver development assistance to them. Many developing countries lack the numbers of officials and travel funding to optimise intergovernmental oversight. Consolidation of oversight machinery **as proposed in Section 2** above therefore offers an important gain in terms of monitoring and accountability. But their participation rights also need to be enhanced.

We suggest

- *To improve accountability and oversight and equity within the system all developing countries should be able to participate as full members of any intergovernmental body that*
 - o *is involved in policy development relating to development or the SDGs or*
 - o *has oversight of Agencies trying to deliver development assistance to them.*

Consolidation of operational secretariats and agencies

Most developing countries would benefit from a “one stop development shop” from the UN and we believe that it should also include the World Banks development programme activity.

We suggest

- *a single UN Development operations entity be formed by consolidating, under the Secretary-General, UNDP, IDA, WFP, IFAD, UNICEF, UNFPA, UNCDF, and UN Volunteers*

Preservation of useful niche structural advantages

Useful niche branding for some existing Agencies is important and should be preserved. But this does not require separate legal identities and the inflexibility of siloed back offices which we have at present. The private sector offers useful examples. Maintaining partially separate branding for different components of a company's product line is extremely common in the commercial world.

We suggest

- *Retaining limited but distinct sub identities in appropriate cases.*
- *A sub identity called UN Children, for instance, could allow the consolidated organisation to retain UNICEF's strong domestic level branding and direct to the public fund raising operations.*
- *Similarly there is a very strong case for retaining the strong positive branding of WFP (World Food Programme).*
- *But all this should be done without it extending to a fully separate legal identity which would undermine the significant benefits of an integrated back office in including staffing and finance and better integrated programmes in the field*

Consolidation of intergovernmental oversight and policy bodies

We suggest the following specific upgrading, **in line with the proposals in Section 2 covering the General Assembly and all of the related subsidiary and agency oversight bodies,:**

- *ECOSOC should have open ended membership and work full time*
- *ECOSOC should replace all the existing development and SDG related intergovernmental machinery and the many diverse subsidiary commissions and bodies competing in the same space.*
- *ECOSOC should also replace the policy roles of Governing bodies of all of the development programmes operated by Agencies Funds or Programmes.*
- *All intergovernmental bodies with oversight and policy functions relating to development whether set up under treaties or by the General Assembly should be disestablished*
- *The General Assembly Second Committee should be disestablished. The renewed and refocused ECOSOC would take responsibility for preparing decisions for Plenary rendering the idea of a committee redundant.*

Procedural reforms - A structured negotiating process involving ECOSOC and the General Assembly

We suggest

- *A simplified agenda with only two items on development and economic issues for the General Assembly and ECOSOC. These could be:*
 - o ***Leave no one behind*** – *Negotiate the necessary measures to ensure the full and timely implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on Financing for Development*
 - o ***Ensure Coherent and Coordinated Measures*** – *ensure that measures negotiated are coherent coordinated and mutually reinforcing*
- *The agenda of the General Assembly should also include the following item*
 - o ***Oversight and resources for Development*** - *Oversee the operational development work of the Secretariat Departments and approve relevant budgets.*
- *The renewed and more focused ECOSOC would meet for at least 40 weeks a year, with segments dealing with different aspects of the new simplified agenda proposed above.*
- *The General Assembly would undertake the necessary oversight of the operational work of the Secretariat. (We have proposed detailed suggestions above in section 2 on the General Assembly on how this would work)*
- *The Rules of Procedure would establish an expectation that delegations at ECOSOC meetings should always be represented at a high level ie a Minister, the Permanent Representative, a*

Special Envoy of the Government or other person Designated as Ambassador for Sustainable Development.

- *The product of the policy work of ECOSOC would be reviewed each year by the General Assembly immediately prior to the annual Leaders event*
- *The dates for the Leaders event would be shifted to take place close to the end of the year*
- *The Rules of Procedure would specify that Council role is essentially preparatory rather than deliberative. Accordingly, matters of major disagreement should be identified clearly for the General Assembly or Leaders if appropriate to determine and take decisions. Traditional techniques such as square bracketing could be used for this purpose.*
- *Leaders would adopt any substantive decisions and would set priorities for negotiations in the coming year.*
- *The Rules of Procedure would specifically discourage the adoption of discursive resolutions, favouring instead the adoption of decisions representing the outcome of substantive negotiations and decisions about priorities for future work.*

New and strengthened Capacity within the Secretariat for analysis, monitoring and policy relating to achievement of the SDGs

We suggest

- *Enhanced capacity within the Secretariat for monitoring progress for analysis and policy advice. This would provide monitoring, statistical analysis, advice and policy recommendations specifically focused on meeting SDG goals.*

New mandate and strengthened Capacity within the Secretariat for managing the interface with the IFIs

The UN is often very much the junior player vis a vis the IFIs on issues of importance to developing countries. A new mandate and resources would allow for the UN to lead more often on interaction with the IMF and World Bank on policy responses for specific countries. And it would also help to ensure that the UN system perspective is fully integrated into all decision making in those bodies that has impacts on achieving the SDGs.

We suggest

- *New capacity within the Secretariat and a stronger mandate for UN system vis a vis the IFIs so that UN perspectives are better factored into decision making especially where that will have an impact for specific developing countries and for achieving the SDGs.*

New Capacity and Stronger mandate for UN system to actively leverage funding for development

We recognise that structural reforms suggested above will only have a modest impact, on their own. In order to be transformational in delivering better outcomes to improve the disparities between rich and poor the UN system also need to be able to generate more funding for development and for that funding to also be more predictable and sustainable. But this task involves unique professional skills which are widely used in the not for profit sector. They do not normally exist in governments or international organisations.

We suggest

- *New Capacity and Stronger mandate for UN system regarding funding for development.*
- *In particular we would establish a new capacity under the Secretary General with a specific mandate to work with donors, both governmental and others to leverage and mobilise more financial resources for meeting the SDG goals.*
- *It is time for skills relating to leveraging and mobilising more financial resources to be included in the Secretary-General's toolbox.*
- *It may also be time for a reform initiative to consider options for applying in the financing for development context some of the tools and methodologies used by the IFIs for replenishments of their funding envelopes.*

Adjust the regular budget rules relating to Secretariat operational expenditure and capital for the UN development architecture

We suggest

- *that the costs of running the development architecture in the Secretariat should be put on the same budgetary basis as the peace and security architecture. All Secretariat operational and capital costs for all development programmes should be included in the assessed budget rather than the voluntary contributions budget.*

Decision Making

A compromise may need to be brokered in the area of decision making on major development related issues between those favoring the vetoes associated with consensus and those favoring weighted voting,

We suggest

- *a qualified majority be required for all decisions by ECOSOC and the General Assembly involving substantive negotiating outcomes, approving budgets, contribution rates, the establishment of any new subsidiary intergovernmental body and the approval of priorities or new agenda items.*
- *a qualified majority would involve support by two thirds of the UN member states present and voting and that majority must include a majority in all 12 of the Security Council election constituencies plus a majority of the group of “T20” members of the Security Council **which are suggested in Section 3 above.***

8. Protect the planet from climate change and other environmental disasters

Fix the structures – they are not delivering

As **explained above in Section 2** the current structures for negotiating are not delivering what is expected by “we the peoples”. The General Assembly is not an action-oriented body which resolves the major policy issues relating to the environment. And ECOSOC is abdicating its responsibility under Article 62(3) of preparing draft treaties for consideration by the General Assembly. The unwise dispersal of General Assembly and ECOSOC responsibility and ill-conceived delegation of tasks, the bloated agendas, inadequate decision-making processes and low level engagement in negotiation results in both the Assembly and ECOSOC underperforming on environmental protection issues.

We suggest

- *As **proposed in Section 2** above structured high-level negotiations on the environment exclusively in ECOSOC and the Assembly instead of passing problems downwards, to its Committees, to Commissions, Panels, Conferences and other subsidiary bodies.*
- *Establish high level and sustained engagement in negotiation as the norm and establish specific expectations that fundamental issues will be resolved by top level political leadership*
- *Terminate the ever-repeating cycle of requests for reports, procedural decisions, reiterations of past positions and non-substantive resolutions which merely update non substantive past resolutions.*

Create a structured and more effective negotiating process

We suggest

- *Disestablish all intergovernmental bodies dealing with environmental protection and oceans matters, whether set up under treaties or by the General Assembly or ECOSOC.*
- *Disestablish the General Assembly Second Committee. A renewed and refocused Economic and Social Council and a structured negotiating role for the Plenary renders the idea of a committee redundant.*
- *As indicated in the previous section ECOSOC would be opened to all member states.*
- *The renewed and simplified ECOSOC would meet for at least 40 weeks a year, with segments dealing with different aspects of the new Agenda and the necessary oversight of the operational work of the Secretariat.*
- *Decide that the General Assembly would allocate a Plenary segment for Planet Protection to debate and seek to resolve major issues arising out of the Council and to prepare materials and draft decisions for the High Level segment at the end of the year.*
- *The product of the negotiations of the Council would be reviewed by the General Assembly immediately prior to the annual Leaders event*
- *The dates for the Leaders event would be shifted to take place close to the end of the year*

Procedural reform

We suggest

- *The Rules of Procedure would establish an expectation that delegations at segments of Council meetings dealing with planet protection should always be represented at a high level ie at least a Minister, the Permanent Representative, a Special Envoy of the Government or other person Designated as Ambassador for Environmental Protection*

- *As indicated in the previous section dealing with development and the SDGs, we suggest that all related ECOSOC and General Assembly agenda items be removed and replaced with permanent items, creating a very specific mandate. We propose that the focused agenda items for the environment should be as follows:*
 - Protect the planet.** *Negotiate the necessary measures to ensure that we do not continue to impoverish our planet with less biodiversity and fewer natural resources and that we reduce environmental threats and climate related challenges, including natural disasters, drought, desertification, food shortages, water scarcity, wildfires, sea-level rise,*
 - Protect the Oceans.** *Negotiate the necessary measures to ensure that we protect the oceans, their fisheries and biodiversity*
 - Coherent and coordinated measures.** *Ensure that measures negotiated are coherent coordinated and mutually reinforcing*
 - Oversight and resources.** *Oversee the operational work of the relevant Secretariat Departments and approve budgets*
- *The Rules of Procedure would specify that the ECOSOC role is essentially preparatory rather than deliberative. Accordingly, matters of major disagreement should be identified clearly for the General Assembly or Leaders if appropriate to determine and take decisions. Traditional techniques such as square bracketing could be used for this purpose. Leaders would adopt any substantive decisions and would set priorities for negotiations in the coming year.*
- *The Rules of Procedure would specifically discourage the adoption of discursive resolutions, favouring instead the adoption of decisions representing the outcome of substantive negotiations and decisions about priorities for future work.*

Decision Making

On environmental issues, like development issues, a compromise may be needed in the area of decision making between those favoring the vetoes associated with consensus and those favoring weighted voting.

We suggest:

- *A compromise be built on the principle already in Article 18(2) of the Charter which requires qualified majorities in certain cases.*
- *Clarification of Article 18(2) could include a new definition of an important question and the meaning of a two thirds majority.*
- *Such a compromise might involve a qualified majority be for all decisions by ECOSOC and the General Assembly involving substantive negotiating outcomes, approving budgets, contribution rates, the establishment of any new subsidiary intergovernmental body and the approval of priorities or new agenda items and a qualified majority would involve support by two thirds of the UN member states present and voting and that majority must include a majority in all 12 of the Security Council election constituencies plus a majority of T20 members of the Security Council which are **suggested in Section 3 above**.*

9. Protect the Oceans

The SDGs establish the protection of the oceans as a distinct and separate goal in SDG 14. The oceans represent the largest surface area of the planet. They are the original source of all life on the planet. Life on the planet as we know it, including human survival, is very much linked to the health of the oceans. But in the current UN system the machinery focusing on the oceans is one of the weakest. It suffers from significant proliferation and fragmentation.

Operational upgrading

There is significant policy, legal and operational incoherence when oceans issues are fragmented among many different bodies with differing approaches, differing priorities and stakeholders and are not focused on the health of the oceans as a whole.

We suggest, **as outlined in section 5 above relating to Secretariats,**

- *The operational machinery in the UN system with functions relating to the oceans be better integrated so that more coherent and integrated outcomes can be achieved. This would include:*
 - o *The marine pollution functions of the IMO*

- o *The Fisheries regulation and protection functions of FAO*
- o *The current division for Ocean Affairs and the Law of the Sea in the UN Office of Legal Affairs*
- o *The support capacity for the Commission on the Continental Shelf, the International Seabed Authority and the current UN work on marine biological diversity.*
- o *The Global Process for reporting on the Marine Environment in the UN Office of Legal Affairs*

Upgrading the intergovernmental work relating to the oceans

In line with the **consolidation of intergovernmental bodies suggested in section 2 above,**

We suggest

- *The new consolidated secretariat capacity on oceans should report to the transformed ECOSOC outlined in the previous section. This is appropriate in terms of achieving coherence given the role we have proposed for ECOSOC in terms of achieving the SDGs and the wider responsibility for protecting the planet which **we have described above in Section 8***

Regional and sub regional dimensions

We suggest

- *That at this point there should be no change to regional or sub regional arrangements. Upgrading the overall global and architecture and operational Secretariats will create a much more dedicated, coherent and integrated capacity to focus on oceans issues in a comprehensive way and this will provide leadership to the regional and sub regional level.*
- *A decision requiring this new capacity to assess coherently and report to ECOSOC on whether particular regional arrangements are failing and if so to initiate appropriate reforms or renewal.*

10. Control armaments to protect against nuclear and other WMD catastrophes

The problem of political will

We suggest below a range of concrete reforms to structures and processes that could help to increase the prospects for better outcomes in terms of protecting the planet and its peoples from nuclear and other WMD catastrophes. However, we are only too well aware that changing structures and processes cannot by itself guarantee better outcomes. Only political will can do that.

Political will to progress arms control and disarmament multilaterally in the UN system has been hard to generate for diverse reasons. Some countries still have deep and genuine political fears that their survival or credibility depends on building and maintaining a deterrent capability, whether of the WMD kind or the conventional kind. In such cases prohibition treaties are understandably problematic to them. A prohibition obligation, established for a specific weapon category, especially an obligation that requires a move to a zero inventory of the weapons in question, is often seen as inherently unrealistic. Being weapon specific, a prohibition obligation does not factor in all the other weapons systems or threats which such countries perceive themselves as deterring against. As a result, they see a lack of balance that could destabilise their security environment. The drafters of the Charter were alert to this issue. Articles 11 and 26 refer not to disarmament of specific categories of weapons but to a “system for the regulation of armaments” recognising that disarmament would have to be incremental and balanced. Moreover, Article 26 was very far sighted and progressive by today’s standards by establishing a criterion based on the “least diversion for armaments of the worlds human and economic resources”. The 2017 Treaty on the Prohibition of Nuclear Weapons⁵ has a vestigial recognition of need for progressive and balanced steps to zero.

Improve the negotiating context by improving the structures and elevating the level of negotiation

Generating political will to negotiate effective and balanced arms control provisions requires greater confidence in the negotiating structures than exists today. It also requires much higher-level engagement on all sides. Given the historically problematic UN negotiation structures such confidence and higher-level engagement has been extremely difficult.

We suggest

⁵ <https://www.un.org/disarmament/wmd/nuclear/tpnw/>

- *Address the poor and dysfunctional structures that have in the past contributed to the absence of political will by improving structures and processes to create better conditions for engagement on arms control and disarmament issues*
- *Improve the context for disarmament negotiations by elevating the level of discussion to more senior levels.*
- *Transform the agenda and processes of the General Assembly so that the disarmament agenda is necessarily before Leaders collectively each year during a reformed General Assembly procedure and that the Plenary of the Assembly routinely becomes actively engaged.*

Remove the current structural incoherence and reduce opportunities for procrastination

The problem of poor and dysfunctional structures that have in the past contributed to the absence of political will on disarmament afflicts not only the intergovernmental level but also the related secretariats.

We suggest, **in line with the proposals in sections 2 and 5 above**

- *Consolidate the numerous UN intergovernmental meetings and bodies and shift arms control and disarmament negotiating activity and energy away from diverse lower-level bodies to a structured single framework will help to focus attention on the big issues and better incentivise compromises.*
- *Disestablish all intergovernmental bodies relating to arms control and disarmament, whether set up under treaties or by the General Assembly*
- *Merge all related secretariats with the UN Office of Disarmament Affairs, **along the lines suggested in section 5 above***
- *Disestablish the General Assembly First Committee and establish a single new entity - the "General Assembly Negotiating Council for Arms Control and Disarmament". It would be open to all member states.*
- *All related agenda items would be removed and replaced with a single permanent item based on the words of Article 26 of the Charter, creating a mandate as follows*
"A comprehensive system of arms control and progressive disarmament with plans and rules for the least diversion of the world's human and economic resources to armaments."
- *The Negotiating Council on Arms Control and Disarmament would meet for at least 40 weeks a year, with segments dealing with different aspects of the arms control and disarmament*
- *The Rules of Procedure would establish an expectation that delegations at Council meetings should always be represented at a high level i.e. at least a Minister, the Permanent Representative, a Special Envoy of the Government or other person Designated as Ambassador for Disarmament.*
- *The Rules of Procedure would specify that the Council role is essentially preparatory rather than deliberative. Accordingly, matters of major disagreement should be identified clearly for first the General Assembly and then, if necessary, Leaders to determine and take decisions. Traditional techniques such as square bracketing could be used for this purpose.*
 - *The product of the negotiations of the Council would be reviewed by Leaders at the annual Leaders event*
 - *Leaders would adopt any substantive decisions and would set priorities for negotiations in the coming year.*
 - *The Rules of Procedure would specifically discourage the adoption of discursive resolutions, favouring instead the adoption of decisions representing the outcome of substantive negotiations and decisions about priorities for future work.*

Decision making

Currently decision-making processes on arms control and disarmament are problematic. The prospect of simple majority voting exacerbates the hostility that underlies the lack of engagement by the nuclear weapon states. It also incentivises inaction. But the current alternative of consensus has also proved disastrous in the Geneva Conference on Disarmament. Practice has shown that in the disarmament negotiating context consensus is not a feasible alternative. It effectively establishes vetoes on procedure and on all on key issues.

It needs to be recalled that it is inherent in the international law-making process that all states have the unilateral right to decide whether to ratify an agreement. That is a sufficient veto. It certainly has impacts down the negotiating chain on the kinds of deals that negotiators will strike.

We suggest:

- *There is no need to create further vetoes for all states right down into the negotiations*
- *The principle of one state one vote should be maintained, but there needs to be a compromise for decision making on key matters of substance*
- *As explained above, there is already in Article 18(2) the principle of qualified majorities in certain cases. There is scope for clarification of aspects of Article 18(2) including by deciding a new definition of an important question and the meaning of a two thirds majority.*
- *A qualified majority should be required for decisions by the Negotiating Council and the General Assembly on substantive negotiating outcomes, the establishment of any new subsidiary intergovernmental body and the approval of priorities or new agenda items.*
- *A qualified majority should involve support by two thirds of the UN member states present and voting and that majority must include a majority in all 12 of the Security Council election constituencies plus a majority of T20 members of the Security Council **proposed in Section 3 above.***

11. Upgrade the human rights machinery with an enhanced focus on indigenous values and issues and the status of women

The Human Rights Council is of recent origin. It was established in 2006, as an outcome of the 2005 Fiftieth Anniversary World Summit. It replaced the former Human Rights Commission. But it has been much less successful - and much more politicised - than hoped. We do not agree that the Council has been a complete failure. The Universal Periodic Review of all states human rights performance is a good new achievement. The Council is generally an improvement on its predecessor. But diagnosing the reasons for the disappointing results is not an easy matter.

Problem of incoherence

One problem that the human rights machinery shares with many other parts of the system is that it is hostage to the incremental proliferation of bodies and processes that have evolved over decades. Some parts of the UN human rights machinery, especially state reporting on performance, are still operating under the various human rights treaties with differing and inconsistent reporting modes and timeframes. The duplication of reporting is bringing the system into disrepute and is unduly burdensome for many states. Also it lacks the level of integration in reporting, monitoring and dialogue that would be desirable for the Council to deliver a better performance.

We suggest:

- *Strengthen the monitoring and compliance components by integrating and rationalising reporting so that reporting on all applicable treaty obligations is considered by the Human Rights Council under the umbrella of each state's Universal Periodic Review.*
- *The current Treaty bodies would cease to meet.*
- *Upgrade the Human Rights part of the UN system, **in line with the consolidation proposals in sections 2 and 5 above.***
- *Preserve the role of the High Commissioner and secretariat staff supporting the High Commissioner*

Problem of politicisation

A second problem is the unnecessary level of politicisation of the Council. This politicisation flows in part because some states claim that the Council should exclude all those countries whose human rights performance is poor. But, in practice it sometimes appears that the real preference of this group of members is for the Council to be a vehicle to put pressure on political enemies. The other side of this debate, the countries resistant to the whole human rights concept on grounds of sovereignty, is equally responsible for the politicisation. Dysfunctionality suits their preference that the Council's reputation be held in low esteem.

A related problem that contributes to politicisation is that the Council is often walled off from the mainstream of the wider UN agenda and effectively severed from the bigger picture. The way that the General Assembly committees work adds to the problem. The culture in the Third Committee often replicates the politicised approach in the Council. Trapped in a siloised methodology or approach the Council dynamics often result in the perception that the Council fails to recognise that rights do not exist in a vacuum. The silo approach makes it easy to ignore that there is a dynamic and necessary connection between peace, development and good governance, including respect for human rights. This criticism should certainly not be interpreted as any acceptance of the unacceptable proposition that rights should be subordinated to peace and development – as some states opposed to human rights argue. But an approach that erects rights in a political vacuum and ostensibly above all, is not only inconsistent with the balances that are built into the underlying international human rights law, but also adds to the politicisation.

Also we believe that the practice of using the Council for political point scoring and then repeating that in the Third Committee adds nothing to the effectiveness of the system. In fact this plays into the hands of the opponents of human rights.

The Council could become less politicised and more effective if it focused its primary effort on providing a forum for oversight of performance reporting by all states, for serious professional analysis and review of that reporting and for dialogue which enables the reporting and review to be assessed in the context of the holistic situation of the state in question - including its economic, social and security situation.

This is an inherently political exercise and of course it will generate political debates. But it does not need to become so highly politicised as to become dysfunctional or politically instrumentalised in support of separate foreign policy goals. Human rights abuses are usually connected to governance failures which have roots in local insecurity, or social, economic, ethnic or religious problems. These take time to resolve. Short term politicised efforts at shaming usually have no impact on the underlying problems and may make them worse. But transparency and wise review and commentary brings sunlight to the situation. Over time transparency, sunlight and clear sustained political dialogue based on a holistic understanding of problems has better potential for improving problematic situations.

At times this reporting, review and dialogue will lead many to the conclusion that robust political contest – in the form of critical country specific collective action - should be an additional tool in the Human Rights tool kit. But in our view the place for that should not be the Council. It is best that as far as possible the Council not become a place for political theatre. In our view, if such contests are thought appropriate, they should take place at a high level in the General Assembly and up to the level of Leaders if appropriate.

We suggest

- *Reaffirm the valuable norms that have been built up progressively through successive Declarations, Covenants, Conventions, Treaties and Protocols*
- *Reduce one area of politicisation by deciding that membership of the Council should be open to all UN members.*
- *Reduce politicisation by eliminating multiple reviews of states. Instead implement a single integrated review of each state under the UPR and including all matters flowing out of treaty obligations.*
- *Strengthen the human rights oversight and review capacity by allocating substantial additional time each year for the Council to undertake significantly more and more detailed UPR reviews.*
- *Preserve the existing Mechanisms of the Council and its Special procedures, including Special Rapporteurs*
- *Where Special Rapporteur reports relate to particular country situation, these reports should also be presented and considered with the relevant UPR.*
- *Simplify and focus the agenda and decide that the Council would allocate segments as follows:*

- Review of states reports under UPR
- Thematic human rights issues
- Status of women
- Indigenous rights issues
- Preparatory material for the General Assembly
- Disestablish the General Assembly Third Committee. A renewed and refocused Human Rights Council and a structured negotiating role for the Plenary renders the idea of a committee redundant.
- Decide that the General Assembly would allocate a Plenary segment for Human Rights to debate and seek to resolve major issues arising out of the Council and to prepare materials and draft decisions for the High Level segment at the end of the year.

Enhancing UN work on indigenous issues and status of women

We suggest:

- Elevate work in the UN system on Indigenous Issues from its current status as a subsidiary Forum of ECOSOC to being a full component of the Human Rights Council agenda with its own dedicated segment with additional time allocated to the Council for this each year.
- Combine the Secretariat functions providing support to the current Permanent Forum with the staff servicing the Expert Mechanism on Indigenous Rights within the Human Rights Office.
- Elevate work in the UN system on the Status of Women from its current status as a subsidiary body of ECOSOC to being a full component of the Human Rights Council with its own dedicated segments with additional time for this allocated to Council each year.
- Retain UN Women at the Secretariat level unchanged and its Executive Director would be a co-equal to the High Commissioner in reporting to the Council. The work of the Executive Board would be performed by the Council
- Direct the Council and the Secretariat, drawing on the experience of UN Women and the Permanent Forum in coordinating and improving coherence in the system on Indigenous Rights and the collective UN work in the context of the SDGs, to develop and implement in all its work a coherent approach that includes all rights and reinforces the achievement and implementation of the SDGs.

Decision making

For the reasons explained in section 2 above, currently intergovernmental decision making is generally problematic. This is true in the in the Human Rights context as well. States facing country specific measures against them often argue that consensus respects sovereignty, whereas voting can reflect political power and economic weight. But states who strongly advocate for human rights are also deeply disenchanted by the decision-making system. But, as we have seen above, consensus often creates vetoes that can be exploited for extraneous political or other unhelpful purposes.

We believe that it is important not to compromise on the one state one vote principle. But in the human rights policy context, as in other contexts, the current system boils down to blunt options – simple majority vote or consensus. Upgrading decision making is essential but it will have to involve a compromise

We suggest

- The rules of Procedure should specify that the Council can take decisions on process including the establishment of Mechanisms and Special Procedures and the conduct, timing and content of reviews
- The rules of Procedure should specify that the Council can decide substantive issues relating to thematic matters on human rights, the status of women and indigenous issues.
- With respect to contentious country specific matters, the Council's role should be preparatory only. Matters of major disagreement should be identified clearly for consideration and decision by the General Assembly. Traditional techniques such as square bracketing could be used for this purpose.
- Where voting takes place in the Council or the General Assembly, decisions should be made by a qualified majority involving support by two thirds of the UN member states present and voting and that majority must include a majority in all 12 of the Security Council election constituencies plus a majority of the group of T20 members of the Security Council **as outlined in section 3 above**.

12. Practical new systems for conflict prevention

In 2005 the Security Council adopted, at a Summit Level Session, a landmark Resolution 1625 on conflict prevention. A year later, seeing little change in practice, Secretary- General Kofi Annan in his report on conflict

prevention warned against the trend towards mere thematic discussion. He challenged the Council to do practical work on conflict prevention. In his report A60/89, he warned "...An unacceptable gap remains between rhetoric and reality in the area of conflict prevention." Fifteen years on the promise in Resolution 1625 still has not been delivered.

The failure to deliver is not due to an absence of mandate. Chapter VI and especially Article 34 of the Charter give Council members ample authority to engage in structured collective conflict prevention measures. The failure can be partly explained by the fact that the Security Council has allowed itself to become overburdened with a large and diverse range of issues of varying degrees of severity. It has also become the victim of procedural rigidity and an inexplicable acceptance of the informal extension of the veto to most aspects of its working methods. And the Council's narrow conception of its mandate has not allowed it in the past to bring to bear the full range of economic, social and developmental tools that are so often integral to successful conflict prevention and effective mediation.

One option to improve this situation is to reduce a large portion of the burden on the Council. Many of the situations on its current agenda are low level, inherently local or sub regional and often these are better suited to cooperative and consensual conflict prevention techniques, which the Security Council currently does not do well. Consent based peacekeeping operations also do not require the use of the Council's coercive power, but do require careful detailed administrative management and careful and sustained nurturing of the political dynamics, including through the use of economic, social and developmental tools.

Reduce workload of Security Council

We have proposed **In section 3 above** focusing the Security Council agenda on the very serious end of the spectrum of security issues. As explained we think that an important part of an eventual deal relating to upgrading the Security Council will be new understandings about the appropriate threshold of seriousness for a situation to be the subject of Security Council measures. Such an approach would have important collateral benefits in terms of conflict prevention work.

There is an appetite generally among General Assembly member states for a more participatory, more cooperative and more negotiated approach to conflict prevention. If the Council is focused on action to deal with the really big global issues, this can create space and oxygen for the General Assembly to deal with many of the lesser order problems.

We believe that the approach we are suggesting resonates with and can be well adapted to the new format and reenergised General Assembly model we have proposed. Managing emerging peace and security issues at the lower end of peace and security concern is clearly within the General Assembly's mandate under Article 14 which says the General Assembly should become engaged in the "peaceful adjustment of any situation regardless of origin" in circumstances where there is a risk to "the general welfare or friendly relations among nations".

We suggest

- *Removal from the Security Council agenda issues and situations at the lower end of peace and security concern*
- *Mandate the General Assembly with responsibility for issues and situations at the lower end of peace and security concern to be handled in configurations as detailed below.*

Enhanced conflict prevention for less serious situations under the General Assembly

Many of the situations currently on the Council agenda involve consent based peacekeeping operations which do not require the use of the Council's coercive power. Other issues and threats to the peace, especially ones that are not yet endangering international peace and security, and ones that are low level or inherently local or regional, are well suited to cooperative conflict prevention techniques, which can be effectively managed in the wider and less coercive context of the General Assembly.

An important lesson learned from past failures is the importance of ongoing consistent attention to emerging situations including regular and sustained engagement in the field.

We suggest

- *A decision to use the clear mandate of General Assembly and allow it to lead conflict prevention in country specific cases*
- *The establishment of General Assembly Conflict Prevention Configurations along the lines pioneered by the PBC*
- *New situations could be taken up by the Assembly at any time **using the emergency provision proposed in section 2 above** when it became desirable to establish a new configuration*
- *Establish expectations of a consistent practice of wide engagement by configurations with protagonists and stakeholders and of sustained engagement in the field.*
- *There is useful practical experience from the work of the OSCE that could be drawn on to develop a new General Assembly led model.*
- *A mandate for the Configurations to bring to bear the full range of economic, social and developmental tools that are available to the General Assembly and are integral to successful conflict prevention and effective mediation.*
- *There is no added value in retaining the PBS as a subsidiary body of the General Assembly. In the context of the upgrades we have suggested it would be simply an unnecessary extra level.*
- *Consistently with the **idea suggested in section 2 above** of improving the performance of the General Assembly by lifting the level of engagement on important issues, we suggest that the PBC policy related roles be undertaken in a segment of the General Assembly. The calendar could include an allocation of Plenary time during the year for an agenda item to cover thematic and organisational matters relating to conflict prevention and peacekeeping.*
- *Configuration Chairs – or Co Chairs - would lead conflict prevention processes.*
- *A similar format would apply for routine consent based peacekeeping with a configuration for each operation and for peacekeeping policy related issues to be undertaken in a segment of the General Assembly. The calendar could include an allocation of Plenary time during the year for an agenda item to cover thematic and organisational matters relating to peacekeeping.*
- *Collective member state led conflict prevention and peacekeeping tools should always work hand in hand with the Secretariat, including the political affairs staff, the Secretary-General's "good offices" activities and the peacekeeping staff.*

Enhanced conflict prevention for serious cases by the Security Council

There is still the probable need for conflict prevention work by the Security Council in some potentially very serious cases. The question is how to remove the handicaps currently compromising Security Council performance in such cases and incentivise the Council to shift gear and begin to address situations of risk at an earlier stage, to prevent conflict rather than respond to and manage it.

Because the current Security Council culture has no consistent oversight of situations there are often gaps of many months between discussion. Moreover, there is no consistent practice of engagement in the field. And it is extremely difficult for stakeholders other than Council members to be practically engaged in Security Council processes.

The suggested upgrading of the Council offers a valuable opportunity to rectify some of these current handicaps. Substantially expanding participation in the Council **in line with the proposals in section 3 above** will help to change the political dynamics and the culture and offer opportunities for innovation, especially in conflict prevention. Expanding terms for participation to 4 years for many and longer for others, will give Council participants sufficient time to become fully engaged and practiced at conflict prevention. And bringing to the table the top 20 countries of the world and much more balanced representations of regions and sub regions will increase the political and economic gravitas of the Council and greatly expand the capacity of the Council collectively to engage in conflict prevention. It will also bring to the table many more experienced diplomats and also the financial and other resources that can make a difference

Finally, it is important that the Security Council rediscover the importance of Chapter VI of the Charter and Article 34 in particular. It authorises the Council to play a collective exploratory role before making a determination that a threat to international peace and security may exist. This article offers a golden space for informal and innovative prevention work before a situation spirals into actual conflict or irretrievable hostility. But article 34 has never been effectively exploited to work collectively with countries facing a potential conflict situation and actually prevent conflict.

We suggest:

- *The Security Council should draw from the working methods of the PBC and establish its own configurations set up to manage particular cases.*
- *When the Council agrees to take up a new situations of emerging conflict, a new Configuration could be established. Configuration Chairs – or Co Chairs - would lead conflict prevention processes.*

Decision making on conflict prevention

Conflict prevention and peacekeeping configurations in both the Security Council and General Assembly contexts should have a primarily operational focus. They need to work in an essentially consent based political environment. Good outcomes will most often be reliant on bringing the parties themselves to agreement rather than by imposing the views of the members of the configuration. This suggests that formal decision making would be the exception rather than the norm.

Sometimes in the context of management of a situation, and especially in the case of a peacekeeping operation, issues will arise between members that relate to practical, financial, procedural or logistical matters that cannot be resolved through informal processes. There is also the probability that, at times, there will be situations where there are fundamental political differences between members about the options.

We suggest

- *Consensus should be the norm for decision making in conflict prevention configurations*
- *In anticipation of some situations involving fundamental political differences, the Rules of procedure should specify that in such cases the Chair of the configuration shall report the matter to the Security Council or the General Assembly (whichever is applicable) which shall, without delay, meet to negotiate a solution or decide the matter.*

End Notes