UNA·NZ

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

Discussion Paper

December 2020

Overview

This Discussion Paper proposes a fresh New Zealand vision for an upgraded UN system and suggests potential New Zealand priorities for action in collaboration with other UN member states.

The paper is supported by three annexes:

- Detailed proposals are set out in Annex A.
- Annex B focuses on wider options for renewal, taking into account concerns that are likely to be priorities for other countries.
- Annex C contains an analysis of more visionary changes that could be considered at a time in the future when the international community is less afflicted by the current obsessions with state- centric nationalism and sovereignty.

Background

Even before Covid-19 it was clear that the international organisations set up in 1945, and the related proliferation of over 200 intergovernmental multilateral bodies and their secretariats, were proving increasingly ineffective in resolving the global challenges of the modern world. Moreover, for some time, there has been significant erosion of support from key countries for the UN system, and the World Trade Organisation and – indeed, for structured multilateral cooperation generally.

The 2020 pandemic has graphically underlined these concerns. A stark new reality is emerging. In October 2020 the World Bank reported[i] that, after 20 years of progress in reducing poverty, the impacts of Covid 19 would result in a dramatic rise in poverty globally. As many as 150 million people will fall into extreme poverty by 2021 – many of these in middle-income countries. This comes on top of an already unstable political and security situation, underperformance in meeting agreed goals to mitigate climate change and failure in terms of arms control and disarmament. It is clear that that the Security Council, the UN system generally, including the many intergovernmental bodies and their multiple secretariats, must do better.

In late 2019 the United Nations Association of New Zealand and the NZ Centre for Global Studies asked us to undertake a study of these issues. This discussion paper is the result. It was the subject of some limited consultation with former senior members of our major political parties, with academics and former officials. Our hopes for a wider consultation earlier in the year with stakeholders generally, including civil society, were frustrated by Covid 19. That is in part why this paper is characterised as a “Discussion Paper”. It is a basis for wider discussion at an appropriate time.

New Zealand Values

A key requirement for a project such as this is that the vision fits strongly with both national values and with national economic and strategic interests. We believe that a strong New Zealand role in restoring the mana of multilateralism can sit firmly on four pillars:

1. The strength of New Zealand’s history in providing strong, independent leadership in the League of Nations, in the United Nations and in building regional multilateral institutions.
2. Insights and values of te ao Maori in terms of collective responsibilities for each other and the environment, the oceans and taonga generally, as well as Maori contributions to collective security and multilateralism through actions such as peace operations and UN peacekeeping. We emphasise in this context that we believe it would be presumptuous of us to attempt to define these in detail. That is something the Crown must take up with Maori, and define with them, at the appropriate time. This paper simply offers some suggestions to help the discussion.
3. The practical needs and interests of the modern New Zealand economy built on and sustained by international trade, as it rebuilds from the Covid-19 crisis, as well as the ongoing challenges and opportunities of pursuing an independent foreign policy in securing a peaceful context for New Zealand business and New Zealanders to prosper.
4. The realities of the oceanic region in which we are located, including the peoples of the Pacific and their needs, the resources of the region and environmental challenges that threaten it.

Work will be required to develop each of these pillars and their inter-relationship, to ensure that a reform project is on a secure foundation. When there is political will to proceed and a specific policy initiative on which to engage, consultation should be launched with Tangata Whenua, with Pacific Forum members, with the business community, and with civil society and Pasifika communities in New Zealand.

At the outset we should say that we are impressed with the leadership New Zealand is injecting into remedying the WTO. This paper does not propose any changes that would disturb that process. Instead, it focuses on the wider multilateral system which underpins not only the international trade architecture, but also the peace, stability and values which make our export economy and way of life possible.

These New Zealand values and interests link into global values that still have considerable international support. We believe that if renewal of the multilateral system is progressed with courage and determination, the international community can achieve real and practical change that will sustain the United Nations and the multilateral system as a whole for decades to come.

In terms of generating that real and practical change, we think it is important to emphasise two key points. First, the Prime Minister, in her statement to the UN General Assembly in 2018[ii], outlined an updated version of New Zealand policy values for the 21st century:

> "This generation is a borderless one – at least in a virtual sense; one that increasingly see themselves as global citizens. … NZ remains committed to continue to do our part to building and sustaining international peace and security; to promoting and defending an open, inclusive, and rules-based international order based on universal values."

Secondly, New Zealand, with its regard for te ao Maori, tangata whenua, and the principles of mātauranga Maori such as kaitiakitanga and hauora, has distinctive national concepts which link strongly to the international concepts of ecological integrity and earth trusteeship. The idea of collective responsibility as trustees of the earth resonates with te ao Maori – essentially the principle that humans are not separate from, but part of, nature.

Theses linkages were strongly reinforced by the UN 75 Summit of World Leaders held virtually in September 2020. The Summit declared[iii],

> "**Multilateralism is not an option but a necessity** as we build back better for a more equal, more resilient, and more sustainable world. The United Nations must be at the center of our efforts."
>
> **"We will protect our planet.** Without more determined action we will continue to impoverish our planet with less biodiversity and fewer natural resources. We will see more environmental threats and climate related challenges, including natural disasters, drought, desertification, food shortages, water scarcity, wildfires, sea-level rise, and depletion of the oceans. The time to act is now.
>
> **"We will leave no one behind.** The next ten years … will be the most critical of our generation. It is even more important as we build back better from the COVID-19 pandemic. We need a strong UN development system and effective collaboration between the United Nations and the international financial institutions. …There is no alternative. The peoples have to be at the center of all our efforts."
>
> **"We will upgrade the United Nations.** The world of today is very different from what it was when the United Nations was created 75 years ago. There are more countries, more people, more challenges but also more solutions. Our working methods need to keep pace and adapt. We support … a more agile, effective, and accountable organization that can deliver better in the field and adapt to global challenges. We reiterate our call for reforms of three of the principal organs of the United Nations."

These are fine words, but the Summit failed to agree on any practical pathway for action that would achieve these goals. This Discussion Paper aims to help New Zealand craft, not only a compelling vision, but also a practical set of ideas and specific proposals for action on upgrading the UN system action to achieve the goals.

Colin Keating, former Ambassador to the UN (New York), Director of Security Council Report, Sec For Justice
Dr Kennedy Graham, Director, NZCGS; former NZ diplomat, UN official, university teacher, MP

Note: While the project benefitted considerably from the input of the persons consulted, the content of this Discussion Paper remains the sole responsibility of the two authors.

Summary

Proposed New Zealand priorities:

- Improve disparities between rich and poor and deliver on the agreed Sustainable Development Goals
- Protect the planet and deliver on climate change
- Protect the oceans and their biodiversity
- Control armaments to protect from nuclear and other such catastrophes
- A more equitable Security Council with a mandate and systems that reflect the world of today
- Upgrade the human rights machinery and enhance the focus on indigenous peoples and the status of women
- Introduce new systems to prioritise conflict prevention
- Build compliance with international law
- Begin to address the democratic deficit.

Possible long-term vision

- A Parliamentary Assembly integrated with the UN General Assembly
- Advisory councils for the General Assembly, comprised of civil society, Indigenous peoples, and the private sector

List of persons consulted

Rt. Hon Sir Geoffrey Palmer – former Prime Minister
Rt. Hon James Bolger – former Prime Minister
Rt. Hon Helen Clark – former Prime Minister
Rt. Hon Sir Don McKinnon – former Dep. Prime Minister, Minister of Foreign Affairs; Commonwealth S.G.
Rt. Hon David Carter – former MP and cabinet minister; Speaker of the House (2013-17)
Hon Sir Jim McLay – former Deputy Prime Minister and Ambassador to the UN in New York
Hon Phil Goff – Mayor of Auckland and former Minister of Foreign Affairs
Hon Chris Finlayson – former Attorney General
Rt. Hon Sir Ken Keith – former Judge of the International Court and Justice of the NZ Supreme Court
Hon Gerard Van Bohemen – Justice of the NZ High Court and former Ambassador to the UN in New York
Mr Simon Murdoch – former Secretary of Foreign Affairs and Trade and Head of the Prime Ministers Dept.
Mr John McKinnon – former Secretary of Defence and former Ambassador to China
Mr Bill Mansfield – former D.G. Dept. of Conservation, former MFAT Legal Adviser; former ILC member
Mr Don Mackay – former Ambassador to the UN in New York and Geneva
Mr Tim Caughley – former Ambassador to the UN in Geneva
Mr James Kember – former Ambassador to the African Union and France
Dr Adrian Macey – former Ambassador to Thailand, and to France; former climate change ambassador
Mr Roy Fergusson – former Ambassador to the USA
Ms Denise Almao – former Ambassador to Brazil
Ms Suzanne Blumhardt – former High Commissioner to Fiji; Dep High Commissioner, UK
Dr Penelope Ridings – former High Commissioner to Samoa; former ambassador to Poland; MFAT Legal Adviser
Mr Simon Draper - Executive Director of Asia Foundation and former manager of MFAT UN Division
Ms Jan Beagle – former Undersecretary-General of the United Nations
Ms Suzanne Snively – Director, Transparency International NZ, Wellington
Mr Colin James – former Parliamentary Press Gallery journalist and feature writer
Mr Gabor Hellyer – Principal Clerk, NZ Parliament
Prof Mark Hickford – Dean of Law, Victoria University
Prof Alberto Costi – Faculty of Law, Victoria University
Dr Guy Sinclair - Faculty of Law, Victoria University
Prof Girol Karacaoglu – Head, School of Govt., Victoria University
Dr Simon Chapple, Director, Institute for Global & Policy Studies, Victoria University
Dr Graham Hassall – former Ass. Prof, School of Govt., Victoria University; NZCGS Board member
Dr Geoffrey Bertram – Senior Associate, Institute for Global & Policy Studies, Victoria University
Prof Johnathan Boston – School of Govt., Victoria University
Prof Klaus Bosselmann – School of Law, University of Auckland; NZCGS Board member
Ass Prof Treasa Dunworth – School of Law, Auckland University
Ass Prof Caroline Foster – School of Law, University of Auckland
Dr Anna Hood - School of Law, University of Auckland
Prof Chris Gallavin – Board Chair, NZCGS; former Dep. Pro-Vice Chancellor, Massey University
Dr Negar Partow – Senior Lecturer, Security Studies, Massey University
Prof Kevin Clements – founding Director, National Centre for Peace & Conflict Studies, Otago Univ.; NZCGS Board member
Prof Ramesh Thakur – Professor Emeritus, Australian National University; NZCGS Board member
Dr Tanya Ogilvie-White – Senior Adjunct Fellow, Griffith Asia Institute, Australia; NZCGS Board member
Prof Roger Clark – Professor of Law, Rutgers University, New Jersey, USA; NZCGS International Advisory Panel member

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1. The UN System: Do we need it?

At the outset we mention a caution about terminology. We are aware that the terms ‘UN reform’ and ‘Security Council reform’ for different reasons, have each become contentious. This is because both terms have become too deeply associated with specific kinds of reform championed by specific protagonists and strongly opposed by others. For this reason, we are avoiding these terms, and using instead the concepts of upgrade, renewal and adaptation.

Given the range of views that exist about the UN system, we think it is important at the outset to ask some hard questions before trying to find practical, credible solutions.

(a) The UN system is struggling and under threat; but why try to renew it?

In our consultations with New Zealanders interested in and knowledgeable about these issues, we found that all agreed that there are serious problems of duplication, inefficiency and poor performance in the multilateral system as a whole, that this is often driven by the failures of the member states themselves, and that it is getting worse. But we encountered two quite different views as to what to do about it.

Some argued that that the system should just be left to muddle on. There were various reasons given for this:

- An efficient, focused and coherent system would be too powerful. Powerful top-down structures could threaten freedoms or be co-opted by powerful states for their own interests.
- Even if the reformed institutions were benign, they could evolve into detailed regulatory systems that would generate strong local political pushback, as seen with Brexit.
- Opening Pandora’s box and trying to reform the structures might unleash destructive forces that would actually make the system even worse.
- Plurality and duplication may be messy and inefficient, but it gives lots of people and causes access to institutions that affirm the values that matter to them.
- Recent public polling shows that globally people like the UN. The status quo has generally not produced negative public views of the UN.
- The actual costs of the system are trivial in terms of the GDPs of the major states. Change might save money, but the process would be expensive. The long-run savings would likely be marginal.
- However good the renewed institutions were, there would always be a tendency for decision-making to be driven by small coalitions formulating their positions outside the formal structures.

The alternative, and majority view, was that the multilateral rules-based system is a vital element in New Zealand’s national interests, in term of prosperity, values and security. New Zealand foreign and trade policy would be much weaker if the system continues to atrophy. In the current turbulent global political, economic and security environment, the much greater risk to New Zealand was the continued erosion of the multilateral system. New Zealand should therefore be active and ready to play a serious role in trying to put the system on a sounder footing.

We understand and share the concern about the enhanced risks at this difficult time. We would therefore be the first to agree that it is vital to be prudent and not make things worse. But we think this situation makes it all the more important to responsibly prepare, both politically and intellectually, so that when a renewal waka is launched, New Zealand is ready and able to be a serious player that can help steer it in the right direction.

We also understand and share the concern that, at this point in history, it would be foolish to envisage establishing a detailed centralised top-down regulatory system covering wide areas of economic and social activity, akin to supra national governance. Recent experience in Europe of push-back against micromanagement from Brussels suggests that, even in the West, the appetite for such institutions globally would be low.

Nevertheless, it has to be emphasised that the 1945 model provided for only limited binding decision-making power. It is limited to matters of war and peace. But 75 years on many in the international community are increasingly concerned that the 1945 definition of security is too narrow. Whether it be pandemics, weapons of mass destruction, new terrorist entities, the existential threat of climate change, or other global risks, there are growing demands for security to be defined more widely. This reality also requires consideration of some institutional changes in the UN system.

French UN expert Jean-Marie Guehenno explained this well in an address on 6 June 2020:[iv]

> *"If anything, the COVID19 crisis has shown how connected the world is, and how most challenges cannot find a solution on a purely national basis. If the United Nations is to usher in a new phase of multilateralism, it will not limit itself to its core peace and security role. Climate, pandemics, cyber, artificial intelligence are global challenges that require global coordinated responses. Specialized agencies in that context will need to be modernized and strengthened. Lastly, the COVID19 crisis demonstrates that in any major global crisis, an effective response must integrate technical, economic, financial, and political dimensions."*

Those who noted the reports of wide public support for the UN globally are correct. Polling by the Pew organisation recently found this to be true - even in the USA (curiously though, Japan was the one outlier, with quite strong public negativity reported.) But when one digs down into the Pew data, one finds lower levels of support when people were asked if the UN "deals effectively with international issues". This, and our own experience, leads us to conclude that while support for the UN in most countries may be wide, in fact it is also shallow. We see the reported levels of general support as representing more a nostalgic sense of the UN as a good idea and a symbol of hope, rather than an informed understanding of whether the UN is fit for purpose in terms of delivering on that hope. We think this is probably true in New Zealand too. Most people would still give a nod of nostalgic support to multilateral institutions like the UN. But this is far from the proud enthusiasm for the UN system that existed in New Zealand in the past. New Zealanders seem increasingly uncertain about global institutions and generally unconcerned about the erosion in their status. As one would expect, this also seems to be reflected in the priorities of the current generation of political representatives.

On the substance of the choice between active commitment to renewal and passive muddling on, we find the majority view among the people we consulted to be convincing. We reached this conclusion in part because it was strongly shared by the former political leaders whom we consulted from both major parties. But also, we were persuaded by the many who argued that that effective multilateralism needs to be restored because it is strongly in New Zealand's interests. It really does help to even the playing field for New Zealand. We have set out below some detailed analysis and examples of this. This discussion paper therefore examines the problems in the system, the political challenges to making it better and some practical options for reform.

Our conclusion is that strong and effective multilateral institutions remain essential for New Zealand's safety and prosperity. We believe that New Zealand cannot protect those interests long term, unless the multilateral system is revitalised and New Zealand rebuilds its capacity for tough and effective multilateral diplomacy. Revitalisation requires looking at the UN system as a whole, because the system as a whole is failing to deliver, particularly the role of states in the intergovernmental bodies. Whether it be on disarmament, on climate change, on managing pandemics like Covid-19, and even on peace and security, the model designed in 1945 is stuck in the past. It has failed to adapt sufficiently as the world has changed.

(b) Is the UN system still relevant for New Zealand's interests and New Zealand values?

During and after World War II, New Zealanders felt a strong sense of vulnerability. New Zealand and Australia were cut off from a besieged Britain that could no longer protect them. Many felt alone and fearful. This explains the enthusiasm by New Zealanders for the active leadership by Peter Fraser in championing a strong and effective UN able to provide multilateral collective security.

Fraser did not succeed in in 1945 in achieving a more equitable Security Council. The veto prevailed. But New Zealand was instrumental in inserting the need for decolonisation into the UN Charter. Inspired by this, New Zealand developed strong forward-thinking policies for the Pacific region. New Zealand became a leading partner with the UN on implementing decolonisation in the region. Following the principles in the UN Charter New Zealand also led the development of regional multilateral institutions, including the Pacific Forum.

A younger generation of New Zealanders emerged in the 1960s and 1970s that was also supportive of the UN system. They were inspired by the potential for the UN to deliver on an ambitious normative agenda, providing leadership for democratic values, for international justice, disarmament, human rights, economic development and the environment. New Zealanders were proud to be from a country that was a vigorous supporter of the UN system. And this was reflected in the policies of successive Governments. At the official level up and coming diplomats were steered into career paths that built experience and skills in multilateral tradecraft

The farming and business communities were also supportive of a strong multilateral rules-based international system. They saw the weakness of New Zealand trying to protect its economic and trade interests via bilateral diplomacy. Increasing protectionism and an uncertain future following UK entry to the EEC were threatening to New Zealand exporters.

But today the 1945 system is under threat. We no longer live in a world where we can assume that a fair system, which will protect the interests of the small- and medium-sized countries, will continue. In today's world the powerful are not incentivised to facilitate things getting better and fairer every decade. We actually now live in a world that is potentially dangerous and lonely for all countries but the very large.

In the past, in a global environment which was limited mainly to bilateral diplomatic tools, small countries would often find themselves exposed and without friends when confronted by a large power. External events that small countries cannot control happen all too often. The UK decision to enter the EEC and the Rainbow Warrior affair both precipitated New Zealand into challenging asymmetrical situations where we quickly found the limits of traditional bilateral diplomacy. The ANZUS dispute showed that being morally right does not strengthen negotiating leverage.

In the current world, the US/China confrontation and the situations with Iran and North Korea all create dangerous risks of countries such as New Zealand becoming collateral damage. The brutal reality is that past friendships, good relationships and even alliances may count for little. Large powers often have the capacity and political will to bully and coerce until they get the outcomes they want.

If everything is reduced to a series of binary negotiations, large powers hold all the cards. But in multilateral negotiations the cards are spread more equitably. As was shown in the Uruguay Round of trade negotiations, like-minded partnerships emerge between countries that might otherwise not be able to help each other. There is strength in solidarity. Multilateral negotiations also help to produce outcomes that produce distributed benefits for all, in ways that are hard to achieve in binary negotiations. No one wins everything, but skilled and experienced multilateral negotiators will ensure that everyone gets something – and gets enough to get it over the line.

This is not to say that multilateral diplomacy can always produce these balanced outcomes alone. The best outcomes are achieved when diplomacy operates holistically with bilateral and multilateral mutually reinforcing each other.

We conclude that New Zealand cannot prosper economically without a well-functioning rules based multilateral system. Moreover, the political freedoms and values that New Zealanders hold dear, may not survive at all without such a system. We therefore need to engage globally to protect our trading and economic interests as well as protecting our values, the environment, the climate, our fisheries and much else.

(c) Is the UN system undermining sovereignty?

This narrative is false. The UN is actually quite weak. Its Secretariat has no independent military or economic power. It has no capacity to take binding decisions or to coerce or control states. It is the member states who take all the key decisions. The UN secretariat has no capacity to enforce compliance with anything.

The UN system is therefore different from the European system, which has a parliament with wide law-making power and an executive type Commission which has power to make and enforce detailed regulations. There is no law-making or detailed regulatory power under the UN Charter. Even the General Assembly of the UN cannot override state sovereignty. It can only adopt recommendations to states.

States gave up only one element of traditional sovereignty when joining the UN – the right to 'make war'. The use or threat of force to achieve state policy outcomes, such as access to resources, expanding boundaries or responding to trade issues, was outlawed. The Charter gave 15 states, the 5 permanent members and 10 elected members power to enforce this rule using sanctions or, in extreme cases, collective military force.

For everything else, all the UN system provides is a forum to sit down and talk, to debate and negotiate collectively agreed deals which are recorded in treaties. It is important to be clear: treaties agreed through UN negotiations do not infringe sovereignty. They are negotiated voluntarily and freely; and they are freely entered into. International law grows by consent not by compulsion.

It is also important to be clear that when we hear news of UN sanctions being applied or UN military force being deployed, these are not happening as some kind of creeping override of sovereignty because of decisions by 'unelected and faceless' UN bureaucrats. They are happening because of lawful collective decisions by states, acting through the intergovernmental organs under the Charter, exercising their sovereignty and using their national military contingents, because they see a serious threat to peace. (This contrasts with the unlawful application of unilateral sanctions or use of military force.)

World War II taught a hard lesson. Rogue states can emerge. If left unchecked they will not only undermine sovereignty, but they will violently extinguish sovereignty and human freedoms. In our time, we have learnt from the experience of ISIS in Iraq and Syria that this kind of threat can also emerge from movements within states.

The UN was created, as Dag Hammarskjöld famously said, "not to take humanity to heaven but to save it from hell". Saving ourselves from the hell of the Nazis, or ISIS, or the hell of former Yugoslavia, or Rwanda in the 1990s, or what Syria, Yemen and Libya are facing at present, requires us to work together collectively. But that is much harder and will often fail if we have to invent ad hoc fresh mechanisms for collective action each time. That is why the UN system exists. It is a standing mechanism which states can collectively use to protect sovereignty, to protect freedoms and to save human lives.

It is worth considering some examples specific to New Zealand. Prior to the UN-led law of the sea treaty, which was agreed in 1982, New Zealand faced severe challenges to its sovereign rights over its fisheries from major powers like Russia and Japan. Bilateral diplomacy failed. But by using UN multilateral machinery, New Zealand not only gained back control, but also managed to increase the area over which it exercises sovereign rights from 268,000 square km to over 4 million square km – a 15 times increase. Far from undermining New Zealand sovereignty, the UN helped to dramatically expand it.

New Zealand sovereignty was severely compromised in 1985 by the attack on the Rainbow Warrior in Auckland harbour. Traditional friends and allies did not step up to support New Zealand against France. Bilateral negotiations were hard for New Zealand. There was a major imbalance of power, especially when France further threatened New Zealand's sovereignty and judicial system by demanding the immediate release of its agents and using as leverage its power in Europe to block vital New Zealand trade interests. New Zealand was fortunately able to limit the damage to its sovereignty by using the UN system, which helped redress the balance of power. A UN-brokered process enabled a much better outcome than would have been possible in the world of pure bilateral relations.

In the past, in the hard, cold world of economics, every country was on its own in terms of international trade. New Zealand was particularly vulnerable. Its prosperity depended (and still depends) on freedom to export agricultural goods. Yet most large countries exercised their sovereign right to block imports of New Zealand agricultural products, or to impose crippling duties, or to subsidise their own agricultural production and undermine New Zealand exports to other markets. New Zealand could not effectively respond by threatening to use its sovereign rights to retaliate because of the imbalance in economic power. New Zealand needed them more than they needed New Zealand.

Multilateral negotiation through the World Trade Organisation enabled New Zealand to redress this balance of power and secure progressively better terms-of-trade access and most importantly, security of access guaranteed by a rules-based system with a semi-judicial mechanism to resolve disputes. These international multilateral trade treaties were entered into freely by all sides. The protectionist countries consented to the new rules. They got something in return – not a transactional compensation from New Zealand, but a deal that compensated them in other areas, a deal which could only be brokered by including a large number of states which could pool their interests and negotiating power.

(d) What is the real problem?

There is an alternative narrative that needs to be discussed. Some argue that the UN system is a huge, costly and irrelevant 'paper tiger' that, at best, is just a talking shop. This narrative is equally false. Just the few examples quoted above clearly demonstrate that the multilateral system, when it is working well, has in the past been effective for New Zealand. The UN system does many things well, some of which are not duly recognised. But 75 years after creation, it is certainly struggling to adapt to the needs of the 21st century.

The system suffers from both structural-political and operational-managerial weaknesses:
- A '**governance deficit'** at the level of the member states which means it lacks authority and capacity to solve the really big problems that require global cooperation. Covid-19 was one such example. Climate change is another. Nor can the system now effectively oversee all the operational agencies;
- An '**equity deficit'** because after 75 years the vision of a fairer world in terms of economic and social outcomes is still far from being achieved. The failures regarding Covid-19 and climate change seem to be widening global disparities and the siloisation of development assistance is undermining both economic and humanitarian responses.
- A **'legitimacy deficit'** because the 1945 model created a permanent power differentiation between the five major winning powers from WWII and the rest. Some 75 years on, there is deep resentment about this in the wider international community. Many past efforts at reform foundered because of this resentment and it also often impedes day-to-day decision-making.
- An '**operational-managerial deficit'** because of the multiplicity of legally-distinct secretariats, agencies and programmes. This proliferation impedes coordination and undermines effective delivery. It is exacerbated by outdated and now inappropriate systems of management.
- A '**financial deficit'** because these governance and management weaknesses have generated a political backlash in some countries, with funding cut or even terminated.
- A **'compliance deficit'** arising from the fact that even when important deals are reached and incorporated into international law, international justice is almost always optional. The model for the International Court of Justice was not updated in 1945. It dates back to 1920 and is now a century old.
- A '**democratic deficit'** arising from the state-centric 1945 model that finds minimal space for wider institutions important to democracy such as parliaments, civil society, indigenous peoples and the private sector. Long term, this deficit will compound issues of legitimacy.

There are approximately 78,000 staff members employed in the UN system in the many legally and operationally-distinct secretariats across the system. It is important to put this into context. The budget for the whole UN system is $US 52 billion. This is significantly smaller than the 2020 budget for the New Zealand Government, which at current exchange rates is equivalent to approx. $US 85.7 billion. The UN system budget is also much smaller than the 2020 budget for the New York City Council of $US 88.19 billion.

But the UN system is not just a series of programmes run by secretariat officials. It is also a political system. The system has two main components. One is the operational component represented by the various secretariats. The other is the political part, called the intergovernmental component. In this part of the system' 193 member states send delegates to resolve issues that need to be managed at the interstate level through intergovernmental organs, committees, conferences commissions and similar forums.

The intergovernmental component has two principal functions:
- One is the oversight of the operational component – involving setting priorities, establishing accountability for delivery of those priorities and authorising budgets.

- The second is about policy and the adoption of measures to address a wide range of policy problems of international concern, including environmental issues, governance and human rights problems, sustainable development strategies, arms control and finding solutions to disputes and conflicts that threaten international peace and security. All of these policy issues require practical cooperation between states. To be successful this requires complex diplomatic negotiation. Increasingly, in the more globalised world of today, these issues are interconnected. Negotiation in subject specific silos is proving to be less successful.

The NZ Ministry of Foreign Affairs and Trade publication, the 'United Nations Handbook', lists over 200 intergovernmental UN bodies. Over 75 years the member states have proliferated UN organs and bodies to the point that the intergovernmental system has become so complex that it is difficult for states, and probably for any state at all, to participate effectively and comprehensively in system wide oversight.

This complexity and proliferation of organisations has led to significant dysfunctionality and duplication in the system. This is primarily due to failure in the structure and performance of the intergovernmental bodies. When a $50 billion company is failing, ultimately it is the directors that are responsible. And in the UN system context, it is the member states that are the directors. Undoubtedly major changes are also needed at the level of the secretariats. But reforms at the operational level will not make any real difference unless there is a radical change in the intergovernmental machinery.

2. A New Zealand Vision, Priorities and Risks

(a) A possible New Zealand vision for the UN system to inspire New Zealanders

Having considered why it is in New Zealand's interests for the UN system and multilateral institutions generally to perform better, we think it is good to set out a practical and credible vision which could inspire New Zealanders, and their political leaders across the political spectrum, to support investing time, money and resources in renewing the system? We suggest something like the following:

> *"From the New Zealand perspective, we need a UN system that will really perform. The world has many new problems and severe risks not foreseen in 1945. They are affecting all of us globally. So, we need an institution that can broker collective practical action to fix these problems and not be a platform just for talk. We need it set up fairly so that it will produce fair solutions for the small as well as the large, for the poor as much as the rich. The number of risks is growing. So, we in New Zealand must lift our game urgently and be much more active if the UN system can be made to perform better. Our vision is that it should deliver:*
>
> ***Security from climate change, environmental disasters and threats to our growth and prosperity***
>
> - *more effective collective action to protect the planet and the future of our children and mokopuna from climate and other environmental disasters such as fires, droughts, hurricanes, loss of fish and biodiversity. (Melting ice sheets mean that sea level rise will soon begin to overwhelm some communities and drought is already threatening our economy).*
> - *cooperative solutions to ensure that climate protection measures do not have unfair economic impacts (we need fair sharing of economic burdens).*
> - *upgraded machinery to protect the oceans their fisheries and biodiversity (these are key taonga for us and all our Pacific neighbours).*
> - *agreement on global measures to support people threatened by climate change which will destroy agriculture, further impoverish the poor and threaten the viability of low-lying communities and states. This is especially important in our Pacific region. (No action will mean big flows of climate refugees).*
> - *stronger protection for the multilateral rules that protect our trade from taxes, barriers and unfair subsidies.*
> - *sustainable economic growth and development to address the widening gap everywhere between the poor and the rich. (Unless we make the sustainable development goals a practical reality, the alternative will be an even more intensified flood of economic refugees).*

Security for our people and our values.

- *a fix to the failed model of 1945 which was meant to maintain peace but gave disproportionate decision-making power to only five countries. (New Zealand, along with other small states, has suffered under this model).*
- *practical new collective systems for prevention of conflict between states and preventing civil wars that spill over into wider conflict. The Security Council consistently fails to perform in this regard. (Given the dangerous tensions in North Asia, South Asia and the Middle East the alternative may be catastrophic).*
- *institutional changes that will reduce the risk of another failure of international cooperation when the next pandemic emerges. (Covid19 has shown that security is not just about peace and war and that a global threat to public health can be devastating to lives, well-being and prosperity).*
- *institutional changes that will shift discussions on nuclear disarmament and arms control from twenty years of talk and stalemate to real negotiations and prospects of action.*
- *upgrades to the UN system that will enhance input by indigenous peoples and women, and improve human rights performance through improved machinery for monitoring and review.*

Justice, compliance with law and more democracy

- r*estoration of effective legal dispute resolution so that when trade rules are broken New Zealand can get fair access to justice and compliance.*
- *more credible compliance systems generally so that when we all accept international decisions on key measures, whether they be on climate change, on environmental protection, on public health or on disarmament, compliance is monitored and there is accountability so that the majority are not put at risk or disadvantaged by a few backsliders or by corrupt practices.*
- *increased legitimate opportunities for the people to be influential in the UN system including parliamentarians, indigenous peoples and civil society.*
- *the UN system contributes more effectively to the fight against multinational crime, cybercrime, terrorism, abuse of social media platforms and corruption and is able to help the private sector build ethical business best practice.*

(b) Future global risks: should we update the system to better manage them collectively?

Another pandemic will come. But the next crisis will probably not be a pandemic. Unpredictability is the only certainty. The next global emergency could be environmental. It could be financial. It could be a new even more dangerous version of ISIS or fascist-type extremists. It could be a nuclear, chemical or biological emergency. It could be widespread collapse of governance in a region. It could be a massive famine. It could be a humanitarian or refugee emergency of massive proportions driven by climate change events. It could be several such crises at once or several interconnected crises.

The Security Council, the only global body with real authority, is hobbled by a limited mandate. The 1945 model is failing seriously when it comes to action on existential 'global risks'. That model actually incentivises precisely the kind of failures that happened over Covid-19. When emergencies or major crisis situations arise, especially where there are significant cross-sectoral components or where there are strong domestic political elements in play, it is difficult, under existing structures, to bring to bear the high-level political leadership and collective decision-making by states that can make a real difference.

Furthermore, under the 1945 model, the institutional structures that are in place are not set up to make these kinds of big decisions. Looking back to the emergence of the Covid 19 pandemic, despite the terms of the WHO International Health Regulations, it is clear that it was never realistic to expect that Governments would have allowed a group of specialist health officials or even health ministers convening in Geneva, to take collectively the kinds of weighty cross-sectoral decisions that were required in January or February 2020.

Increasingly there are arguments that the world of the 21st century needs a carefully limited, but fully empowered, Council which can respond, politically, decisively and effectively, to a variety of unpredictable crisis situations and if necessary, to more than one crisis simultaneously. To do so it would need a mandate for binding action way beyond the 1945 concept of protecting just against aggression. This would involve a 21st century definition of threats to security that includes global emergencies or global risks caused by climate change, other global environmental disasters, pandemics, nuclear, chemical or biological threats and global terrorism, while being flexible enough to also include others that are yet unforeseen.

A related question is the health of the international machinery for managing future financial crises. Given the failure to learn the lessons from the 2008 financial crisis and the unwillingness so far to reform the IMF, combined with the huge growth in debt on the balance sheets of almost all governments and much of the private sector, as well as the impacts of Covid-19 which have intensified debt problems globally, there is increasing concern about the resilience of global financial institutions and the risks of a further, even worse financial crisis. The US Government balance sheet in particular is now significantly worse. This gives rise to real doubt that the Federal Reserve could play the role that it did in 2008/09 as an informal backstop for the global system. The scope for further massive 'quantitative easing' seems much reduced – and in any event while it was successful after 2008 in terms of the economy at the macro level, it had negative downsides in that it further exacerbated the gap between rich and poor.

This concern is highlighted in a new book by Augusto Lopez-Claros, former Director at the World Bank and Former Chief Economist at the World Economic Forum. He says:

> *"Another challenge is the growing risk of a global financial collapse when the present debt bubble bursts. The global economy has no lender of last resort. There is no reliable, depoliticized mechanism to deal with financial crises. Whether a country receives or is refused an International Monetary Fund (IMF) bailout in the middle of a financial meltdown is a function not of a transparent set of internationally agreed rules, but rather of several other factors, including whether the IMF's largest shareholders consider the country to be a strategic ally worth supporting. There is also no effective international legal framework to ensure that global business enterprises are socially, environmentally and economically responsible."*[v]

(c) In the current global environment, how ambitious can we be?

Should we focus on changes achievable in the short-term, or focus on a longer-term, more optimal vision?

First, we want to emphasise that we see no evidence, in the current global environment, that governments, or the wider public in member states, have any appetite for an ambitious system of global government with power to legislate on a wide scope of economic, social, and environmental issues. There is no real interest, at the global level, in replicating the EU model of a European Parliament and detailed governance from Brussels.

By contrast, we do believe that there are good reasons for updating the 1945 system to so that the international community has structures with the capacity to more effectively deal with global systemic and existential risks. Covid 19 and the Global Financial Crisis are clear evidence of the need. We judge that, because of the political and technical complexity of such changes, and because of the current international political context of hyped populism and nationalism, it will take some time before one could realistically hope to negotiate a fundamental reform – a brave new world - which effectively begins with a new page.

We are conscious that while this era of the Covid reality may be a 'moment for change', this is different from the 'moment' which existed in 1945 and which allowed a completely new start. This is not what we have today. Awful as Covid 19 is proving, it seems unlikely to replicate the impact of World War II, which caused the loss of perhaps 85 million lives and the physical devastation of much of Europe and Asia. Moreover, the political economic and military dynamics today are fundamentally different from 1945. Power and wealth are much more widely dispersed, rather than just in the hands of a few victors. Perhaps most importantly the major powers today are much more brittle and disunited. They cannot command the same respect or leadership. We have concluded, therefore, that some focused and less dramatic renewal or upgrade of the UN system is the best that can reasonably and practicably be pursued at this time.

We do suggest, however that it is important to keep alive the idea of a more ambitious longer term renewal of the system. In order to help nurture future discussion of a more substantial renewal of the system we include in Annex C of this discussion paper some specific ideas as to how an eventual 'brave new world' could be implemented. We discuss the desirability of enhanced bottom-up inputs from civil society and parliaments and connections with the private sector. We also note the need for a major reform of the International Court of Justice. But in the current environment a major transition from the state-centric model to something completely different is not a practical goal at this time.

In the short term humanity desperately needs a basic multilateral system that works a lot better. There is an urgent need for practical achievable steps in that direction. This is a real case where the perfect must not become the fatal enemy of the good. But in saying this, we also feel that we have to underline the gravity of the risks. One would have to live in hope that humanity will not in the meantime be overtaken by a worse crisis than Covid 19.

(d) What are the challenges?

Reforming the system is not just a technical negotiating exercise. It is a fundamental political challenge given the current international political context of hyped populism and nationalism mentioned above. Any useful changes to the 1945 model will mean some impact on the balance of power at the heart of that model. That is a huge political hurdle, especially when the main beneficiaries of the current model, the five permanent members, the P5, have a veto on amending the UN Charter by withholding ratification.

A truly effective modernised UN, is unlikely to be a priority for China and Russia. Protecting their interests and sovereignty will be much more important for them. In this regard, they have a particular concern about the fact that currently the West almost always has numerical control of the Security Council. A much larger Council will help to ameliorate that concern. Related to that concern is a fear of creeping growth in the breadth and depth of the Security Council's mandate. It will be important therefore that some real thresholds be in place to ensure that any new mandate is limited to serious matters. We suggest that some of the day-to-day business of the current Security Council, especially that dealing with conflict prevention, lesser order conflicts, consent-based peace operations and thematic matters would shift to the General Assembly – a more comfortable environment for China and Russia. We also note that China would want to be seen to support reforms which were priorities for the developing country majority in the UN.

For much of the first 50 years of the UN, US leadership was often constructive. But the past 25 years has been more mixed. Initially after the end of the Cold War, and especially in the Security Council, the US enjoyed a period of real exceptionalism, what some called a 'unipolar moment'. But increasingly in recent years, that has faded. In parallel, the US has become increasingly disenchanted with the UN system. This is in part a concern about unfair cost-sharing and ineffectiveness. But it is also part of a wider domestic political situation that has given rise to nationalistic rhetoric. It is likely that at a certain point American values and US national interest, which both favour stronger multilateral institutions, will tend to balance out domestic rhetoric. But, it is likely that even a Democratic administration would want to see substantial change in the system. Some of the ideas canvassed in Annex B respond to various US concerns.

For both France and the UK, perhaps more than the other permanent members, the institutions have always been important in terms of projecting their national interests. Neither Paris nor London will welcome changes that would dilute British and French power. On the other hand, neither have been exponents of the veto for decades. France has even proposed initiatives to reduce the veto. Both countries will be conscious that their potential for power in the institutions is fading as the institutions themselves become less and less relevant. Both have demonstrated in the UN over many years that they are realists. They seem to well understand that their actual impact is governed more by the energy, professionalism, generosity and competence that they bring to bear in the UN, than by legal words on paper. Reforms that reenergise the whole system could therefore, counter-intuitively, have positive impacts for British and French interests.

But the question remains whether, despite the merits of other reforms, China, Russia and the US could live with any changes to the way that the Security Council operates.

For Russia, the veto was Stalin's price in 1945 for joining the UN. It was largely the numerical equation which disadvantaged it, that troubled the USSR. But this is 2020, not 1945. For both Russia and the US (as the principal users of the veto) great symbolism will be at stake as well actual power dynamics.

In the US this issue could ignite a whole new level of nationalistic politics against multilateralism. The veto proved to be important in securing support for the ratification of the UN Charter in the US Senate.

The ideas we suggest in this paper draw on the history of reforming the Council. The last successful reform of the Security Council, in 1965, also diluted P5 power. But it was approved by a large majority of states. The P5 resisted its adoption, but all five eventually ratified it.

Our suggestions are a basis for an opening position – not necessarily an end-point. We recall that at San Francisco in 1945, New Zealand went into the negotiations with an opening position opposed to the veto. It kept the issue of the veto open till the closing days of the Conference. In the context at that time, with the war still raging in the Pacific and Japan still to be defeated, it was hardly surprising that in the end a concession on the veto was made. But in 2020, the context is different. We suggest that it would be a mistake to assume at the outset that the US and Russia would walk away completely from a reformed multilateral institution if rules relating to the Security Council were changed.

But the reality remains. For the P5 to accept change, and indeed for all 193 states to accept change, they will need incentives. Those incentives have to be developed through a process of negotiation. All participants have to contribute to the give-and-take process that is inherent in negotiation. A long and hard negotiating process it will be, and not just because of the issue of the veto. But such negotiating processes can produce surprising outcomes and innovative and creative trade-offs that can't be envisaged at the outset. It should therefore never be conceded in advance that the 1945 model is a permanent feature of the multilateral architecture.

There is an equally large political hurdle in that the UN system was created by only 50 states. Some 143 other states, the vast majority in Asia, Africa, the Middle East and the Pacific, had no say in the design of the 1945 model. They resent the fact that the model, and the culture that it has developed, discriminates against their participation especially in the Security Council, but also more widely. They also resent the fact that, despite the fine words in the Charter, economic and social disparity are growing – in part they argue because the 1945 model privileges the concerns of Europe and America over the concerns of the developing world. These countries will also need to get something meaningful out of any modernisation. In this regard it is vital to recall that many in the developing world have seen past reform initiatives as tools to accommodate the interests of either the major financial contributors or Western policy preferences.

(e) NZ priorities for a renewed system

We suggest, in light of all the above considerations, that New Zealand have nine top priorities for UN system renewal. These are summarised below. Detailed suggestions to implement these are set out in Annex A:

> ***Better collective action to protect the planet*** – the UN system for negotiating and implementing environmental protection outcomes is fragmented and has seriously underperformed.
>
> The UN 75 Summit Declaration correctly diagnosed the problem. "Without more determined action we will continue to impoverish our planet with less biodiversity and fewer natural resources. We will see more environmental threats and climate related challenges, including natural disasters, drought, desertification, food shortages, water scarcity, wildfires, sea-level rise, and depletion of the oceans. Many countries, not least small island developing states, least developed countries and landlocked developing countries, are already among the most affected. We need to adapt to the circumstances and take transformative measures."
>
> The General Assembly's 2005 World Summit Outcome Document reaffirmed seven 'common fundamental values' that are 'essential' to international relations: freedom, equality, solidarity, tolerance, respect for human rights, respect for nature, and shared responsibility. More recently and more specifically, the Paris Agreement (2015) acknowledged that climate change is a 'common concern of humankind', and that national climate action should consider human rights obligations including, inter alia, the rights of indigenous peoples, intergenerational justice and the right to health. The Agreement notes the importance of ensuring the integrity of all ecosystems including the oceans, and the protection of biodiversity – recognised by some cultures as 'Mother Earth'.

Such international concepts have taken root in international law and political declarations since the 1970s, originating with the Stockholm Declaration (1972), followed by the Rio Declaration on Environment and Development (1992), the Hague Declaration on the Environment (1999), the Earth Charter (2000) and, most recently, the Hague Principles for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship (2018).

Climate change is currently the foremost problem – and it has critical implications for our Pacific neighbours. But it is not the only problem. The changes we propose would improve the capacity of the UN system to better deliver on protecting the planet, achieving the SDGs and benefitting the group of poorer states. Adapting the intergovernmental structures and the Secretariat support structures is key to this. We believe that this approach will result in focusing the UN system on what we call kaitiakitanga but which others call ecological integrity and Earth trusteeship.

Upgraded machinery to protect the oceans their fisheries and biodiversity - The oceans, together with their fisheries and biodiversity are key to our identity, our shared history and our economic prospects. They are taonga which unite us and with all our Pacific neighbours. There is a case for New Zealand establishing as a separate priority in its own right the protection of what is, after all, the largest surface area of the planet – the oceans. In the UN system the machinery focusing on the oceans is one of the weakest. It suffers from significant proliferation and fragmentation. We have proposed in Annex A some structural renewal, both for the Secretariats involved and for the intergovernmental machinery.

Better capacity to improve disparities between rich and poor - The UN system is not going to be the principal driver for economic development and for reversing the current trend of increasing disparities between rich and poor. But it can and should do much better – particularly with respect to the implementation of the Sustainable Development Goals agreed by all in 2015. The changes we propose would improve the capacity of the UN system to better deliver on the SDGs and benefit the group of poorer states. Strengthening the economic development architecture of the United Nations system is key to this. We believe that this approach will result in better balance in the focus of the UN system and will be important to securing widespread support. But it is also the right approach. And it helps to ensure that the UN system will deliver better outcomes for the countries of the Pacific.

A Security Council that is more equitable and better reflects the world of today – The 1945 allocation of power in the UN system, particularly relating to the Security Council, today looks distinctly unbalanced. Failure to address this imbalance has been a root cause of the resistance to past reforms. Also the 1945 model has proved unable to respond to new risks to security not envisaged in 1945. We suggest more equitable and wider representation in decision-making. But modernising the Council is not just about representation. It is also about interpretation of mandate, aggregation of power and decision-making. We are convinced that simply focusing on new permanent members actually will make the Council worse. We therefore suggest, in Annex A, a wider approach, which would upgrade the 1945 model and make it more fit for purpose for 21st century needs.

Practical new collective systems for prevention of conflict between states and preventing civil wars that spill over into wider conflict – The problems with the Security Council are not just about size, composition and mandate. It is struggling to make a difference under its existing mandate. And it is largely ignoring important parts of its mandate, including the bulk of its work under Chapter VI and its responsibilities for arms control and disarmament. In our view this is due, in part, to its now outdated size and structure and subordination to the P5. But it is also due to archaic working methods and a culture of excluding from negotiation the very stakeholders whose buy-in is necessary for success. A revitalisation of the collective use of Chapter VI tools for conflict prevention is necessary. We make proposals in this regard in Annex A. The proposals above for renewal of the Council will undoubtedly also be helpful in achieving this goal.

The system is renewed to deliver better outcomes on arms control and nuclear disarmament – Public concern, reflected in the Pew data referred to above, that the UN system is not dealing effectively with major international issues, is no doubt due to the fact that, despite the time and cost spent in attending dozens of conferences, prepcoms, committees and commissions, all of it seems like a repetitive talking shop. There are no decisive outcomes on issues that people identify as critical such arms control and disarmament. The intergovernmental machinery is failing on these issues that are key concerns for New Zealanders. Renewal and modernisation within the system to try to address these therefore needs to be a New Zealand priority. We do not underestimate the difficulty in achieving this given the culture that has become entrenched. Even with quite significant changes, it is possible that in today's world a productive negotiating culture on arms control may not take root. But in terms of New Zealand values, interests and public expectations, it is important to try.

Upgraded machinery to promote human rights and an enhanced focus on indigenous values and issues and the status of women - The Human Rights Council was only established in 2006. But it has been much less successful - and much more politicised - than hoped. From the New Zealand perspective, it has not effectively incorporated meaningful work on indigenous issues. And it is notable that New Zealand has never served on the Council. We would not join those who say the Council has been a complete failure. The Universal Periodic Review of all states' human rights performance is a good achievement. The Council is generally an improvement on its predecessor; but not by much. 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. The system therefore lacks the level of integration in reporting, monitoring and dialogue that would be desirable for the Council to deliver a better performance. A second problem is the unnecessary politicisation of the Council. Our suggestions detailed in Annex A offer a possibility for improved performance on human rights and also an elevation and enhancement of UN work on indigenous issues and the status of women.

Improved accountability and compliance with international law by states – The judicial architecture underpinning the UN is still largely based on assumptions and policies regarding international law that are over 100 years old. The International Court was the only feature of the pre-WW II architecture that was not updated in 1945. Its jurisdiction is essentially optional. States who don't want to act in good faith, or inadequately regulated corporates, or corrupt actors can undermine the system, putting the majority at an economic, financial or political disadvantage. We propose institutional changes that focus on improving compliance with that part of international law which affects the common good of the international community as a whole and the interests of the majority who do abide by the rules.

Begin to address the democratic deficit – We suggest in Annex A some specific proposals that would immediately improve the situation and better involve parliamentarians, civil society, indigenous peoples and the private sector. Annex C discusses longer-term ideas that would bring a much more democratic character to multilateralism and allow for more 'bottom-up' input. Some are far reaching and involve a longer-range set of goals which are aspirational but probably not viable in the short term.

(f) Accommodating renewal priorities that other states would be seeking

While New Zealand may have a clear vision of what reforms should be pursued as a priority, other states will also have their own priorities. Some will want drastic changes to the size and structure of the system. Others will want financial and management reforms along with better intergovernmental oversight and accountability. Weighted voting will inevitably be on the agenda for some, along with reforms to the General Assembly. To get a deal that will last therefore means that reform negotiations will have to address everyone's key priorities. It is important, therefore, that New Zealand be alert to the full range of issues and that New Zealand have positions on how those issues can be accommodated. Annex B discusses many of these issues and makes suggestions for how these concerns could be addressed with constructive and balanced solutions

3. Process for renewal and NZ role in initiating change

(a) Process

Any process for renewal is likely to commence through the emergence of a coalition of countries who broadly share a vision for change. Some countries will be hostile to any initiative. It will be necessary in developing the process to consider how to deal with this. It is desirable to aim for universal participation in the negotiation phase, if possible. Perhaps not all P5 will be hostile. UK/France – have shown interest in reform in the past.

The second step could be for the coalition to lead action that would progress towards a decision to convene a World Summit. For legitimacy, this should be in the form of a Special (summit-level) Session of the UN General Assembly. Participation in the Summit would be at the level of Heads of State or Prime Ministers. We suggest that the agenda could start with a session, at which leaders could lay out their respective visions for the future. The Summit would then finalise and adopt a decision:

- Establishing a mandate for a high-level renewal negotiating phase,
- Specifying that participation in the negotiating phase would be limited to Foreign Ministers, Heads of Foreign Ministries or Special Envoys of Heads of Government, plus supporting delegations.
- Laying down a timetable for the negotiating phase,
- Requesting the Secretary-General to give absolute priority to supporting this renewal project, and
- Determining a date for a second Summit to take action on the results of the negotiating phase.

The UN Charter is difficult to amend. But a Charter amendment should not be ruled out as a possible Summit outcome. However, it should not be conceded at the outset that this is essential. We suggest that it is possible to envisage decisions taken at the highest level, which would be implemented, at least initially, without formal legal instruments. This would have the benefits of avoiding the tactical disadvantage of becoming hostage to the P5 ratification veto and it would also mean that the timeline between adoption and implementation could be much faster.

Some will no doubt argue that the words in the Charter are sacrosanct and must be slavishly followed. However, this ignores both history and practicality. Changes to UN structures, even those set out in the Charter, have in the past been accomplished without Charter amendment. Proceeding without a Charter amendment could be accomplished in practical and legal terms by taking summit-level decisions. Structures, even some mentioned in the Charter and agencies established under their own treaties could be allowed to simply wither away. Summit decisions could also establish new, parallel, and more effective structures to replace them. If there is sufficient political will, this is possible.

There are precedents. In 1945, the Charter divided the international community into two groups – UN members and ‘enemy states’. However, despite the explicit language in the Charter, the latter group has been allowed to wither away completely, in favour of the principle of universality. The UN Trusteeship Council is no longer needed. It has been allowed to wither. The Security Council Military Staff Committee was moribund for decades and even now performs only minimal roles. One new council, the Human Rights Council, has been established as a result of decisions taken at the 2005 Summit. All of this has happened without any formal amendment of the Charter. If enough states agree, reform along these lines can be implemented in practice at least initially, by agreement by Heads of Government at summit level rather than by formal treaty.

(b) What can New Zealand do to help bring about change?

This paper is not a full blueprint for the future system. Rather we see this as an opportunity to encourage New Zealand ministers, MPs, officials and the public that this is a worthwhile task to give priority to. Also, we hope to provide a resource that helps people to conceive of a clear, strong starting point for negotiation. We think that, in order to be a credible player when the time comes, New Zealand needs such a resource with an in-depth understanding of the system, of how we got into the current problem, the dynamics that will be in play when trying to change it and some substantive ideas and vision for an improved UN system for the future that covers not only those issues that are priorities for New Zealand, but also many that will be priorities for others and will therefore be essential ingredients of the negotiation.

We do not advocate for New Zealand to try to go it alone in initiating reform of the UN system. But we do make the case strongly for New Zealand to be ready to join as a serious player, when a window of opportunity for a reform initiative seems to be emerging.

NZ has a track record of active leadership in key international multilateral negotiations. This includes, in the League of Nations, at San Francisco in the creation of the United Nations and in UN policy for and implementation of decolonisation. Subsequently New Zealand leadership has been notable in disarmament, international trade rules, the Law of the Sea, Antarctica, multilateral fisheries agreements and climate change. New Zealand's reputation in the UN itself is second to none. Its two successful terms on the UN Security Council since the end of the Cold War built credibility and respect.

A key requirement to successfully partner in leadership on a global project, is to be able to articulate, at the outset, a credible set of substantive ideas, a new vision, to excite support, domestically and internationally. This paper is designed to help craft a New Zealand vision. But we stress that simply having a package of ideas will not be enough. New Zealand will also need capacity. It will need to reinvest in its multilateral diplomacy and reverse the growing imbalance of resources towards bilateral work.

We therefore propose a fresh vision for a reformed framework for multilateral cooperation. We think it makes a compelling case for New Zealand playing a leading role, when the time comes, in a major effort to reform the UN system. We hope this discussion paper will help to stimulate recognition of the problem facing multilateralism and collective security and that it is appropriate for countries like New Zealand to step up, as Peter Fraser did in 1945.

In this regard, we recall that thirty years ago, in 1989, New Zealand advanced a world leading and at that time radical vision for UN reform to better equip it for managing global threats. In the UN General Assembly on 2 October 1989, Prime Minister Geoffrey Palmer warned[vi] about the risks of a global environmental catastrophe and the need for a new UN Council with authority that would allow a fully-integrated collective response covering all the environmental, economic, political and other challenges that would be involved.

The proposals in this paper follow in that bold spirit. They are possible options for achieving change. But they are not in any way the last word. That remains for discussion, initially domestically and then negotiation with the 192 other states that make up the UN family.

Annex A: NZ priorities for UN system upgrade: Detailed proposals

This Annex contains detailed suggestions for UN system renewal based on the nine key areas suggested above as New Zealand priorities:

- Improve disparities between rich and poor and deliver on the SDGs
- Protect the planet and deliver on climate change
- Protect the oceans and their biodiversity
- Control armaments to protect from nuclear and other such catastrophes
- A more equitable Security Council with a mandate and systems that reflect the world of today
- Upgrade the human rights machinery and enhance the focus on indigenous peoples and the status of women
- Introduce new systems to prioritise conflict prevention
- Build compliance with international law
- Begin to address the democratic deficit.

Many of our recommendations depend to a large extent on also making some fundamental changes to the General Assembly and the widely proliferated set of intergovernmental bodies, and how they work in practice. These changes overlap and are mutually reinforcing. But we have included the relevant details under each heading in order that readers can see a self-contained model in each case.

These recommendations, particularly relating to the role of the General Assembly and the organisation of the Secretariat and other operational agencies, also overlap significantly with aspects of renewal that will be priorities for other countries. This is discussed in more detail in Annex B.

1. Improve disparities between rich and poor and deliver on the SDGs

Many in the developing world have viewed past reform initiatives as tools to accommodate the interests of either the major financial contributors or Western policy preferences. It is clear that the limited Western focus of some past reform proposals, with no serious effort to reform the international economic and development architecture, has undermined many past reform initiatives. We are convinced, therefore, that a significant renewal of the UN development architecture and its economic capacity is essential. And it is also the right thing to do given the economic stress at the present time and the trend of increasing disparity between the rich and the poor. And it will be an important way in which UN system renewal can benefit the Pacific region. Renewing and strengthening the UN capacity to help to achieve the Sustainable Development Goals would be a key element in this.

Developing Countries have vigorously pursued political efforts for the UN system to address the development deficit within the UN membership. This initially focused on a set of “Millennium Development Goals.” In 2015 a new set of 17 Sustainable Development Goals[vii] were approved at a Leaders level Session of the General Assembly in Resolution 70/1 of the General Assembly[viii]. The SDGs goals were both deeper and wider than the previous MDGs. They included detailed action plans under each goal in the form of 169 targets. They were accompanied by a 2030 Agenda. Importantly, unlike the MDGs they were designed to focus not just on the development dimension, but also achieving the goals in an environmentally sustainable and just manner. And they were designed to be applicable to all member states, developed as well as developing.

In the drafting of the SDGs it was appreciated that the ambitious targets in the proposed goals could only be achieved if the action agenda also involved the mobilisation of significant financing. This led to the agreement on the “Addis Ababa Action Agenda on Financing for Development” adopted by the General Assembly in Resolution 69/313 of 27 July 2015.[ix] The objective was to try to align

> “...*all domestic and international resource flows, policies and international agreements with economic, social and environmental priorities. It incorporates all the SDG means of implementation targets into a comprehensive financing framework, and serves as a guide for further actions by governments, international organizations, the business sector, civil society, and philanthropists.”*

To follow up the 2030 agenda and the Agenda on Financing for Development a High-level Political Forum on Sustainable Development[x] was established to keep under review the implementation of the 2030 Agenda. ECOSOC was charged with being an ongoing forum to receive reporting from the UN system.

At the beginning of 2020 progress towards implementation of the SDGs was behind schedule. The UN website[xi] indicated that:

> "…overall, action to meet the Goals is not yet advancing at the speed or scale required."

In his annual report to the General Assembly in September 2020 the Secretary General said:

> "While there is progress on some of the 17 Sustainable Development Goals, including for indicators on poverty, hunger, youth employment, biodiversity, climate change and access to justice, the world is not on track to achieve them by 2030." [xii]

In the light of this situation there were hopes that the 2020 Summit level session of the General Assembly to mark UN75 would be an opportunity to reinvigorate the 2030 Agenda and introduce additional measures to get the 2030 agenda back on track. Unfortunately, the impact of Covid 19 meant that the Summit was only a virtual one. And the negotiations on the 75th Anniversary Declaration were difficult. Agreement was reached on fine words, but no new concrete action. The Declaration adopted by the General Assembly as Resolution 75/1, said:

> **"We will leave no one behind.** The next ten years, which have been designated as the Decade of Action, will be the most critical of our generation. It is even more important as we build back better from the COVID-19 pandemic. We need a strong UN development system and effective collaboration between the United Nations and the international financial institutions. We support the Secretary- General's efforts and measures in this regard. We are determined to implement the 2030 Agenda in full and on time. There is no alternative… **We will ensure sustainable financing. …**The full and timely implementation of the Addis Ababa Action Agenda on Financing for Development is key for the implementation of the 2030 Agenda**.** Joint public-private financing plays a central role in our efforts to make the United Nations deliver better on its purposes." [xiii]

This expression of determination to implement the SDGs in full and on time is admirable. It is certainly a bold and ambitious statement given the global situation. But the absence of any specific steps to realise these ambitions are a matter of real concern. Moreover, given the massive economic recession that has hit the world in light of the economic damage from Covid 19, only the most optimistic could believe that the 20230 Agenda will really be achieved on time. The evidence in many domestic economies is already clear. Disparities between rich and poor will be increased by the Covid impact. Internationally the economic damage is such that one must realistically assume that the economic and social disparities between rich and poor countries are likely to widen in the coming years, rather than narrow.

We note that in the May 2020 civil society platform which was prepared for UN75, the "UN75 Peoples Declaration and Plan for Global Action", did include proposals for immediate reform. They highlighted the need to increase institutional effectiveness regarding the achievement of the Sustainable Development Goals. The platform also points to the need for increased accountability for SDG implementation via the intergovernmental machinery.

We consider that, in the light of this, it is all the more important to consider concrete actions that can be taken to help to restore momentum to the achievement of the SDGs in the context of a reform initiative. The package we propose would include important elements to address these concerns.

Improved input by developing countries to ensure system accountability

Playing a full role in ensuring accountability by the operational agencies is difficult for most developing countries. The proliferation of governing boards, executive boards and other intergovernmental oversight bodies makes it 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.

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 developing countries lack the numbers of officials and travel funding to optimise intergovernmental oversight.

Consolidation of oversight machinery as proposed below therefore offers an important gain in terms of monitoring and accountability.

Our proposals envisage a reformed ECOSOC (which all donor recipients could be members of) and a reformed General Assembly providing a single, coherent structure for coordinated oversight, for policy development for implementation of the SDGs and delivery on all of the development activity of the UN system.

Consolidation of operational secretariats and agencies

We believe that there would also be significant gains for developing countries, and for helping to get the SDGs and the 2030 Agenda back on track, if there were much 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.

We think that 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 activity. We suggest that a single UN Development operations entity be formed by consolidating, under the Secretary – General, UNDP, IDA, WFP, IFAD, UNICEF, UNFPA, UNCDF, and UN Volunteers

The separate legal personalities of the organisations 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 scare 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.

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 recommended above.

But it is important to emphasise that the possibility of useful niche branding 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 common in the commercial world. In the UN development context this could be done in several ways. One possibility would be to retain limited but distinct sub identities. 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 strong case for retaining the strong positive branding of WFP (World Food Programme). But all this could 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

The 17 goals in the SDGs cover almost every aspect of ECOSOCS current work and the work of its Functional Commissions and its other Bodies and the policy work of the intergovernmental arms of the Funds and Programmes and Agencies included in the operational consolidation proposed above.

Most of the 17 SDGs are focused on economic and social goals. (6 are focused on environmental goals - which are coved below in the next section). Accordingly, ECOSOC, organising its work through the prism of the economic and social SDGs can itself replace all the existing development and SDG related intergovernmental machinery and the many diverse subsidiary commissions and bodies competing in the same space.

We therefore suggest the following:

- Disestablish all intergovernmental bodies with oversight and policy functions relating development whether set up under treaties or by the General Assembly

- 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.
- ECOSOC, already nominally in this role but underperforming because of duplication and unnecessary proliferation, would become the sole responsible agency but under the clear authority of the General Assembly which would decide major issues as described below.
- ECOSOC membership would be opened to all UN member states.

A structured and layered process

We propose that

- A simplified, short and focused agenda on development and economic issues for ECOSOC could be
    - **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
    - **Ensure Coherent and Coordinated Measures** – ensure that measures negotiated are coherent coordinated and mutually reinforcing
- The same items would be on the permanent agenda of the General Assembly plus the following
    - **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 in Annex B as to 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.

Decision-making

Currently intergovernmental decision-making in the development context is problematic. In the oversight context, development assistance recipients often believe that the cards are weighted against them. In the policy context, the current system often boils down to blunt options – simple majority vote or consensus. The latter is seen by some as incentivisng inaction and waste. But consensus creates vetoes that can be exploited for political or other unhelpful purposes.

Some argue that the voting should reflect actual power and economic weight. This path could lead to entrenching domination by major powers. We believe that It is important not to compromise the one state one vote principle. On the other hand, it seems likely that some compromise will need to be made to incentivise major donors to not only remain committed to achieving the SDGs but also to increase their support for sustainable development.

Practice has shown consensus is not a feasible alternative. We suggest that a compromise could be built on the principle already in Article 18(2) of qualified majorities in certain cases.

We suggest 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. We propose that

- 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 which we propose below, plus a majority of the category of "T20" members of the Security Council, which we also propose below.

New and strengthened capacity within the Secretariat for achieving the SDGs

- **Enhance capacity for monitoring progress for analysis and policy advice**

The UN system contains several different elements of the Secretariat contributing to monitoring, analysis and policy for implementation of the SDGs. We believe that this task is sufficiently important, given the need to progress on the SDGs, that it needs a new professional, integrated and coherent capacity within the Secretariat, which focuses specifically on this task.

- **New capacity and stronger mandate for UN system vis-a-vis the IFIS**

We know that the UN system often has a different perspective from the IFIs when it comes to policy responses that impact on developing countries. The UN system recognises that many problems that present as financial ones are actually broader in nature with wider economic social and political ramifications. Historically this has often led to differences regarding conditionality that the IFIs wish to impose on their assistance. But the UN has traditionally been treated as the junior partner in such matters. We think it is important that a reform initiative should address this long standing concern by deciding to lift the capacity, the mandate and the mana of the UN as a partner so that UN perspectives are better factored into decision-making especially where that will have an impact of achieving the SDGs.

- **New capacity and stronger mandate for UN system regarding funding for development**

We are conscious that the 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. We think that one element that might help in this regard is to 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. 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. It is time for such skills 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.

In light of all the above considerations we propose a new capacity within the Secretariat, reporting to the Secretary General, with a specific responsibility to:

- provide monitoring, statistical analysis, advice and policy recommendations specifically focused on meeting SDG goals.
- lead interaction with the IMF and World Bank on policy responses that will ensure that the UN system perspective is fully integrated into all decision-making in those bodies that has impacts on achieving the SDGs.
- mobilise and leverage additional financial resources for meeting SDG goals.

Funding for operational expenditure and capital for the UN development architecture

As indicated above, there seems little doubt that the achievement of the SDGs by 2030 will be compromised by the impact of Covid 19. It is time therefore to rectify an important historical anomaly within the UN budgeting system. Historically much of the routine operating and capital expenditure for development has had to be taken off the top of voluntary financing from donors. By contrast most of the routine operating and capital expenditure for the peace and security architecture is provided from the regular budget and funded from assessed contributions rather than voluntary contributions. We propose 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 operational and capital costs should be included in the assessed budget rather than the voluntary contributions budget.

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

A major reason for the widespread frustration and concern about the performance of the UN is that the UN system is not delivering what was expected in the Charter. It is not producing substantive outcomes on the hard issues, such as climate change and protecting the planet from other risks. This is what matters to the peoples of the world. As a result, the UN is seen as inefficient and largely irrelevant.

General Assembly and its subsidiary structures are not delivering

Chapter IV of the UN Charter establishes a strong mandate for the General Assembly and authority over all the subordinate bodies with responsibility relevant to environmental protection. The Charter envisages the Assembly being an action-oriented body which resolves major policy issues including the adoption of legal measures, as indicated in Article 62(3), such international conventions.

But the Assembly is underemployed and underperforming. This is because of an unwise dispersal of its responsibility, ill-conceived delegation of tasks, a bloated agenda, inadequate decision-making processes, low level engagement in negotiation and poor performance by many participants.

Instead of driving structured high-level negotiations to resolve major issues, it tends to pass problems downwards, to its Committees, to Commissions, Panels, Conferences and almost countless other subsidiary bodies. This produces an ever-repeating cycle of requests for reports, procedural decisions, reiterations of past positions and non-substantive resolutions which update and embroider non substantive past resolutions.

In theory ECOSOC has a leading role to play, but momentum stalls because of the duplication of effort and proliferation of intergovernmental bodies.

The 17 goals in the SDGs cover almost every aspect of ECOSOCS current work and the work of its Functional Commissions and its Other Bodies. Most of the 17 are focused on economic and social goals. But 6 are focused on environmental goals. Accordingly, ECOSOC, organising its work through the prism of the economic and social SDGs and the 6 environmental SDGs, and also delivering on the wider environmental negotiating issues, can itself replace all these commissions and bodies and all the treaty and other bodies dealing with related subjects.

We believe that if a reform initiative generates the political will for change, then the General Assembly can do much better. It can be transformed to become the political apex of a structured and layered negotiating process that is capable of taking action on major issues that need to be resolved if we are to deliver on protecting the planet, such as climate change. We suggest below a range of concrete reforms that could significantly increase the prospects for better outcomes in terms of protecting the planet and its peoples.

We are conscious that, even if structural changes were successfully negotiated, transformation may prove difficult to bed in because of cultural habits that have evolved. The prevailing political climate of nationalism and popularism in some quarters is also a major obstacle. Better performance cannot be guaranteed. But that is not a reason for declining to try.

Proposals for Renewal

We suggest consolidating all of the numerous UN intergovernmental meetings and bodies on environmental matters and shifting negotiating activity and energy away from lower level bodies to a carefully structured negotiating process with a reformed General Assembly as the final decider of the key policy issues.

We believe that for this to be successful it is important to incentivise high level and sustained engagement in negotiation and for the structure to establish specific expectations that fundamental issues will often need to be resolved by top level political leadership. Annex B contains more detailed suggestions applicable to the General Assembly as a whole not just the environment aspects of its work.

We believe that it also important to eliminate the proliferation of secretariats and treaty bodies that have evolved in the past during times when it was not properly appreciated that protecting the planet requires a consistent coherent and integrated approach to both policy and implementation.

Focusing the Agenda

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 specific mandate. The environmental items could 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

Creating a structured and more effective negotiating process

- Disestablish all intergovernmental bodies dealing with environmental protection and oceans matters, whether set up under treaties or by the General Assembly or ECOSOC. We cannot afford to continue to have multiple different Kaitiaki trying to do the same job.
- 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.
- 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
- 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
- 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, the ultimate Kaitiaki or Planet trustees, 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

Along the same lines as in the previous section, currently intergovernmental decision-making in the environment context is problematic.

Consensus is seen by many some as incentivisng inaction. It is clear that consensus can create vetoes that can be exploited for political or other unhelpful purposes.

Some argue that the voting should reflect actual power and economic weight. But this path could lead to entrenching domination by major powers.

We believe that It is important not to compromise the one state one vote principle. On the other hand, it seems likely that some compromise will need to be made to incentivise the major economies donors to not only remain committed to the Paris Agreement and to achieving the environmental SDGs, but also to increasing their financial support for mitigation and adaptation measures.

As in the previous section, we suggest that a compromise could be built on the principle already in Article 18(2) of qualified majorities in certain cases.

We suggest 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. We propose that

- 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 proposed below plus a majority of T20 members of the Security Council.

3. Protect the oceans

We believe that there is a case for New Zealand vigorously supporting the protection of the oceans as a separate UN renewal priority in its own right. We know that some may see protection of the oceans as a subsidiary issue to the wider concerns about protection of the planet generally. But for New Zealand, and the countries of the Pacific, the oceans loom large and deserve a separate place in consideration of how to best upgrade the UN system.

Oceans already recognised in the SDGs

There is a precedent for this. The SDGs already establish the protection of the oceans as a distinct and separate goal. SDG 14 is to:

> “Conserve and Sustainably manage the oceans, sea and marine
> resources for sustainable development”

The oceans represent the largest surface area of the planet. They are the original source of all life on the planet. Life as we know it, including human survival, is linked to the health of the oceans. Moreover, the oceans have a special significance for us in New Zealand. They are central to te ao Maori. And, together with their fisheries and biodiversity, they are key to our identity, our shared history and our economic prospects. They are taonga which unite us in Aotearoa New Zealand and unite us with all our Pacific neighbours.

We have explained above the significant role that New Zealand has played in the past in multilateral negotiations with respect to the oceans and the benefits that New Zealand has gained. It is of concern to us that in the current UN system the machinery focusing on the oceans is one of the weakest. It suffers from significant proliferation and fragmentation.

We have proposed below structural renewal, both for the Secretariats involved and for the intergovernmental machinery which we believe would usefully upgrade our collective global capacity to protect the oceans.

Operational upgrading

First, at the operational level, we suggest the consolidation in a single integrated and coherent UN Secretariat Department all of the system wide entities dealing with oceans and fisheries and marine biodiversity. There is significant policy, legal and operational incoherence when oceans issues are fragmented among different bodies with differing approaches, differing priorities and stakeholders focused not on the health of the oceans as a whole. This would include:

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

The IMO in London exists primarily to facilitate international cooperation relating to shipping. Politically it is heavily dominated by shipping interests. But marine pollution is not just a shipping related matter. Today other sources of pollution are more significant and an integrated and coherent system is seriously overdue.

The FAO in Rome was created as primarily an agriculture and land-based organisation. With its focus on food, and the interests of both producers and consumers, it is inevitable that the lure of maximum production has become a driving consideration in its approach to fisheries management, despite acceptance of sustainability principles. FAO is not well suited to an ecosystem approach or to holistic oceans management based on kaitiaki principles.

The Division for Ocean Affairs in New York, located in the Office of Legal Affairs under the Un Legal Counsel, emerged as a residual follow up entity after the conclusion of the Law of the Sea Convention. It has picked up diverse roles that are not inherently legal in nature, although they are derived from negotiations about the law. They do not belong in an essentially legal context. (Domestically we would not for a moment consider putting such bodies in the Crown Law Office.) By contrast the International tribunal for the Law of the Sea is an inherently legal body and should be under the same appropriate secretariat umbrella as other international tribunals and courts.)

Upgrading the intergovernmental work

Significant transformation of the intergovernmental machinery is also necessary and appropriate.

We propose that 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 2.

There are monitoring, assessment policy and rulemaking responsibilities relating to the oceans which need to be undertaken and achieved in a coherent manner and integrated with other related environmental decision-making. Under our proposals, ECOSOC will have that role and also the role of ongoing negotiation of outcomes, with decision-making going up to the General Assembly

Regional and sub-regional dimensions

Much of the practical intergovernmental work relating to oceans is undertaken at the regional or sub regional level. There are many fisheries commissions and other similar bodies undertaking local and often species specific conservation and management. Some have a distinctly resource harvesting perspective. Others, like the Commission for the Conservation of Antarctic Marine Living Resources[xiv], have a strict ecosystem protection-based mandate. Some are under the aegis of FAO. Some are based under their own regional or sub regional treaty frameworks, such as the Forum Fisheries Agency[xv] in the Pacific. And also there are global high seas fisheries management rules and requirements for Regional Fisheries Management Organisations under the 1995 United Nations Fish Stocks Agreement[xvi]. The performance of these regimes is very mixed . Overall, performance is far from uniform best practice. There is a strong case for a serious upgrade of them.

However, we do not think it is wise to propose a generic upgrade to these regimes as part of this project, which is focused on global structures. Moreover, to do so at this point would perhaps risk disrupting some of the local management regimes that are effective. The best approach to upgrading the overall architecture is actually to upgrade the global machinery and create a dedicated, coherent and integrated capacity to focus on oceans issues in a comprehensive way. We believe that the proposals in this Discussion Paper would be an important step in that direction.

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

Security Council has abdicated on disarmament and other UN bodies are dysfunctional

Another major reason for the widespread frustration and concern about the performance of the UN is that the system is no longer engaging in effective negotiations on the hard issues relating to weapons of mass destruction and nuclear disarmament. Along with climate change these issues matter in terms of protecting the planet and human survival on it. These are the issues that matter to the peoples of the world.

The Security Council has long since abdicated its responsibilities under Article 26 for disarmament. As explained above, Chapter IV of the UN Charter establishes a strong mandate for the General Assembly. It envisages the Assembly being an action-oriented body on matters of peace and security along with the Security Council. Article 11 specifically contemplates the General Assembly taking action on disarmament and the regulation of armaments. But the Assembly has devolved much of its authority in this regard to subsidiary bodies which have become dysfunctional.

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. But poor and dysfunctional structures have in the past contributed to the absence of political will.

Political will has also been hard to generate in countries that for diverse reasons 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. 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 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 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 Weapons[xvii] has a vestigial recognition of need for progressive and balanced steps to zero, but to negotiate effective and balanced provisions would have required serious engagement by and with the nuclear weapon states. Given the problematic UN negotiation structures that would have been difficult. And in the political climate of the day, the political will for that engagement was not forthcoming.

As indicated above, poor and dysfunctional structures have in the past contributed to the absence of political will. Improving structures and processes can help create better conditions for engagement, especially if they are part of a much wider set of reforms that renew the global investment in collective multilateral solutions.

Improving the negotiating context

We believe that one possible option for improving the structural context for more effective disarmament negotiations is to shift discussion out of the currently dysfunctional bodies and elevate the level of discussion to more senior levels. We suggest that the agenda and processes of the General Assembly be transformed 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.

For this reason, we also suggest consolidating many of the numerous UN intergovernmental meetings and bodies and shifting negotiating activity and energy away from diverse lower-level bodies to a structured single framework.

We suggest the following:

- 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
- Disestablish the General Assembly First Committee and replace it with 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 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 dates for the Leaders event would be shifted to take place close to the end of the year
- 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.
- Currently decision-making is unbalanced. This almost certainly exacerbates the hostility that underlies the lack of engagement by the nuclear weapon states. It also incentivises inaction. However, the current alternative of consensus has 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 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. There is no need to create further vetoes down the chain. The principle of one state one vote should be maintained, but there is no denying that some compromise will need to be built for decision-making. 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. We propose that a qualified majority be required for all decisions by the Council and the General Assembly including substantive negotiating outcomes, the establishment of any new subsidiary intergovernmental body and the approval of priorities or new agenda items. We propose that 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 proposed below plus a majority of T20 members of the Security Council.

5. 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. From the New Zealand perspective, it has not effectively incorporated meaningful work on indigenous issues. And it is notable that New Zealand has never served on the Council.

We would not join those who say the Council has been a complete failure. The Universal Periodic Review of all states human rights performance is a good achievement. The Council is generally an improvement on its predecessor. Diagnosing the reasons for the disappointing results from the Council is not an easy matter.

Problem of politicisation

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. The system therefore lacks the level of integration in reporting, monitoring and dialogue that would be desirable for the Council to deliver a better performance.

A second problem is the unnecessary politicisation of the Council. This politicisation flows in part from the behaviour of some states who 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 used as a vehicle to put pressure on political enemies. On the other side of this debate, the countries resistant to the whole human rights concept on grounds of sovereignty, are equally responsible for the politicisation. Dysfunctionality suits their preference that the Council’s reputation be held in low esteem.

A third problem for the Council is that it has become trapped in a siloised methodology or approach that often seems not to recognise in a practical sense 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.

Thirdly the Council is walled off from the mainstream of the wider UN agenda. It is 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. 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.

Renewing the human rights machinery

Despite the weaknesses described above we believe that it would be much better to upgrade the Human Rights part of the UN system, including the Human Rights Council, rather than start again.

We suggest that the renewed Human Rights machinery be based on the following

1. Preserve the role of the High Commissioner and the Secretariat staff supporting the High Commissioner
2. Retain the valuable norms that have been built up progressively through successive Declarations, Covenants, Conventions, Treaties and Protocols
3. Strengthen the monitoring and compliance components by integrating and rationalising reporting under these norms so that reporting on all applicable treaty obligations is to the Human Rights Council under the umbrella of each state’s Universal Periodic Review. The current Treaty bodies would cease to meet.
4. Decide that membership of the Council should be open to all UN members.
5. Strengthen the human rights oversight and review capacity by allocating substantial additional time each year for the Council to undertake the more detailed and extensive UPR.
6. Preserve the existing Mechanisms of the Council and its Special procedures, including Special Rapporteurs but deciding also that where reports relate to particular country situations these should be presented and considered with the relevant UPR.
7. Simplify and focus the agenda and decide that the Council would allocate segments as follows:
   - on review of states human rights reporting
   - on thematic human rights issues
   - On the status of women
   - On indigenous issues
   - On preparatory material for the General Assembly
8. 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.
9. 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

1. Elevate work in the UN system on the Indigenous Issues from its current status as a subsidiary Permanent Forum of ECOSOC to being a full component of the Human Rights Council with its own dedicated segment with additional time allocated to Council for this each year.
2. 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.
3. 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.
4. 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
5. 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.

Reducing politicisation in the Council

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.

There will be times where this reporting and 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.

Decision-making

We suggest that the Council 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
- decide substantive issues relating to thematic matters, the status of women and indigenous issues.
- With respect to contentious country specific matters the Council's role should be preparatory. Accordingly, matters of major disagreement should be identified clearly for consideration by the General Assembly. Traditional techniques such as square bracketing could be used for this purpose.
- In the General Assembly, for the reasons explained above, currently intergovernmental decision-making is problematic. In the Human Rights context states facing country specific measures often believe that the cards are weighted against them. Some argue that consensus respects sovereignty, whereas voting reflects political power and economic weight. But as we have seen above, consensus creates unhelpful vetoes that can be exploited for political or other unhelpful purposes. In the human rights policy context, as in other contexts, the current system boils down to blunt options – simple majority vote or consensus. We believe that It is important not to compromise on the principle of voting using the one state one vote principle. On the other hand, some compromise will need to be made to permit the General Assembly to fulfill its leadership role. We believe that the general principles suggested above should be equally applicable in the human rights context. Decisions should be made by a qualified majority that 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 proposed below plus a majority of T20 members of the Security Council.

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

We have suggested putting aside for now the option of discontinuing the current Security Council and replacing it with something like an entirely new high-level standing Council to deal with all major global risks. It may be that discussion in New Zealand may lead to public and political support for that becoming a New Zealand priority. Certainly it is a major issue on which New Zealand should be fully prepared and have practical ideas. In the meantime, however, we do suggest that in the context of adapting the Council to modern needs that it would be prudent, given the modern risks now facing humanity, to consider the appropriate interpretation of the word "security" in the current mandate for the Council set out in Article 24 of the Charter.

Council mandate

- *Options for wider mandate*

Article 24 of the Charter confers on the Security Council “primary responsibility for the maintenance of international peace and security”. The words peace and security are often used as if they were synonymous. There is a relatively clear understanding of what is meant by “international peace”. But the word “security” is more open textured. It would be possible for the international community, in the process of upgrading the UN system to clarify the interpretation of “security”. The clarified interpretation could include security in the face of serious global emergencies and major global risks, including those arising from environmental disasters, financial collapses, pandemics, major terrorist movements such as a new even more dangerous version of ISIS, 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.

We think it would be important, at the same time, to set some clearer thresholds for all of the work of the Security Council and to be clear that any wider meaning would be utilized only in serious emergencies. We elaborate on this in more detail below.

- *Limiting the mandate to truly global concerns*

Crafting the words for a wider interpretation of “security” will be difficult. It needs to address not only the width of the mandate but also its depth. While it needs to confer sufficient authority, at the same time, it needs to be quite limited - focused on a high threshold for major global threats or major emergency issues. Limiting the depth of the focus can also be helped by clarifying that certain matters previously handled by the Council as threats to international peace and security could be handled by the General Assembly. Using the consent-based focus of the General Assembly, would help establish political comfort levels that the reforms would not result in creeping expansion of global government. It would also be practical. The Security Council is already overburdened. This would allow the Council to focus on the really serious threats. Details about this division of responsibility are discussed also in the next section on Conflict Prevention and in more detail in Annex C under the renewal of the General Assembly.

Size and composition

There are clear advantages, when dealing with a complex and fast breaking situation, if responsibility for taking decisive action is delegated to a body smaller than the 193 member states. But modern experience has demonstrated that there are almost always complex regional and often global political social and economic factors in play in most of the situations being managed by the Security Council. Not having these stakeholders involved in decision-making becomes problematic in negotiating sustainable solutions. There are already compliance and legitimacy issues with the current model and the widespread political grievances about the lack of balance in participation in decision-making of the current Security Council. The stakes would be even wider in any decisions taken on wider global risks. In all cases the importance of securing wide buy in and implementation across the planet is clear. 15 is far too small a number and impractical for all these reasons. Size cannot therefore be considered separately from the issue of composition

Pragmatically there is a case for including in the Council, as far as possible, all the states with major coercive power and capacity to frustrate the outcome intended. In terms of legitimacy, there is a case for 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. This is not the same as the current G20. And it is certainly not our suggestion that the top 20 should be anointed following the 1945 model which created permanent positions. To the contrary, history shows that in the real world nothing is ever permanent. Practicality and equity therefore demand a system by which T20 status would be recalculated on a regular cycle – say every 4 years.

But over and above the T20, we strongly believe that balance, legitimacy and political acceptability require that the Council also include at least an equivalent number of medium and small states, elected by the General Assembly.

Our suggestion, for discussion is that the Council would be composed of 47 members, each serving for a term of 4 years. There would be two categories of membership:

(i) The first category would be the 20 largest states in the world (calculated using a basket of indexes including population, economies and other key relevant indicators.[xviii]) No state would have permanent membership as such. The Secretary General would be charged with recalculating "T20" entitlement 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 top 20 states would serve for the next 4 years.

(ii) The second category would be 27 elected members. These members would be elected by the General Assembly every four years to represent 12 regional constituencies. The composition of the constituencies would be balanced as fairly as possible with approximately 6-7 states per seat. A detailed outline of the possible membership of the 12 constituencies is set out below.

47 is a large number. But it is important to remember that 50 states were at San Francisco in 1945 and 50 proved to be a manageable number even with high level representatives present.

Some will claim that a larger number is inefficient. Working in a larger group can have its practical problems. But the poor performance of the current 15-member Security Council demonstrates that smaller does not equate to efficient.

Quite apart from the political arguments in favour of a larger Council, there are also practical advantages in a larger number which assist efficiency. One factor that contributes to the weakness of the current Security Council is the huge workload. A larger membership, combined with more balanced and equitable working methods, would allow the workload to be better distributed. A larger group would also allow for the new Council to better deal with multiple issues in parallel. But the greater significance of a larger Council is that a larger number allows wider participation and that is important for reasons of equity, legitimacy and in terms of political realism.

Equitable participation by medium-sized and smaller states

There are also strong concerns by many states about poor representation for many regions and sub regions. A Council of 15 or even 30 makes fair accommodation of regions and sub regions difficult.

And there is a further compelling factor based in political realism. If the number of Council members is not sufficiently large, some important and militarily powerful states that do not quite meet the top 20 criteria will often be excluded. Because of the existence of dangerous regional rivalries, some states whose slightly larger rivals may secure regular membership 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, such as that proposed in this paper, provides a pragmatic solution to this problem. For instance, in South Asia, India is likely often, if not always, to be identified as one of the "Top 20" countries and be a member of the Council. The political problem that this presents for Pakistan can easily be appreciated. But the proposed model offers a solution. The relevant sub regional constituency "South and Central Asia" has 11 members and an entitlement of two seats in the Council. As such, and because of its relative size in the sub region, this offers Pakistan a plausible alternative pathway for regular membership of the Council – and a huge improvement on its prospects at present. Similarly, the "North Africa" sub regional constituency, with 12 members and 2 seats, also offers major players like Egypt and Algeria plausible alternative pathways for regular membership of the Council. Likewise, the West Africa constituency provides a much better pathway for Nigeria than it has at present.

Clearly the membership of the sub regional constituencies and the numbers of seats allocated will be one of the most hotly negotiated issues. The important point at the outset is that it is vital to recognise the need to provide sufficient electoral subsets to improve the equity of representation and with compositions that will recognise political realities and allow alternative pathways for representation.

Our detailed suggestions for the electoral framework to deliver much more equitable composition of the Council elected members are set out below. We suggest 12 constituencies for elections to the Council. In the electoral context these constituencies would achieve a much fairer balance than exists at present in terms of opportunity to serve on key institutions.

The proposal is based on the principle that 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 i.e. a distribution of approximately 6-7 states per seat. For the purposes of this illustrative example the T20 are assumed to be the same as the current G20 (but minus the EU and plus Spain). But that could change depending on the agreed criteria and calculations at the relevant time.

Regionally appropriate "T20" members would normally participate in the constituency for non-electoral purposes. 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

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, Montegro, 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

Logical constituencies will have wider value in the system

Constituencies are likely to also evolve to have 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 in several places in this Paper. Constituencies could therefore include regionally relevant T20 members for these non-electoral purposes.

Constituency groups could also decide to include (for non-electoral purposes) entities that are not currently recognised as states but with characteristics akin to statehood (such as would allow, say, the EU or the AU and Pacific Forum members like the Cook Islands and Niue and CARICOM members such as Montserrat, and others, to participate in meetings of the Constituency, but not as voters)

Voting, rules of procedure, level and mode of operating

- *Voting*

  Reaching agreement on the rules governing voting for an expanded Security Council will be difficult. But simply continuing, or worse expanding, the existing dominant position of the P5, by virtue of the veto in the 1945 model will be politically unacceptable to the membership as a whole. On the other hand we believe that to have any chance of success in modernising the existing Security Council a compromise 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”, where there was a direct military threat to one of them. Maybe, a compromise would have to be based on acceptance by everyone else that, in matters of international peace, a veto would continue. But the compromise would also require a limitation of the veto so that it would only apply where there was a direct threat to the P5 member itself. This should be linked to a clear reassertion of the rule already in Article 27(3), but 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. It would be important for such a compromise to be worthwhile to also achieve clarification of what being a “party to a dispute” means in the modern era. We would suggest that it include any matter or situation where the decision to be voted on included any element where there was a publicly stated policy difference between the P5 member in question and any other Council member. There will also be 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.

- *Rules of Procedure:*

  New Rules of procedure (ROP) would be required, but the content of the key elements of the ROP should be negotiated as part of the deal, not left to a subsequent cabal of lawyers as happened in 1945.

  There are two options for implementing an upgrade to the Un system. One is for a formal Charter amendment. But as explained in this paper there are distinct problems with that. The alternative of a Political Declaration is a viable possibility. But that options requires a much more complicated approach to the Rules of Procedure of the Security Council.

  In the event of a decision to proceed with the latter option, a work around will be needed – given the words of the Charter - to describe the members of the Council and to provide for election and for voting. With this in mind, one possibility that occurs to us is to call all of the members of the expanded Council something like "participating members".

  The ROP would then specify how "participating members" i.e. the new membership would be identified or elected. This would need to include a process for selecting both the T20 and for electing the elected members.

  The ROP would also say that all "participating members" would be entitled to full participation in all aspects of the Councils work (including all its informal meetings and processes).

  The ROP would also need to provide for an innovative voting procedure, given the voting rules set out in the Charter. But crucially, the ROP would also need to deal with the problem presented by Article 31 which says that states not members of the Security Council may only participate "without vote". One possible solution may be to develop new language to describe the decision-making process. This could involve using a new term such as "indication of agreement" or something else that is quite distinct. The ROP would need to say explicitly that "indications of agreement" had the same force and intent as a vote under article 27 and that henceforth the Security Council will no longer undertake voting as envisaged under Articles 27 and 31 on matters coming under the new wider definition of "security". 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.

- *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 high level**.** It should be set up with that in mind. This means that members' Permanent Representatives should be appointed at much higher levels so that they are either the equivalent of Ministers (as has sometimes been the case the US practice) or High-Level Envoys.

  The ROP should provide that the Council could convene in different, or even multiple formats, depending on the threat under discussion

Would it be necessary to legally amend the UN Charter?

The Charter can be amended but it gives the P5 a veto by withholding ratification. Article 108 specifies that all five must ratify any amendment.

It is already particularly difficult in the US Senate to get the ratification of any treaty. On the one hand a high threshold of two-thirds is required for ratification. Also in the past treaties have often been blocked procedurally by a single senator, because of the filibuster rule. It would be naïve to assume, even if the US Administration accepted a Charter amendment, that it would get ratified.

It is possible (but unlikely) that the domestic political situation in the US could improve sufficiently in the coming years to make approval of a charter amendment more assured. For that reason it is worth being open to the idea of a formal legal amendment. But it is critical to not make reform contingent on it and therefore potentially hostage to the most extreme end of the domestic political spectrum. We suggest therefore that reform must proceed on the basis that it could be implemented without a Charter amendment.

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 its current poor performance. Most external commentators agree that this is a significant problem.

However, when looking at the idea of an upgraded and renewed Security Council, it makes little sense to focus on the working methods problems under the 1945 model. Substantially expanding the size of the Council, as we have proposed in this section, and bringing to the table as elected members countries representing a large number of sub regional constituencies will of itself greatly change the political dynamics and the culture. This will inevitably drive new working methods. It will certainly offer opportunities for innovation, and no doubt also some new challenges – especially in dealing with a much larger cohort of colleagues. However most countries are well accustomed to making larger groups work, both regionally and in the UN.

Moreover, expanding Security Council terms for elected members to 4 years will also have a significant positive effect. It will give members 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. And inevitably the changes we have recommended for decision-making will open up a more positive space for creative working methods.

Also bringing to the membership of the Council all of the top 20 countries of the world, 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 .

We are in no doubt that that these upgrades to the 1945 model will drive substantial change in Council working methods. However there are some key lessons from the past problems associated with the 1945 model which will need to be kept front of mind.

A particular reform associated with New Zealand from its 2015-16 Security council term relates to a new system for situational awareness by the Council. For some years previously a major factor in the increasingly myopic Council performance was the stilted and archaic approach to receiving actionable information about global developments. New Zealand led a reform process for informal briefings from the Secretary General and his team. The eventual decision to improve the process was a much watered down version of what would have been optimal. We propose therefore that there be specific recognition in the upgrade decision of the Council for stronger, more effective and flexible informal procedures for ensuring Council situational awareness.

Secondly, participation by states not members of the Council is an area that has been deeply problematic for the Council in the past. It definitely needs modernising and upgrading. The Charter provides that 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 in a manner distinct from the majority of states, are entitled to participate in Council work on that issue. But, under the 1945 model, the Security Council has applied this rule so narrowly (and arguably in a way that is inconsistent with the Charter) that states concerned often feel a strong sense of grievance that they have not been afforded due process. This practice has undoubtedly contributed to the wide levels of non-compliance that occur. It is important therefore that new ROP specifically provide for much larger participation than the present ritualistic opportunity to speak in a formal meeting once the decision has already been finalised by Council members in private. This suggests a framework which includes the possibility of sustained engagement with Council members in their informal discussions. But they would not have a vote.

Secondly, in section 6 below, which deals with new systems for conflict prevention, we have proposed some important new working methods for the Council.

Implementation of new arrangements

If the option of an entirely new Council is pursued, we suggest that the Summit establishing the reforms should specify the date that the Council would come into existence.

We also suggest that the Summit should specifically

- Reiterate that the Council can adopt binding measures under Chapter VII.
- Decide that such measures would be binding on all states, all international and regional organisations, all parties to conflicts or disputes whether or not the party is a state.
- State that measures intended to be binding should be specifically indicated as such
- Decide that when so indicated in the measure, all states would be under an obligation to transform the measures into binding obligations in domestic law.

7. Practical new systems for conflict prevention

Security Council has failed to deliver conflict prevention despite Resolution 1625 in 2005

In 2005 the Security Council adopted, at a Summit Level Session, a landmark Resolution 1625 on conflict prevention. In 2006 former 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 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.

It was recognition of this need for a more holistic capacity that led in part to the establishment in 2005 of the Peacebuilding Commission.[xix] Interestingly, it was established as a subsidiary body to both the Security Council and the General Assembly. However, because of the inherent tension between its two parents, the PBC effectively became an orphan. And the PBC never really gained the traction hoped for after it was set up in 2005, in part because the Security Council was consuming all of the oxygen available and wanted to restrict the Commission to only post conflict work.

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. We suggest that these are better suited to cooperative and consensual conflict-prevention techniques, which the Security Council currently does not do well. Others involve consent based peacekeeping operations which do not require the use of the Council’s coercive power, but which 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. The Council is not good at any of these.

As explained in section 5 above there are other benefits of doing this as well. We think that an important part of an eventual deal relating to the Security Council will require not only a substantial increase in its size and a composition (which will ensure that many more of the key stakeholders in major international political and security issues will be at the table), but also new understandings about the appropriate threshold of seriousness for a situation to be the subject of Security Council measures.

Accordingly, we suggested in Section 5 that a decision be taken to focus the Security Council agenda on the serious end of the spectrum of security issues. Removing issues of lesser seriousness from the Council's ambit is consistent with the Charter. They are clearly within the General Assembly's mandate under Article 14. This could have positive impacts in terms of Council working methods and offers opportunities for creative and innovative improvements to the way the Council does conflict prevention work.

Enhanced conflict prevention for serious cases by the Security Council

The question is how to incentivise the Security 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.

Substantially expanding the size of the Council and bringing to the table countries representing a large number of sub regional constituencies will of itself greatly change the political dynamics and the culture. It will offer opportunities for innovation, especially in conflict prevention.

Expanding terms to 4 years will give members sufficient time to become fully engaged and practiced at making an effective contribution. Experience has shown that in the current two year term format, it is difficult for the majority of Council members to become effective contributors to conflict prevention.

Bringing to the table the top 20 countries of the world 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

It is important that the UN 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.

There is useful practical experience from the work of the OSCE that could be drawn on to develop this new approach.

The concept for the Peacebuilding Commission (PBC) involved a larger membership than the current 15 members of the Council. But it was also designed so that it could work in a semi open ended mode. This allows all stakeholders who need to be at the table to participate on specific cases. It operates in different "configurations" with different participants according to the needs of the situation in question. This model, especially the idea of configurations, is one that could be adapted to allow an expanded and reenergised Security Council to play a significant role in conflict prevention situations and a more effective role in the day-to-day oversight of all of the consent based peacekeeping operations.

We suggest that there is no need to continue with the 2005 PBC model involving a subsidiary body such as the Commission. The Security Council could instead draw from the working methods of the PBC and establish its own configurations set up to manage particular cases. When the Council agreed to take up a new situation of emerging conflict, a new Configuration could be established. Configuration Chairs – or Co Chairs - would lead conflict prevention processes and oversight of peacekeeping.

Member state led conflict prevention work is clearly expected in Chapter VI of the Charter to be the norm. A revitalized Council, with a wider interpretation of its mandate to include economic and other dimensions of the problem, could play an important part in finding early solutions.

It needs to be stressed that the Council using Chapter VI tools and related tools does not need to be in competition with the work of the Secretariat, including the political affairs staff and the Secretary-General's "good offices" activities. To the contrary the two should reinforce each other. Might Kofi Annan's mission to mediate at the outset of the Syrian civil war been successful if his role was integrated with an active and fully engaged high level Security Council configuration involving the key players? Might the situation in Libya have been different if in 2011 the AU Head of State level mediation had been integrated with an active and fully engaged high level Security Council configuration involving the key players? Might the war in Yemen have been averted with wider and weightier conflict prevention? In hindsight it is impossible to know. But the tragic continuation of these situations, the consequential space for the emergence of ISIS that occurred in Syria, the humanitarian catastrophes and the refugee flows that have occurred, suggest that renewing the Security Council and the UN system with better prospects and capacity for conflict prevention is a moral and security necessity.

Like the PBC is capable of doing at present, Security Council led configurations would need to be able to engage in ways that could enable a cross sectoral approach to be brought to bear as appropriate. Again taking the examples of Syria, Libya and Yemen, there are wider economic, social, governance, humanitarian and development perspectives that would have needed to be part of any solution. This is another reason why it makes good sense to decide on a wider definition of the term "security".

Finally, the current Security Council culture has no consistent oversight of situations. Often there are gaps of many months between discussion. There is no consistent practice of engagement in the field. And it is difficult for stakeholders other than Council members to be practically engaged in Security Council processes. We believe that the suggested approach offers a valuable opportunity to introduce a new model with process and systems that would be significantly better adapted to the modern world than the working methods operated by the Security Council in the past. There is an appetite for a more participatory, more cooperative and more negotiated approach to conflict prevention.

Enhanced conflict prevention for less serious situations under the General Assembly

As explained above, it is likely that an important part of an eventual deal relating to mandate composition and voting in the Council will entail shifting some of the existing business undertaken in the Council out of the Council.

This can be positive in terms of improved conflict prevention. 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, 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 more 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. The current Security Council culture has no consistent oversight of situations. Often there are gaps of many months between discussion. There is no consistent practice of engagement in the field. And it is difficult for stakeholders other than Council members to be practically engaged in Security Council processes. By contrast, the PBC configurations involve wide and active ongoing commitment and engagement. There has also been a much more dedicated practice of engaging with stakeholders in the field.

Conflict prevention often requires the multilateral system to bring to bear the full range of economic, social and developmental tools that are available to the General Assembly and are so often integral to successful conflict prevention and effective mediation.

Operating in different "configurations" with different participants according to the needs of the situation in question is a model that could be easily translated to a General Assembly led conflict prevention system.

It is important to recall in this regard Article 14 of the Charter which mandates the General Assembly to 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"

Upgrading the UN system in this way would allow conflict prevention to access the kinds of holistic capacity that were in mind at the time of the establishment in 2005 of the Peacebuilding Commission[xx]. But, as we have seen above, the PBC never achieved what was hoped for after it was set up in 2005. In part this was because the Security Council was consuming all of the oxygen available. In a similar way the General Assembly's special committee on peacekeeping[xxi], the so called "C34" has also always struggled for oxygen because of the dominant role of the Security council.

In terms of structures, we see 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 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.

We suggest that the General Assembly, following the precedent of the work begun by the PBC, could establish configurations to manage particular cases. New situations could be taken up by the Assembly at any time using the emergency provision proposed above when it became desirable to establish a new configuration.

Configuration Chairs – or Co Chairs - would lead conflict prevention processes and oversight of peacekeeping. Collective member state led conflict prevention and related 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. Like the PBC the configurations would take a cross sectoral approach, bringing to bear as appropriate, the wider economic, social, humanitarian and development capacities of the system.

As with the suggestions above for the Security Council, there is useful practical experience from the work of the OSCE that could be drawn onto develop a new General Assembly led model.

This approach extends the concept suggested above for the Security Council and we believe it could offer a valuable additional opportunity to upgrade the system with process and systems that would be significantly better adapted to the modern world. The Security Council culture involving a small group of states seeking to impose outcomes by fiat from New York is proving less and less productive in many of the conflict situations. There is an appetite for a more participatory, more cooperative and more negotiated approach to conflict prevention. We believe that the approach we are suggesting resonates with and can be well adapted to the new format and reenergised General Assembly model. If we focus the Council on action to deal with the really big global issues, we create space and oxygen for the General Assembly to breathe life into its actual mandate under the Charter and also to deal with many of the lesser order problems

Decision-making on conflict prevention

We suggest that conflict prevention and peacekeeping configurations in both the Security Council and General Assembly contexts 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. This is perhaps most likely in the Security Council which, under this upgraded model, would be focusing on the most serious risk situations. We suggest that in anticipation of such cases the respective ROP should provide that 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.

8. Improved accountability and compliance with international law by states

We accept that major renovation of the international judicial machinery will need to wait until a later phase of renewal. Instead, we suggest some practical institutional changes that will help to focus on improving compliance with that part of international law which affects the common good of the international community as a whole and the majority who do abide by the rules.

This would focus initially on monitoring, transparency and reporting by providing a new mandate and capability in the Secretariat. We believe that this is less likely to become politicised than relying on the inevitably more confrontational route of new intergovernmental mechanisms or new judicial machinery. Based on the experience in our region the context of the Pacific tuna conservation arrangements, we believe that there is evidence that a non-judicial approach can increase the prospect of achieving improved levels of compliance with international law. Over time it may lead to improved comfort levels with an innovative judicial machinery as well.

The UN Charter contained only limited measures to incentivise compliance by states with binding decisions adopted under the UN system. The 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 therefore 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 owed to the international community at large. Instead, the model relied on older assumptions from international law about comity and voluntary compliance, in the belief that state behavior would normally align with international law binding *erga omnes.*

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, both in the Charter and in Security Council practice, about what constitutes binding language, only exacerbates the situation.

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 exactly 100 years ago (in December 1920). This century-old model is the only feature of the pre-WWII architecture that was not adapted and updated in 1945. It was simply carried forward intact into the current era. In essence, therefore, the judicial architecture underpinning the UN is still largely based on assumptions and policies regarding international law that are over 100 years old.

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.

Significant steps forward in the legal and compliance architecture in recent times – apart from ad hoc tribunals, are:

- 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. New Zealand is currently active in promoting reforms that would help to address this problem.

The ICC has failed to gain the universal adherence and respect that was hoped for. In part this is due to obdurate resistance by the US Russia China and some others. But 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. And the Nuremburg precedent does seem to suggest that there is wisdom in war crimes jurisdiction being exercised in the aftermath of conflict.

In light of the above, we believe that even a pragmatic and limited upgrade of the multilateral system should include some reform and modernising of the way in which states themselves are accountable under international law and held responsible especially in respect of their compliance with binding measures adopted by the UN system itself. As indicated above, we accept that a major reform of the optional jurisdiction of the ICJ is probably not realistically on the cards in the immediate future. The current system of voluntary jurisdiction for the ICJ probably has to continue in respect of disputes between states. Similarly, the current rules regarding the International Tribunal on the Law of the Sea could continue, in the interim.

But we propose some reforms as part of a UN system upgrade package deal that focus on improving compliance with that part of international law which affects the common good of the international community as a whole and the interests of the majority of states who do abide by the rules.

New capacity for encouraging compliance

As indicated above in the world of today, and especially if a wider definition of "security" is applied in the future, there will be critical obligations in international law which are owed, "erga omnes", or to the international community as a whole. These require immensely better compliance mechanisms than those designed 100 years ago, which are not fit for purpose in dealing with major modern global risks.

We propose that a new entity – a new Department - be established in the Secretariat. Its role would be to independently and professionally monitor and report on compliance with binding decisions of the Council and a range of wider obligations.

We suggest that this new capacity focus initially on monitoring, transparency and reporting. 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.

Experience in our region in the context of the "Compliance Monitoring Scheme"[xxii]for Pacific tuna fishing, transparency and independent analysis of compliance has a better prospect of achieving early gains in securing higher levels of compliance.

Over time such a system may lead to improved comfort levels with an innovative judicial machinery as well.

We envisage that a decision to establish such a system would also specify that the Secretariat capacity should have various tools at its disposal, including

- the ability to task all UN system field personnel for information and reporting,
- dispatching visiting missions,
- employing independent experts, (perhaps similar to the current UN Sanctions Committee expert groups),
- commissioning analysis from specialist academic or consultancy bodies.

It would also be important that the decision to establish such a system should specify that major issues of concern identified could be referred to the Council.

The International Criminal Court

Regarding the ICC we think that upgrading the UN system would provide 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, as with everything else in a package, to make some compromises.

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. We propose that such a Summit 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.)

But as indicated above, we understand that rescuing the ICC will require compromises, not least with the US. We therefore suggest that the Summit also address the 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. However, it is open for political leaders collectively to 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.

In this regard Leaders could indicate that, pending further overall reform of the international judicial architecture, they recommend to the ICC, in order to reduce certain perceptions of politicisation of some of its activities, that in future it focuses its investigations and its decisions on cases in situations where active conflict has ceased, or a definitive peace agreement is in place.

A second phase

We propose that there should be a decision by the Summit to specifically commission a second phase of renewal with a view to further decisions about expanding the extent to which jurisdiction becomes compulsory rather than optional.

We would expect that in the long term most matters of general international law should be subject to compulsory jurisdiction. Possibly some exceptions may be necessary in the case of disputes where the implications of the matter in dispute relate only to the bilateral interests of the respective parties and/or to a distinct local area.

9. Begin to address the democratic deficit, including input by indigenous peoples

In 1945 the question of international legal personality for international organisations was far from settled. Organisations were often thought to be subsidiary to the personality of the states that established them. There were few diplomats or international lawyers who would have seen the United Nations as anything other than an organisation of states and for states. It was assumed that the UN and other international organisation would be managed by and for the executive arms of government of the member states.

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, were much state-centric. Serious inputs by legislative branches of government, by civil society and by the private sector were never part of the 1945 model.

But over the past 75 years there has been some notable evolution in thinking, especially under the leadership of recent Secretaries-General and within a growing range of democratic states. The Secretariat has encouraged and facilitated closer interaction between the UN and the Inter Parliamentary Union (IPU). It has convened many UN-NGO conferences on issues of concern to the civil society. In 2000, Secretary-General Kofi Annan established the UN Global Compact, which has become the world’s largest association of private companies with 13,000 corporate members and other partners in 130 countries.

The UN General Assembly has recognised the "unique status of the IPU as a world organization of parliaments" and invited it to participate in its sessions and work.[xxiii] It also allowed circulation within the General Assembly of all IPU official documents. With respect to civil society it has authorised granting 'consultative status' to a wide group of NGOs. Consultative status with ECOSOC is decided by the UN Committee on Non-Governmental Organizations. It is of three kinds: general (for organizations working on most of the Council's agenda issues), special (a few issues) and roster ('occasional and useful contributions'). The network began in 1946 with 41 organizations, and currently there are 4,045 with consultative status.[xxiv] Consultative status enables an organization to attend a UN conference, follow proceedings and, at appropriate moments, make a statement. In 2000 the General Assembly stressed that the UN could benefit from enhanced cooperation with 'all relevant partners, in particular the private sector', to ensure that globalization becomes a 'positive force for all'.[xxv] Subsequently the General Assembly has received reports and adopted resolutions on the subject of 'enhanced private sector cooperation', the most recent being in 2017.[xxvi]

Increasingly many member state delegations include selected parliamentarians, NGO employees and private sector representatives on their delegations at certain meetings and conferences. Annex C describes the history and current status of UN engagement with parliamentarians, with civil society and with the private sector.

Despite these developments, this evolution continues to be controversial. Some states remain suspicious. Some are hostile to many NGOs. Others, particularly the non-democratic states, dislike any evolution of international organisations that might undermine what they see as an exclusively state dominated sphere.

It is abundantly clear that, despite the evolution that has occurred over 75 years, there is still at the heart of the 1945 model a significant 'democratic deficit'. In Annex C we consider the possibility of a 'brave new world' in which a new foundation moment might take place for international organisations to fully address this democratic deficit. But for the purposes of the present reform proposals, we suggest some practical or compromise reforms that might adjust the 1945 model sufficiently to improve the democratic deficit – even if it is not possible at this time to negotiate its elimination.

Parliamentary input

With this in mind, it is proposed that the package of recommended changes reforms should include an element to formalise a mechanism for input by Parliamentarians . This could involve a decision that Parliaments in the member states would be invited to send six members to a Parliamentary Assembly to be held in the General Assembly hall. This might meet twice a year. Firstly, it would meet early in the year for a week or two to enable Parliamentarians to express views on system performance the previous year. 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.

We also suggest a decision to commission a review of further innovations that would progressively build experience and understanding pending a more fundamental reform of international institutions to better represent "We the Peoples" – the 'brave new world' discussed in Annex C.

Civil society input

Better engagement with civil society should also be part of the package. The United Nations has, from the outset, been more philosophically inclined towards promotion of a consultative role with civil society than its predecessor the League of Nations. In Annex C we explain how this has intensified in the two decades of the 21st century with leadership from successive Secretary-Generals and a number of states.

However, there remains a political and philosophical divide between the democratic members states and others about the role of civil society and non-governmental organisations in international institutions. This divide will complicate negotiation of formal institutional links for civil society. But we suggest that the current ad hoc consultative status could be transformed into something which, while still informal, would be more structured and give a sense of normalcy to the engagement.

We suggest that this be by way of a limited advisory role rather than participating in decision-making. In keeping with the principle of phased renewal, we therefore suggest that the initial decision could be:

- to invite a fixed number of civil society representatives each year to a Caucus Forum at the UN for a week in the period before the annual High-Level Leaders Session. Criteria for selection would need to be negotiated. 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.
- To request to the Secretary-General to initiate a study to inform further development of the concept in the second round of renewal.

In due course, civil society itself could establish a mechanism, perhaps some sort of 'Civil Society Council for Global Responsibility', which might be recognised in a second round of reform as the mechanism for determining participants in the Forum.

Indigenous peoples

The Permanent Forum on Indigenous Issues is currently an Advisory Body to ECOSOC. It is therefore necessarily part of the state-centric and state-controlled model from 1945. Indigenous peoples can only participate in a technical sense as "observers". We have proposed above in section 5 above that this be upgraded in any UN system renewal to become a higher level component of the work of the transformed Human Rights Council. But the mechanism would still be essentially a state-led organ.

We suggest that the time has come to go further. We suggest that in an upgraded UN system a new component should be included that would recognise the unique status of indigenous peoples and provide a capacity for them to stand tall on their own feet. Some states, especially the more authoritarian ones, will not like the precedent that this could set for minorities of all kinds. But ultimately what is at stake is a question of mana and respect. We believe that it is therefore worth having squarely on the table the idea of a more independent mechanism for input by Indigenous peoples.

We therefore suggest for discussion a decision that indigenous peoples should be able to send, say, up to 10 members from each state, to an Indigenous Peoples Assembly to be held each year in the General Assembly hall. The decision should also specify that indigenous peoples in each such country would 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.

There is a risk, however, that if such an decision were left open ended, that countries disgruntled about the concept (and there would be some) may choose to swamp the event by sending state controlled delegations of manifestly non indigenous people. Even worse some countries without indigenous populations may send delegations that purport to be indigenous. Accordingly we see a practical need for a procedural mechanism to ensure authenticity. For that reason we suggest that at the outset the decision should establish a list of countries with recognised indigenous populations. But we also suggest that the Indigenous Assembly be empowered to add additional countries to the list as it sees fit.

Private sector engagement

In recent decades some elements of the private sector have become more conscious of the need for a re-orientation of corporate approach to environmental and social goals as global public goods, and vigorous and reasonably effective in pursuit of this. And for its part, the United Nations has developed a constructive conceptual framework for enhanced cooperation – the Global Compact.

But the principal bodies representing the modern global private sector remain entirely independent entities. There is no constitutional partnership arrangement with the global public sector, namely the UN, IMF, World Bank Group and WTO.
Because of the already established links between the Bank and the Fund and the private sector, and also because of the current economic stress on many private sector entities resulting from the pandemic, it would

be sensible for the idea of a structural role for the private sector in reformed institutions to be addressed at a later time. In the interim, the Summit could decide initially

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

Annex B: Renewal in areas likely to be priorities for other countries.

Renewal of the overall intergovernmental machinery, and particularly the role of the General Assembly, is likely to an important area of concern for some other countries. This likely to be related to their concerns about improving machinery for human rights, peace and security, oversight of the Secretariat and operational agencies as well as budget setting**.**

1. Fix the General Assembly

Below are some ideas that may be relevant for the inevitable discussions about the General Assembly that will come up in negotiations over UN system reform.

High-level segment

It is clear from their ongoing attendance that most political leaders value the opportunity that the High-Level Segment of the General Assembly offers. But all that it provides at present is an annual opportunity for them to gather for interaction with peers, to discuss bilateral matters, to give their public statements and to participate in a series of media rich opportunities.

The existing culture and practice around the High-Level Segment have become more and more about networking and media opportunities. With the exception of rare ceremonial Summit events, it is virtually unknown that Leaders would participate an any formal decision-making on substantive multilateral policy matters. This has emerged in large part because the General Assembly consistently fails to undertake the hard preparatory work to 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.

If upgrading the UN system could lead to a change in this practice, it would be seriously energizing for the UN system as a whole. It would also ould 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 downwards pressure on diplomats, officials and negotiators to deliver substantive results instead of the current endless low-level churn would be asignificant improvement.

We well know that Leaders always have limited time available. However, as the recent experience from the 2015 Paris Climate Conference shows, 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.

There are two keys to making a change. The first is that the system prioritises important substantive negotiations on issues that are seen globally as serious matters. The second is that the system works 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.

The various sections below suggest how the working methods could be changed to incentivise a new culture and practice for the General Assembly focused on the principle that if the Assembly is to become really relevant it has to prepare substantive decisions that are relevant to what really matters.

The Assembly could 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 would include

- Draft outcomes on substantive policy matters responding to the policy priorities set by Leaders the previous year (Draft Treaties, Protocols, Declarations or other decision models 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 the option of including a small number of bracketed options for resolution by Leaders should be the default approach.

The existing culture will be hard to change without strong incentives to ensure that delegations remain disciplined and focused on substance and negotiating solutions rather than going back to the practice of kicking hard issues off to low level diplomats in a proliferation of other bodies. Having to work in a new system in which the product of their years' work will have to be sufficiently worthwhile to be meet the expectations of political leaders at the end of the year could be an important discipline to drive change.

Become action-oriented and work the whole year

Shifting gear so that the Assembly becomes action oriented, instead of being just a process oriented talking shop, will require a different approach to work. The current Assembly calendar is based on now outdated assumptions from the early days of the UN. Back then, before the era of mass commercial air travel and the related travel difficulties, 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.

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 culture of passing problems down to an ever-proliferating number of subsidiary bodies gradually came into existence. While, over time, it became the practice to "resume" the sessions at various points of the following year, the underlying approach to the sessional calendar remained the same. The culture continued to incentivise process and delegation of issues downward rather than resolving major 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.

As part of the effort to restore the mana of the Assembly to what is envisaged in the Charter three important ideas may be to

- 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.
- shift the mode of output from elaborately drafted resolutions (which have become 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.
- 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. Again, it is a matter of incentivisng best practice for achieving best negotiating outcomes. If there is meaningful negotiation happening on major issues, 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. At the least, participation in and leadership of General Assembly negotiations should be a full-time job for Permanent Representatives.

An idea worth discussing is to include a specific decision that the ROP 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. But it is different from the disastrous practice, which is now common, of relatively junior delegation members carrying the full load on many major issues.

Voting

As discussed in Annex A, the question of General Assembly decision-making will be at the centre of concerns for many important stakeholders. There are real concerns by some that current decision-making is unbalanced and incentivises proliferation and waste and bad policy outcomes. On the other hand, practice has shown consensus is not a feasible alternative. In particular it offers effectively vetoes on key issues as has been seen in the management and financial areas. This is seen by many as unacceptable

It will be important to find a workable solution that addresses the differing concerns but without compromising the one state one vote principle. A compromise will indeed be required. As explained in Annex A, this could be built on the principle already in Article 18(2) of qualified majorities, in certain cases. There is scope for clarification of aspects of Article 18(2) including by elaborating the definition of an important question and the meaning of a two thirds majority. A qualified majority could be imposed for all 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 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 above plus a majority of T20 members.

Agenda – size, prioritisation and managing workload

(a) Size and prioritisation

The current General Assembly agenda is staggering in terms of the huge number of items and their lack of relevance to the priorities which public opinions would see as worthy of the time, effort and expenditure. The absence of interest by the media in the General Assembly and the agenda speaks volumes. In terms of the real concerns of "we the people", the General Assembly has lost the plot.

Producing negotiated outcomes on hard issues is hard work. It takes time. It takes sustained effort. It takes high level attention. It takes tough prioritisation of effort. None of these can be brought to bear under the current format.

Prioritisation is the first step, and an idea for driving prioritisation is to decide to remove from the agenda all but the fundamental issues. There are too many pet projects, vanity initiatives and make work items. There are also many well-intentioned items which over the years have created a Christmas tree of nice to have proposals. But these do not belong in a General Assembly which is charged with responsibility for fixing serious problems for the planet. Pursuing them can become a form of escapism and avoidance – a way of hiding from the really hard work that needs to be done. They consume the time and energy that should be devoted to the big issues.

(b) Policy items

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. A decision to specify these critical issues at the outset as standing agenda items for the General Assembly could establish a short and prioritised list. 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.

We have suggested a number of ideas, in Annex A, for an initial short list of priority policy agenda items. The section below on managing the policy workload gives some ideas as to how these items could be used to generate the critical policy work required in each of these areas.

(c) Policy workload

If it is envisaged that there will be substantial policy negotiation that inevitably entails a seriously heavy workload. And the policy workload has to be accommodated alongside the intergovernmental oversight and budget setting functions of the General Assembly.

There is no “right” option for how to progress both a prioritised policy agenda and the necessary administrative oversight functions. But a General Assembly that meets for the full calendar year helps to make this feasible in practice. The important thing is that process be designed to support substance, not vice versa. The following is a possible approach to managing the workload based on the on the substantive policy agenda items suggested above.

- *Economic development and the SDGs and Environment and Climate Change* – As explained in Annex A, there are currently numerous intergovernmental forums within the system responsible for debate and negotiations on these matters. None of them are doing this successfully.

  We have proposed in Annex A replacing these bodies and 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.

  Most of the current ECOSOC agenda suffers from the same overload and irrelevance that afflicts the General Assembly. We have suggested therefore that the ECOSOC agenda be prioritised to focus on the SDGs and the environmental challenges of protecting the planet and protection of the oceans.

  Under this model, ECOSOC could meet for two 12-week sessions in the first half of the year.

  The General Assembly would allocate two 2-week segments (one segment on economic and social development and one on the environment) in the third quarter 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.*
  As explained in Annex A, the repeated failures of the Conference on Disarmament or the Disarmament Commission and many of the other current intergovernmental disarmament, arms control bodies, is not simply a structural one. On the other hand, structures and process have contributed to these failures. We have proposed a new Council and a structured and layered process to bring to bear a high level and focused negotiating format. It won’t 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.

  Under this model, 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 in the third quarter 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 recommendations in Annex A, the Human Rights Council would be upgraded and would be allocated significantly extra time to undertake its new tasks. Under this model, the Human Rights Council could meet in Geneva for two 12-week sessions in the first half of the year. The General Assembly would allocate a 2-week segment in the third quarter to resolve issues and prepare materials and draft decisions for the High-Level segment at the end of the year.

- *Challenges to international peace and security that do not meet the proposed new high threshold for Council action.*

As explained in Annex A, it is likely that an important part of an eventual deal relating to mandate composition and voting in the Council will entail shifting some of the existing business undertaken in the Council out of the Council.

We have therefore suggested that the concept designed for the Peacebuilding Commission would be an appropriate 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 operates in different “configurations” with different participants according to the needs of the situation in question. In terms of structures, we suggested that there was 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, we proposed that its roles be undertaken in a segment of the General Assembly.

The configurations would meet as needed. In the context of managing Assembly policy workload, we suggest that the calendar could include an allocation of one segment of 2 weeks of Plenary time during the year for an agenda item to cover thematic and organisational matters relating to conflict prevention and peacekeeping.

(d) Oversight, Budget and Administration

UN service delivery by the operational arm 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 provide sufficient space for this without reconstituting the dysfunction of the past which was caused by proliferation of mandates, unfunded projects and intrusive political micromanagement, often orchestrated by low level diplomats whose Governments had little or no knowledge of the positions being taken. All this stifled good management, innovation, flexibility and effective delivery, and made prioritisation of operational outcomes close to impossible.

In Annex A we have proposed the consolidation of some secretariats. This is in part to help meet the goal of intensifying the UN system focus on operational delivery to more quickly address the disparities between rich and poor and achieve implementation of the SDGs.

As outlined in the detailed possible new Secretariat structure discussed below, renewal of the secretariat structures should not be about restructuring to reduce staff and costs. To the contrary, much of the professional personnel and actual operations must continue. But consolidation has significant potential advantages especially where there are multiple field operations in the same locations and when staff and HR policies can be transformed into a new modernised single international civil service. However, such reforms have important implications also for political oversight and adoption of budgets. As explained in this discussion paper the proliferation of intergovernmental oversight bodies has become a deep and problem that undermines the performance of the system as a whole. Amalgamating these into a coherent high-level process within the General Assembly would in our view be a major positive step for the system.

A new consolidated model for the intergovernmental machinery as discussed in this section, based on modern principles of good public sector governance, would

- limit political determination to high level outcomes and priorities and significantly reduce the current corrosive micromanagement,
- grant real empowerment to officials, and
- balance trust 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

To this end, the new model would reduce temptation to proliferate and micromanage by lifting the level of decision-making and adapting the procedure for decision-making.

Problematic current tools such as the current Advisory Committee (ACABQ) would be eliminated. Delegations would bring their own management and budget expertise to bear in the decision-making process. There would be a requirement that decisions 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.

(e) Managing the oversight budget and administration workload

A possible new model could involve a format in which the General Assembly holds two twelve week working sessions to undertake oversight and budget development work covering all of the 12 Secretariat service delivery groups proposed in the next chapter. 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.

Subsidiary intergovernmental bodies

As suggested in Annex A above, there is a productive ongoing role for four subsidiary bodies,

- a significantly transformed Economic and Social Council
- a significantly transformed Human Rights Council
- An Arms Control and Disarmament Council; and
- a set of situation specific Conflict Prevention Configurations

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. They could all would cease to exist. 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.

Some existing subsidiary bodies have strong constituencies, especially among some groups of states or civil society. But the current system with so many separate governing entities or intergovernmental forums adds duplication, inefficiency, inflexibility and inconsistency. 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 effectively addressed in the reformed General Assembly or in the transformed ECOSOC or HRC or a Configuration.

These multiple sets of multiple tiered governance also incentivise unhelpful micromanagement and work heavily against integrated outcomes. The proposals above for transformation of the General Assembly offer an alternate, more focused, more integrated and efficient structure for intergovernmental machinery.

Regarding decision-making, the ROP should specify that because 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 in Annex A. Their role is 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 would have a more operational focus. They 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 in the context of management of peacekeeping operations issues may arise between members that relate to practical, financial, procedural or logistical matters. In such cases the ROP 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.

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. It is therefore important to decide that in the future Leaders might also determine during the High-Level Segment that an additional major policy issues needs 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. Again, it is important to recognise this and decide that, in such an eventuality, the General Assembly may decide to add an emergency agenda item.

We propose, however, as a discipline on the process, and to ensure wide support for the addition of new items, that in both cases the decision should be by the new qualified majority recommended above.

2. Renew the operational system – the Secretariat and agencies

In Annex A we have proposed the consolidation of a number of different secretariats to help meet the goal of intensifying the UN system focus on operational delivery to more quickly address the disparities between rich and poor and achieve implementation of the SDGs. In this regard proposed consolidating under the Secretary General all of the operational development work of the UN (UNDP, IDA, WFP, IFAD, UNICEF, UNFPA, UNCDF,) plus the IDA arm of the World Bank. We also proposed consolidations in the areas of environment, oceans, and arms control and disarmament.

Regarding refugees, some may see merit in consolidating UNHCR into the mainstream of the Secretariat under the Secretary General. We think that retaining the title of the High Commissioner may be useful because of its recognised advocacy role but this should not extend to being a separate legal identity with its own financial and staffing structures.

As explained in Annex A, consolidation of any of these functions does not exclude the possibility of retaining 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 strong and useful branding in the field.) However, his would not extend to a fully 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

We have proposed establishing new functions under the Secretary General with responsibility to bring about transformational change in delivering better outcomes to improve the disparities between rich and poor provide analysis, advice and policy recommendations, to mobilise and leverage financial resources and lead interaction with the IMF and World Bank on all policy responses with potential impacts on achieving the SDGs and ensuring that the UN system perspective is fully integrated into decision-making in those bodies.

We have also proposed in Annex A establishing a separate new policy functions under the Secretary General related to international law and specifically monitoring and making more transparent and accountable state compliance with binding decisions of the organisation.

A wider consolidation of agencies

An option some will want to discuss is a substantial restructuring of Agencies and Secretariats into a more integrated and efficient system. – a significantly larger restructuring than envisaged in our proposals in Annex A. A possible concept for such an integrated Secretariat structure might be:

- consolidating the diverse Secretariats back office administrative and financial support
- consolidating the diverse Secretariats field support and logistics systems
- bringing together all pf the UN work on agriculture, natural resources and oceans
- consolidating and strengthening the work of the Secretariat on multinational crime, cybercrime, terrorism, abuse of social media platforms and corruption and the risks associated with artificial intelligence
- A new capacity to provide advice and operational support in respect of global crisis situations and emergencies
- Consolidating, better integrating and strengthening the Secretariat functions currently undertaken in UNDP, DPKO, DPA and OLA to support good governance and to provide integrated and coherent support to UN Conflict Prevention, UN Development and UN Peacekeeping on good governance in meeting country specific needs.

We see little short-term value in seeking to consolidate the WTO or the IFIs (other than IDA) or a number of the technical operational agencies such as ICAO, WIPO, IMO, ITU, WMO and ILO. Moreover, in as much as some of these agencies support and facilitate a lot of international trade and economic activity, in the post Covid 19 build back phase seeking to rebuild them may have unintended negative consequences.

We find it more difficult to assess the case for some agencies such as UNIDO (industrial development) or UNWTO (tourism). As far as we can ascertain both seem to serve principally as a focus for assisting developing countries in these sectors of their economies. One can’t help but wonder if these roles couldn’t be much better performed as part of a rejuvenated UN Secretariat focused on SDG achievement. New Zealand is not a member of either body. Accordingly, reform of them would not necessarily be a priority objective for New Zealand. But it is possible that their reform will be a reform objective for some others.

This leaves three further Agencies (and clusters of related organisations) that need consideration - WHO (and UN Aids), UNESCO (and the Secretariats on World Heritage and Cultural Property) and last but not least the IAEA (which is not a Specialised Agency but an independent Agency under the aegis of the UN). These three agencies all need upgrading in a constructive way that will enhance their performance. But we see no strong New Zealand interest in adopting reform of them as a major national priority. There will be other states much more interested in promoting reforms of these organisations – perhaps from controversial and even polarizing perspectives. This political pressure is likely to mean that completely excluding them from a reform process will be an obstacle. It may be that some will look to New Zealand for ideas and proposals that could help to find middle ground. Against that background we have included some ideas in the structure set out below to help with thinking and discussion.

Consolidating or merging WHO, UNESCO and IAEA with the mainstream UN may offer some advantages:

- All 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.
- 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.
- 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. We think that 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. So, there may be a compromise reform designed to strengthen and protect the professional nature of these roles that would help reach agreement. The Heads of the Agencies in question could be appointed by the Secretary General and be able to sit as full members of the SGs top level Cabinet. But the staff and finances of the Agencies would remain legally separate from the UN Secretariat.

Finally, we want to stress that none of the reforms that we would suggest should be about restructuring to reduce staff and costs. To the contrary, as we have stressed elsewhere, the fundamental problem is not the value of the professional work or the policy work or the actual field operations. For the large part most of this must continue. But as we have explained, consolidation and the other reforms we suggest, will have significant potential advantages especially 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.

A possible new Secretariat structure

A new Single Secretariat Delivery Structure, under the authority of the Secretary-General, could be comprised of a new integrated structure, controlled by the Secretary General, and under his direct authority, a Cabinet of 13 Deputy Secretary-Generals, leading the following thirteen Groups:

Office of Senior Deputy SG who would also be Chef de Cabinet. The group would include the Executive Office of the Secretary-General (incorporating a Strategic Planning Office), the Office of Internal Oversight and UN Women, each headed at the Under-Secretary-General level

Peace, International Security and Disarmament Group. The group would comprise five components, each headed at the Under-Secretary-General level:

1. ***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.
2. ***Peace Operations***, this would involve the current Department of Peace Operations
3. ***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,
4. ***Non-Proliferation****.* The various units of the IAEA Secretariat in Vienna
5. ***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, WTO, Habitat and UNCTAD secretariats, the office of the High Representative for Least Developed, Landlocked and Small Island States. It would *comprise 4 components each headed at* the Under Secretary General level:

1. ***Policy*** to provide analysis, advice and policy recommendations to achieve transformational change in delivering SDG outcomes and improve the disparities between rich and poor.
2. ***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.*
3. ***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.*
4. ***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:

1. ***Risk analysis and policy advice*** to provide policy advice in respect of possible emerging global emergencies within the mandate of the Council. The current UN Disaster Risk Reduction office would be included.
2. ***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:

1. ***UN Development Operations*** comprising an amalgamation of UNDP, IDA, WFP, IFAD, UNICEF, UNFPA, UNCDF, and UN Volunteers
2. ***UN Refugees*** comprising the various units of the current UNHCR secretariat
3. ***Humanitarian Response*** comprising OCHA

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

1. ***World Health*** the Secretariat of WHO, as adapted following lessons learned following Covid 19
2. ***UN Aids***

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

1. ***UN Education and Culture*** this would be constituted from transformed UNESCO,
2. ***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:

1. ***UN Environment*** would absorb UNEP, GEF, IPCC 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;
2. ***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
3. ***UN Oceans*** would absorb all of the UN Secretariat current functions relating to the oceans performed by the FAO fisheries. IMO and 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;

1. ***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.
2. ***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
3. ***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).
4. ***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
5. ***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.

6. ***UN System Integrity*** this would be a new function to support the new mechanism for better compliance with binding measures outlined below. 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.

3. Upgrade the personnel, budget and accountability frameworks

Personnel

There are approximately 78,000 staff members across the UN System (not including peacekeeping, (approx. 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.

The independence of international civil servants is an important feature of the current system. In theory it should produce dedicated staff, whose loyalty is to all members, not to a single state. But even in the current structure, at least at middle and senior levels, political influence on appointments and promotions is a reality. This is corrosive both in terms of substance but also in terms of management. So, it also needs consideration. Is it possible to exclude political influences? Is it possible for individuals to be independent and neutral? Clearly some countries whose constitutional structures are predicated on an independent neutral civil service, believe the current model can and should be made to work and that politicisation must be avoided. This must be addressed in the context of the hiring and performance assessment process. We recommend that there be strengthened rules prohibiting members states or their representatives from lobbying, promoting or seeking to influence decisions in respect of personnel matters.

A related question is the continuation of the current practice of hiring staff on the basis of long-term collective contracts. Some argue that this undermines and demotivates performance and contributes to a “jobs for life” culture. Based on our experience there is no doubt that some in the UN system underperform and that the guarantee of permanent employment provides a cushion that in some cases may contribute to that. Moreover, the performance management system seems woefully inadequate in terms of managing these problems.

The UN is not unique in its practice of placing staff on long term contracts. Many Governments, and indeed some major private sector companies, use such arrangements. Long term contracts work well in situations where the employment roles require complex technical skills or highly professional skills and where the skills develop best in a career structure based on progressive advancement over time. This is the case in some important segments of work in the UN system. Short term contracts would therefore run a real risk of losing necessary skills.

Long term employment arrangements also act as a brake on the risk of politicisation. It is often the case where there are multiple Entry and Exit points to employment, which create numerous significant decision-making points, that this increases the number of opportunities for the system to be corrupted because of undue influence or conflicts of interest. The claimed benefits of reforming the employment system to put UN staff all on short-term contracts therefore have to be weighed against these disadvantages. The question is whether the benefits of the current system can be retained by other reforms involving less systemic risk. It seems to us that a preferable approach would be to invest first in establishing a really effective performance management system. This would need to start at the top and the Secretary General would need to vigorously enforce accountability in this respect. For this to work some of the internal appellate systems, (which seem to spin out disputes for long periods) may also need to be further reformed. There are many who still argue that the playing field is tilted in favour of non-performing staff members. Also, we suggest that an important factor in good performance should be willingness to shift out of comfort zones and share the burden of service in many of the dangerous and difficult locations where the UN must operate. The fairness and ethics of a system in which many put their lives at risk, but others can sit indefinitely in comfortable offices in New York or Geneva is problematic. We think that there are reasons of efficiency and good service delivery in favour of changing the current staff rules to not only allow but also prioritiise rotation to the field. But this kind of flexibility and mobility should also be valued and expected when assessing performance. Of course, there will be some exceptional areas. But these should not be the norm.

A further problem in the personnel area that has become politically corrosive is the practice by which many rich countries are able to increase the number of their nationals in the system through arrangements for secondments, loaned personnel or so called “gratis” personnel. Initially these kinds of arrangements evolved to cope with underfunding of various parts of the System. But they have become normalized and have led to perceptions of undue influence, especially when many of the loaned or seconded personnel are serving members of the diplomatic service or armed forces of the country concerned. We recommend that the solution to this problem must go hand in hand with a solution to the financing issues addressed in the next section. Also, the related problem of intergovernmental bodies establishing mandates without providing funding has to be resolved as well.

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. This should be based on several principles:

- 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 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 important objectives, but not at the level of individual appointments, or units. 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 contract or by intergovernmental decisions. The organisation would have complete flexibility to expand or contract the numbers of staff in any location or task to meet the needs
- 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 and in recognition that reform will be difficult and stressful for staff, special responsibilities would be expected for 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

There are several issues that underlie the funding crisis for international organisations. It is important to note at the outset that (except in rhetorical terms) the absolute current size of the UN budget is not really one of them. The budget for the whole UN system, at $US 52 billion, is significantly smaller than the expenditure for the New Zealand Government announced in the Budget[xxvii] on 14 May 2020. At current exchange this is equivalent to approx. $US 85.7 billion. The UN system budget is also much smaller than the 2020 budget for New York City of $US 88.19 billion[xxviii].

The real issues relate more 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 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 of budget outputs – contrary to current management good practice. And micromanagement has further distorted the power of some states whose contributions are comparatively minimal. 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. This could be based on the following principles:

- Citizens of a state are generally expected to contribute to the state's budget. In the same way, 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.
- There is a place for voluntary contributions but limited to providing funds that will be the subject of development grants or development 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 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 members of the expanded Council, both for T20 and elected Council members
- 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 also ensure internal delegation of decision-making, with appropriate accountability, to properly empowered line managers. Too often the UN administration has been hampered and 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. Relevant contracts should provide:

- 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.
- 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 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 will use these sessions to press for transparency and identify responsibility where necessary.
- The Secretary-General and managers below him will 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.

Annex C: A potential longer-term vision

Looking ahead at a possible vision for multilateralism for the longer-term future, there are four questions of fundamental concern:

- Should the nation-state remain central to the system or should democratic input, from the people and their elected representatives, be the main influence on decisions?
- What is the appropriate balance between decision-making levels: local, national, regional and global?
- Should democratic input to international organisations reflect the democratic principle that representation or voting weight should be determined by population?
- How should the representation of states that do not practice democratic principles domestically be factored into the system?

There is no single answer to these questions, yet the questions nonetheless need to be addressed. The challenge is to advance creative thinking on the subject-matter and generate a meaningful dialogue with other UN member states. The 20th century witnessed many creative initiatives by medium and small Member States.[xxix] But while these were all highly important and creative initiatives, they were each confined to a specific focus, rather than to systemic change to the UN system.

The Cold War (1948 - ’90) and the early post-Cold War period (1991 - 2005) is essentially history. It may not be too much to label the current era (2005-20) as the ‘global era’, and this for several reasons:

- global trade has become central to the economies of most countries. The lives and prosperity of much of the world depend on global cooperation. Covid 19 has demonstrated this graphically
- global problems (climate change, decline of nuclear weapon restraint, militarisation of space and health pandemics) are confronting the global community of peoples, while the international community of states grapples ineffectively with the problem before it.
- Independent of these changes, the digital revolution and global communications have enabled individual humans, especially the young, to link up electronically, exchange information and views, and acquire a ‘global view’.

Against this global phenomenon, the populist movement that has gripped many countries of diverse cultural and political hue has intensified nationalist sentiment which, in almost every case, stresses unlimited national sovereignty and undermines the solidarity of the international institutions.

The world has become global in technological culture, but in terms of political psychology it is increasingly bipolar between two worldviews, which might be termed ‘global rationalism’ and ‘national populism’.

1. Options: address the democratic deficit through incremental or fundamental reform?

Two dilemmas face off against one another:

- Given the history of ineffective attempts over 75 years at reform of a mid-20th c. institutional system of 200 sovereign states, can further attempts succeed in a bipolar world that has become global yet populist?
- Given the experience of the past century (1920, 1945) to design institutions to prevent a repetition of preceding calamities, how might a new institution be designed to replace (or even to complement) the existing model?
- In a ‘brave new world’ in which rational and proactive planning were encouraged, what might be the agreed rationale embraced by all major and significant States to replace the UN system? Is it the threat of climate change and the goal of global sustainability; or the threat of major-power conflict and the goal of global law and order; or the threat of repeated global pandemics and the goal of a healthy universal lifestyle? If it is all three, how is the ‘institutional system’ to be conceptually designed and politically shaped?
- In a world where rational and proactive planning has either failed or been left untried, is the only alternative then left, to engage in reactive, post-cataclysmic political institution-building; and how might this be undertaken, and under what conditions?

In this Discussion paper we have suggested that it is best to plan for both:

- A continuing attempt at ‘linear reform’ of the existing UN system, initially without Charter amendment, followed by a second phase of self-regenerative provisions with the Charter. Suggestions along these lines are set out in Annex A.
- A conceptual analysis of what a ‘replacement’ or ‘successor’ version of an international system suitable for the 21st c. might resemble.

Looking to the longer term, it is worth having on the table a range of ideas for an eventual ‘replacement’ or “successor” version of the UN. This could perhaps could include the following features:

Jurisdictional capacity:

A spread of sovereignty, with multi-layered jurisdictional capacity to scale: in which governance, including legislation, is exercised at the local, national, regional and global levels on the basis of the subsidiarity principle.

Constitutional legitimacy:

A greater and more direct input into the design and operation of the new institutional system, drawing from elected parliamentarians; accompanied by advisory bodies drawn from representative bodies of the scientific community and civil society.

Public-private synergy:

An institutional system in which the political, military, environmental, trade, economic and financial aspects of international activity are managed within the same central body, including an advisory body drawing upon representatives of the private sector.

Enforceable law:

A new system of legal enforceability, in which legislation from the multi-layered jurisdictions (identified in 1) is interpreted and disputes litigated and decided; with an enforcement capacity able to ensure the decisions are accepted and respected.

Ultimately, global international organisation should reflect what modern universality now means. This clearly involves fixing the current “democratic deficit” which is inherent in an organisation built solely on states and giving meaning to what the Charter hinted at in 1945 when it spoke of “We the Peoples…” implying that, in a sense, the founding sovereignty lay with peoples rather than states. 75 years on many UN members now operate on the constitutional principle that sovereignty rests with the people and that the state is the servant of the people rather than vice versa.

While this principle has become progressively recognised in international practice and law and state sovereignty has become more circumscribed over the past 75 years, there is still much to do to ensure that decision-making in international organisations is more democratic in the same way that our Parliaments are democratic. This would necessarily involve weighted decision-making, according to population size. It would also need to involve regular reviews of the weightings by “representation reviews” i.e., the periodic adjustment of the weight of decision-making to more accurately reflect population.

In this way, “Peoples” would be reflected in decision-making rather than only the artificial structures we call states. Of course, this cannot become an absolute principle. The voting entitlement of the many small states (e.g., in the Pacific and the Caribbean and Indian Ocean) must be preserved in some way. And the quality of democracy is also an important weighting that needs to be addressed. Many of the smaller states are much more democratic than some of the large states. The fact that some states, including some with large populations, are not democratic in any meaningful sense at all would have to be accommodated.

2. Parliamentary and legislative role

The question of a UN parliamentary assembly has been around since the beginning of the international era. Yet the legislative and executive branches of governance at the international level have not yet become functionally integrated.

Historically, an international parliament preceded, and helped to create, the international organizational system of governments.

Established in 1889, the Inter-Parliamentary Union (IPU) was the first permanent international political organization, comprising MPs from countries around the world, mainly from Europe initially, meeting on an annual basis. The IPU's appeals for an international institution comprised of governments helped lay the foundations for the creation of the League of Nations in 1920.[xxx]

A distant relationship: 1920-2000

The UN Charter (1945) commences in the name of 'We the peoples of the United Nations', an implied step forward in ensuring direct civic input.[xxxi] But after two preambular paragraphs of visionary objectives, the people immediately delegate responsibility to their respective governments to achieve the Organization's purposes. There is no constitutional relationship between the IPU and the UN in the Charter,

The IPU has in the past been listed as having consultative status with ECOSOC since 1947, as an NGO (under Art. 71 of the Charter). There are currently 5,451 NGOs with such status,[xxxii] but the current official list does not include IPU, suggesting that it has a 'unique status' today, vis-à-vis the UN.[xxxiii]

For half a century the IPU had little to do directly with the UN in New York. In the 1980s and '90s, two informal parliamentary groups (GLOBE International; Parliamentarians for Global Action) were instrumental in arranging for national MPs from Member States to attend UN General Assembly sessions, hold seminars within the UN, and interact with UN officials for operational objectives. In the course of the 1990s, came to recognise the value, for both organizations, of interacting more effectively with the UN.

A closer relationship: 2002-20

In 2002 the UN General Assembly, noting the 'unique status of the IPU as a world organization of parliaments', invited it to participate in its sessions and work.[xxxiv] It also allowed circulation within the General Assembly of all IPU official documents, without this constituting a precedent for others.[xxxv]

Since 2002, then, a much closer relationship has developed. In the view of IPU, such a status has created new possibilities for it to 'bring the views of parliaments directly to the attention of the UN community':[xxxvi]

- IPU representatives are regularly involved in UN conferences and its subsidiary organs; the IPU President addresses the General Assembly, and MPs sit in on Assembly sessions.
- Major IPU statements are conveyed and distributed as official documents throughout the UN: most notably the Speakers' Declarations, the bi-annual conference resolutions, and background papers;
- The IPU structure includes a Standing Committee on United Nations Affairs, the product of whose work is conveyed to the UN.
- The IPU, with the European Parliament, also maintains a Parliamentary Conference on the WTO.[xxxvii]

The closer relationship between the two bodies reflected considerable progress, but the central flaw is that it is predicated on a political assumption, almost explicit in the wording, that the UN is the senior partner and the IPU is the junior.

World Conference of Speakers of Parliaments

Since 2000 the IPU has also convened a 'World Conference of Speakers of Parliaments' every five years.[xxxviii] All four have been convened in the UN building (three in New York; one in Geneva), and timed to cooperate with a major UN event, such as the Millennium Summit in 2000 and World Summit in 2005. A significant declaration has emerged from each:

- *Parliamentary Vision for International Cooperation at the Dawn of the 3rd Millennium;*[xxxix]
- *Bridging the Democracy Gap in International Relations: A stronger role for parliaments;*[xl]
- *Parliaments in a World of Crisis: Securing global democratic accountability for the common good;*[xli]
- *Placing Democracy at the Service of Peace and Sustainable Development: Building the world we want*.[xlii]

The 5th Conference convened as a 'virtual session' in 2020 (19 & 20 August), agreed on the following declaration:

- *‘Parliamentary Leadership for More Effective Multilateralism that Delivers Peace and Sustainable Development for the People and Planet’*[xliii]

One of the preparatory papers focused on the central question of the legislature-executive relationship at the international level:

> *“Seeing the need for more transparent and accountable global governance, the Speakers called for a strong relationship between parliaments and the United Nations. The idea was, and remains, to make the voices of the people heard at the United Nations through their parliamentary representatives. While respecting the division of power between the executive and the legislative branches, the Speakers claimed a more direct role for parliaments at the United Nations, in order to bridge the democracy gap in international relations. In so doing, they resolved to work ever more closely with the IPU, the unique global parliamentary counterpart of the United Nations.”*[xliv]

To carry forward the vision of a parliamentary dimension to the work of the UN, three ‘strategic lines of action’ were developed: establishing the institutional links; strengthening parliamentary oversight of UN processes, and channelling perspectives into major UN negotiations and processes.[xlv] And the following prescient questions were posed:

> *“Looking ahead, the challenge for parliaments and the IPU is in identifying the next ‘frontier’ in the relationship between parliaments, the IPU and the UN, so that the original vision of the first Speakers conference in 2000 can be fully realized. To this effect, members of the Preparatory Committee are invited to consider the following questions:*
> *(a) Have parliaments experienced this evolution in their own relationship with the United Nations? Are they able to give input to the international decision-making processes?*
> *(b) Do parliaments feel that they have a greater say and are better able to exercise oversight, and legislate on matters negotiated and decided upon by their governments at the United Nations?*
> *(c) To what extent are parliaments equipped with mechanisms and tools that can enable them to play a greater role at the international level?*
> *(d) How can the IPU better assist parliaments in engaging with the United Nations in their home countries and in the international processes in Geneva, New York and around the world?*
> *(e) A campaign has been under way for several years for the establishment of a UN Parliamentary Assembly. What are your views on this initiative, and what would be the added value?”*

Insightful answers to these questions, prepared in January 2019 for the August ’20 Conference, contribute to strengthening the contemporary multilateral system.

Current developments

The recent UNSG report on UN-IPU cooperation, in March 2020, makes some sharp observations:

> *“The interaction between the UN, national parliaments and parliamentary organizations has provided a ‘solid foundation for the advancement of common objectives across the spectrum of UN mandates and activities’.*
> *Yet the present time is characterized by socioeconomic disparities, competing visions of the international order, and global challenges that are leaving indelible marks on future generations. Consensus on how to mitigate risks is lacking: examples range from our collective response to pandemics and climate change and our efforts to manage the disruptive impact of digital technologies to our fragmented approach to the mass displacement of people.”*[xlvi]

The Secretary-General advanced six recommendations, including:

> *“The UN and IPU should continue developing structured interactions with national parliaments to help to bring a parliamentary perspective to the work of the UN and align national legislation with international commitments.*
> *For UN-75, the UN and IPU should seize the opportunity to ‘bring people closer to global decision-making processes’, including through their elected representatives”.*[xlvii]

The original proposals in 1920 and ‘45 for a world parliament of some kind were not acted upon. But in the post-Cold War era since the early 1990s, interest throughout the global community – from NGOs, academia, former leaders, and sitting parliaments – has generated serious attention. In brief:

- 1993: The Canadian Parliament's External Affairs Committee, on the basis of a report prepared by Parliamentarians for Global Action[xlviii] concluded: "By way of building the public and political constituency for the United Nations, the Committee recommends that Canada support the development of a UN Parliamentary Assembly".[xlix]
- 1995: A number of NGOs formed to promote the idea of a UN Parliamentary Assembly;[l]
- 2005: A group of 108 MPs from the Swiss Parliament sent an Open Letter to the UN Secretary-General calling for a UN Parliamentary Assembly; the Liberal International conference called on the member states of the UN to "enter into deliberations on the establishment of a Parliamentary Assembly at the United Nations";[li] and the European Parliament called for a UNPA which would "increase the democratic process of the Organization, and allow world civil society to be directly associated in the decision-making process", with the Assembly vested with "genuine rights of information, participation and control", able to adopt recommendations directed at the UN General Assembly.[lii]
- 2007: The International Campaign for a UN Parliamentary Assembly was established, and remains the principal movement for the goal, composed of various NGOs and endorsed by some 1,600 MPs from 136 countries.[liii]

As can be noted from the IPU preparatory document, the campaign is being taken seriously. But there are major issues that would need to be agreed:

(a) Composition
Would such a global parliament be composed through direct election, or indirectly through national and regional MPs devoting time to it? If the former, what would be the formula for ensuring a fair and sensible proportionality between China and Tuvalu? If the latter, what is the nature of their selection process and their time division?

(b) Voting
By what process would decisions be reached – one vote per Member State, or through size of population or economy, or through the so-called 'triad' (a mix of all three)?

(c) Powers
Would the UNPA decisions be advisory or binding upon the UN system, which is essentially an assembly of the executive branch of government of all Member States?

(d) Funding
How would the global parliament be funded; separately from, or integrated in, the UN Budget?

(e) Provenance
Who decides, through what mechanism – as an additional primary organ of the UN System through Charter amendment; as a separate legal entity through separate treaty; or through a formal partnership agreement between the UN and IPU as two entities of equal legal and political status?

3. Civil society involvement

The relationship between the United Nations and the emerging global civil society has strengthened greatly in the past few decades. Unlike the Covenant of League of Nations which was expressed as being founded by the 'High Contracting Parties', the UN Charter, in its opening words, expressed its foundation by "We the peoples of the United Nations'.[liv]

The Charter also broke new ground in other important ways:

- Its stated purpose addresses the individual human alongside the state,[lv] whereas the Covenant was restricted to the state;[lvi]
- It empowers a primary organs (ECOSOC) to 'make recommendations' to the General Assembly, specialised agencies and Member States, on issues of an international economic, social, cultural, educational and health nature; and also on human rights and fundamental freedoms;[lvii]
- It incorporates the concept of 'trusteeship' in which Member States accept responsibility for territories 'whose peoples' have not yet attained a full measure of self-government, recognising the principle that "the interests of the inhabitants of these territories are paramount", and accepting as a 'sacred trust' the obligation to promote to the utmost, the 'well- being of the inhabitants of these territories'; and

- It authorises ECOSOC to 'make suitable arrangements for consultation' with non-governmental organizations, at an international level (INGOs) and at a national level (NGOs) after consultation with the particular UN Member State.[lviii]

It is clear that the UN was more philosophically open to liaison with the 'peoples' of the United Nations. And progressively civil society was given increasing access to UN meetings and negotiations. But the openness has not extended to any formal or structural role.

Since the 1990s and the end of the Cold War age, the UN has taken some important strides to embrace the global concept and the global community.

- 1993: The Secretary-General advanced the view that "the first truly global era has begun";[lix]
- 1996 (May): The SG noted the 'trend in 'criminal globalization' such as drug trafficking, terrorism and money-laundering, whose counter-measures would require "global awareness, global commitment and global action";[lx]
- 1996 (July), ECOSOC agreed to a formal procedure regarding the consultative relationship between NGOs and the Council, with principles for governing the granting of consultative status and its operational relationship;[lxi]
- 1999: The SG observed that the 'planetary interest' is "*the kind of forward-looking concept we need as the world goes through a period of profound transformation. Its central message – that, in addition to personal, group and national interests, we must think in terms of the interests of the entire planet – is of special significance to the United Nations as an organization whose raison d'être is to advance the interest not only of one group but of humankind as a whole.*" [lxii]
- 2000: The SG's report prepared for the Millennium Summit[lxiii] spoke of the 'transition from an international to a global world'; of Member States as 'custodians of our common life on this planet'; of the 'unique role of the UN is the new global era' and the 'ground rules for an emerging global civilization'.[lxiv] But there were institutional shortcomings and a need for 'coalitions of change': *"Formal institutional arrangements may often lack the scope, speed and informational capacity to keep up with the rapidly changing global agenda. Mobilising the skills and resources of diverse global actors, therefore, may increasingly involve forming loose and temporary global networks that cut across national, institutional and disciplinary lines. The UN is well situated to nurture such informal 'coalitions for change' across our various areas of responsibility."*[lxv]
- 2000: In the resulting Millennium Declaration, the General Assembly resolved to give 'greater opportunities to the private sector, non-governmental organizations and civil society to contribute to the UN's goals and programmes'.[lxvi]

In the 21st century, the UN's efforts at involving the civil society have been based on the SG's and UNGA's work for the Millennium celebrations, to foster such global 'coalitions for change'.

Civil society, says the UN, Secretariat, is the 'third sector of society' along with government and business. It comprises civil society organizations and non-governmental organizations'.[lxvii] NGOs can participate in the UN's work through either consultative status with ECOSOC or with the Dept. of Global Communications. Some 4,000 NGOs are currently with the former, and 1,500 with the latter.

UN Dept. of Global Communications

In recent years the UN has intensified its effort to embrace the 'global concept'. Its renamed Dept. of Global Communications (DGC) is of the view that:

> *The UN is indispensable as a forum for building a better world and solving complex and evolving challenges. It brings together all countries and different actors to take concerted action across the global community to make a positive difference in people's lives and for the planet.*[lxviii]

With an annual budget of US$143 m., DGC is comprised of three divisions (Strategic Communications; News & Media; Outreach), operates offices in 60 countries, and works in 80 languages.

- Its Strategic Communications Division formulates and implements 'communications strategies' on priority issues and launches 'global campaigns'. The Division's Civil Society Unit provides 'strategic information, analysis and support' to strengthen 'multi-stakeholder dialogue and alliance-building' on the major UN issues: culture, education, human rights, peace and security, environment, economic and social development, health and population.[lxix]

- Its Outreach Division 'engages and educates people and communities worldwide' to encourage support for the ideals and activities of the UN.[lxx]

United Nations University

The UN University, located in Tokyo but with 14 research institutes in 12 countries, is a 'global think-tank' with a mission to contribute, through collaborative research and education, to efforts to resolve the 'pressing global problems of human survival, development and welfare'.[lxxi] UNU is well-regarded as a research tool for the global academic community and global civil society.

ECOSOC Consultative Network

Consultative status with ECOSOC, decided by the UN Committee on Non-Governmental Organizations, is of three kinds: general (for organizations working on most of the Council's agenda issues), special (a few issues) and roster ('occasional and useful contributions'). The network began in 1946 with 41 organizations, and currently there are 4,045 with consultative status.[lxxii] Consultative status enables an organization to attend a UN conference, follow proceedings and, at appropriate moments, make a statement.

UN Civil Society Conferences

The UN-DGC (in its former capacity as UN Dept. of Public Information) has convened 67 UN-NGO conferences on issues of concern to the civil society. The two most recent are the following:

- 2016: The 66th Conference produced a report on *Education for Global Citizenship: Achieving the Sustainable Development Goals Together,* in which the participants resolve "continue to work in furtherance of the 2030 Agenda for Sustainable Development with a particular emphasis on promoting education for global citizenship";[lxxiii]
- 2018: The 67th Conference, repudiating a growing scepticism over multilateralism, chose the theme '*We the Peoples: Together Finding Global Solutions for Global Problems'*, and produced a statement:
  People-centred Multilateralism: A Call to Action,
  The United Nations' legitimacy depends in part on its ability to build consensus in a world where state power has become more diffuse and where non-state actors play a substantial role. When the current multilateral system falters, opportunists argue against the idea that cooperation helps everyone. In place of multilateralism, they cultivate a narrow nationalism that promises development for some at the expense of all others, especially the most vulnerable.
  'We the Peoples' reject the false choice between nationalism and globalism. We offer people-centred multilateralism as an optimistic and realistic alternative. Its inclusive processes will foster a sense of shared ownership, build trust, and result in greater effectiveness. To bring people-cantered multilateralism to maturity, we, as civil society, pledge to work side by side with governments, the private sector, and other stakeholders to pursue the SDGs.
  Therefore, civil society claims its unique space for action that transcends national identities and other affiliations.[lxxiv]

Global Citizenship: A new concept

As a result of the above recent action by civil society, the concept of 'global citizenship' has strengthened:

- 2012: the UN Secretary-General launched the Global Initiative on Education, convening ministerial meetings and appointing a UN Special Envoy for Global Education.[lxxv] His First Initiative identified three priorities, the third being 'Fostering Global Citizenship'.[lxxvi]
- 2020: UNESCO has been active in promoting 'global citizenship education' (GCED),[lxxvii] with its latest Global Education Monitoring Report released in June.[lxxviii]

Commentators have suggested that in addition to supporting an active civil society, the concept may come to provide a philosophical basis for a strengthening of the global community, with a socio-psychological dimension, and ultimately a juridical basis for multilateral institutions with constitutional status.[lxxix]

UN 75th Anniversary

The UN went to considerable lengths to promote civil society engagement with its 75th Anniversary.
In October 2019 it announced the launch of the 'biggest-ever global conversation about the future of the planet', as part of the preparation for the Anniversary.[lxxx]

The UN75 initiative was described as a 'global reality check' to spark conversations around building a better future for all. Various data-streams are capturing "discussions across the world, and in diverse settings, to build the first-ever repository of crowd-sourced solutions to major global challenges":

- a one-minute global survey;
- country-dialogues by UN Resident Reps.; and
- a video of interviews with 38 people around the world.[lxxxi]

On 21 September, the General Assembly held a Summit meeting for the 75th Anniversary, on the theme *The Future We Want, the UN We Need: Reaffirming our Collective Commitment to Multilateralism.* However, as described in section 4 below, at the political level Member States struggled to reach common ground on meaningful reforms. The draft 'Declaration for the Commemoration'[lxxxii] struck difficulties between China on the one hand and Western Member States on the other.[lxxxiii]

It is clear from the above that the United Nations has, from the outset, been more philosophically inclined towards promotion of the individual and a consultative role with civil society than its predecessor. It is also clear that this role intensified greatly in the two decades of the 21st century with leadership from successive Secretary-Generals and a number of Western states. However, there remains a political and philosophical divide between the democratic members states and others about the role of civil society and non-governmental organisations in international institutions. This divide will complicate negotiation of formal institutional links for civil society with reformed multilateral institutions.

This philosophical stance, and conscious effort, by many in the UN to promote links with civil society has been facilitated by the digital revolution, even though the social media has a bipolar influence on human judgements when it comes to global dimensions of governance and law.

Local government

Neither the UN Charter 1945 nor the UNFCCC 1992 (or the Paris Agreement 2015) makes any reference to cities or municipalities. But the UN General Assembly, in adopting the Sustainable Development Goals in 2015,[lxxxiv] identifies Goal 11 as "*Make cities and human settlements inclusive, safe, resilient and sustainable".* Within this, Goal 11 (b) is "*By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards …. mitigation and adaptation to climate change…."*

This goal is of critical importance as the world undergoes rapid urbanization: the fraction of the global population living in cities over 1 m. has grown from 3% in1800 to 47% in 2000 and is projected to be 60% in 2030. There are now 47 megacities over 10 m. (31.5 in Asia, 6 in Latin America, 4.5 in Europe, 2 in North America, 2 in Africa, and 1 in the Middle East).[lxxxv]

It is of potential importance to all parliaments to know the recent constructive work on climate change that is being done at the local jurisdictional level around the world. The democratic input into climate policy from local representatives of towns and cities has a natural affinity with what MPs at the national level are doing; there is potential synergy to be gained, and indeed the national level of governance needs to ensure that the local levels are in synchrony, from country to country.

The UCLG, established in 2004[lxxxvi] and building on the work of its predecessors, adopts, as its mission objective:

> "United voice and world advocate of democratic local self-government, promoting its values, objectives and interests, through cooperation between local governments, and within the wider international community."

Accordingly, its Work Programme has three components:

1. Increasing role & influence of local government and its representative organisations in global governance'
2. Main source of support for democratic, effective, innovative local government close to the citizen;
3. Ensuring an effective and democratic global organisation.

The UCLG's *'Global Agenda'* focuses on five main themes: poverty, rising inequality, insecurity, environment depletion, climate change)

MPs may judge it expedient to convene meetings with their country's national authority on municipalities, to discuss the policy interface of local to national to global levels of climate mitigation-adaptation policy, and the scope for tighter coordination for optimal effectiveness.

4. Private sector

After decades of separate focus and action, the private sector has begun to 'join up' within the global community. But how is the private sector to re-formulate its structural relationship with governments – both executive and legislative branches?

The early-20th c. relationship between the public and private sectors was reflected in the fact that some central banks (such as the Bank of England) were privately owned. In 1930, the Bank for International Settlements was established with a dual function: to facilitate German war reparations and to foster cooperation among its member central banks (European states, Japan, USA).

In the early-1940s, allied planning for a reformed multilateral system relied exclusively on the executive branch of governments, with no meaningful reference to the legislative branches or the private sector. Governments were conscious, nonetheless, of the need to revive what would be struggling post-wartime economies and planning for both peace and security on the one hand, and economic revival and prosperity on the other, paralleled each other, albeit from a distance.

Although discussions on political organization commenced in 1941, the formative conferences were aligned in time. Both were created under the same terminological parentage (the 'United Nations'), but separated in locale and focus, namely, The United Nations Monetary and Financial Conference (Bretton Woods) adopted the founding documents of the IMF and World Bank Group in July 1944 and The United Nations Conference for International Organization (Dumbarton Oaks) which planned the UN Organization, was held a month later in August '44, and the UN Charter was adopted a year later in June '45.

The purpose of the IMF was to stabilise international exchange rates and financial flows, while the World Bank Group was designed to facilitate post-war economic and infrastructural recovery through official lending to governments. These purposes remain today, although the means of operation have significantly changed.

The theoretical foundation underpinning both was the 'end of economic nationalism' and the resurgence of the 'open market' which effectively promoted the role of the private sector. But the alternative proposals of Keynes and White for the appropriate mechanism to govern lending limits and repayment obligations remained focused on the public sector.

The Bretton Woods system has undergone several eras:

- 1944 – '73: The original era of fixed exchange rates against the US dollar which was pegged to the gold standard, ensured relatively stable rates until a separate market for gold developed and forced the US to terminate convertibility, marking the effective end of the intended BW system;
- 1970s-80s: These decades saw efforts at managing global finance through a floating exchange rate system followed by managed exchange rates;
- 1990s: The 'Washington Consensus', based on a set of ten principles, and observed informally but to strong effect by the IMF, World Bank and US Treasury, promoted far-reaching policies for market freedoms.[lxxxvii]
- 2000s: Efforts to introduce a 'revived Bretton Woods system' continued through to the GFC of 2008. In response to the crisis, the central institutions oversaw a return to Keynesian fiscal stimulus policies, consistent with the new regulatory framework introduced in 2010 by the Bank of International Settlements under Basel III.[lxxxviii]

The major economic powers have also taken initiatives to establish economic forums of a limited number of UN Member States, to gain clarity and coherence in the task of global financial stability. Over the last four decades, this has taken various forms. The Group of Seven and the Group of Twenty are informal groups, with no legal personality, no secretariat and no founding document. Yet they serve to ensure coherence of macro-policy even though they also attract considerable criticism from many fronts.

G7 / G8

In 1973 in response to the oil crisis, the US convened a meeting of Western nations to develop coordinated policies. This grew into the G7 annual meetings, with Russia joining in 1998 to make it the G8, then being uninvited in 2014 following the annexation of Crimea.

G20

Founded on US initiative in 1999, but operating at annual summit level since 2008, the G20 encompasses a broader group of economically important nations from South Asia, Africa and Latin America (representing 90% of global GDP, 80% of world trade, 66% of global population and 50% of land mass). Despite this broader reach, the G20 has attracted criticism primarily for its self-selection: Norway, for example, contends that it undermines the legitimacy of international organizations such as the IMF, World Bank and UN:

> *The G20 is a self-appointed group. Its composition is determined by the major countries and powers. It may be more representative than the G7 or the G8, in which only the richest countries are represented, but it is still arbitrary. We no longer live in the 19th century, a time when the major powers met and redrew the map of the world.*[lxxxix]

Belt and Road

Partly in response to this kind of criticism, and to ‘plug the infrastructure gap’, China has recently taken the Belt and Road Initiative (BRI):

- In 2013 it launched the BRI to finance and develop greater economic interaction between Asia-Pacific, West Asia and Eastern-Central Europe;
- In 2017, the 1st Belt & Road Forum for International Cooperation was held in Beijing, attended the UN Secretary-General, and heads of IMF, World Bank and WTO Director-General, along with the president of World Economic Forum. It was also attended by 29 heads of state & government, and ministerial representation from about 100 other countries including New Zealand. A 2nd Forum was held in 2019.

International Financial Institutions

Since 1990, the international economic and finance system has often been described as a ‘post-Bretton Woods system’. Since the GFC, calls intensified for a complete re-structuring of the 1940s institutions, including from major national leaders.

- 2008: European leaders, especially France, Italy and UK, called for a ‘new economic system, a ‘Bretton Woods II summit’, although while some envisaged further globalisation and free trade, others called for a move away from the ‘Anglo-Saxon model’.
- 2009, China called for the introduction of a centrally-managed global reserve currency, on the grounds that the 2008 collapse had been due to the failure to adopt the Keynesian proposal of the ‘40s. The 2009 G-20 summit agreed to create a large SDR pool for member IMF countries, prompting the UK to observe that the Washington Consensus had terminated.
- 2010, France issued a popular appeal for a ‘new Bretton Woods’;
- 2011 The Bank of England called for reform of the current ‘failed system’;

In the past decade, the economic rise of China has altered the perception of the relationship between the public and private sectors around the world, giving rise to the informal term ‘Beijing Consensus’ as a description of an alternative model to the Washington Consensus. In 2015, the Asian Infrastructure Development Bank was established on the initiative of China, and now has membership of France, Germany, UK, Australia, New Zealand and Japan, but not the USA. The new Bank was described by the UN as having the potential to improve global economic governance.[xc]

These initiatives by China directly raise the question of how the two models of global economic governance – Western and Sinitic – might be reconciled, and what relationship would exist within a ‘unified model’ between the global public and private sectors.

All the above activity is conducted by governments which, without exception, see their role as providing a stable and effective framework for a viable and successful private sector. But the private sector has had no operational role within such organizations or even informal forums, at least in the early years.

World Economic Forum
As early as 1971, a seminal initiative was taken by Prof Klaus Schwab of Switzerland to establish what has become the world's leading private business forum. Its membership is comprised of 1,000 of the 'world's leading companies', in four categories: strategic partners, associate partners, global innovators and new champions. The Forum claims that it:

> *strives in all its efforts to demonstrate entrepreneurship in the global public interest while upholding the highest standards of governance. … Our activities are shaped by a unique institutional culture founded on the stakeholder theory, which asserts that an organization is accountable to all parts of society*.[xci]

WEF hosts the annual Davos conference which attracts considerable global attention in recent times – attended by several thousand business executives, political leaders, recognised academics and the media. It also convenes annual regional meetings in Africa, Asia, Latin America, and two more each year in China and UAE.

Increasingly, WEF is tackling the global problems of the 21st century, and as a result is moving closer to the 'mood' of the global community. Its current intention is to convene a 'twin summit', hosted jointly with Britain's Prince Charles, its 51st Davos conference in January 2021, termed 'The Great Reset'. This is designed to do the following:

> *'The Great Reset' is a commitment to jointly and urgently build the foundations of our economic and social system for a more fair, sustainable and resilient future. It requires a new social contract centred on human dignity, social justice and where societal progress does not fall behind economic development."*

As Prof Schwab puts is:

> *"We have only one planet and we know that climate change could be the next global disaster with even more dramatic consequences for humankind. We have to decarbonise the economy in the short window still remaining and bring our thinking and behaviour once more into harmony with nature."*

And the UNSG:

> *"The Great Reset is a welcome recognition that this human tragedy must be a wake-up call. We must build more equal, inclusive and sustainable economies and societies that are more resilient in the face of pandemics, climate change and the many other global challenges we face."*

Such an 'existential' approach to 21st c. global problems from the world's leading private sector body is, at the very least, and encouraging development on past tendencies and mutual misunderstandings.

World Business Council for Sustainable Development
The WBCSD began in 1995, building on a forerunner body set up for the 1992 Rio Earth Summit, and its first report for the private sector: C*hanging Course: A global business perspective on development and the environment.*[xcii]

The Council has 200 international companies as members, about half in Europe, and works to help achieve the UN's Sustainable Development Goals through six programmes:

- Promoting the 'circular economy;
- Cities and mobility project;
- Climate and energy; food, land and water;
- People; and
- Redefining value.

The Council has been criticised for having membership from some major fossil fuel energy corporations, but the counter-argument is that the work is designed to ensure that the 20th century-based private sector re-orients itself towards a sustainable planet, and has been endorsed by the World Bank and in independent surveys as being effective towards that end.

UN efforts at public-private partnership:
As the Millennium Summit approached, the UN became active in promoting a public-private partnership. In 2000 (Dec.) the General Assembly, while reaffirming the 'central role' of the UN in the promotion of partnerships in the context of globalization, nonetheless stressed its efforts to that end could benefit from enhanced cooperation with 'all relevant partners, in particular the private sector', to ensure that globalization becomes a 'positive force for all'.[xciii]

In 2001 (October), the UNSG submitted a report to the General Assembly on such cooperation, with conclusions and recommendations.[xciv] It noted several existing structures:

- The tripartite nature of the ILO which involves employers' representatives;
- The consultative status with ECOSOC already enjoyed by some 200 business entities;
- The 'parallel events' already underway with the UN such as briefings and workshops;
- The UN Fund for International Partnerships, established by businessman Ted Turner, in 1997.
- The UNCTAD/International Chamber of Commerce partnership, initiated by the SG in 1998;
- The UN Global Compact announced at the WEF (Davos) by the SG in 1999.

The SG noted that the private sector had a 'growing influence on global governance' through promoting global public goods and setting global standards in 'global public policy networks'.[xcv] Its conclusions on precise roles for the private sector, however, were vague: the growing cooperation does not, and should not, replace the central role of governments in international policy-making; non-state actors can provide 'valuable input into that process'.[xcvi] The General Assembly has regularly received SG reports and adopted resolutions on the subject of 'enhanced private sector cooperation' ever since, the most recent being in 2017.[xcvii]

UN Global Compact
In 2000, Secretary-General Kofi Annan established the UN Global Compact, which has become the world's largest association of private companies with 13,000 corporate members and other partners in 130 countries. In 2013, the UN intensified its efforts to develop 'enhanced cooperation between the UN and all relevant partners including the private sector'. The Secretary-General's report and the following General Assembly resolution[xcviii] made it clear that

The mission of the Global Compact was well expressed at the outset, and this remains valid today:

> *The Global Compact is based on the conviction that weaving universal social and environmental values into the fabric of existing economic rules, global markets, and corporate practices, will help to advance broader societal goals and address some of the downsides of globalization, while supporting open markets. By doing so, corporate activity is brought into closer relationship with UN values and goals.*
>
> *The Global Compact is not intended as, and does not have the capacity to be, a corporate code of conduct or global standard. Rather it should be viewed as a values platform and learning network that provides a framework through which its participants are able to publicly support a set of universally agreed values and the work of the United Nations*[xcix]*.*

It is clear that, in recent decades, the private sector has become conscious of the need for a re-orientation of corporate approach to environmental and social goals as global public goods, and vigorous and reasonably effective in pursuit of this. And for its part, the United Nations has developed a constructive conceptual framework for 'enhanced cooperation'.

But the principal bodies representing the modern global private sector remain entirely independent entities. There is no constitutional partnership arrangement with the global public sector, namely the UN, IMF, World Bank Group and WTO.

End Notes

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[i] https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021

[ii] Statement to the United Nations General Assembly, Prime Minister Rt hon Jacinda Ardern, 28 September 2018. https://www.beehive.govt.nz/speech/new-zealand-national-statement-united-nations-general-assembly

[iii] A/Res/75/1 of 28 September 2020; https://undocs.org/A/RES/75/1

[iv] Jean-Marie Guehenno, 6 June 2020 to Valdai Club https://valdaiclub.com/a/highlights/future-of-the-multilateral-system-after-covid-19/

v “Global Governance and the Emergence of Global Institutions for the 21st Century”, Augusto Lopez-Claros, Arthur L. Dahl and Maja Groff; 2020 Cambridge University Press at page 10. See also in more detail pp 309-359.

[vi] General debate Statement at 44th Session of UN General Assembly by Rt Hon Geoffrey Palmer, Prime Minister of New Zealand. Monday 2 October 1989. UN Doc. A/44/PV.15, at 61.

[vii] https://www.un.org/sustainabledevelopment/sustainable-development-goals/

[viii] A/Res/70/1 of 21 October 2015; https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

[ix] Addis Ababa Action Agenda on Financing for Development” adopted by the General Assembly in Resolution 69/313 of 27 July 2015. https://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf

[x] https://sustainabledevelopment.un.org/content/documents/26767Note_on_2020_HLPF.pdf

[xi] https://www.un.org/sustainabledevelopment/development-agenda/

[xii] https://unsdg.un.org/sites/default/files/2020-10/Annual-report-SG-2020-EN-Complete-Web.pdf

[xiii] https://undocs.org/A/75/L.1

[xiv] https://www.ccamlr.org/en/organisation/camlr-convention

[xv] https://www.ffa.int

[xvi] https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm

[xvii] https://www.un.org/disarmament/wmd/nuclear/tpnw/

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

[xix] https://en.wikipedia.org/wiki/Peacebuilding_Commission

[xx] https://en.wikipedia.org/wiki/Peacebuilding_Commission

[xxi] https://en.wikipedia.org/wiki/Special_Committee_on_Peacekeeping_Operations

[xxii] https://www.wcpfc.int/compliance-monitoring

[xxiii] A/RES/57/32 (19 Nov. 2002)

[xxiv] https://www.un.org/development/desa/dspd/civil-society/ecosoc-status.html

[xxv] A/RES/55/215, *Towards Global Partnerships* (6 March 2000)

[xxvi] A/72/310 (10 Aug. 2017)

[xxvii] https://treasury.govt.nz/publications/summary-tables/summary-tables-estimates-appropriations-2020-21-html

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

[xxix] Examples of such creative thinking, in the 20th century, have included the following: Canada on peacekeeping;
Norway on conflict resolution; Malta on law of the sea; Trinidad & Tobago on international criminal law;
Liechtenstein on non-aggression; Switzerland on international humanitarian law; Mexico on nuclear-free zones; Austria and Costa Rica on nuclear weapon prohibition; Canada on land-mine and cluster-munition prohibitions; Canada on civilian protection (‘responsibility to protect’).

[xxx] https://www.ipu.org/about-ipu/genesis-ipu; See McCarthy, *Democracy in the United Nations,* UN Chronicle (March 2005) p. 34 https://www.questia.com/magazine/1G1-141814462/democracy-in-the-united-nations

[xxxi] The opening phrase, ‘We the Peoples’ is understood to have been inserted, as something of an afterthought near the end of the San Francisco conference, by US delegate Virginia Wildersleeve who effectively re-wrote the original preamble drafted by South Africa’s Jan Smuts. https://history.state.gov/historicaldocuments/frus1945v01/d287 See also book xxx

[xxxii] http://csonet.org/index.php?menu=17 Some 70 organizations have permanent observer status at the IPU, including 20 UN agencies.

[xxxiii] https://undocs.org/E/2018/INF/5

[xxxiv] A/RES/57/32 (19 Nov. 2002)

[xxxv] A/RES/57/47 (21 Nov. 2002)

[xxxvi] http://archive.ipu.org/un-e/un-docs.htm

[xxxvii] https://www.wto.org/english/forums_e/parliamentarians_e/parliamentarians_conf_e.htm
The Parliamentary Network on the World Bank and IMF is an independent NGO, headquartered in Paris.

[xxxviii] https://www.ipu.org/event/fifth-world-conference-speakers-parliament

[xxxix] http://archive.ipu.org/splz-e/sp-dclr.htm

[xl] http://archive.ipu.org/splz-e/sp-conf05/declaration.pdf

[xli] http://archive.ipu.org/splz-e/speakers10/declaration.pdf

[xlii] http://archive.ipu.org/splz-e/speakers15/declaration.pdf

[xliii] https://www.ipu.org/event/fifth-world-conference-speakers-parliament

[xliv] *The Parliamentary Dimension to the Work of the United Nations* (CONF-2020/PrepCom1/4-R.1; 24 Jan 2019) https://www.ipu.org/event/fifth-world-conference-speakers-parliament#event-sub-page-22190/

[xlv] Ibid, para 3

[xlvi] A/74/759 (20 March 2020), para 1.

[xlvii] Ibid, para 70

[xlviii] A UN Parliamentary Assembly: Analysis and parliamentary opinion (Graham K & Heinrich D; PGA, Sept. 1993; New York),

[xlixxlix] http://www.uno-komitee.de/en/documents/canada-report.pdf

[l] Campaign for a Democratic UN (CAMDUN); International Network for a UN second Assembly (INFUSA); Global Peoples’ Assembly Movement (GPAM).

[li] *Strengthening citizens' representation on international level through a UN Parliamentary Assembly*; Liberal International, resolution at 53rd Congress (Sofia; 14 May 2005)

[lii] European Parliament: Resolution on United Nations Reform, Strasbourg, 9 June 2005
https://www.europarl.europa.eu/sides/getDoc.do?reference=P6-TA-2005-0237&type=TA&language=EN&redirect

[liii] https://en.unpacampaign.org/

[liv] The opening phrase, 'We the Peoples' is understood to have been inserted, as something of an afterthought near the end of the San Francisco conference, by US delegate Virginia Wildersleeve who effectively re-wrote the original preamble drafted by South Africa's Jan Smuts who had been involved in the drafting of the League's Covenant in 1920.
https://history.state.gov/historicaldocuments/frus1945v01/d287
See also Schlesinger, S., *Act of Creation: the Founding of the United Nations* (Perseus; Cambridge MA; 2004)

[lv] Non-resort to war; fundamental human rights and the 'dignity and worth of the human person', and equal rights of men and women and of nations large and small; respect for the obligations arising from treaties and other sources of international law; social progress and better standards of life in larger freedom,

[lvi] Non-resort to war; just and honourable relations between nations; international law as the actual rule of conduct among Governments; maintenance of justice and scrupulous respect for treaty obligations 'in the dealings of organised peoples with one another'.

[lvii] UN Charter, Art. 62

[lviii] UN Charter, Art. 71

[lix] United Nations Chronicle (March 1993) XXX91), cover page

[lx] UN Daily Highlights, 31 May 1996

[lxi] ECOSOC resolution 1996/31 (25 July 1996)

[lxii] Foreword by Kofi A. Annan, to *The Planetary Interest: A new concept for the global age*, Graham K, Ed. (Routledge ; Rutgers UP; 1999)

[lxiii] *We the Peoples: The role of the UN in the 21st century: Report of the Secretary-General* (A/54/2000; 27 March 2000)

[lxiv] *"What do we mean by governance when applied to the international realm? What are some of its desirable attributes if our aim is to successfully manage the transition from an international to a global world?*
In the minds of some, the term still conjures up images of world government, of centralised bureaucratic behemoths trampling on the rights of people and states. Nothing is less desirable. …..
By the same token, states need to develop a deeper awareness of their dual role in our global world. In addition to the separate responsibilities each state bears towards its own society, states are, collectively, the custodians of our common life on this planet – a life all citizens of all countries share. ….
This implies, in turn, that decision-making structures through which governance is exercised internationally must reflect the broad realities of our times. …
The unique role of the UN is the new global era derives from our universal membership and scope, and from the shared values embodied in our Charter. ….. More than ever, a robust legal international order, together with the principles and practices of multilateralism, is needed to define the ground rules for an emerging global civilization within which there will be room for the world's rich diversity to express itself fully. Ibid. paras 41-45

[lxv] Ibid. para 49

[lxvi] A/RES/55/2 (18 Sept. 2000) para 30

[lxvii] https://www.un.org/en/sections/resources-different-audiences/civil-society/index.html

[lxviii] https://www.un.org/en/sections/departments/department-global-communications/index.html

[lxix] https://www.un.org/en/sections/resources-different-audiences/civil-society/index.html

[lxx] The seemingly innocent reference to 'educating people' might be regarded as risking a populist backlash in today's conflicted and fearful world.

[lxxi] https://www.un.org/en/sections/resources-different-audiences/civil-society/index.html
https://unu.edu/about/unu

[lxxii] https://www.un.org/development/desa/dspd/civil-society/ecosoc-status.html

[lxxiii] UNGA doc. A/70/980 (17 July 2016)

[lxxiv] https://outreach.un.org/ngorelations/67th-dpingo-conference

[lxxv] https://www.un.org/millenniumgoals/pdf/The%20Global%20Education%20First%20Initiative.pdf

[lxxvi] https://centre.upeace.org/wp-content/uploads/2013/04/3.3-Fostering-Global-Citizenship.pdf

[lxxvii] https://en.unesco.org/themes/gced; https://en.unesco.org/themes/gced/definition
https://unesdoc.unesco.org/ark:/48223/pf0000372425

[lxxviii] https://en.unesco.org/news/global-education-monitoring-gem-report-2020

[lxxix] *"A study of 'global citizenship' requires, first, definitional and conceptual clarification. This facilitates an exploration of the philosophical foundations of the concept, including the values underpinning it. As the world changes, so does the socio-psychological dimension of an individual's modern sense of identity and loyalty. Those evolving values and the social psychology of modern life lay the foundation for strengthened juridical concepts relevant to global citizenship which in turn, ultimately, will bestow it a constitutional status with institutional expression."* Global Citizenship, Graham K. in '*For the Sake of Present and Future Generations',* Linton, Simpson and Schabas, Eds. (Brill Nijhof; Leiden, Boston; 2015)

[lxxx] *'We need to talk: UN gears up for 75th anniversary with Global Conversations'* UN News, 24 Oct. 2019
https://news.un.org/en/story/2019/10/1049961

[lxxxi] *'Secretary-General calls for global participation in UN75 Dialogue'* UN News 20 January 2020
https://news.un.org/en/story/2020/01/1054611

[lxxxii] https://www.un.org/pga/74/wp-content/uploads/sites/99/2020/05/UN75-Letter-from-the-co-facilitators-1.pdf

[lxxxiii] https://www.hindustantimes.com/india-news/un-75th-anniversary-draft-declaration-phrase-changed-after-india-5-others-object/story-MKsZcU1cB3qPc0uBNvDOQP.html

[lxxxiv] A/RES/70/1, *Transforming Our World: 2030 Agenda for Sustainable Development*

[lxxxv] The divided city is Istanbul, straddling Asia and Europe.

[lxxxvi] In its 2004 Constitution, the World Organization of United Cities & Local Governments recalls its two predecessor bodies (IULA, 1913; and WFUTC, 1957), and notes also the declaratory goals relevant to its municipal work in the Universal Declaration on Human Rights (1948), the Habitat Agenda (19xx), Agenda 21 (Rio 1992), and the Sustainable Development Goals (2015).

[lxxxvii] Hurt, S., *The Washington Consensus*, in *Encyclopaedia of Governance* (Sage; 2007) https://sk.sagepub.com/reference/governance/n565.xml

[lxxxviii] https://www.bis.org/bcbs/basel3.htm

[lxxxix] *"Norway Takes Aim at G-20:'One of the Greatest Setbacks Since World War II'". Der Spiegel. 22 June 2010*

[xc] *'Global Economic Governance* (UN Financing for Development Office; 2015)

[xci] https://www.weforum.org/about/world-economic-forum

[xcii] MIT Press, 1993

[xciii] A/RES/55/215, *Towards Global Partnerships* (6 March 2000)

[xciv] A/56/323 (9 Oct. 2001) *'Cooperation between the UN and all relevant partners, in particular the private sector'*

[xcv] Ibid, para 63

[xcvi] Ibid, para 119

[xcvii] A/72/310 (10 Aug. 2017)

[xcviii] Enhanced cooperation between the UN and all relevant partners including the private sector, Report of the Secretary-General (A/68/326, 13 August 2914); and General Assembly resolution A/RES/68/234 (20 Dec. 2013)

[xcix] A/56/323, para 86.