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# Time to Upgrade Our Global Institutions:

# A fresh vision from Aotearoa New Zealand

**Discussion Paper**

**(Summary Version)**

*In late 2019 the United Nations Association of New Zealand and the NZ Centre for Global Studies decided to undertake a study on upgrading the UN System. The result was a Discussion Paper which was presented to UNANZ and NZCGS and subsequently to the New Zealand Government in December 2020. It can be found* <https://www.unanz.org.nz/learn/submissions-and-reports/>

*The Discussion Paper benefitted substantially from consultation with a number of former senior members of major political parties, with academics and with former officials, who are identified in the Annexe below.*

*This Summary version of the Discussion paper was requested by the Foreign Affairs Defence and Trade Committee of the New Zealand House of Representatives*

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**Introduction**

Even before Covid-19 it was clear that the international organisations set up in 1945 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 Covid-19 pandemic has graphically underlined these concerns. A stark new reality is emerging. In October 2020 the World Bank reported that, after 20 years of progress in reducing poverty, the impacts of Covid 19 would result in a dramatic rise in poverty globally. 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.

At the outset we should say that we are impressed with the leadership New Zealand is already 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.

Secondly, given the range of views that exist about the UN system, we think it is important to start with a focus on New Zealand values and interests and then ask some hard questions about the UN System before trying to find practical, credible solutions.

**New Zealand Values and interests**

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

1. New Zealand’s history of 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 things like peace operations and UN peacekeeping.
3. The practical needs and interests of the modern New Zealand economy built on and sustained by international trade,
4. New Zealand’s experience of an independent foreign policy while securing a peaceful context and preserving the freedoms and rights for New Zealand business and New Zealanders to prosper.
5. The realities of our oceanic region, including our connection with the peoples of the Pacific and their needs, the resources of the region and the environmental challenges that threaten it.

These New Zealand values and interests link into global values that still have considerable international support. 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. Collective responsibility as trustees of the earth resonates with te Ao Maori – essentially that humans are not separate from, but part of, nature.

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.

This paper is not seeking to be a blueprint for change. And we certainly 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. But that time could emerge rapidly and without warning. This paper is therefore about being well prepared. Part of that preparation should involve consultation with Tangata Whenua, with Pacific Forum members, with the business community, and with civil society and Pasifika communities in New Zealand.

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

We consulted with a number of New Zealanders (including some former Political Leaders) interested in and knowledgeable about these issues. A full list of those consulted is attached. 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 from the academic community argued that that perhaps the system could just be left to muddle on. The alternative, and majority view, (shared by all of the former Political Leaders we consulted) 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 concerns 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 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.

Polling by the Pew organisation recently found wide positive support globally for the UN - even in the USA. But digging down into the Pew data one finds lower levels of support when people were asked if the UN “deals effectively with international issues”. Support for the UN in most countries may be wide. But 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 a 75-year-old UN system 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.

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 were persuaded that 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. In that regard upgrading the roles of Parliamentarians, civil society and the private sector is now important as well.

**Why 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 post war 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 1945 in achieving a more equitable Security Council. The veto prevailed. But New Zealand was instrumental in inserting into the UN Charter the need for decolonisation. Inspired by this, New Zealand developed strong forward-thinking policies for the Pacific region and became a leading partner with the UN on implementing decolonisation. Following the principles in the UN Charter New Zealand also led the development of regional multilateral institutions, including the Pacific Forum.

The generation of New Zealanders that emerged in the 1960s and 1970s was also very 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 also supported 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 uncertainties following UK entry to the EEC threatened exporters.

But today the 1945 system is under threat. We no longer live in a benign world where we can assume that a fair system, which will protect the interests of the small- and medium-sized countries and the rights and freedoms of peoples, 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 a global environment limited mainly to bilateral diplomatic tools, small countries 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 doesn’t strengthen your negotiating leverage.

In the current world, the US/China confrontation and the situations with Iran and North Korea all create dangerous risks of countries like 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 help to produce outcomes with distributed benefits for all, in ways that are hard to achieve in binary negotiations. No one wins everything, but with skilled and experienced multilateral negotiators everyone gets something – and 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 and preserve our values 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.

**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 very different from the European system, which has a Parliament with wide law-making power and an executive type of 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 entered into.

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.

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

The UN was created, as Dag Hammarskjold 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 with France 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 naked 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 by punishing their exports to New Zealand 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 who could pool their interests and negotiating power.

**What is the real problem in the UN System?**

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. 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 the multiplicity of legally distinct intergovernmental oversight and governance bodies, secretariats, agencies and programmes impedes performance and undermines effective delivery. The deficit is exacerbated by outdated and now inappropriate systems of management;
* A ‘**financial deficit’** becausethese 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 was 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 member states send delegates to 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 and less successful.

The MFAT 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.

**In the current global environment, how ambitious can we be?**

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 interest in anything like the current EU model of a European Parliament and detailed governance from Brussels.

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 a major rewrite of the Charter is not feasible at this time. A less dramatic renewal of the UN system is the best that can reasonably and practicably be pursued at this time. Instead we propose a wide range of focused and practical upgrades that can be achieved without a formal treaty process.

We do suggest, however that it is important to keep alive the idea of a more ambitious longer term renewal of the system. 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.

**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. Wider participation in the 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 processes modeled on peacebuilding configurations under the auspices of the General Assembly – a more comfortable environment for China and Russia. We also note that China would often 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 much 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”. In recent years, that has faded. In parallel, many US politicians have 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 much nationalistic rhetoric. It is likely that at a certain point American values and US national interest, which both favour stronger multilateral institutions, will balance out domestic rhetoric. But, even a Democratic administration would want to see substantial change in the system.

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 the USSR, that troubled Stalin. But this is 2020, not 1945. President Putin is definitely not Stalin. However, for both Russia and the US (as the principal users of the veto) great symbolism will be at stake as well actual power dynamics. The veto also proved to be important in securing support for the ratification of the UN Charter in the US Senate.

While formal legal amendments to the Charter including the outright abolition of the veto are probably still unachievable at this time, we suggest that it would be a mistake to assume at the outset that the US and Russia would walk away completely if some rules relating to the Security Council were changed informally. The last successful reform of the Security Council, in 1965, also diluted P5 power. It was approved by a large majority of states. The P5 resisted its adoption. However, all 5 eventually ratified it.

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. 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.

**NZ Priorities for a renewed system**

We suggest that New Zealand could have nine top priorities for UN system renewal.

1. ***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:

*“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.”*

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.

1. ***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 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 some structural renewal, both for the Secretariats involved and for the intergovernmental machinery.
2. ***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 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.
3. ***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 some changes that could be implemented without formal legal amendments to the Charter. They would significantly expand the Council in practice and help make the Council more equitable and allow 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 amending the Charter to create new permanent members could actually make the Council worse. We therefore suggest a wider approach, which would upgrade the 1945 model and make it more fit for purpose for twenty-first century needs.
4. ***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.
5. ***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 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. 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 and we make specific suggestions practical in this regard. We do not underestimate the difficulty given the culture that has become entrenched. But in terms of New Zealand values, interests and public expectations, it is important to try.
6. ***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. 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 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.
7. ***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.
8. ***Begin to address the democratic deficit*** *–* We suggest somespecific proposals that would immediately improve the situation and better involve parliamentarians, civil society, indigenous peoples and the private sector. We also discuss 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 at this time.

**Renewal priorities for other states**

New Zealand may have a clear vision of what reforms should be pursued as a priority. However, 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. We make suggestions for how these concerns could be addressed with constructive and balanced solutions.

**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 may be hostile. It will be necessary in developing the process to consider how to deal with this. It is highly desirable to aim for universal participation in the negotiation phase.

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 United Nations 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. 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. 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 by agreement by Heads of Government at Summit level rather than by formal treaty***.***

**What can New Zealand do to help bring about change?**

As noted at the outset, this paper is not a full blueprint for the future system. Rather it is designed as an opportunity to encourage New Zealand Ministers, MPs, Officials and the public that system revitalization is a worthwhile task to prepare for and to give priority to such preparations.

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 simply having a package of ideas will not be enough. New Zealand will also need capacity. The Government will therefore need to reinvest in its multilateral diplomacy and reverse the growing imbalance of resources towards bilateral work.

NZ has an impressive 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.

In this regard, we recall that thirty years ago, in 1989, New Zealand advanced a world leading 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 about the risks of a global environmental catastrophe and the need for a new UN Council with authority to allow a fully integrated collective response to environmental crises.

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.

**List of Persons Consulted**

*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.*

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 Deputy Prime Minister, Minister of Foreign Affairs and Commonwealth Secretary General

Hon Sir Jim McLay – former Deputy Prime Minister and Ambassador to the UN in New York

Hon Phil Goff – former Minister of Foreign Affairs

Hon Chris Finlayson – former Attorney General

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 Director General of Conservation, former MFAT Legal Adviser; former International Law Commission 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 and Deputy High Commissioner in the UK

Dr Penelope Ridings – former High Commissioner to Samoa; former ambassador to Poland; former MFAT Legal Adviser

Mr Simon Draper - Executive Director of Asia Foundation and former manager of MFAT UN Division

Ms Jan Beagle – former Under Secretary-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

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Professor Klaus Bosselmann – School of Law, University of Auckland