



# United Nations Reform: U.S. Policy and International Perspectives

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## Summary

Since its establishment in 1945, the United Nations (U.N.) has been in a constant state of transition as various international stakeholders seek ways to improve the efficiency and effectiveness of the U.N. system. Controversies such as corruption in the Iraq Oil-For-Food Program; allegations of sexual abuse by U.N. peacekeepers; and instances of waste, fraud, and abuse by U.N. staff have focused renewed attention on the need for change and improvement of the United Nations. Many in the international community, including the United States, have increased pressure on U.N. member states to implement substantive reforms. The 112<sup>th</sup> Congress may continue to focus on U.N. reform as it considers appropriate levels of U.S. funding to the United Nations and monitors the progress and implementation of ongoing and previously approved reform measures.

In September 2005, heads of U.N. member states met for the World Summit at U.N. Headquarters in New York to discuss strengthening the United Nations through institutional reform. The resulting Summit Outcome Document sought to lay the groundwork for a series of reforms that included establishing a Peacebuilding Commission, creating a new Human Rights Council, and enlarging the U.N. Security Council. Member states also agreed to Secretariat and management reforms including improving internal U.N. oversight capacity, establishing a U.N. ethics office, enhancing U.N. whistle-blower protection, and reviewing all U.N. mandates five years or older.

Since the World Summit, U.N. member states have worked toward implementing these reforms with varied degrees of success. Some reforms, such as the creation of the Human Rights Council and the Peacebuilding Commission, have already occurred or are ongoing. Other reforms, such as mandate review and U.N. Security Council enlargement, have stalled or not been addressed. U.N. member states disagree as to whether some proposed reforms are necessary, as well as how to most effectively implement previously agreed-to reforms. Developed countries, for example, support delegating more power to the U.N. Secretary-General to implement management reforms, whereas developing countries fear that giving the Secretary-General more authority may undermine the power of the U.N. General Assembly and therefore the influence of individual countries.

Congress has maintained a significant interest in the overall effectiveness of the United Nations. Some Members are particularly interested in U.N. Secretariat and management reform, with a focus on enhanced accountability and internal oversight. In the past, Congress has enacted legislation that links U.S. funding of the United Nations to specific U.N. reform benchmarks. Opponents of this strategy argue that tying U.S. funding to U.N. reform may negatively impact diplomatic relations and could hinder the United States' ability to conduct foreign policy. Supporters contend that the United Nations has been slow to implement reforms and that linking payment of U.S. assessments to progress on U.N. reform is the most effective way to motivate member states to efficiently pursue comprehensive reform.

This report will be updated as policy changes or congressional actions warrant.

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## Introduction

United Nations (U.N.) reform is an ongoing policy issue for the United States, and may be an area of focus during the 112<sup>th</sup> Congress. As the single largest financial contributor to the U.N. system, the U.S. government has an interest in ensuring the United Nations operates as efficiently and effectively as possible. Congress has the responsibility to appropriate U.S. funds to the United Nations, and can impose conditions on payments. On several occasions, Congress has sought to link U.S. funding of the United Nations to specific reform benchmarks.

In recent years, there has been growing concern among some in the international community that the United Nations has become ineffective and unwieldy in the face of increasing global challenges and responsibilities. In response to these concerns, then-U.N. Secretary-General Kofi Annan and some U.N. member states proposed in 2005 a series of management, programmatic, and structural reforms to improve the organization. Many of these reforms are in various stages of implementation, while others are still being considered by member states.

This report focuses on U.N. reform efforts and priorities from the perspective of several key actors, including the U.S. government, the U.N. Secretary-General, selected member states, and a cross-section of groups tasked with addressing U.N. reform. It also examines congressional actions related to U.N. reform, as well as future policy considerations.

## Background and Trends

Since the establishment of the United Nations in 1945, U.N. member states and past secretaries-general have repeatedly attempted to reform the organization. These reform efforts tend to be cyclical, with member states considering waves of new reform proposals every 5 to 10 years. The reform attempts can be initiated by a member state, groups of member states, and/or the current secretary-general. They generally focus on three areas of concern: (1) perceived inefficiencies and lack of accountability in the U.N. Secretariat; (2) duplication and redundancy of U.N. mandates, missions, and/or programs; and (3) evidence of fraud, waste, abuse and/or mismanagement of U.N. resources.

Proposed reforms often reflect the political, economic, and cultural climate of the time. For example, in the 1950s and 1960s, member states focused on increasing membership on the U.N. Security Council and the U.N. Economic and Social Council (ECOSOC) to account for growing U.N. membership.<sup>1</sup> In the 1970s, as the economic and political gap between developed and developing countries grew more pronounced, the General Assembly requested the Secretary-General to appoint a group of experts to recommend structural changes that would help the United Nations address “problems of international economic co-operation.”<sup>2</sup> The most recent wave of U.N. reform is likely driven by a combination of U.N. budgetary and financial issues, controversy over mismanagement of the Iraq Oil-For-Food Program, perceived ineffectiveness of

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<sup>1</sup> U.N. membership grew from 51 countries in 1945, to 114 countries in 1963. Currently, the United Nations has 193 member states. Amendments to the Charter related to increased membership are discussed in the “Mechanics of Implementing Reform” section of this report.

<sup>2</sup> The General Assembly approved some, but not all, of the recommendations in 1977. For more information on this group and other U.N. reform efforts prior to the 1980s, see “Reforming the United Nations: Lessons from a History in Progress,” by Edward C. Luck, *Academic Council on the United Nations System—Occasional Papers Series*, 2003.

U.N. human rights mechanisms, and recent allegations of sexual abuse committed by U.N. staff and peacekeepers, among other things.

## Reform Efforts (1980s and early 1990s)

U.N. reform initiatives in the 1980s and early 1990s focused primarily on financial and structural issues. In 1986, under pressure from the United States and other industrialized countries, the General Assembly established a high-level group of 18 intergovernmental experts to “review the efficiency of the administrative and financial functioning” of the United Nations. The group made 71 recommendations to the General Assembly, including a revised budgetary process that introduced the use of consensus-based budgeting.<sup>4</sup> In the early 1990s, U.N. Secretary-General Boutros Boutros-Ghali introduced broad reform proposals in reports, *An Agenda for Peace* (1992) and *An Agenda for Development* (1994).<sup>5</sup> Some of these reform initiatives proposed led to substantive changes to the U.N. structure.<sup>6</sup>

## Reform Efforts (1997 to 2005)

Kofi Annan ran for Secretary-General on a platform of reform and introduced many reform proposals during his tenure, most notably in 1997, 2002, and 2005. Annan also appointed several independent panels

### U.N. Security Council Reform

As the primary U.N. organ dealing with peace and security issues, the U.N. Security Council has often played a critical role in addressing peace and security issues throughout the world. Many U.N. member states, finding themselves committed to what some may consider Council-imposed decisions, believe the entire U.N. membership needs to have a clearer understanding of Council actions and greater access to the work of the Council. Many also believe that the Council membership should be enlarged from 15, established in the 1960s, to a number commensurate with the increase in U.N. membership (from 115 in 1965 to 193 today).

The question of Security Council reform and enlargement has been actively discussed within the U.N. General Assembly since 1993, when it established an “Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council.” Over the years, consultations and discussions have continued over various aspects of Council reform, including:

- increases in the number of permanent members;
- increases in the number of non-permanent members;
- the status of new permanent members, including extension of the veto to such members;
- continuation of the veto; or
- limits on veto use.

Secretary-General Ban Ki-moon calls Security Council reform “an important and sensitive issue.”<sup>3</sup> He supports enlarging the Council, and has stated he will use his position as Secretary-General to facilitate cooperation among member states in order to build a broad consensus for Security Council enhancement. At the same time, he has emphasized that Security Council reform is the responsibility of U.N. member states.

<sup>3</sup> U.N. press release, SG/2120, Transcript of Press Conference by Secretary-General-Designate Ban Ki-moon, December 14, 2006.

<sup>4</sup> U.N. document, A/RES/41/213, December 19, 1986. The group of experts was convened, in part, because of U.S. legislation popularly known as the “Kassebaum-Solomon Amendment,” which directed that U.S. contributions to the U.N. regular budget be reduced if larger U.N. financial contributors did not have a more substantial influence in the U.N. budget process. See **Appendix A** for more information on U.N. reform-related legislation.

<sup>5</sup> In response to the proposals in Boutros-Ghali’s reports, the General Assembly created five open-ended working groups to consider reforms in specific areas, including peace, development, the Security Council, the U.N. financial situation, and strengthening the U.N. system. Only one working group completed its work (the Working Group on Development), and three stopped meeting due to an inability to reach agreement on key issues. The Security Council Working Group still meets regularly.

<sup>6</sup> Notably, in 1994 the General Assembly established the Office of Internal Oversight Services (OIOS) to enhance and improve oversight in the United Nations.

and commissions to propose reforms on specific issues, such as the effectiveness of U.N. peacekeeping operations.<sup>7</sup> Annan first proposed a “two track” reform program that recommended cutting Secretariat administrative costs, combining three smaller departments into one large Department of Economic and Social Affairs (DESA), and creating the post of Deputy Secretary-General.<sup>8</sup> Over time, some of these early reform initiatives were achieved.<sup>9</sup> In September 2002, Annan proposed additional reforms, including reorganizing the budget and planning system to make it less complex; conducting a thorough review of the U.N. work program; establishing a high-level panel to examine the relationship between the United Nations and civil society; improving U.N. human rights protection; and enhancing U.N. information services.<sup>10</sup>

In September 2003, Annan appointed a High-Level Panel on Threats, Challenges and Change to evaluate how the United Nations addressed present-day threats to international peace and security.<sup>11</sup> The panel recommended enlarging the U.N. Security Council, establishing a Peacebuilding Commission, and enhancing the role of the Secretary-General. Annan drew from many of the panel’s recommendations in his 2005 report, *In Larger Freedom: Toward Development, Security, and Human Rights for All*.<sup>12</sup>

## **The 2005 U.N. World Summit**

In September 2005, U.N. reform efforts seemed to gain momentum as heads of state and government met for the 2005 World Summit at U.N. Headquarters in New York. The Summit convened to review the progress made in the fulfillment of the 2000 Millennium Summit goals and commitments made in other earlier U.N. conferences.<sup>13</sup> It provided the groundwork for potentially significant changes to the U.N. system, with a focus on strengthening the United Nations through various reforms. The Summit Outcome Document was negotiated by 191 member states and adopted by consensus on September 16, 2005. The document laid the foundation for reforms such as establishing a Peacebuilding Commission; strengthening the Central Emergency Response Fund (CERF); establishing a Democracy Fund; strengthening the

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<sup>7</sup> Annan appointed a special panel on U.N. Peace Operations in March 2000 to make recommendations for improving the peacekeeping system. The panel’s recommendations were consolidated into what is known as the “Brahimi Report.” A number of the report’s recommendations, such as increasing the number of staff in the Department of Peacekeeping Operations, were implemented. Other recommendations, particularly those involving U.N. member state personnel commitments for deployment, have yet to be achieved.

<sup>8</sup> Annan subsequently outlined the thematic and technical aspects of these reform proposals in his report, *Renewing the United Nations: A Programme for Reform* (A/51/950, July 14, 1997), which was endorsed by the General Assembly on December 19, 1997.

<sup>9</sup> Completed reforms include establishment of a strategic planning unit; creation of a senior management group; establishment of a Department for Disarmament and Arms regulation; creation of the Deputy-Secretary-General position; and the establishment of a U.N. Development Group to better coordinate U.N. development mechanisms and programs.

<sup>10</sup> U.N. document, A/57/387, September 9, 2002, *Strengthening the United Nations: An Agenda for Further Change*. Some of the 2002 reform proposals were implemented, including centralization of U.N. information around regional hubs, starting with Western Europe; strengthening the Office of the High Commissioner for Human Rights; and the establishment of a policy planning unit in the Department of Economic and Social Affairs.

<sup>11</sup> The panel’s report, *A More Secure World: Our Shared Responsibility*, was released on December 2, 2004.

<sup>12</sup> See “Commissions, Task Forces, and Groups” section for more information on the report, which was published in March 2005.

<sup>13</sup> The 2000 Millennium Summit was held from September 6-8, 2000, in New York. Its theme was “the role of the United Nations in the 21<sup>st</sup> Century.”

Security Council; improving U.N. system coordination; and creating a new Human Rights Council. Member states also agreed to Secretariat and management reforms, including (1) establishment of an ethics office; (2) greater whistle-blower protection; (3) the strengthening of oversight capacity; (4) review of all General Assembly mandates over five years old; and (5) full financial disclosure by U.N. staff.<sup>14</sup>

## Selected Reform Efforts

This section describes examples of ongoing or completed U.N. reform efforts by U.N. member states and/or the Secretary-General. It does not aim to measure or assess the effectiveness of these efforts.

### Recent Reform Activities

U.N. member states have worked toward implementing reform with varied results since the 2005 World Summit. Some reforms, particularly initiatives such as internal oversight, mandate review, and Security Council enhancement, are stalled or have not been addressed. Other reforms, such as enhancing U.S. system-wide coherence, establishing the Human Rights Council (see text box), and creating the Peacebuilding Commission,<sup>16</sup> are completed or are underway. Some management and budget reforms endorsed by heads of state and government at the World Summit were also implemented, including the establishment of a U.N. Ethics Office,<sup>17</sup> enhanced whistle-blower protection policies, the adoption of international public sector accounting standards, and improved financial disclosure policies for U.N. staff.<sup>18</sup> The following sections address some of these reform efforts in further detail.

#### **The U.N. Human Rights Council**

In March 2006, the General Assembly passed a resolution replacing the Commission on Human Rights with a new Human Rights Council. Many governments, including the United States, viewed the Council's establishment as a key component of U.N. reform. The Council was designed to be an improvement over the Commission, which was criticized by many governments and human rights experts for the composition of its membership when widely perceived human rights abusers were elected as members. Under the George W. Bush Administration, the United States voted against the General Assembly resolution creating the Council and did not run for a seat. It argued that the Council lacked mechanisms for maintaining credible membership.

Since the Council was established, some in the international community, including the United States, have expressed concern with the Council's effectiveness in addressing human rights. Many contend that the Council has focused disproportionately on Israel while failing to address other pressing human rights situations. Six of the Council's 18 special sessions, for example, have focused on Israel. In mid-2007, members agreed to make the "human rights situation in Palestine and other occupied Arab territories" a permanent part of the Council's agenda.

The Obama Administration has criticized the Council for its focus on Israel, but maintains that it is better for the United States to work from within to improve the Council. The United States was elected as a member in May 2009, and announced it will run for a second term in 2012.<sup>15</sup>

<sup>14</sup> U.N. document, A/RES/60/1, *2005 World Summit Outcome*, September 16, 2005.

<sup>15</sup> For more information on the Council, see CRS Report RL33608, *The United Nations Human Rights Council: Issues for Congress*, by Luisa Blanchfield.

<sup>16</sup> The Peacebuilding Commission was established by concurrent General Assembly and Security Council resolutions on December 20, 2005. Its mandate is to advise and propose "integrated strategies for post-conflict recovery, focusing attention on reconstruction, institution-building and sustainable development, in countries emerging from conflict." (See U.N. documents, A/RES/60/180 and S/RES/1645(2005), December 20, 2005.)

<sup>17</sup> The U.N. Ethics Office was established on January 1, 2006. Initially, some U.N. member states expressed concern that the office was insufficiently staffed. In May 2007, a director of the office was appointed and additional staff were hired. The office has reportedly provided increased ethics training for U.N. staff, including workshops and materials for distribution.

<sup>18</sup> The whistle-blower protection policy was labeled the "gold standard" for other international organizations. More (continued...)

## U.N. System-wide Coherence

The 2005 World Summit Outcome Document called on the Secretary-General to improve U.N. system-wide coherence and coordination by “strengthening linkages” between the U.N. system’s normative work and its operational activities.”<sup>19</sup> Accordingly, in February 2006, the Secretary-General announced the creation of a High-Level Panel on System-wide Coherence (the panel) to examine how the U.N. system can work more effectively, especially in the areas of development, humanitarian assistance, and the environment.<sup>20</sup> The panel’s final report emphasized the overall value and progress of the United Nations, but also noted that without substantial reforms the United Nations will be “unable to deliver on its promises and maintain its legitimate position at the heart of the multilateral system.”<sup>21</sup> In its report, the panel made several recommendations to improve system-wide coherence. Two of these proposals—the creation of the “Delivering as One” pilot initiative and the establishment of a new U.N. entity for women—have been implemented and are discussed below.

### *The “Delivering as One” Initiative*

The panel recommended the concept of “Delivering as One” (DAO) to promote greater coherence and consolidation of U.N. departments and agencies at the country, regional, and headquarters level, and also recommended an overhaul of U.N. business practices to bring greater focus on achieving the Millennium Development Goals (MDGs).<sup>22</sup> In December 2006, the United Nations announced that it would test a voluntary DAO pilot program in Vietnam with an aim of promoting faster and more effective development. It subsequently announced the establishment of voluntary DAO initiatives in seven additional countries: Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, and Uruguay. Under DAO, U.N. agencies operating in-country share one budget, one leader, one office, and one program with harmonized business practices. Participants hope that such changes create greater country ownership, reduce transaction costs for governments, and increase the impact and effectiveness of the U.N. system through more coherent and coordinated programs.

Since DAO was established, participating countries and U.N. entities have sought to evaluate the initiative’s progress and challenges through various stock-taking reports, meetings, and working groups. Overall, DAO participants have found that the implementation in the pilot countries has (1) given renewed government leadership to U.N. programs; (2) led to better alignment of national priorities and U.N. efforts; and (3) enhanced the coherence and effectiveness of U.N.

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information is available at <http://www.un.org/reform/highlights.shtml>. For further information on financial disclosure, see the “Secretary-General Ban Ki-moon and U.N. Reform” section.

<sup>19</sup> U.N. document, A/RES/60/1, *2005 World Summit Outcome*, adopted September 16, 2005, p. 36.

<sup>20</sup> The 15-member panel released its report, *Delivering as One*, on November 9, 2006. The panel met over a six-month period and engaged in an examination of the strengths and weaknesses of the U.N. system.

<sup>21</sup> U.N. document, A/61/583, *Delivering as One, Report of the Secretary-General’s High-Level Panel*, November 9, 2006.

<sup>22</sup> Examples of MDGs include reducing the number of people living on less than a dollar a day by half; ensuring that all children receive primary schooling; reducing the number of people who do not have access to safe drinking water by half; and reversing the spread of diseases such as malaria and HIV. For more information, see CRS Report R41410, *The Millennium Development Goals: The September 2010 U.N. High-level Meeting*, by Luisa Blanchfield and Marian Leonardo Lawson.

support.<sup>23</sup> At the same time, many agree that much more can be done to improve DAO. Several pilot evaluations, for example, found that the U.N. Resident Coordinators (who lead U.N. development activities in their countries) do not have full authority over all U.N. entities operating in-country, leading to a lack of coordination and coherence. Moreover, U.N. headquarters, which include not only agency headquarters but also governing bodies, are viewed by many as being “behind the curve” on DAO, particularly because the pace of reform at the headquarters levels appears to lag behind reform and innovation at the country level. Finally, the evaluations found that a lack of multi-year and predictable core funding has reduced the United Nations’ capacity to improve long-term planning and limits its ability to provide accurate and timely inputs in national planning.<sup>24</sup>

### *Establishment of “UN Women”*

The Panel on System-wide Coherence also recommended that the United Nations establish one entity focused on women’s equality and empowerment. It found that “there is a strong sense that the United Nations system’s contribution [to achieving gender equality and women’s empowerment] has been incoherent, under-resourced and fragmented.”<sup>25</sup> Since the panel made its recommendation, U.N. member states and U.N. Secretary-General Ban Ki-moon have taken steps to establish a new U.N. entity for women. On July 2, 2010, the U.N. General Assembly unanimously adopted resolution 64/289 that transferred the mandates and functions of the Division for the Advancement of Women, the U.N. Development Fund for Women, the Office of the Special Advisor on Gender Issues and Advancement of Women, and the International Research and Training Institute for the Advancement of Women, into a newly established “United Nations Entity for Gender Equality and the Empowerment of Women,” known as “UN Women.” In the resolution, member states also decided to establish an Executive Board as the governing body of the entity to provide intergovernmental support and supervision of its operational activities.<sup>26</sup>

On September 14, 2010, Secretary-General Ban appointed Michelle Bachelet, former president of Chile, as the Executive Director and Under Secretary-General for UN Women. Bachelet is a member of all senior U.N. decision-making bodies and reports directly to the Secretary-General.<sup>27</sup> Her appointment was met with general approval by many policymakers, including some Members of Congress.<sup>28</sup> UN Women is headquartered in New York and became operational on January 1, 2011.

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<sup>23</sup> Statement of Outcome and Way Forward, adopted in Hanoi, June 16, 2010, at the High-Level Tripartite Conference, *Delivering as One: Lessons from Country-led Evaluation and Way Forward*. In Mozambique, for example, U.N. agencies estimate that by harmonizing procurement procedures and long-term agreements, it will reduce the costs of procurement per purchase by up to 89%.

<sup>24</sup> For more information on U.N. system development activities, see CRS Report R41949, *U.N. System Development Assistance: Issues for Congress*, by Luisa Blanchfield. (The DAO country evaluations are available at <http://www.undg.org/index.cfm?P=1390>. The challenges discussed are also derived from CRS e-mail correspondence with UNDP, December 3, 2010.)

<sup>25</sup> U.N. document, A/61/583, *Delivering as One, Report of the Secretary-General’s High-level Panel*, November 9, 2006, p. 34.

<sup>26</sup> U.N. document, A/RES/64/289, adopted July 2, 2010.

<sup>27</sup> Office of the Spokesperson of the Secretary-General, “Secretary-General’s press encounter, announcing Ms. Michelle Bachelet as Head of UN Women [unofficial transcript],” September 14, 2010.

<sup>28</sup> A “Dear Colleague” letter was circulated by Rep. Russ Carnahan asking Members to sign a letter to Secretary-General Ban “commending the appointment of such a qualified, committed and diplomatic woman to lead this (continued...) ”

## **Overhaul of Internal Justice System**

On April 4, 2007, the General Assembly adopted a framework resolution to create a new system of internal justice administration for the U.N. Secretariat and separately administered U.N. funds and programs.<sup>29</sup> The system is part of the U.N. Secretariat and coordinated through an Office of the Administration of Justice that operates in two tiers—the U.N. Dispute Tribunal and the U.N. Appeals Tribunal. The resolution establishes formal and informal channels to protect U.N. staff facing disciplinary action, and provides additional accountability among staff, especially managers.<sup>30</sup> The previous internal justice system was criticized by member states for being “slow, cumbersome, ineffective, and lacking in professionalism.”<sup>31</sup> The system was backlogged with cases and many of its employees lacked formal legal training or qualifications. The Office of Administration of Justice and its Tribunals became operational on July 1, 2009. Since then, the Tribunal judges have worked their way through a backlog of cases from the previous system of internal justice.<sup>32</sup>

## **Mandate Review**

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

## **Human Resources and Technology**

At the 63<sup>rd</sup> session of the U.N. General Assembly held in New York starting in the fall of 2008, the Assembly adopted by consensus a 13-part resolution on human resources management that stated the need for “rationalizing the Organization’s current system of contracts which lacks transparency and is complex to administer.”<sup>33</sup> In what some have called a major shift from the current system, the General Assembly approved new contractual arrangements for U.N. staff that consolidated 16 types of employment contracts into three types of appointments—temporary, fixed-term, and continuing—under one set of staff rules.<sup>34</sup> These appointments took effect on July

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important new entity.”

<sup>29</sup> The funds and programs include the U.N. Development Program (UNDP), U.N. Children’s Fund (UNICEF), U.N. Population Fund (UNFPA), U.N. High Commissioner for Human Rights (UNHCR), and U.N. Office for Project Services (UNOPS). U.N. document, A/RES/61/261, adopted April 4, 2007.

<sup>30</sup> If a staff member has a grievance, he or she is strongly encouraged to reach a solution through informal measures such as mediation or consultation with the Office of the Ombudsman. If the grievance persists, staff may then pursue a decision in the formal justice system, which includes a management evaluation by the Office of the Under-Secretary-General for Management, and, if the issue is not resolved, a decision from the judges in the Dispute Tribunal. Decisions by the Dispute Tribunal can be appealed to the U.N. Appeals Tribunal.

<sup>31</sup> U.N. documents, A/RES/61/261, April 4, 2007.

<sup>32</sup> A list of the Dispute Tribunal decisions are available at <http://www.un.org/en/oaj/dispute/judgments.shtml>. For more information, see <http://www.un.org/en/oaj/unjs/>.

<sup>33</sup> U.N. document A/RES/63/250, adopted December 24, 2008.

<sup>34</sup> Temporary appointments are less than one year; fixed-term appointments are more than one year and renewable; (continued...)

1, 2009. In addition, the Assembly recognized the need to improve U.N. system information and communication technologies. It adopted a resolution that, among other things, established the Office of Information and Communication Technology as an independent unit to be chaired by the Chief Information Technology Officer at the level of Assistant Secretary-General.<sup>35</sup>

The Assembly continued to address human resources and technology reform during its 65<sup>th</sup> session starting in the fall of 2010. On December 24, 2010, the General Assembly adopted two resolutions aimed at reforming the U.N. human resources management system and harmonizing the different sets of standards applied to the salaries and benefits of U.N. staff in more than 600 duty stations.<sup>36</sup> According to the U.N. Department of Political Affairs, the harmonization package took effect on July 1, 2011, across the U.N. common staff system, with a five-year transitional phase for U.N. agencies, funds and programs.<sup>37</sup>

## **Secretary-General Ban Ki-moon and U.N. Reform**

On December 14, 2006, Ban Ki-moon of South Korea took the oath of office to succeed outgoing U.N. Secretary-General Annan. He was appointed to a second five-year term on June 21, 2011. Ban has stated that U.N. reform is a top priority during his tenure.<sup>38</sup> He maintains that progress needs to be made in three areas: (1) improving what and how the United Nations delivers on the ground, (2) doing more with what the United Nations has, and (3) increasing accountability. Ban also emphasized the United Nations' need to improve its budget process and embrace innovations that will save money and increase impact.<sup>39</sup>

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

Two of Ban's recent reform initiatives—disarmament and peacekeeping restructuring and the creation of a change management team—are described below.

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continuing appointments are open-ended.

<sup>35</sup> U.N. document, A/RES/63/262, adopted by consensus, December 24, 2008.

<sup>36</sup> See U.N. document, A/RES/65/247, *Human Resources Management*, adopted December 24, 2010; and U.N. document, A/RES/65/248, *United Nations Common System: Report of the International Civil Service Commission*, adopted December 24, 2010. Also see U.N. press release, GA/11043, December 23, 2010.

<sup>37</sup> Human Resources Management Reform, U.N. Department of Management Fact Sheet, June 2011, at <http://www.un.org/en/hq/dm/pdfs/ohrm/HR%20Factsheet.pdf>.

<sup>38</sup> “U.N. Security Council Reform is Most Pressing Issue—New Secretary-General,” *ITAR-TASS Russian News Agency*, November 1, 2006.

<sup>39</sup> Secretary-General Ban Ki-moon, “Remarks to the General Assembly on 2011 Priorities,” New York City, January 14, 2011.

## Disarmament and Peacekeeping Restructuring

In February 2007, Ban introduced his first set of reform initiatives. He proposed the establishment of a new Department of Field Support to improve the coordination and effectiveness of U.N. field activities. He also called for the Department of Disarmament Affairs (DDA) to become an office under the Secretary-General instead of a stand-alone department. He noted that the U.N.

disarmament and non-proliferation agenda needs revitalization, and will require “a greater role and personal involvement of the Secretary-General.”<sup>41</sup>

Ban’s proposals were met with skepticism by many developing countries, which were concerned with the possible downgrading of DDA and the impact of a new Department of Field Support on current peacekeeping operations.<sup>42</sup>

On March 15, 2007, after extensive consultations among the Secretary-General and member states, the General Assembly approved two framework resolutions offering preliminary support for Ban’s proposals. The first resolution supported establishment of an Office of Disarmament Affairs (ODA). It stated that DDA will retain its budgetary autonomy and “the integrity of the existing structures and functions.”<sup>43</sup> It also stated that the High-Representative for ODA should be appointed at the rank of Under-Secretary-General and report directly to the Secretary-General. The resolution requested that after appointing the High-Representative, the Secretary-General report to the General Assembly on the financial, administrative, and budgetary implications of the reorganization, as well as report on the ODA’s activities at the 62<sup>nd</sup> session of the General Assembly.<sup>44</sup> On July 2, 2007, the Secretary-General appointed Sergio Duarte, a career diplomat from Brazil, as High-Representative.

The second General Assembly resolution addressed peacekeeping restructuring and supported establishing a Department of Field Support to be headed by an Under-Secretary General. It requested that the Secretary-General submit “a comprehensive report ... elaborating on the restructuring of the Department of Peacekeeping Operations and the establishment of the Department of Field Support, including functions, budgetary discipline and full financial

### Other Selected Reform Efforts of the Secretary-General

Secretary-General Ban has raised additional reform-related issues, including:

**Financial Disclosure**—Ban submitted his mandatory personal financial disclosure form and released it to the public. He encouraged other U.N. staff to follow his example of public financial disclosure, but will not make it a requirement.<sup>40</sup> (U.N. staff members are required to complete and submit confidential financial disclosure statements on an annual basis as part of the U.N. financial disclosure program; however, public disclosure is not a requirement and is done on a voluntary basis.)

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

<sup>40</sup> Secretary-General Ban agreed to submit a disclosure form and release it to the public. Former Secretary-General Annan submitted the form but did not make it publicly available. As of June 2011, the U.N. Department of Management reports that 3,618 staff members have participated in the financial disclosure program. Some critics of the Secretary-General’s policy maintain that the financial disclosures of all high-level U.N. staff should be made public. For more information, see <http://www.un.org/sg/PublicDisclosure.shtml>.

<sup>41</sup> For detailed information on Ban’s restructuring proposals, see U.N. document, A/61/749, February 15 2007.

<sup>42</sup> Farley, Maggie, “Ban’s U.N. Peacekeeping Reforms Rejected,” *Los Angeles Times*, February 6, 2007.

<sup>43</sup> U.N. document, A/61/L.55, March 13, 2007.

<sup>44</sup> U.N. document, A/RES/61/257.

implications.”<sup>45</sup> The General Assembly supported Ban’s proposal in principle. In late June 2007, the Assembly approved the restructuring, establishing the Department of Field Support with a new Under-Secretary-General to head the Department.<sup>46</sup> A significant point of contention among some member states during negotiations was the level of autonomy the Secretary-General would have to organize the Secretariat vis-à-vis the Assembly’s authority to determine the budget and how it should be spent. Thus, in its initial framework resolution the General Assembly required the Secretary-General to provide comprehensive information on the functions, budgets, and other financial implications of the reorganization.

### **Management Reform: Establishment of the Change Management Team**

Secretary-General Ban has identified six core priority areas for improving U.N. management: (1) program effectiveness, (2) human resources, (3) information and communication technology, (4) procurement and common services, (5) innovation in business processes, and (6) governing body processes.<sup>47</sup> To address these priorities, a newly established Change Management Team (CMT) is considering management reforms to guide the implementation of future U.N. reform efforts. The CMT aims to formulate plans to streamline reform processes, increase accountability, and improve U.N. effectiveness and efficiency in delivering its mandates. The team is directed by the Deputy Secretary-General, currently Asha-Rose Migiro, and led by Assistant Secretary-General Atul Khare. It reports to the Secretary-General and works with U.N. Secretariat departments and offices, other entities across the U.N. system, and member states.<sup>48</sup> CMT reforms under consideration include creating new policies to reduce travel costs; establishing databases for staff evaluations; improving publishing and virtual communication technologies; and expediting recruitment of active duty military in the Departments of Peacekeeping Operations and Field Support.<sup>49</sup>

## **Congress and U.N. Reform**

Generally, Congress supports the United Nations and its mission. It authorizes and appropriates U.S. funds to the organization each year and often utilizes U.N. mechanisms to further U.S. foreign policy objectives.<sup>50</sup> Congress can also be critical of the United Nations, however, especially when some Members believe that the organization may not be running as effectively as it could be. When this happens, Congress may use a wide range of legislative tools to influence and direct U.S. policy at the United Nations. Such efforts may include considering “sense of the

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<sup>45</sup> U.N. document, A/RES/61/256, March 15, 2007. For more information on the peacekeeping restructuring, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

<sup>46</sup> The framework resolution, A/RES/61/256 was adopted March 15, 2007, and the Assembly adopted A/RES/61/279 on June 29, 2007.

<sup>47</sup> Ban Ki-moon, “My Priorities as Secretary-General: A Stronger United Nations for a Better World,” under “Strengthening the United Nations,” at <http://www.un.org/sg/priority.shtml>.

<sup>48</sup> U.N. document, SG/A/1295, “Secretary-General Appoints Atul Khare of India Leader of his Change Management Team,” May 31, 2011.

<sup>49</sup> U.N. Office in Geneva Staff Coordinating Council website, “Change Management at the U.N.,” September 15, 2011, at <http://staffcoordinatingcouncil.org/index.php/news/114-change>.

<sup>50</sup> For example, Congress has enacted laws supporting U.N. policies and/or requiring that U.N. member states comply with U.N. Security Council resolutions or the directives of other U.N. bodies, such as the General Assembly and Human Rights Council.

Congress” resolutions; holding hearings to investigate U.N. programs or oversee Administration policies; and determining U.S. nominees for U.N. posts. Placing financial conditions or limits on U.S. funding to the United Nations is another common congressional policy approach to U.N. reform.

## U.S. Funding as a Tool for U.N. Reform

### Overview and Options

In the past, Congress has used its authority to limit U.S. funds to the United Nations as a mechanism for influencing U.N. policy.<sup>53</sup> In some cases, Congress withheld a proportionate share of funding for U.N. programs and policies of which it did not approve. In the past, it has withheld funds from regular budget programs, including the U.N. Special Unit on Palestinian Rights (for projects involving the Palestine Liberation Organization [PLO]), and the Preparatory Commission for the Law of the Sea. Currently, the only proportionate U.S. withholding from the regular budget is for some activities and programs related to the PLO or entities associated with it.<sup>54</sup>

The overall impact of withholding a proportionate share of assessed payments depends on the origin of the program’s funding. If a program is funded by the U.N. regular budget and the United States withholds a proportionate share of its normal contributions, the cost of the program will most likely be covered by surplus regular budget funds. Some U.N. programs are funded from several budgets that may include the U.N. regular budget, specialized agency budgets, and separate conference and administrative budgets. Because of this, it may be more difficult for U.S. proportionate withholdings to have a significant impact because the program’s funding comes from several sources. In such cases, a U.S. withholding would have little or no impact on the program’s operation or funding levels. If the United States withholds funds from a

### Examples of U.N. Funding Legislation in the 112<sup>th</sup> Congress

Several bills have sought to withhold U.S. contributions to the United Nations during the 112<sup>th</sup> Congress. In October 2011, the House Foreign Affairs Committee reported out H.R. 2829, the United Nations Transparency, Accountability, and Reform Act of 2011, which (1) supports shifting the funding mechanism for the U.N. regular budget from assessed to voluntary contributions, and (2) ties U.S. contributions the United Nations to specific reform benchmarks related to U.N. peacekeeping and the Human Rights Council, among other things.<sup>51</sup>

In addition, some Members introduced legislation proposing that the United States withhold funding from the United Nations due to concerns that the Palestinian Authority would declare statehood and either request the United Nations to recognize that statehood, or apply for membership in the United Nations. H.R. 2261, for example, calls on the Secretary of State to withhold U.S. contributions to the United Nations if the organization “supports the recognition of an independent Palestinian state.”<sup>52</sup>

<sup>51</sup> H.R. 2829 was introduced by Rep. Ileana Ros-Lehtinen on August 30, 2011. It was reported out of Committee on October 13, 2011, with 25 voting in favor and 15 voting against. The Obama Administration stated that it has some “constitutional concerns” with the bill, contending that “numerous provisions... would interfere with the President’s conduct of diplomacy by purporting to declare ‘policy’ of the United States, or by purporting to direct United State diplomats to use their ‘voice’ or ‘vote’ to advance certain positions, in international negotiations. The Constitution commits to the President the responsibility for formulating the policy of the United States with respect to international bodies.” See October 21, 2011 letter from Ronald Weich, Assistant Attorney General, U.S. Department of Justice, to HFAC Chairperson Rep. Ileana Ros-Lehtinen.

<sup>52</sup> H.R. 2261 was introduced on June 21, 2011, and referred to the House Foreign Relations Committee on the same day. Also see H.Res. 297 [112<sup>th</sup>], introduced on June 3, 2011, and H.Res. 268 [112<sup>th</sup>], introduced on May 13, 2011. For more information on Palestinian membership in the United Nations, see CRS Report R42022, *Palestinian Initiatives for 2011 at the United Nations*, by Jim Zanotti and Marjorie Ann Browne.

<sup>53</sup> For a more detailed examination of U.S. funding of the United Nations, see CRS Report RL33611, *United Nations System Funding: Congressional Issues*, by Marjorie Ann Browne.

<sup>54</sup> Section 307 of the Foreign Assistance Act of 1961 (P.L. 87-195; 22 U.S.C. 2227), as amended. For more information, see text box, “Palestinian Membership in the U.N. System: U.S. Suspension of Contributions to the U.N. Educational, Scientific and Cultural Organization (UNESCO).”

program funded primarily by member state contributions, however, the impact of the United States withholding or suspending contributions could be greater.

**Palestinian Membership in the U.N. System: U.S. Suspension of Contributions to the U.N. Educational, Scientific and Cultural Organization (UNESCO)<sup>55</sup>**

**Background.** In recent months, some Members of Congress have demonstrated increased interest in the question of possible U.N. action on Palestinian statehood. Specifically, Members may try to influence U.S. policy and the choices of other actors through the authorization and appropriation of foreign assistance to the Palestinians, the United Nations, and Israel and through oversight of the Obama Administration's diplomatic efforts. On September 23, 2011, early in the annual session of the U.N. General Assembly, PLO Chairman and Palestinian Authority President Mahmoud Abbas submitted an application for Palestinian state membership to the U.N. Secretary-General in order to bring about a Security Council vote on whether to recommend membership. The Obama Administration has indicated that it will veto a Security Council resolution in favor of statehood. Alternately or in parallel, an existing U.N. member state supportive of PLO plans may sponsor a resolution in the General Assembly. Such a resolution could, with a simple majority vote, recommend changing Palestine's permanent observer status in the United Nations from that of an "entity" to that of a "non-member state."

Two provisions in U.S. law place restrictions on U.S. contributions to the United Nations and/or to U.N. system agencies or programs should these organizations act to admit to membership either the PLO or a "state" such as Palestine. The provisions, which are codified as notes to 22 U.S.C. 287e, are:<sup>56</sup>

- Section 410 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236), which states that the United States shall not make contributions to "any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood"; and
- Section 414 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (P.L. 101-246), which states "No funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agencies thereof which accords the Palestine Liberation Organization the same standing as member states."

**The United States and UNESCO.** UNESCO is an autonomous international intergovernmental organization that has a specialized agency relationship to the United Nations. Its purpose is to contribute to peace and security by promoting collaboration among member states in the fields of education, science, and culture. The United States suspended further assessed and voluntary contributions to UNESCO on October 31, 2011 as a result of the UNESCO General Conference's decision on that same day to admit Palestine as a member. (The vote was 170 in favor, 52 against [including the United States], and 54 abstaining.) The Obama Administration stated that the General Conference's decision was "regrettable and premature," emphasizing that the United States "remains steadfast in its support for the establishment of an independent and sovereign Palestinian state," and that "such a state can only be realized through direct negotiations between the Israelis and Palestinians."<sup>57</sup>

In addition to withholding a proportionate share of U.S. funding, Congress may consider enacting legislation decreasing or increasing U.S. assessment levels or linking payment of U.S. arrears to policies it favors. In October 1993, for example, Congress directed that the U.S. payments of peacekeeping assessments be capped at 25% (lower than the assessment level set by the United Nations).<sup>58</sup> Congress also used this strategy to further its U.N. reform policies. Enacted legislation

<sup>55</sup> Parts of this text box are drawn from CRS Report R42022, *Palestinian Initiatives for 2011 at the United Nations*, by Jim Zanotti and Marjorie Ann Browne

<sup>56</sup> 22 U.S.C. 287e is section 8 of the United Nations Participation Act of 1945, P.L. 79-264, which authorizes appropriations to the Department of State for U.S. participation in the United Nations.

<sup>57</sup> U.S. Department of State Press Statement by Victoria Nuland, "Palestinian Admission to UNESCO," October 31, 2011.

<sup>58</sup> Foreign Affairs Authorization Act for FY1994 and 1995 (P.L. 103-236), April 30, 1994. On September 30, 2002, Congress lifted the 25% cap on Peacekeeping assessment to allow the United States to pay its current assessments (P.L. 107-228, section 402). For more information on U.N. Peacekeeping funding, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

such as the Helms-Biden Agreement linked U.S. assessment levels and the payment of U.S. arrears to reform benchmarks (see **Appendix A** for more information on legislation).

## **Arguments For and Against Linking U.S. Funding to U.N. Reform**

Opponents of linking U.S. funding to progress on U.N. reform are concerned that doing so may weaken U.S. influence at the United Nations, thereby undercutting the United States' ability to conduct diplomacy and make foreign policy decisions.<sup>59</sup> Some argue that withholding U.S. assessed payments to the United Nations infringes on U.S. treaty obligations and alienates other U.N. member states. Opponents also note that withholding U.S. funds could have an impact on diplomatic relations outside of the U.N. system. Additionally, some contend that U.N. reform legislation proposals may be unrealistic because the scope and depth of reforms required by the legislation cannot be adequately achieved in the proposed time frames.<sup>60</sup>

Supporters of linking U.S. funding to specific reforms argue that the United States should use its position as the largest U.N. financial contributor to push for the implementation of policies that lead to comprehensive reform. They note that despite diplomatic and political pressures from many countries, the United Nations has been slow to implement substantive reform. Advocates also argue that some previously implemented reforms, such as the new Human Rights Council, have proved to be ineffective. They believe that tying U.S. funding to U.N. reform may motivate countries to find common ground on divisive issues. They also emphasize that past legislation that threatened to cut off U.S. funding of the United Nations (such as the Kassebaum-Solomon amendment) was effective, and led to substantive changes in U.N. operations and programs.

## **Possible Instruments for Furthering U.S. Reform Policy**

Congress's influence over U.S. funding of the United Nations is a powerful tool for furthering U.S. reform policy at the United Nations. However, there may be other strategies for Congress to consider when advocating its reform agenda. These strategies have been widely used by many past and current Members of Congress and Administrations, and include, but are not limited to:

- **Resolutions**—Members of Congress may propose and/or enact simple or concurrent resolutions expressing an opinion, fact, or principle in one or both chambers of Congress. Some Members of Congress have used these resolutions to voice an opinion about U.S. policy in the United Nations/or the United Nations itself.
- **Working with the U.N. Secretary-General**—Some previous and current Members of Congress and Administrations have worked to earn the support of U.N. secretaries-general to help advocate their positions. Developing a relationship with the chief administrative officer of the United Nations can be valuable during some negotiations, where the Secretary-General can act as a

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<sup>59</sup> Additionally, some observers contend that if the United States were to delay or stop payment of its arrears, it may risk losing its vote in the General Assembly—a generally undesirable outcome for many Members of Congress and the Administration. In 1999, for example, the United States came very close to losing its General Assembly vote. Under Article 19 of the U.N. Charter, a U.N. member state with arrears equaling or exceeding the member state's assessments for the two preceding years will have no vote in the General Assembly.

<sup>60</sup> "The Right Approach to Achieving U.N. Reform," Better World Campaign, *Better World Campaign Fact Sheet*.

bridge among member states that disagree on issues. In addition, U.S. citizens have also held key U.N. reform-related posts at the United Nations, which some Members of Congress believe may play a role in furthering U.S. reform policy interests.<sup>61</sup> Most recently, Christopher Burnham served as U.N. Under-Secretary for Management.<sup>62</sup>

- **Collaborating with U.N. Member States**—The United States may wish to continue to reach out to other U.N. member states to build consensus and form partnerships on reform policies, either within the framework of the United Nations or bilaterally.<sup>63</sup> Some observers have noted that U.S. support for certain U.N. reform initiatives can be a liability because some member states may view U.S. support as self-serving. In these cases, the United States may consider allowing like-minded countries advocate its reform agenda.
- **Identifying Key Priorities**—The United States may wish to focus on a small number of reform priorities and pursue them vigorously in both multilateral and bilateral fora. It may also consider compromising with other member states on U.N. reform issues that it has identified as lesser priorities.

Many experts have emphasized that U.N. reform is a process and not an event. With this in mind, the 112<sup>th</sup> Congress may wish to continue monitoring the implementation and overall progress of recently-approved reform initiatives. It may also consider future reform initiatives proposed by member states and the Administration, as well as by Members of Congress or Secretary-General Ban Ki-moon.

## **Administration Policies**

The United States generally supports the mission and mandate of the United Nations. It played a key role in establishing the United Nations in 1945, and serves as one of five permanent members of the Security Council. Some Administrations have been critical of the United Nations, however, and have advocated sweeping reform of the organization.

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<sup>61</sup> Article 100 of the U.N. Charter states, “In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.” A copy of the U.N. Charter is available at <http://www.un.org/aboutun/charter/>.

<sup>62</sup> Under-Secretary-General Burnham stepped down before Secretary-General Annan’s term ended in 2007. Prior to Christopher Burnham, the post was held by Catherine Bertini, also a U.S. citizen. The current U.N. Under-Secretary-General for Management is Angela Kane of Germany.

<sup>63</sup> In the 1970s and 1980s, for example, the “Geneva Group” was formed to encourage dialogue and cooperation among like-minded U.N. member states. It was composed mostly of Western countries that were the United Nations’ largest financial contributors. The group focused mainly on financial and budgetary issues, and some contend it was instrumental in bringing about budgetary restraint in some of the U.N. specialized agencies. For more information, see *The United States and Multilateral Institutions*, edited by Margaret P. Karns and Karen A. Mingst, Unwin Hyman Publishers, 1990, p. 313; and *United Nations: Law, Policies and Practice*, edited by Rudiger Wolfrum, Martinus Nijhoff Publishers, 1995, pp. 70-71.

## Obama Administration

Since his inauguration, President Barack Obama has stressed the importance of multilateral cooperation, particularly with the United Nations, in U.S. foreign and national security policy. In the State Department's 2010 Quadrennial Diplomacy and Development Review, for example, the Administration highlighted the significance of the United Nations, stating that it is "unique among multilateral institutions given its legitimacy and involvement across a broad spectrum of issues."<sup>64</sup> In February 2011, Esther Brimmer, Assistant Secretary of State for International Organization Affairs, emphasized that "robust engagement" across the U.N. system is essential to achieving U.S. foreign policy goals.<sup>65</sup>

### Overview of Reform Priorities

While the Obama Administration supports U.S. engagement in the United Nations, it recognizes the need for improving the organization through reform. Examples of the Administration's reform priorities include:

- **enforcing budget discipline** by taking cost-saving measures such as eliminating vacant U.N. posts and exploring alternate budget practices;
- **improving transparency and accountability** by strengthening the effectiveness of U.N. bodies charged with evaluating performance and investigating abuses, including the Ethics Office, the Independent Audit Advisory Committee, the Board of Auditors, and the Office of Internal Oversight Services (OIOS),<sup>66</sup>
- **reforming human resources practices** to create a more mobile and merit-based workforce by further streamlining U.N. staff contracting and conditions of service across the U.N. system; and
- **overhauling day-to-day business practices** such as upgrading information technology, and improving procurement procedures, accounting procedures, and budgeting processes.<sup>67</sup>

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<sup>64</sup> U.S. Department of State, *Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review*, 2010, p. 20.

<sup>65</sup> Remarks by Dr. Esther Brimmer delivered at the Brookings Institution, "Revitalizing the United Nations and Multilateral Cooperation: The Obama Administration's Progress," February 1, 2011.

<sup>66</sup> OIOS is dependent on much of its funding from the U.N. programs that it audits, which some believe creates a conflict of interest. For more information, see U.S. Government Accountability Office Reports: GAO-05-392T, *United Nations: Sustained Oversight is Needed for Reforms to Achieve Lasting Results*, March 2, 2006; GAO-08-84, *United Nations Progress on Management Reform Efforts has Varied*, November 2007; and GAO-11-871, *U.N. Internal Oversight: Progress Made on Independence and Staffing Issues, but Further Actions are Needed*, September 20, 2011.

<sup>67</sup> Drawn from various statements by Administration officials, including "Progress Report by the United States Mission to the United Nations, a New Era of Engagement, Advancing America's Interests in the World," U.S. Mission press release #082(09), April 19, 2009; Remarks by Esther Brimmer delivered at the Brookings Institution, "Revitalizing the United Nations and Multilateral Cooperation: The Obama Administration's Progress," February 1, 2011; Statement of Ambassador Susan E. Rice to the House Foreign Affairs Committee for a hearing entitled, "U.S. Policy Toward the United Nations," April 7, 2011; Remarks by Ambassador Joseph M. Torsella at the UNDP Executive Board Meetings, June 13, 2011; Statement by Ambassador Torsella at the UN General Assembly's Second Committee (Economic & Financial Affairs) on Operational Activities for Development, October 12, 2011; and Statement on Transparency Initiatives at the U.N. by Ambassador Torsella, September 14, 2011.

Administration officials have also generally supported U.N. system-wide coherence efforts, including the Delivering as One initiative and the establishment of UN Women.

The Administration has implemented initiatives within the State Department aimed at evaluating and improving U.N. system transparency and effectiveness. It has continued to support the U.N. Transparency and Accountability Initiative (UNTAI), a Bush Administration program implemented by the U.S. Mission to the United Nations that tracks the adoption of management reforms by U.N. funds and programs. (The Administration is reportedly reviewing UNTAI structure and may make modifications to the initiative in the near future.)<sup>68</sup> Additionally, in September 2010, Assistant Secretary Brimmer announced that the Bureau of International Organization Affairs hired an advisor on effectiveness, whose role is to “systematically review the effectiveness of international organizations,” including U.N. entities.<sup>69</sup>

The Administration has generally resisted proposed legislation tying U.S. contributions to specific U.N. reforms due to concerns that it may interfere with the President’s ability to conduct diplomacy.<sup>70</sup> In an April 2011 statement before the House Foreign Affairs Committee (HFAC), U.S. Permanent Representative to the United Nations Susan Rice remarked that failing to pay U.N. dues “undermines [U.S.] credibility and influence [in the United Nations]—not just on reform, but on a range of U.S. national security policies.”<sup>71</sup>

## **Statements on Security Council Reform**

The Administration has made a number of statements regarding Security Council reform. At her confirmation hearing in January 2009, Ambassador Rice emphasized that while the Administration has not taken a position on the issue, the President recognizes that “the Council of today quite logically ought to be something ... that looks a little bit different from the Council as it was created 60-plus years ago.” Rice also maintained that it is “critically important” to ensure that any Security Council reforms do not undermine the operational efficiency and effectiveness of the Council.<sup>72</sup> More recently, on November 8, 2010, President Barack Obama expressed support for India’s inclusion as a permanent Security Council member during a speech to a Joint Session of the Indian Parliament:

As two global leaders, the United States and India can partner for global security—especially as India serves on the Security Council over the next two years. Indeed, the just and

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<sup>68</sup> For more information, see [http://usun.state.gov/about/un\\_reform/tran\\_acc\\_init/index.htm](http://usun.state.gov/about/un_reform/tran_acc_init/index.htm).

<sup>69</sup> The effectiveness advisor also promotes “rigorous evaluation standards that the organizations themselves can take up, to expand their own capacity for self-improvement.” See Remarks by Assistant Secretary Brimmer to the Johns Hopkins School of Advanced International Studies, “The U.S. at the U.N. and Beyond: A World of Transnational Challenges,” September 15, 2010; and Remarks by Assistant Secretary Brimmer to the American Foreign Service Association, “The Role and Relevance of Multilateral Diplomacy in U.S. Foreign Policy,” January 11, 2011.

<sup>70</sup> October 21, 2011 letter from Ronald Weich, Assistant Attorney General, U.S. Department of Justice, to HFAC Chairperson Rep. Ileana Ros-Lehtinen.

<sup>71</sup> Statement of Ambassador Susan E. Rice to the House Foreign Affairs Committee for a hearing entitled, “U.S. Policy Toward the United Nations,” April 7, 2011.

<sup>72</sup> Statement by Ambassador Susan E. Rice at the informal meeting of the General Assembly on Security Council Reform, U.S. Mission to the United Nations, February 19, 2009. Rice emphasized that the long-term legitimacy and viability of the Council depends on it “reflecting the world of the 21<sup>st</sup> Century,” and stated that the United States would try to find a way forward that enhances the Council’s ability to carry out its mandate and meet new challenges. In addition, President Obama’s *National Security Strategy* (NSS), published in May 2010, states, “We favor Security Council reform that enhances the U.N.’s overall performance, credibility, and legitimacy” (p. 46).

sustainable international order that America seeks includes a United Nations that is efficient, effective, credible and legitimate. That is why I can say today, in the years ahead, I look forward to a reformed United Nations Security Council that includes India as a permanent member.<sup>73</sup>

In a November 11, 2010, statement to the General Assembly, Deputy Permanent Representative Rosemary DiCarlo repeated U.S. support for Council expansion within a framework of not impeding effectiveness and efficiency, stating:

The United States is open in principle to a modest expansion of both permanent and non-permanent members. The United States strongly believes that any consideration of an expansion of permanent members must be country-specific in nature.

In assessing which countries merit permanent membership, the United States will take into account the ability of countries to contribute to the maintenance of international peace and security and other purposes of the United Nations.

DiCarlo also emphasized that the United States is not open to an enlargement of the Security Council that changes the current veto structure.<sup>74</sup>

## **Bush Administration**

The George W. Bush Administration was an active participant in U.N. reform efforts. It identified several key priorities that it believed would help the United Nations improve its effectiveness, including (1) management, budget, and secretariat reform; (2) increased oversight and accountability; (3) review of all U.N. mandates and missions; and (4) fiscal discipline.<sup>75</sup>

Prior to and after the adoption of the 2005 World Summit Outcome Document, the Bush Administration attempted to work with like-minded countries and the U.N. Secretary-General to move a reform agenda forward. Some reform initiatives supported by the President, particularly management and oversight reforms, were not approved or considered by the General Assembly. The Administration was displeased with the overall effectiveness of some previously implemented reforms, and was not satisfied with the pace of reform efforts. Nevertheless, it did not support mandatory withholding of U.S. payments to the United Nations.<sup>76</sup>

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<sup>73</sup> Remarks by the President to the Joint Session of the Indian Parliament in New Delhi, India; Parliament House, November 8, 2010.

<sup>74</sup> Statement by Ambassador Rosemary DiCarlo, U.S. Deputy Permanent Representative, in the General Assembly, on the Security Council Report and Security Council Reform. November 11, 2010. The language quoted above is in many respects identical to the elements listed in November 2009. Parts of this section were written by Marjorie Ann Browne, CRS Specialist in International Relations.

<sup>75</sup> Drawn from U.S. Department of State Fact Sheet, "U.S. Priorities for a Stronger, More Effective United Nations," June 17, 2005.

<sup>76</sup> Testimony by then-U.S. Ambassador to the United Nations John Bolton before the Senate Foreign Relations Committee in two hearings, "Challenges and Opportunities in Pushing Ahead on U.N. Reform," May 25, 2006, and "Challenges and Opportunities in Moving Ahead on U.N. Reform," October 18, 2005.

## Reform Perspectives and Priorities

A significant challenge for advocates of U.N. reform is finding common ground among the disparate definitions of reform held by various stakeholders. The global community has no common definition of U.N. reform and, as a result, there is often debate among some over the scope, appropriateness, and effectiveness of past and current reform initiatives. One method for determining how a stakeholder defines U.N. reform may be to identify policy priorities in the U.N. reform debate. In some cases, common objectives among stakeholders have translated into substantive reform policy, though shared goals do not always guarantee successful outcomes.

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

## Selected International Perspectives

Stakeholders engaged in the U.N. reform debate have different perspectives on how U.N. reform should be implemented and how to prioritize specific U.N. reform issues.<sup>77</sup> Several key actors, including the European Union, the Group of 77 and China, developed countries, and non-governmental organizations, have weighed in on several reform issues, most notably management and budget reform and development.

### European Union (EU)

The EU is composed of 27 countries, accounting for about 13% of the vote share in the U.N. General Assembly and approximately 38% of the U.N. regular budget.<sup>78</sup> The EU's reform initiatives often focus on management reform and increasing the U.N. capacity for development. The EU attaches great importance to keeping U.N. management reform on track, and supports

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<sup>77</sup> The groups of U.N. member states discussed in this report are only a few of many political and geographical alliances in the United Nations. Others include the Non-Aligned Movement, the Organization of the Islamic Conference, and the African Union. Israel is a member of the Western European and Others Group (WEOG), but it is excluded from the system of regional groups outside of U.N. Headquarters in New York. The United States is not a member of any regional group but participates in WEOG as an observer and is "considered part of that group for the electoral purposes." For more information, see Chapter 3, "Groups and Blocs," in *Politics and Process as the United Nations: The Global Dance*, by Courtney B. Smith, Lynne Rienner Publishers, London, 2006, p. 64.

<sup>78</sup> Each U.N. member state has one vote in the U.N. General Assembly (see Articles 18 and 9 of the U.N. Charter). For more information on the EU and United Nations, see "The EU at the U.N.—Overview," at [http://www.europa-eu-un.org/documents/infopack/en/EU-UNBrochure-1\\_en.pdf](http://www.europa-eu-un.org/documents/infopack/en/EU-UNBrochure-1_en.pdf), and [http://www.europa-eu-un.org/articles/articleslist\\_s30\\_en.htm](http://www.europa-eu-un.org/articles/articleslist_s30_en.htm).

management reforms such as mandate review. It also views the work of the Secretary-General-appointed Panel on System-wide Coherence as a priority, and supports the panel's efforts to explore how the U.N. system may improve system coordination in the areas of development, humanitarian assistance, and the environment. The EU actively supports the reform of core U.N. organs, including the Security Council, General Assembly and ECOSOC,<sup>79</sup> and it also attaches particular importance to the implementation of the Millennium Development Goals.<sup>80</sup>

### **The Group of 77 and China (G-77)**

The G-77 is a loosely affiliated group of 131 U.N. member states representing the interests of developing countries.<sup>81</sup> It has played a significant role in recent reform debates due in part to its large membership, which can be a significant voting bloc in the General Assembly. The G-77 generally supports U.N. reform and has long viewed development as a key U.N. reform issue, emphasizing that it should be given the "utmost priority by the United Nations."<sup>82</sup> The G-77 views reform as a process to examine how the mandates of the United Nations can work through "well-coordinated synergies" to achieve the Millennium Development Goals. It believes that U.N. reform should not alter the "intergovernmental nature of [the United Nations'] decision-making, oversight, and monitoring process." Additionally, it does not view reform as a mechanism to "reduce budget levels ... to fund more activities from within the existing pool of resources, nor to redefine the roles and responsibilities assigned to the various organs."<sup>83</sup>

The G-77 supported some management reforms adopted by the U.N. General Assembly at the 2005 World Summit, including the establishment of an ethics office and whistle-blower protection policy. It has, however, actively opposed other initiatives proposed by the Secretary-General, particularly those proposals that it feels may weaken the authority of the General Assembly in the areas of management, budget, and oversight.<sup>84</sup> The G-77 also maintains that the positions of all member countries should be taken into consideration during the reform process. It has also expressed concern that reform initiatives proposed by the Secretary-General may be influenced by the larger U.N. financial contributors, such as the United States, Japan, and some members of the European Union.<sup>85</sup>

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<sup>79</sup> An October 25, 2005, EU paper on ECOSOC reform is available at [http://www.europa-eu-un.org/articles/en/article\\_5350\\_en.htm](http://www.europa-eu-un.org/articles/en/article_5350_en.htm).

<sup>80</sup> "EU Priorities for the 61<sup>st</sup> U.N. General Assembly," July 18, 2006.

<sup>81</sup> The G-77 was established in 1964 and represents approximately 68% of U.N. member states. For more information and records of G-77 statements made at the United Nations, see <http://www.g77.org/index.html>.

<sup>82</sup> U.N. document, A/60/879, Statement Adopted by the Special Ministerial Meeting of the Group of 77 and China, Putrajaya (Malaysia), June 7, 2006.

<sup>83</sup> U.N. document, A/60/907, June 27, 2006.

<sup>84</sup> For example, the G-77 opposed proposals by Secretary-General Annan that gave the Secretariat more power to move, hire, and fire U.N. Secretariat staff, as well as to modify and consolidate the budgeting process.

<sup>85</sup> "Statement on Behalf of the Group of 77 and China on Secretariat and Management Reform: Report of the Secretary-General entitled 'Investing in the United Nations'" New York, April 3, 2006, available at <http://www.g77.org/Speeches/040306.htm>. Also see "U.N. Management Reform: The Role and Perspective of the G-77," by Irene Martinetti, *Center for U.N. Reform*, September 10, 2007.

## Developed Countries

In some cases, the reform priorities of developed countries may not always align with the reform priorities of the G-77 and other developing countries. While the G-77 views development as a top U.N. reform priority, many developed countries tend to focus on management, budget, and structural reform. Generally, developed countries make significantly larger financial contributions to the U.N. system than developing country member states and therefore may want to ensure that their funds are used in what they perceive as the most effective way. For example, the United States and the EU, which together account for a significant portion of the regular budget, view management and budget reform as a top priority. Japan, which contributed approximately 12.5% of the U.N. regular budget in 2010, also views management reform as a priority, particularly Secretariat reform, Security Council reform, and system-wide coherence.<sup>86</sup>

The differing perspectives on U.N. reform among developing and developed nations were highlighted in December 2005 when a group of U.N. member states, led primarily by developed countries such as the United States and Japan, sought to link progress on management reforms to the U.N. budget. The countries placed a spending cap of \$950 million (about six months of U.N. spending) on the two-year, \$3.6 billion budget in hopes that the General Assembly would adopt a series of management and budget reform measures proposed by Secretary-General Annan.<sup>87</sup> On May 8, 2006, the General Assembly's Fifth Committee (Administrative and Budgetary) bypassed the traditional practice of budget-by-consensus and voted on a resolution, supported by the G-77, that approved some reforms but delayed the consideration of several others. The developed nations that imposed the budget cap were disappointed with the outcome, and eventually lifted the budget cap in June 2006 because they were unwilling to cause a shutdown of the United Nations.<sup>88</sup>

## Commissions, Task Forces, and Groups

Since the United Nations was established in 1945, many commissions, panels, committees, and task forces (hereafter referred to collectively as “groups”) have been created to examine ways to improve the United Nations.<sup>89</sup> These groups are established by a variety of stakeholders, including past secretaries-general, individual member states, groups of member states, NGOs, academic institutions, and others. The following paragraphs will address the findings of a cross-section of these groups—the Volcker Commission, the U.S. Institute of Peace U.N. Reform Task Force, and Secretary-General Kofi Annan’s report, *In Larger Freedom: Toward Development, Security, and Human Rights for All*.

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<sup>86</sup> The foremost institutional reform priority for Japan is changing the composition of the Security Council to “reflect the realities of the international community in the 21<sup>st</sup> Century.” For more information on Japanese U.N. reform priorities, see the Japanese Ministry of Foreign Affairs publication, “Japan’s Efforts for Reform of the U.N.,” available at <http://www.mofa.go.jp/policy/un/reform/pamph0608.pdf>.

<sup>87</sup> Annan’s reforms were proposed in his March 2006 report, *Investing in the United Nations: For a Stronger Organization World Wide*.

<sup>88</sup> On July 7, 2006, the General Assembly approved the reforms recommended by the Fifth Committee. See U.N. document, A/RES/60/283, July 7, 2006.

<sup>89</sup> For a discussion on the effectiveness of various U.N. reform groups, see keynote speech at University of Waterloo made by Edward C. Luck, Director of the Center on International Organization at Columbia University, “U.N. Reform Commissions: Is Anyone Listening?” May 16, 2002.

Though the circumstances and mandates for each group are different, they made similar recommendations for improving the United Nations. Notably, each group highlighted the need for enhanced internal oversight and Secretariat reform, including staff buyouts and enhanced financial disclosure requirements. The groups also emphasized the need for overall streamlining and consolidation of the U.N. system (see **Appendix B** for a side-by-side comparison of the recommendations).

### **The Volcker Commission**

In April 2004, Secretary-General Annan, with the endorsement of the U.N. Security Council, appointed an independent high-level commission to inquire into corruption in the U.N.-led Iraq Oil-for-Food Program.<sup>90</sup> The commission, led by former Federal Reserve Chairman Paul Volcker, concluded that the failures of the Oil-For-Food Program were evidence of a greater need for “fundamental and wide-ranging administrative reform” in the United Nations.<sup>91</sup> The commission recommended establishing an Independent Oversight Board to review U.N. auditing, accounting, and budgeting activities; creating the position of Chief Operating Officer to oversee administrative matters such as personnel and planning practices; providing fair compensation to third parties involved in U.N. programs (while ensuring that the compensation does not lead to inappropriate profit); and expanding financial disclosure requirements to cover a variety of U.N. staff, including those working on procurement.

### **U.S. Institute of Peace U.N. Reform Task Force**

In December 2004, Congress directed the U.S. Institute of Peace to create a bipartisan task force to examine ways to improve the United Nations so that it is better-equipped to meet modern-day security and human rights challenges.<sup>92</sup> Congress appropriated \$1.5 million to the task force and required that it submit a report on its findings to the House Committee on Appropriations.<sup>93</sup> The task force identified improving internal oversight as its single most important reform recommendation. It supported the creation of an independent oversight board to direct the budget and activities of the Office of Internal Oversight Services (OIOS). It also recommended several management reforms, including establishing the position of Chief Operating Officer, creating a

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<sup>90</sup> U.N. document, A/RES/1538, April 21, 2004. The Committee was chaired by Paul Volcker and included Professor Mark Peith of Switzerland, an expert on money laundering from the Organization for Economic Cooperation and Development (OECD); and Justice Richard Goldstone of South Africa, a former prosecutor with the International Criminal Tribunals for the former Yugoslavia and Rwanda. The Commission’s final report was released on October 27, 2005. For more detailed information on the functioning of the Iraq Oil-For-Food Program, see CRS Report RL30472, *Iraq: Oil-For-Food Program, Illicit Trade, and Investigations*, by Christopher M. Blanchard and Kenneth Katzman.

<sup>91</sup> “Briefing by Paul A. Volcker Chairman of the Independent Inquiry Committee into the U.N. Oil-For-Food Program for the Permanent Subcommittee on Investigations of the U.S. Senate,” Washington, DC, October 31, 2005.

<sup>92</sup> Consolidated Appropriations Act, 2005 (P.L. 108-447, December 8, 2004). In the report accompanying the act, conferees stated that they were “deeply troubled by the inaction of the United Nations on many fronts, especially in regard to the genocide in Darfur, Sudan and the allegations of corruption regarding the United Nations Oil-For-Food Program.” Conferees directed that the task force should include experts from the American Enterprise Institute, Brookings Institution, Council on Foreign Relations, Center for Strategic and International Studies, Hoover Institution, and the Heritage Foundation.

<sup>93</sup> The Task Force was co-chaired by former Speaker of the House Newt Gingrich and former Senate Majority Leader George Mitchell, and released its first report, *American Interests and U.N. Reform* in June 2005. Following the 2005 U.N. World Summit in New York, the Task Force released an updated report entitled, *The Imperative for Action*, in December 2005. The USIP Task Force reports are available at <http://www.usip.org/un/report/>.

U.N. Ethics Office, and enhancing whistle-blower protection. It supported broadening the U.N. staff financial disclosure policy, and recommended the review of all U.N. mandates five years or older, as well as the incorporation of sunset clauses into all new mandates. The task force supported incorporating results-based budgeting into the U.N. system, and a one-time buyout for all unwanted or unneeded staff. It recommended the creation of a new U.N. Human Rights Council to replace the discredited Commission on Human Rights, but was unable to come to consensus on Security Council reform.<sup>94</sup>

## **In Larger Freedom: Towards Development, Security, and Human Rights for All**

On March 21, 2005, Secretary-General Annan released his report, *In Larger Freedom*, in response to the findings of the High-Level Panel on Threats, Challenges and Change.<sup>95</sup> The report was presented to member states as a starting point for discussion at the 2005 U.N. World Summit, and included the following management reform recommendations:

- the review of all U.N. mandates over five years old;
- a one-time staff-buyout to ensure U.N. Secretariat staff meets current needs;
- the establishment of a cabinet-style decision-making body in the Secretariat to improve management and policy activities;
- the review of all budget and human resource operations; and
- a comprehensive review of Office of Internal Oversight Services to examine ways to enhance its authority and effectiveness.

In addition, Secretary-General Annan proposed a broad range of institutional and programmatic reforms, including modifying the composition of the U.N. Security Council so that it more adequately reflects current political realities, and replacing the Commission on Human Rights with a new Human Rights Council. Annan also recommended streamlining the General Assembly agenda and committee structure so that the Assembly can increase the speed of its decision-making and react more swiftly and efficiently to events as they occur.<sup>96</sup>

## **Implementing Reform: Mechanics and Possible Challenges**

### **Mechanics of Implementing Reform**

Previous and current U.N. reform initiatives encompass an array of organizational issues that may require different processes for implementation. These reforms might be achieved by amending the

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<sup>94</sup> The Task Force stated that any Security Council reform should “enhance the effectiveness of the Security Council and not in any way detract from the Council’s efficiency and ability to act in accordance with the U.N. Charter.” (See page 7 of the Task Force’s report, *American Interests and U.N. Reform*.)

<sup>95</sup> See “Reform Efforts (1997-2005)” in this report for more information on the High-Level Panel.

<sup>96</sup> Annan also supported reforming the U.N. Economic and Social Council (ECOSOC) so that it may better coordinate with economic and social agencies and departments within the U.N. system.

U.N. Charter or through various non-Charter reforms. Charter amendment is a rarely used practice and has only occurred on three occasions. Non-Charter reforms are more common and comparatively easier to achieve.

### **Amending the U.N. Charter**

Articles 108 and 109 provide for potential changes to the U.N. Charter. Article 108 of the Charter states that a proposed Charter amendment must be approved by two-thirds of the full General Assembly, and be ratified “according to the constitutional processes” of two-thirds of U.N. member states, including the all permanent members of the Security Council.<sup>97</sup> The Charter was first amended in 1963 to increase U.N. Security Council membership from 11 to 15 members, and to increase ECOSOC membership from 18 to 27. It was last amended in 1973, when ECOSOC membership increased from 27 to 54.<sup>98</sup> Examples of possible reform initiatives that might involve amending the U.N. Charter include, but are not limited to: increasing permanent and/or non-permanent Security Council membership; increasing membership on ECOSOC; and adding or removing a principal organ.<sup>99</sup>

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

### **Non-Charter Reform Process**

Since 1945, the General Assembly has authorized reforms of its own processes and procedures—as well as those of the Secretariat—without Charter amendment. The General Assembly has established various fora for discussing reform issues, including a Committee on the Charter of the United Nations<sup>100</sup> and a Working Group on the Security Council.<sup>101</sup> The General Assembly has

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<sup>97</sup> Article 108 of the U.N. Charter states, “Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations, including all the permanent members of the Security Council.” A copy of the U.N. Charter is available at <http://www.un.org/aboutun/charter/>.

<sup>98</sup> Simma, Bruno, *The Charter of the United Nations: A Commentary*. Second Edition, Vol. II. New York, Oxford University Press, 2002, p. 1367-1357.

<sup>99</sup> Principal organs of the United Nations include the Trusteeship Council (TC); Security Council; General Assembly; Economic and Social Council; International Court of Justice; and the Secretariat. There is an ongoing effort to abolish the TC, a system that was designed to administer and supervise U.N. trust territories. The TC suspended its operations on November 1, 1994, with the independence of its last trust territory, Palau.

<sup>100</sup> The “Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,” was established in 1974 to consider “any specific proposals that Governments might make with a view to enhancing the ability of the U.N. to achieve its purposes,” as well as “suggestions for the more effective functioning of the U.N. that might not require amendments to the Charter.” The Committee also makes recommendations for possible Charter amendments. Most recently, in 1995 it proposed an amendment to delete “enemy state” clauses in the Charter. For more information on the Committee, see <http://www.un.org/law/chartercomm/>.

<sup>101</sup> The “Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,” was established in 1993, and a copy of its most (continued...)

also implemented reforms on its own by adopting proposals introduced by member states or the Secretary-General.<sup>102</sup> The Secretary-General can also implement reform in his capacity as chief administrative officer. For example, as part of his reform proposal in 1997, Annan established a Senior Management Group to “ensure more integrated and cohesive management of the Secretariat.”<sup>103</sup> The Secretary-General can also make administrative decisions regarding the organization of some U.N. departments.

Other non-Charter reforms have included the establishment of consensus-based budgeting in 1986; the creation of an Office of Strategic Planning in the Secretariat, authorized by Kofi Annan in 1997; and the establishment of a Peacebuilding Commission by the Security Council and General Assembly in 2006.<sup>104</sup>

## **Possible Challenges to Reform**

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

## **National Self-Interest and Differing Reform Perspectives**

Each U.N. member state has its own political agenda and foreign policy goals, and may also have its own definition of U.N. reform. As a result, member states often hold differing views on how best to implement reform and how to measure the success or failure of a given reform initiative. In some cases, failure to reach consensus can lead to significant delay, or failure, of certain reform initiatives. Some member states package their policy priorities as U.N. reform to further their own policy goals. This can cause distrust among member states as countries question whether reform proposals by other member states are based on self-interest or a genuine desire to improve the U.N. system.

## **Competing Priorities**

Some observers cite the inability of U.N. member states or secretaries-general to effectively prioritize reform initiatives as an obstacle to U.N. reform. When Secretary-General Annan presented his 2005 reform proposals, for example, he requested that they be adopted by the General Assembly not in increments, but as a package of reforms.<sup>105</sup> Instead of considering a large series of reform proposals, some observers argue that member states should select only a

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(...continued)

recent report is available at <http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1757>.

<sup>102</sup> For example, in March 2006 the Assembly negotiated and approved a resolution replacing the previous U.N. Commission on Human Rights with a new Human Rights Council.

<sup>103</sup> U.N. document, A/52/684, November 10, 1997.

<sup>104</sup> An example of a possible non-Charter reform could be the redistribution of regional seats on the Security Council or ECOSOC. For further discussion on possible non-Charter reforms, see article by Louis B. Sohn, “Important Improvements in the Functioning of the Principal Organs of the United Nations that Can be Made Without Charter Revision,” *American Journal of International Law*, October 1997.

<sup>105</sup> “The Secretary-General’s Statement to the General Assembly,” New York, March 21, 2005, available at <http://www.un.org/largerfreedom/sg-statement.html>.

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

## **Organizational Structure and Bureaucracy**

The United Nations is a highly complex and decentralized organization, and therefore may be slow to consider or implement potential reforms. Some argue that there is a “culture of inaction”<sup>106</sup> in the United Nations, and that U.N. managers and staff are resistant to the implementation of new programs or changes to existing programs. Many contend that prospective and agreed-to reforms lack clear plans for implementation, including deadlines and cost estimates. They stress that this overall lack of planning may affect the progress and ultimate success of reforms already implemented, as well as those reforms currently being considered by the General Assembly.<sup>107</sup> Some also emphasize that without proper implementation plans and follow-up, U.N. member states will be unable to adequately gauge the overall effectiveness of reforms.

## **Limited Resources**

Many observers note that a significant challenge for U.N. reform efforts may be the effective implementation of reforms within the current U.N. budget. Some reform initiatives, such as the Peacebuilding Commission, were established by member states to operate “within existing resources.”<sup>108</sup> Many argue that the existing U.N. budget limits may not be able to support all of the reform initiatives currently being considered. Some member states, including the United States, however, contend that money saved from other reforms, such as mandate review, could create a funding source for further reforms and/or the creation of new U.N. programs or bodies.

## **External Influences**

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

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<sup>106</sup> “Annan’s ‘Culture of Inaction.’” *The Chicago Tribune*, December 12, 2006.

<sup>107</sup> U.S. Government Accountability Office, GAO-07-14, *United Nations Management Reforms Progressing Slowly with Many Awaiting General Assembly Review*, October 2006.

<sup>108</sup> U.N. document, A/RES/60/1, *2005 World Summit Outcome*, September 16, 2005.

## **Appendix A. Previous Reform Legislation**

When considering U.N. reform issues, the 112<sup>th</sup> Congress may wish to explore the nature and effectiveness of past legislative approaches and how or if they may have influenced the adoption of reform measures at the United Nations. There is evidence that legislation such as the Kassebaum-Solomon Amendment and the Helms-Biden Agreement may have led, either directly or indirectly, to substantive changes in U.N. policies. The following sections highlight selected reform legislation from 1986 to the present and note any subsequent changes to internal U.N. policy.

### **Kassebaum-Solomon Amendment (1986-1987)<sup>109</sup>**

In the mid-1980s, some Members of Congress expressed concern that U.S. influence over the U.N. budget was not proportionate to its rate of assessment. In 1986 Congress passed legislation, popularly known as the “Kassebaum-Solomon amendment,” which required that the U.S. assessed contribution to the U.N. regular budget be reduced to 20% unless the United Nations gave major U.N. financial contributors a greater say in the budget process.<sup>110</sup> Subsequently, in 1986 the General Assembly adopted a new budget and planning process that incorporated consensus-based budgeting as a decision-making mechanism, thus giving member states with higher assessment levels a potentially greater voice in the budget process.

### **U.N. Office of Internal Oversight Services (1993)**

In the early 1990s, some Members of Congress and the Administration were concerned with the apparent lack of oversight and accountability within the U.N. system. In 1993, as part of the FY1994 State Department Appropriations Act, Congress directed that 10% of U.S. assessed contributions to the U.N. regular budget be withheld until the Secretary of State certified to Congress that “the United Nations has established an independent office with responsibilities and powers substantially similar to offices of Inspectors General Act of 1978.”<sup>111</sup> On July 29, 1994, the U.N. General Assembly established the Office of Internal Oversight Services (OIOS) which reports directly to the Secretary-General and provides “internal auditing, investigation, inspection, programme monitoring, evaluation and consulting services to all U.N. activities under the Secretary-General’s authority.”<sup>112</sup>

### **Helms-Biden Agreement (1999)**

In the late 1990s, Congress and the Administration negotiated and agreed to legislation that would further U.S. reform policy at the United Nations. The Helms-Biden bill authorized payment of some U.S. arrears if specific reform benchmarks were met and certified to Congress by the

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<sup>109</sup> For a more detailed account of the Kassebaum-Solomon Provisions, see CRS Report RL33611, *United Nations System Funding: Congressional Issues*, by Marjorie Ann Browne.

<sup>110</sup> Foreign Relations Authorization Act, FY1986 and 1987 (H.R. 2068, P.L. 99-93), Section 143, August 16, 1985.

<sup>111</sup> U.S. Department of State Appropriations Act, 1994 (H.R. 2519, P.L. 103-121), October 27, 1993.

<sup>112</sup> More information on OIOS is available at <http://www.un.org/depts/oios/>. See U.N. document, A/RES/48/218 B, August 12, 1994, for a detailed description of its mandate.

Secretary of State.<sup>113</sup> Under the terms of Helms-Biden, the United States agreed to (1) pay \$819 million in arrearages over fiscal years 1998, 1999, and 2000; and (2) forgive \$107 million owed to the United States by the United Nations in peacekeeping costs if the United Nations applied the \$107 million to U.S. peacekeeping arrears. For arrearage payments to occur, Congress required that the U.S. assessment for contributions to the U.N. regular budget be reduced from 25% to 22% and that the peacekeeping contribution be reduced from 30% to 25%.<sup>114</sup> In December 2000, the U.N. General Assembly reduced the regular budget assessment level to from 25% to 22%, and the Peacekeeping share from approximately 30.4% to 28%. In subsequent years, the U.S. peacekeeping assessment continued to fall and is now close to 26.5%.

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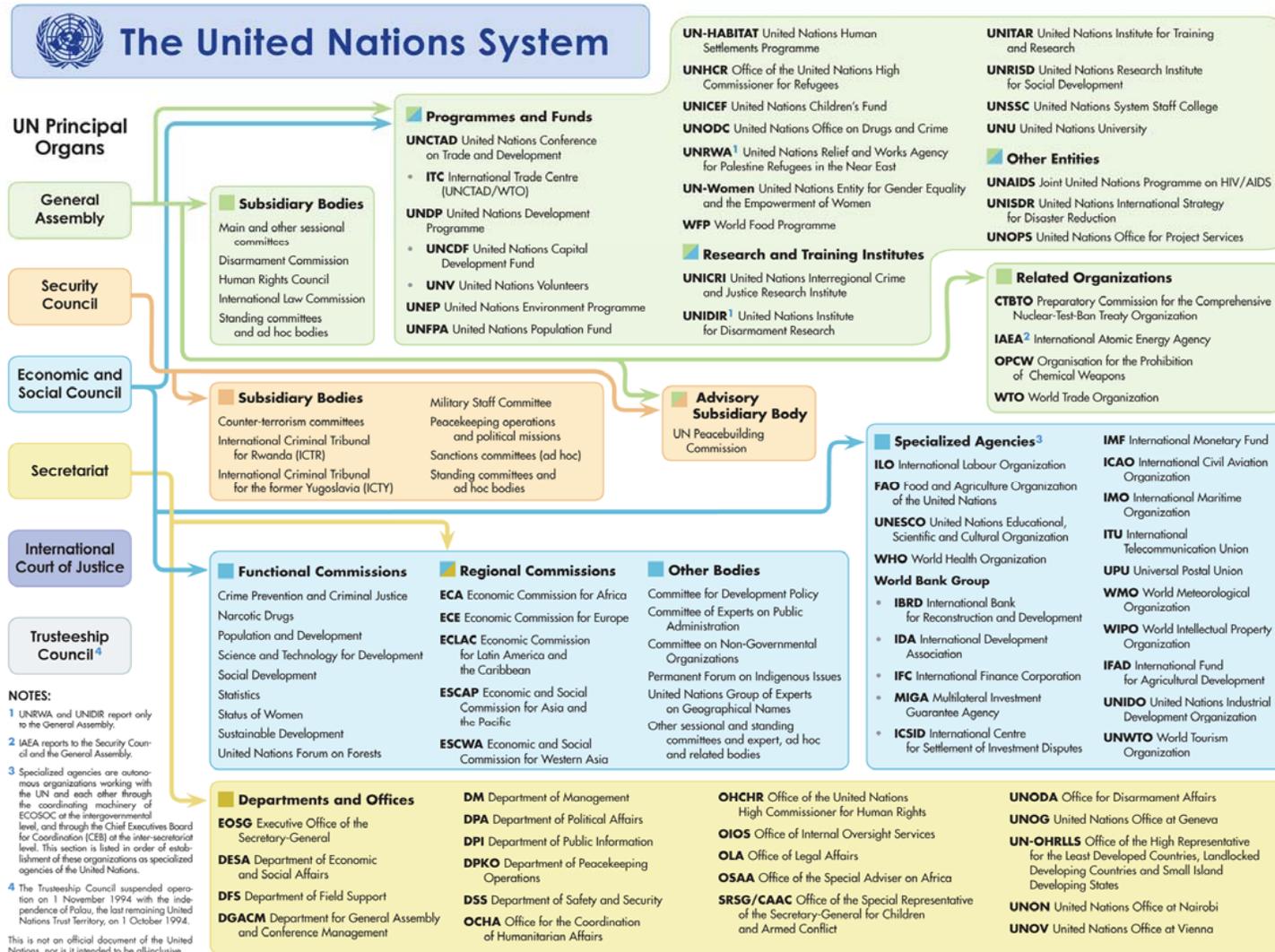
<sup>113</sup> The Helms-Biden Agreement was incorporated into the Consolidated Appropriations Act for FY2000 (H.R. 3194, P.L. 106-113), November 19, 1999.

<sup>114</sup> See CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne, for further information.

## Appendix B. Key U.N. Reform Recommendations and Proposals by Independent and U.N. Affiliated Groups

Report of the Task Force on the United Nations (June 2004, December 2005)	In Larger Freedom: Towards Development, Security and Human Rights for All (March 2005)	Report of the Independent Inquiry Committee into the United Nations Oil-for-Food Program (October 2005)
<i>Improved management reform, including:</i>	<i>Secretariat reform, including:</i>	<i>Strengthen U.N. management practices, including:</i>
Establish an Independent Oversight Board to function as an independent audit committee;	Review of the Office of Internal Oversight Services and general strengthening of internal oversight;	Establish an Independent Oversight Board with responsibility over internal and external audits and investigations;
Establish the role of Chief Operating Officer (COO);	Creation of a cabinet-style decision-making mechanism;	Create the position of Chief Operating Officer (COO);
Establish policies for improved financial disclosure standards, whistle-blower protection; and	Authority/resources for Secretary-General to realign and/or buy-out Secretariat staff; and full review of budget and human resources operations; and	Expand financial disclosure requirements for U.N. staff, including the Secretary-General, Deputy-Secretary-General, and those involved in procurement and/or disbursement;
Review of all U.N. mandates and sunset clauses for new mandates.	Review of all U.N. mandates five years or older.	Improve coordination and framework for cross-agency U.N. programs; and
Reorganization of the General Assembly;	Streamlining the General Assembly to speed-up decision-making processes;	Ensure third party agencies involved in U.N. programs are entitled to fair compensation.
Replace the Commission on Human Rights with a new Human Rights Council;	Replace the discredited Commission on Human Rights with a new Human Rights Council;	
Identification of U.N. programs that could be more effective if funded by voluntary contributions; and	Modify composition of the Security Council to reflect current political realities; and	
Improving the Department of Peacekeeping Operations so that it becomes “a more independent program” with its own rules and regulations to address its unique mission.	Reform ECOSOC so it may better coordinate the U.N. development agenda and guide other economic and social agencies in the United Nations.	

# Appendix C. Organizational Chart of the U.N. System



Source: United Nations.

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