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## REVITALIZATION OF THE WORK OF THE GENERAL ASSEMBLY

by Lydia Swart

### INTRODUCTION

No other intergovernmental body in the world enjoys a universal membership and also covers such a broad a spectrum of issues as the General Assembly (GA). It deals with critical issues – many of them interlinked – related to development, disarmament, education, environment, health crises, humanitarian assistance, human rights, and counter-terrorism, among many others. Effective policy-making in all these areas by the General Assembly is obviously of crucial importance to the peoples of the world.

To make the GA more effective, efficient, and relevant, Member States have been discussing the “revitalization” of its work for nearly 17 years.<sup>1</sup> This chapter describes the key issues, prevailing trends and diverging perspectives in the GA revitalization debate. The sections in this chapter follow the three separate clusters that the GA has been using in the discussions:

- Enhancing the role and authority of the General Assembly.
- The role of the General Assembly in the election of the Secretary-General.
- Improving the working methods of the General Assembly.

Based on conversations held with ambassadors – some of them former Co-Chairs of the debate, both from the North and the South – as well as other delegates and experts, the revitalization debate has seen some progress but key issues remain unresolved or unimplemented and many delegates now openly complain of revitalization fatigue.

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As numerous delegates have noted, debates in the GA are often repetitive, resulting in the adoption of equally repetitive resolutions without having an effective mechanism to assess their implementation. Ironically, efforts to revitalize the GA have suffered from some of the same problems.

In the last two sessions, according to some sources, reaching agreement on a resolution on GA revitalization was far from certain even at the onset of discussions. The resolution adopted on the subject in the 61<sup>st</sup> session on 14 August 2007 was very short and consisted of just a few paragraphs. It asked the Secretary-General to update his report on the implementation of resolutions adopted in the GA revitalization process and requested the President of the General Assembly to continue the *ad hoc* working group considering this topic in the 62<sup>nd</sup> session. Some ambassadors believe that the length and content of the resolution are clear indications that Member States feel that there is no added value in continuing the debate. Other ambassadors, however, stress that the wording of this resolution shows that Member States are finally zooming in on the most important issue in the

debate: implementation of GA resolutions, starting with those on the revitalization of the General Assembly.

Newly appointed ambassadors and chairpersons have regularly brought fresh energy and vision to the revitalization debate. For instance, the Co-Chairs of the 61<sup>st</sup> session's GA revitalization consultations, Ambassador Paul Badji of Senegal and Ambassador Daniele Bodini of San Marino, had made extraordinary efforts to generate new energy in the debate. In addition to consulting with more than 80 ambassadors in bilateral meetings, they tried a rather innovative format for exchanging views, in order to make it easier for every country to participate. Recognizing that too often the same, more vocal countries take the floor, they randomly divided countries into six separate groups to hold "roundtable interactive debates," which took place in May 2007. One ambassador interviewed by the Center agreed that this format probably did make it easier for smaller delegations to speak out, but added that it was rather frustrating not to be able to actively engage in the other five debates.<sup>2</sup> As this ambassador observed, "it is simply a fact of UN life that with such a large number of Member States it is difficult to balance inclusiveness on the one hand, and frank and interactive discussions on the other."

For many Member States, the main value of the debate is the opportunity it provides to ensure that the GA is the pre-eminent deliberative body in the UN system, while for other Member States, revitalization efforts should primarily focus on practical improvements in the work of the GA.

## ENHANCING THE ROLE AND AUTHORITY OF THE GENERAL ASSEMBLY

### *The Relationship between the General Assembly and the Security Council*

It is probably fair to generalize that the revitalization debate is foremost a political one for most Member States from the South,<sup>3</sup> who tend to focus on the contentious and competitive relationship between the Security Council and the General Assembly. Ambassador Munir Akram of Pakistan, for

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Pakistan, 13 December 2006

instance, put it very succinctly by stating that GA revitalization "is a political rather than a procedural matter."<sup>4</sup>

The disparity of power between the GA and the Security Council has certainly been a key motivating factor in the GA revitalization debate. Phrases like "enhancing the authority and the role of the General Assembly" therefore should be interpreted to mean that the General Assembly's work should ideally - in the view of many Member States, especially from the South -

become as important as that of the Security Council, or maybe even more important. Statements on the role and authority of the General Assembly often stress that the drafters of the UN Charter had envisioned separate but equally important roles for the GA and Security Council.

The Security Council, which has primary responsibility regarding international peace and security, can make binding decisions in accordance with Charter provisions and its smaller size has made its decision-making somewhat more exclusive and easier, even though the veto power of the five permanent members - or their threat of using it - has often crippled the Security Council's work. Nor is the decision-making process of the Security Council very transparent, especially in regard to informal discussions between its five permanent members - China, France, the Russian Federation, the United Kingdom, and the United States.<sup>5</sup> Many argue that the Security Council's composition is not sufficiently representative of the UN's current membership, undermining its legitimacy. It does enjoy a great deal of visibility as the media obviously takes a keen interest in how the Security Council deals with the most acute threats to peace and security (See Appendix I for the UN Charter's description of the Security Council's functions and powers).

The General Assembly, on the other hand – according to the most used definition in the revitalization debate – is the “chief deliberative, policy-making and representative organ of the United Nations.” That each Member State has an equal say in the General Assembly makes it much more representative than the Security Council.<sup>6</sup> Its recommendations are not binding but it has played a key role in setting standards and the codification of international law. For example, it was in the General Assembly that the Universal Declaration on Human Rights was adopted.<sup>7</sup> It enjoys a nascent legislative function when informal consultations on critical issues lead to new treaty bodies, as happened for instance with the International Tribunal for the Law of the Sea and the International Criminal Court. It also has the power to establish new UN entities, such as the Peacebuilding Commission (See Appendix II for the UN Charter’s description of the GA’s functions and powers).

However, the image of the General Assembly regrettably does not reflect its impressive accomplishments and the media is more likely to report on what divides its Member States than on what unites them. The reputation of the General Assembly is mostly shaped by opposing priorities and mistrust between Member States, especially between the North and the South; an unwieldy agenda that does not necessarily deal with the most urgent issues on a priority basis; repetitive and lengthy debates; slow decision-making processes; and opaque or recycled resolutions, mostly without mechanisms to ensure - or even assess - their implementation.

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According to some sources, the one body in the General Assembly that does provide somewhat of a counterweight to the power of the Security Council is its Fifth Committee, which deals with budgetary and administrative matters. Because it makes decisions on budgets and dues assessments, the Fifth Committee wields enormous influence. To many ambassadors at the UN Headquarters, especially from the South, the Fifth Committee is the second most important body in the United Nations.<sup>8</sup> Regrettably, recent developments in the Fifth Committee are unlikely to improve the standing of the General Assembly. In late December 2007 – at the insistence of the United States – a vote had to be taken on the 2008/2009 budget, ending a 21-year-old understanding to agree on the budget by consensus and underlining how just one Member State can insist that consensus should equal unanimity.<sup>9</sup> When consensus cannot be achieved, the committee will eventually resort to a vote. A vote in the Fifth Committee always favors the Group of 77 because this bloc of 130 countries clearly enjoys a majority and generally succeeds in reaching common positions among its members.

According to one ambassador from the North, the “middle” powers from the South will insist on continuing the revitalization working group because it provides them with a forum for “security council bashing.” A meaningful expansion of the Security Council, this ambassador explained, could potentially “drain the frustrations about the omnipotence of the Security Council and release some of the tension between the two organs.” Another ambassador from the South, however, pointed out that most of the smaller countries – which have little to gain from Security Council expansion – are seeking significant improvement in the working methods of the Security Council vis-à-vis the General Assembly as a way of creating a more harmonious balance between the two organs.

#### *Encroachment Issues and Improved Transparency in the Work of the Security Council*

Recent attempts of the Security Council to take on other issues besides those dealing with peace and security – such as HIV or climate change – have met with strong opposition in the General Assembly. Adding such critical matters to the agenda of the Security Council is considered unacceptable encroachment by some of the more vocal members in the GA. These same countries

suggest that the General Assembly take up peace and security issues more often, pointing out that the Charter does not preclude a role for the General Assembly on such matters concerning peace and security as long as these are not under discussion in the Security Council. This is reflected in resolution 59/313, which came out of the revitalization debate. It states, “in the context of further strengthening the role and authority of the GA; decides:

To discuss issues pertaining to the maintenance of international peace and security in accordance with Articles 10, 11, 12, 14 and 35 of the Charter, where appropriate using the procedures set forth in rules 7, 8, 9 and 10 of the rules of procedure of the General Assembly, which enable swift and urgent action by the Assembly, bearing in mind that the Security Council has primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the charter.”

An earlier GA resolution adopted in 1950, *Uniting for Peace*, stated that when the Security Council – because of the veto power of each of its five permanent members – cannot come to agreement, the General Assembly can take up the matter. It reads in part:

“... that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace in security.”

This provision in the *Uniting for Peace* resolution was primarily used early on in the Cold War period when the North had a majority in the General Assembly and the use of veto power often prevented the Security Council from taking action. Though considered by many a Cold War relic, the Non-Aligned Movement – a grouping of 118 Member States – would like to simplify the procedures for this provision so that it can be applied more easily in the future.

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As allowed by the Charter, the GA does take up peace and security issues and last year it adopted resolutions dealing with the situation in the Middle East and Afghanistan. But according to some sources, it is unlikely that the General Assembly as a whole would be keen to take on some of the Security Council's unresolved issues. If the GA did take on these issues, the Security Council would likely complain of reverse encroachment. And obviously, the divisions that keep the Security Council from reaching agreement are unlikely to dissolve by consensus in the General Assembly. Resorting to a vote in the

General Assembly on such highly politicized issues would likely risk the alienation, and possibly the disengagement, of certain Member States.

Some Member States see a role for the General Assembly in evaluating the work of the Security Council, allowing for more checks and balances in the United Nations. Resolution 58/126 states, for instance:

“In carrying out the assessment of the debate on the annual report of the Security Council called for in resolution 51/241, annex, paragraph 12, the President shall inform the General Assembly of his decision regarding the need for further consideration of the Security Council report, including in respect of the convening of informal consultations, on the need for, and content of, any action by the Assembly based on the debate, as well as on any matters to be brought to the attention of the Security Council.”

But as one ambassador indicated, in the absence of more substantial reports from the Security Council on its work, such evaluations<sup>10</sup> would be meaningless. Although not necessarily for the purpose of evaluating the work of the Security Council, achieving greater transparency in regard to the Security Council's work is something that many Member States welcome.<sup>11</sup> Resolution 58/126 which came out of the revitalization debate, for instance, clearly states:

“The Security Council is invited to continue with initiatives to improve the quality of its annual report to the General Assembly, mandated by Article 24, paragraph 3, of the Charter, in order to provide the Assembly with a substantive, analytical and material account of its work, in accordance with resolution 51/193.”

The annual reports from the Security Council have tended to be chronological accounts of decisions taken but do not provide an in-depth analysis of the reasons for the particular outcomes. According to one source, the General Assembly's request for improved annual reports was met with derision - and even audible laughter - in the Security Council. This source added that the permanent members evidently believe that the Security Council's 15 members are unlikely to ever agree on anything beyond the facts that contributed to the outcomes.

One expert suggested that it might be a good idea to have a group of Member States – or alternatively a think-tank or NGO – come up with an illustrative example of a more ideal annual report that could then be offered to the Security Council for its consideration.

Apart from better annual reports, in resolution 58/126 (13 January 2004), the Security Council was “invited to submit periodically, in accordance with article 24 of the Charter, special subject-oriented reports to the General Assembly for its consideration on issues of current international concern.” No such subject-oriented reports have apparently been produced by the Security Council to date.

#### *Improved Coordination between the Presidents of the Security Council and the General Assembly*

Improved coordination between the Presidents of the Security Council and the General Assembly has been much welcomed and it appears that this will be maintained. They usually meet at least once a month. During the election of the new Secretary-General in 2006, the Security Council clearly provided more transparency: the GA President was regularly informed of the results of the straw polls as well as the election process that the Council was using. Some close observers note, though, that the Security Council's permanent members prefer not to formalize procedures, and therefore, by no means will one be able to count on the same transparency or election procedures in the future.

#### *Improving Implementation of Resolutions adopted by the General Assembly*

As described above, the last resolution on GA revitalization focused on implementation of earlier decisions that had been adopted and this certainly makes perfect sense from a governance point of view. The fact that so many resolutions from the GA are not actually implemented is a sore point among Member States across the board and no other weakness of the GA probably undermines its relevance or effectiveness more.

Earlier in the GA revitalization debate, Member States agreed that the quality of the resolutions themselves could be improved. In resolution 58/126, for example, the General Assembly decided that:

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“Resolutions should be more concise, focused, and action-oriented. Where practical, more actions taken by the Assembly should be in the form of decisions. Preambular paragraphs in resolutions of the Assembly should normally be kept to the minimum.”

Somewhat ironically, resolution 58/126 had only three preambular paragraphs but in the revitalization resolution of the following session, 59/313, there were thirteen such paragraphs.

Resolution 58/126 also makes a case for monitoring the follow-up of resolutions:

“Member States and the Secretariat should consider initiatives that might be taken for better monitoring the follow-up of resolutions of the General Assembly, such as the provision of timely inputs for reports of the Secretary-General and giving effect to proposals that would advance the follow-up of major United Nations conferences and summits.”

In the 59<sup>th</sup> session, Member States went a step further by recognizing the importance of political will to implement resolutions on GA revitalization:

“... stresses the need to demonstrate political will to ensure the effective implementation of the resolutions adopted by the General Assembly.”<sup>12</sup>

As resolutions from the General Assembly are recommendations and not binding, political will is indeed key for their implementation. There is, however, no comprehensive mechanism in place to assess whether resolutions have been implemented.

Member States regularly request the Secretariat to provide informal notes or reports on the implementation of its resolutions and in the revitalization debate, the Secretary-General was asked in a number of resolutions to provide an implementation status report. The first status report of the

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Secretary-General was provided on 2 October 2006 (A/61/483). Its requested factual chart consists of two columns, showing on the left side the relevant text in a resolution and on the right side the status of implementation. This provides a clear overview of where things stand. One of the Co-Chairs of the revitalization debate in the 60<sup>th</sup> session, Ambassador Abdullah M. Alsaidi of Yemen, urged Member States to ask for such reports from the Secretariat for all GA resolutions. However, the costs related to create such charts were estimated to be in the 20-40 million dollars range, causing Member States from the EU to balk on pursuing this.

Moreover, it seems to this observer, that asking the Secretary-General to assess whether Member States or the Security Council have implemented some of the more politically charged decisions puts him in an impossibly difficult position. According to one source, certain Member States have even urged the Secretary-General not to address some of the decisions in his status report on such issues as whether the Security Council has provided more substantive, analytical and material accounts of its work in its annual reports to the General Assembly, or has produced any subject-oriented reports.

It is therefore not surprising that in the recent update of his first status report (A/62/608, dated 21 December 2007), the Secretary-General makes it very clear that: “The present report ... provides an update on the status of implementation *by the Secretariat* of General Assembly resolutions relating to the revitalization of its work...” [emphasis added.]

Because of the political complications involved in asking management (the Secretariat) to assess the work of its governors (Member States), it might make more sense to place such a capacity to track resolutions and their implementation in the office of the President of the General Assembly. This might “avoid the trap of blaming the Secretariat” for the lack of implementation of GA resolutions, according to one source. One ambassador indicated that this possibility had indeed been discussed

but that it met with opposition from some Member States who fear that this might give a GA President too much power. These countries, one source felt, would probably only be willing to house such a capacity in the office of the GA President if they could be more confident that future GA Presidents would be sufficiently experienced and independent. Too often, according to this source, the GA President is overly influenced by certain Member States from his or her region.<sup>13</sup> Another source felt, however, that such a capacity could be explored on a trial-basis with voluntary funding, involving a minimum of temporary staff in the office of the GA President.

At the 61<sup>st</sup> session, some Member States proposed that a specific *ad hoc* working committee be formed to monitor the implementation of GA resolutions. However, as one ambassador indicated, other countries are cautioning against such a committee as it would result in Member States judging other Member States' performance. This would be especially true of country-specific resolutions – on human rights for instance – which tend to be at the root of the reluctance expressed by some delegations.

But apart from the above suggestions to improve the GA's poor record of implementing resolutions, individual leadership can make a significant difference in overcoming the implementation deficit. One encouraging example is the progress made in the negotiations on Administration of Justice. As Sheikha Haya Rashed Al-Khalifa, the 61<sup>th</sup> President of the General Assembly, explained in an interview with the Center on 7 September 2007, she was able to move this issue forward because of her strong legal background which made her fully aware that the existing regulations did not provide UN staff with a secure and fair system of internal justice. She therefore set a firm date for a resolution on this matter to be adopted, rejecting proposals for further study and debate as suggested by the Fifth Committee, which would have delayed action on the resolution. Resolution 61/261 of 4 April 2007 stipulates that the new internal justice system should be effective by 1 January 2009. Further leadership by Alicia Barcena, the Under-Secretary-General for Management, was crucial because she succeeded in brokering agreement on a number of issues that divided the staff unions and management. By December 2007, work in the Fifth Committee had progressed enough for this deadline to be reconfirmed and even strengthened in resolution 62/228. Again, effective leadership of the chair in the Fifth Committee on this issue, Klaus de Rijk from the Netherlands – plus the constructive input from the chair of the G77 at the time, Imtiaz Hussain from Pakistan – kept the negotiations on track. Progress on Administration of Justice clearly shows that the General Assembly can achieve concrete results within a limited timeframe. Having effective leaders willing to set clear deadlines and managing discussions in a respectful and constructive manner, may well prove the most promising way to bring about positive change in the General Assembly.

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In addition to implementing its own resolutions, the GA could also strengthen its role by becoming more active in the implementation of decisions taken by governments in other intergovernmental negotiations when these are slow-moving or even stagnant. For instance, many decisions taken on strengthening international environmental governance in Cartagena (SS/VII/1) or technology support and capacity-building in Bali (UNEP/GC.23/6/ADD.1, 2004), remain largely unimplemented. The current informal consultations on environmental activities offer the General Assembly an excellent opportunity to stress the GA's primacy on such critical issues. The Co-Chairs of the environmental consultations in the GA – Ambassador Claude Heller from Mexico and Ambassador Peter Maurer from Switzerland – have identified specific building blocks<sup>14</sup> to strengthen international environmental governance which were agreed to in Bali and Cartagena and the Co-Chairs are urging Member States not to re-open discussion on these but to focus on implementation instead.

An interesting example of the GA's own lack of responsiveness to specific concerns of another UN principal organ of the UN relates to a resolution taken by ECOSOC entitled "Smoke-free United Nations premises." (2006/42). The resolution recommended that the GA consider in its 61<sup>st</sup> session a complete ban on indoor smoking and the sale of tobacco products within the premises of the whole UN system. ECOSOC asked the Secretary-General to submit a report on the implementation of this resolution in 2008. The GA, however, did not discuss the topic in the 61<sup>st</sup> session.

As to the implementation of mandates given by Member States to the Secretariat, the Fifth Committee is currently discussing ways to hold the Secretariat more accountable to Member States. An 'accountability architecture' was presented by the Secretariat to Member States on 4 March 2008. However, with its own poor implementation record – and Member States should not blame the Secretariat for their own culture of inaction – the General Assembly risks being accused of hypocrisy. GA President Kerim made an interesting statement earlier in the session on accountability which from his perspective not only applies to the relationship between the Secretariat and the membership but also to the internal workings of the Secretariat; to individual Member States versus the organization as a whole; to Member States in relation to each other; and also to Member States vis-à-vis the global public.

Increased scrutiny from think tanks, advocacy groups, parliamentary organizations, and other stakeholders as to the General Assembly's effectiveness and efficiency could serve as a way to hold Member States themselves more accountable within the UN system.

### *Thematic Debates*

In resolution 59/313, the GA decided to "convene and organize major thematic debates in order to establish broad international understanding on current substantive issues of importance to Member States." Having thematic debates on critical topics, engaging policy-makers from the capitals as well as experts from missions, could potentially make the work of the GA more relevant. The following informal thematic debates took place in the 61<sup>st</sup> session when Sheikha Haya Rashed Al-Khalifa was GA President:

- Partnerships Towards Achieving the Millennium Development Goals: Taking stock, moving forward: 27 November 2006 (a follow-up meeting took place in Doha, Qatar: Financing Development to achieve the MDGs): 17-18 June 2007
- Gender Equality and the Empowerment of Women: 6-7 March 2007
- Civilizations and the Challenge for Peace: 10-11 May 2007
- Climate Change as a Global Challenge: 31 July and 1 August 2007

The current GA President, Sgrjan Kerim, arranged for the following thematic debates to take place during his term:

- Counter-terrorism in December 2007
- Climate Change: 11-13 February 2008
- Achieving the Millennium Development Goals by 2015: 1-2 April 2008
- Towards a Common Understanding on Management Reform (focusing on procurement, human resources management and accountability): 8-9 April 2008

Two additional debates on Human Trafficking and Human Security are still under discussion.

A large number of delegations have welcomed these debates. The topics are chosen by the President of the General Assembly, following consultations with Member States. But from some statements



made during the revitalization debate in November 2007, it is apparent that there is some dissatisfaction with the consultation process being used. One ambassador interviewed also expressed frustration with how the debates are managed, openly questioning their quality. How can you have an interactive debate in one or two days with Member States who are not allowed to make statements longer than 5 minutes each, he wondered. The outcomes of these thematic debates, he added, remain unclear as well. Another ambassador indicated that the use of panels in addition to plenaries has been especially useful in reaching a better and common understanding on important topics. Some Member States are concerned about the potential encroachment by other UN organs on the same themes – such as the debate on Climate Change in the Security Council last April – and have suggested that the President of the GA should coordinate thematic debates in cooperation with the Security Council and ECOSOC.

*Strengthening the Presidency of the General Assembly and Proposed Changes in Selecting the President*

Many decisions on strengthening the role of the GA President have concentrated on providing adequate resources made available to the presidency, such as sufficient staff paid by the regular budget, better office and conference space, protocol services both at the UN Headquarters and abroad, and transitional office accommodation for the President-elect. Many GA Presidents have brought their own staff but many smaller Member States have found it difficult to provide the GA President with sufficient staff from their countries, though there is a tradition of other Member States providing personnel to them at no cost. Providing more resources to the presidency than has been agreed to thus far, according to a former Co-Chair of the revitalization debate, has met with objection from some countries concerned that this will add unwanted bureaucracy to the UN.

In the 61<sup>st</sup> session, according to a former Co-Chair, Member States also discussed the role the President of the GA could play by making recommendations – in consultation with the membership – to the Secretary-General prior to the formulation of the GA's agenda but no action was taken in this regard.<sup>15</sup>

How to ensure effective political leadership by each GA President also continues to be discussed. In his statement of 26 November 2007, Ambassador Christian Wenaweser from Liechtenstein pointedly touched on this issue:

“One key lesson from the past is the importance of leadership. The General Assembly has been a politically more relevant body when headed by somebody who was willing to lead its activities and to give real guidance to the membership, on the basis of prior consultations. Given the importance of the position of President of the General Assembly, it is quite remarkable that we do not pay more attention to the process of nominating and selecting our Presidents. ... The Presidency of the General Assembly is not a protocol function, it is a position of leadership and political responsibility. ... If a concrete product on this issue was to be the only outcome under this item, we would consider this a good result.”

A former Co-Chair of the negotiations explained that getting a good GA President is very much a “hit-or-miss affair,” adding that “we spend so much time selecting a Secretary-General, but we have absolutely no criteria for who the next PGA will be. ... It would be good if somebody had some experience in the UN beforehand – foreign minister, ambassador at the UN – somebody who would know where the hidden obstacles are.”<sup>16</sup> One source indicated that in fact all but two of the GA Presidents had prior experience as (deputy) minister or former permanent representative to the United Nations.<sup>17</sup>

Under the current process of selecting a GA President – on the basis of regional rotation and sometimes more than a decade in advance – a region elects the particular Member State that will provide a GA President. The chosen Member State gets to pick the particular individual and the

General Assembly elects the candidate by acclamation. In the 61<sup>st</sup> session, a majority of Member States indicated that they are satisfied with the practice of regional rotation. However, the following possibilities on selecting a GA President were considered:

- Regional groups shall support one Member State to declare one candidate for election (unlike the current practice because it would not be by acclamation).
- Regional groups will ensure that more than one Member State from the region will provide candidates for election by the General Assembly.
- Regional groups will support one Member State from the region to provide more than one candidate for election by the General Assembly.
- Declared candidates will participate in interactive meetings with the GA.
- A country that has already provided a GA President cannot provide another candidate until all members states from the region (alternatively, from the entire membership) has had the opportunity to serve in that capacity.

Some Member States have argued that a GA committee could be established to play a role in the selection of the GA President, based on agreed criteria. But if no formalization of a nominating and selection process is feasible, there should at least be a better understanding by the relevant Member State that – as one ambassador stated – you can do “a lot of damage to your prestige by putting up a weak person.” According to a number of sources, some Member States have selected individuals for the GA Presidency in the past who later openly admitted that they did not fully realize what the position would entail when they started. The debate on electing a GA President is expected to continue.

#### *Improving the General Assembly's Visibility*

Member States discussed ways to improve the visibility of the GA and the Department of Public Information was urged to make stronger efforts to inform the media about the work of the GA. But as long as the GA does not produce more significant results dealing with the some of the most critical issues of the day, some felt, it would be unlikely that media coverage would improve. The President of the General Assembly, when adequately dynamic and articulate, others pointed out, could also raise more interest from the press.<sup>18</sup>

A somewhat trivial decision to increase the visibility of the GA's work by listing the agenda of the General Assembly next to that of the Security Council in the *Daily Journal* has been implemented, though not consistently. And some countries would further prefer the GA's agenda to be in the left rather than the right column.

### **ROLE OF THE GENERAL ASSEMBLY IN THE ELECTION OF THE SECRETARY-GENERAL**

In practice, the Secretary-General has been selected by the Security Council, usually based on regional rotation. The five permanent members can veto any candidate and can even come up with their own candidates.<sup>19</sup> The General Assembly receives the Security Council's recommendation for one candidate and then appoints the Secretary-General by acclamation. Originally it was foreseen that more than one candidate could be recommended but this was changed in 1946 by resolution 11/I. And early on, the General Assembly used to vote on the candidacy by secret ballot.

Resolutions from the 51<sup>st</sup> and 60<sup>th</sup> sessions of the General Assembly have made a number of recommendations concerning the selection of the Secretary-General:

A/RES/51/241-56: The process of selection of the Secretary-General shall be made more transparent.

A/RES/51/241-57: The General Assembly shall make full use of the power of appointment enshrined in the Charter in the process of the appointment of the Secretary-General and the agenda item entitled “Appointment of the Secretary-General for the United Nations.”

A/RES/51/241-58: The duration of the terms of appointment, including the option of a single term, shall be considered before the appointment of the next Secretary-General

A/RES/51/241-59: In the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard shall continue to be given to regional rotation and shall also be given to gender equality.

A/RES/51/241-60: Without prejudice to the prerogatives of the Security Council, the President of the General Assembly may consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, may forward those results to the Security Council.

A/RES/51/241-61: In order to ensure a smooth and efficient transition the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires.

A/RES/60/286-18: ... [repeating earlier decisions in A/RES/51/241, including regional rotation and gender equality] bearing in mind the provisions of Article 97 of the Charter, the need for the process of selection of the Secretary-General to be more inclusive ... invites the Security Council to regularly update the General Assembly on the steps it has taken in this regard.

A/RES/60/286-19: Encourages, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, the President of the General Assembly to consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, may forward those results to the Security Council.

A/RES/60/286-20: Also encourages formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States, and requests candidates to present their views to all States members of the General Assembly

A/RES/60/286-21: ... the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires.

A/RES/60/286-22: Emphasizes the importance of candidates for the post of Secretary-General possessing and displaying, *inter alia*, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership, and administrative and diplomatic experience.

These resolutions, here and there duplicative, show that Member States are challenging business-as-usual in the selection of the Secretary-General. The General Assembly has pronounced itself on the need for improved transparency, inclusiveness, interaction between the GA and the official candidates, regional rotation and gender equality, the identification of potential candidates by the President of the GA in consultation with Member States – though only when such candidates are endorsed by their own Member State – and has even made suggestions in regard to the candidates’ qualifications.

In the last session, according to one source, many Member States were ready to continue discussing this item though others felt that it would be awkward and unfair towards the current Secretary-General – who will be up for re-election in less than four years for a second five-year term – to try and change the rules now.<sup>20</sup> Apparently, a very large number of Member States have reiterated a desire to be able to vote and elect the Secretary-General by open or secret ballot. A smaller group of

Member States remains supportive of India's proposal to have the Security Council recommend up to three names for election by the General Assembly. India's proposal is opposed by the Permanent Members of the Security Council while some other Member States too seem set against it because strong disagreements on the candidate among the membership could undermine the support for the elected candidate.

It is worth noting that the Secretary-General's status report - and its update - on the implementation of GA resolutions do not comment on the above recommendations in regard to the Secretary-General's election made at the 60<sup>th</sup> session. This tends to support the notion that having the Secretary-General assess the implementation of resolutions can be fraught with difficulties, especially when it concerns recommendations in regard to other principal organs or when a conflict of interest exists, as it would have if Ban Ki-moon was expected to comment on the process that was used to elect him as well as the process that should be used if he ran for re-election at the end of his term. It should also be noted, however, that some of the transparency in regard to the 2005 election of Ban Ki-moon was actually more due to leaks than to any new formalized process, thus complicating a realistic assessment.

## IMPROVING THE WORKING METHODS OF THE GENERAL ASSEMBLY

The decisions to improve the working methods of the GA in this section are organized under headings devised by the author to help make these issues easier to absorb. The following summary – covering the 51<sup>st</sup> through 61<sup>st</sup> sessions – does not reflect every single recommendation or decision but does indicate the wide scope as well as some of the intricate minutiae covered by the GA revitalization debates. For those who would like to read a more thorough account of the more recent sessions (58-61), including an implementation assessment, please see the Secretary-General's status report A/61/483 and its update A/62/608, but note that these focus on implementation by the Secretariat rather than by Member States or other principal organs.

### 1) *Streamlining and rationalizing the agenda*

Typically, there were more than 300 items on the agenda of the General Assembly. By clustering, biennialization, triennialization or elimination of agenda items, Member States agreed to make the agenda shorter so that they could focus more on priority issues. During the current, 62<sup>nd</sup> session, there are 167 items on the agenda. Agenda items are now organized under nine headings: maintenance of international peace; promotion of sustained economic growth and sustainable development; development of Africa; promotion of human rights; effective coordination of humanitarian assistance efforts; promotion of justice and international law; disarmament; drug control, crime prevention and combating international terrorism; and organizational, administrative and other matters. They agreed at the 59<sup>th</sup> session that they would review these headings in the 61<sup>st</sup> session.<sup>21</sup> They also agreed – as a general rule – to refer agenda items that could be considered in the Main Committees to these committees.

### 2) *Reduction and consolidation of documentation*

To reduce the heavy volume of documentation, Member States asked the Secretary-General to update earlier notes on this subject for their consideration, as well as on the consolidation of reports. They requested the Secretary-General, the President of the GA and the Chairmen of the Main Committees to try and consolidate their reports on related subjects. Member States urged all bodies to exercise restraint when requesting new reports from the Secretary-General. Instead of reports, Member States were encouraged to request information either orally or in writing in the form of information sheets, annexes, tables etc. The Secretary-General was requested to ensure that documentation and reports are issued well in advance of scheduled debates and at

minimum in keeping with the six-week rule for the simultaneous issuance of documentation in all official languages.

3) *Improving Proceedings: dates, promptness, rules of procedure, voting*

Those presiding over meetings were urged to start all meetings on time and the Conference Management was asked to provide statistics on the financial impact of failing to do so. Plenary meetings should normally be held on Mondays and Thursdays. The General Assembly's plenary meetings shall start every year on the Tuesday of the third week in September, counting from the first week that contains at least one working day. Member States considered scheduling two substantive periods during each session – without additional costs, longer or more meetings, or staggering the work schedules of the Main Committees. Although the Secretariat circulated a note in this regard (A/58/CRP.3), which was considered at the 58<sup>th</sup> session, it is unclear whether any specific decisions were made in this regard. Mandatory time limits on speeches should be enforced – 15 minutes in plenary meetings, but not applicable to the general debate, and Main Committees – and the GA President shall call a representative who exceeds his allotted time to order without delay in accordance with procedural rules 72 and 114. Member States were encouraged to align their statements with those made by the chair of a group and focus on points that have not already been adequately addressed. The GA should consider obtaining optical scanners to expedite the counting of votes cast through secret ballots. Member States asked for a consolidated version of the rules of procedure in the six official languages of the UN (see A/62/608).

4) *Reporting from the Secretary-General to Member States*

Member States told the Secretary-General that his annual report should be comprehensive, informative and analytical to make it easier for them to set priorities and to determine whether mandates have been fulfilled. In addition, the report set specific goals for the Secretariat to accomplish in the year ahead to make the report more forward-looking, taking into account agreed-to medium-term plans and the fact that the responsibility for establishing priorities rests with Member States (Medium-term plans are now, on a trial basis, replaced with a strategic plan). The introduction of this report should be done orally in the form of an executive summary, highlighting main issues. Sections of the report may be referred to Main Committees for further consideration.

5) *Improving coordination among Main Committees and their working methods*

The bureaux of the Main Committees were invited to enhance their cooperation and learn from each other's best practices. Chairs should leave a report for their successors at the end of their terms of office regarding their observations and lessons learned. Incoming bureaux should meet with outgoing bureaux no later than two weeks after their election. Committees should also consider the biennialization, triennialization, clustering, and elimination of agenda items. Each committee should adopt a provisional programme of work at the end of each session for the next session. Debates should be interactive and panel discussions expanded to allow informal, in-depth discussions with input from experts. Question and Answer sessions should be used to enable a dynamic and candid exchange with UN officials, staff, and rapporteurs. The Secretary-General was requested to produce a "historical and analytical note on the practices and working methods" of the Main Committees (see A/58/CRP.5). Main Committees should examine – in a detailed and structured way – the reports of the Board of Auditors, the Joint Inspection Unit and the Office of Internal Oversight Services that were relevant to their work and improve their websites.

According to diplomats who have been at the UN for quite some time, many of the adopted changes in the working methods have resulted in modest progress to make the GA more effective and efficient.

## CURRENT DELIBERATIONS

As to the work on revitalization of the GA in the current session, Srgjan Kerim, the GA President, suggested in a press statement on 19 December 2007 that a resolution on this topic had become “totally superfluous” in light of the “very intensive activities and the more constructive and cooperative atmosphere among Member States.” The statement left some delegates wondering whether it was intended to put a preemptive positive spin on the likelihood that a resolution would not be adopted this year. Earlier, at the 26 November 2007 GA revitalization meeting, Kerim had suggested to delegates that they change the direction of the revitalization debate by focusing more on “the role the General Assembly could play in strengthening the UN system.” Although Kerim did not explain in this statement exactly what he had in mind, it seems likely to this observer that he was looking for more specific actions to empower the GA, rather than a rehash of earlier debates.

At the latest GA revitalization meeting, on 21 February 2008, the Co-Chairs of the *ad hoc* Working Group on the revitalization of the GA, Ambassadors Eladio Loizaga from Paraguay and Andrzej Towpik of Poland, expressed their hope that during this session the traditional debate on GA revitalization could be avoided because the various positions of Member States are quite clear at this stage. Instead, they hoped that Member States would agree to a two-step approach:

- 1) A first round of consultations would focus on the preparation and assessment of a synopsis of all decisions taken thus far as well as their implementation, based on the status reports provided by the Secretary-General and comments/recommendations received by Member States.
- 2) A second round of in-depth discussions would concentrate on issues where practical and pragmatic solutions can be achieved, thereby enhancing the role, authority, effectiveness and efficiency of the GA. To start with, discussions could focus on the Presidency of the General Assembly.

At this meeting of the working group, it seemed clear that non-implementation of resolutions remains a key concern for large blocs of Member States such as the EU and the NAM. The proposed first step of the Co-Chairs therefore should meet little opposition. A few Member States have already noted that the status reports from the Secretary-General are incomplete and the creation of a comprehensive synopsis which would incorporate gaps identified by Member States should be very useful to reduce the implementation deficit in the GA revitalization process.

There is, however, some concern among insiders that the revitalization debate might be dominated by some delegates of the more vocal countries from the South who possibly will focus almost exclusively on improved reporting from the Security Council to the GA. Though understandable, this would likely frustrate the goodwill of a significant portion of the membership which after all cannot be held accountable for the working methods of the Security Council.

Without achieving practical recommendations that can be swiftly implemented - for instance on issues such as the election and role of the GA President - the revitalization debate runs the risk of being regarded as – in the words of one ambassador – rather Kafkaesque.

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<sup>1</sup> At a recent briefing for NGOs, one of the current Co-Chairs, Ambassadors Andrzej Towpik from Poland, pointed out that the word revitalization is somewhat unfortunate as it suggests that the General Assembly is in some kind of coma.

<sup>2</sup> Member States were able to observe the debates in the other five groups.

<sup>3</sup> References to the ‘South’ refer to either the Group of 77 or the Non-Aligned Movement. See Appendix III for their membership.

<sup>4</sup> Statement of 13 December 2006 in GA revitalization debate

<sup>5</sup> The organization Security Council Report provides excellent information on the work of the Security Council. See [www.securitycouncilreport.org](http://www.securitycouncilreport.org).

<sup>6</sup> Some would say that in practice not every Member State has an equal say. Many of the smaller missions lack the capacity to follow all issues equally and therefore almost automatically align themselves with the larger blocs on many issues.

<sup>7</sup> Of course, an agreed number of Member States have to ratify treaties before they come into effect.

<sup>8</sup> Because of the Fifth Committee’s importance, the Center for UN Reform closely follows its work. See [www.centerforunreform.org/node/27](http://www.centerforunreform.org/node/27)

<sup>9</sup> See resolution A/41/213. This resolution was adopted because, too often, votes did not represent the will of a large number of Member States. Countries typically work hard to reach consensus but as a safety-valve, votes can be taken when consensus is impossible, which happens a few times in every session and in every Main Committee. The recent adoption of the 2008/2009 budget, however, was taken by vote at the request of the US, ending a 21-year understanding to adopt the budget by consensus. Please see the Center’s analysis at [www.centerforunreform.org/node/300](http://www.centerforunreform.org/node/300).

<sup>10</sup> The Charter uses the word “considers” (See Appendix II).

<sup>11</sup> See Chapter 1 of this publication which describes the Security Council’s efforts to make its work more transparent.

<sup>12</sup> A/RES/59/313

<sup>13</sup> For instance, one delegate told this author that it was thought that the 61<sup>st</sup> President, Sheikha Haya Rashed Al Khalifa from Bahrain, was too much under the influence of Egypt.

<sup>14</sup> See the Co-Chairs *Options Paper* at [www.centerforunreform.org/node/265](http://www.centerforunreform.org/node/265)

<sup>15</sup> See [http://www.un.org/ga/ropga\\_agenda.shtml](http://www.un.org/ga/ropga_agenda.shtml) for the existing rules on setting the agenda.

<sup>16</sup> See the website [www.UNelections.org](http://www.UNelections.org) for observations how elections within the UN could become more transparent

<sup>17</sup> This source gave two examples: Peru (14<sup>th</sup> session) and Bahrain (61<sup>st</sup> session).

<sup>18</sup> The two last Presidents of the General Assembly have made extraordinary and welcome efforts to brief NGOs on the work of the GA, including briefings from co-chairs on UN reform processes or Chairs of the Main Committees. During the last three sessions, the GA President’s office has included an NGO-liaison.

<sup>19</sup> Check the blog [unsg.org](http://unsg.org) for detailed information on the 2006 election process. Other excellent NGO sources on this topic include UNA-USA, WFM, and Security Council Report

<sup>20</sup> Much more embarrassing than having an objective and general discussion on the selection process for the UN Secretary-General must be the following observations made by former US Ambassador to the UN, John Bolton, who wrote in his recent book *Surrender is not an Option* on page 279 about the 2006 selection: “What Ban really wanted to know was what the United States would do, but I didn’t know myself at that point. We had lunch again on June 1, by which time it was clear to me that Rice had a “Short list” of one name: Ban Ki-moon. I didn’t give that away, but I tried to be as cooperative as possible without tipping my hand. Of course, Rice had also said to me on April 20, “I’m not sure we want a strong secretary general,” which I did not reveal either.”

<sup>21</sup> It is unclear to this author if such a review took place.

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