



**Revitalization of the General Assembly
by reforming its procedures**

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Abstract

This paper deals with the revitalization of the UN General Assembly and asks the following question: what are the most important problems that can be identified with regards to the functioning of the General Assembly and what are the possible solutions to those problems? . After a brief investigation into the role that the General Assembly plays within the UN system and the world today, we identify three problems related to the functioning of the General Assembly: the relationship of the General Assembly with the UN Security Council, the power that the General Assembly has in selecting the UN Secretary-General and the implementation of adopted General Assembly resolutions. Through combining information from written sources with the results from a survey with open-ended questions, which was sent out to practitioners involved in the work of the General Assembly, we gather more information on these three specific problems and look for solutions to these problems. For the interpretation of the survey results, we use a method based on inductive content analysis. We draw the conclusion that even though the General Assembly is the most representative body of the United Nations, it lacks power in several fields. We recommend a change in the relationship between the General Assembly and the Security Council from a competitive to a more cooperative one, to implement all of the most recent recommendations on the procedure of selecting the UN Secretary-General and to decrease the number of UN General Assembly resolutions while implementing more of them.

Keywords

General Assembly, implementation, multilateral diplomacy, multilateralism, reform, resolutions, revitalization, Secretary-General, Security Council, selection, survey, transparency

1. Introduction

The strength of the UN General Assembly (hereafter: General Assembly) is its unique capability to bring together representatives of the world's countries. Hereby, it creates a platform through which ideally countries can share their problems with the rest of the world, so that a common solution can be found to these problems. The General Assembly is a symbol of international solidarity. At the same time, the way in which the General Assembly is organized, is a risk to its own functioning. Given the amount of potential topics that the General Assembly deals with and given that representatives from no less than 193 countries meet at the same time in the General Assembly Hall every year to discuss and debate, one can imagine that there can be great difficulty to get to any relevant discussions or decisions. Put differently, the General Assembly may sink under its own bureaucratic weight.

The body itself has expressed that an effort should be made to make the General Assembly more focused and relevant.¹ Reform of the General Assembly is not a new conception however. Already in 1991, the General Assembly expressed its desire to “undertake efforts to enhance the capacity of the General Assembly to fulfil the role envisaged for it under the Charter and increase its effectiveness in the interest of strengthening the overall work of the Organization”.² The importance of this, according to the General Assembly itself, is based on the recognition that the General Assembly is the only organ in which each Member State of the United Nations has equal opportunity to participate in the decision-making process. The planned undertaking of this reform was called the ‘revitalization’ of the General Assembly and this term has been in use until today in the various resolutions that have been adopted on the topic. ‘To give new life’ is what revitalize literally means, but the question is what this means for the General Assembly concretely. In this paper, we therefore ask the following question: what are the most important problems that can be identified with regards to the functioning of the General Assembly and what are the possible solutions to those problems? The identification of specific problems is the first step in any reform process. We have decided to focus on three issues regarding the functioning of the General Assembly that in our eyes are problematic and the most urgent to be dealt with: the relationship of the General Assembly with the UN Security Council (hereafter: Security Council), the power that the

¹ ‘Revitalization of the work of the General Assembly’ (United Nations website)

<<http://www.un.org/en/ga/revitalization/>> accessed 15 October 2015

² UNGA Res 47/233 (14 September 1993)

General Assembly has in selecting the UN Secretary-General (hereafter: Secretary-General) and the implementation of adopted General Assembly resolutions.

The reason for why we decided to focus on the relation between the General Assembly and the Security Council is that more cooperation between the two could strengthen the position of UN Member States, who are not members of the Security Council and have less decision making power as a result. We decided to focus on the role of the General Assembly in the selection of the Secretary-General, because so far the General Assembly has always had a low influence on the selection process. We believe that a change in this procedure is required, because the Secretary-General represents the whole of the United Nations and thus should be chosen by its most representative body, which is the General Assembly. Given the selection of the new Secretary-General in 2016, this is a highly topical issue. Lastly, we focus on the implementation of resolutions adopted by the General Assembly, because we can see in practice that there is often a repeating of the same commitments, but no observable action based on these commitments.

The next section of this paper will present a theoretical discussion of the role of the General Assembly and in the section after, we will discuss the method that we have chosen for conducting our research. This method is a combination of reviewing written sources and the analysis of answers to open-ended survey questions sent out to practitioners, who are or have been involved in the work of the General Assembly. The section after that will present both our findings from written sources and the outcomes of our survey. This will form the basis of our final section, in which we will make recommendations and draw conclusions.

2. The General Assembly: many functions but a lack of power?

The United Nations General Assembly is usually defined as the “chief deliberative, policymaking and representative organ of the United Nations”. Its main functions and powers were laid out in the UN Charter. Its functions as presented in the Charter can be categorized as representative, legislative, controlling, budgetary and deliberative.³ It has a representative function, since it represents all of the UN Member States and each of them has one vote within the General Assembly; the responsibility of furthering the development of

³ Leland. M Goodrich, E. H. *Charter of the United Nation: Commentary and Documents* (World Peace Foundation 1946, Boston 1946)

international law gives it its legislative function; it controls the Security Council by way of receiving accounts of its decisions; its function is budgetary, because it is responsible for approving the budget of the United Nations and finally it is deliberative, because it is free to discuss and make recommendations on any questions or matters within the scope of the UN Charter. The General Assembly has direct power in the approval of the annual budget, the admission of new Member States and the appointment of non-permanent members of the Security Council.

Though the General Assembly holds direct powers relating to the internal organization of the United Nations, the General Assembly has no legal power that affects the outside world. When it makes recommendations, these are indeed recommendations and not legally binding decisions.⁴ In this sense the General Assembly is different from a national parliament, which has the power to approve and make amendments to laws that are binding on a country's citizens once they have come into force. Though the General Assembly receives reports from the Security Council on the measurements it has decided on, the General Assembly is not in the position to (dis)approve of or make amendments to these decisions. As Luard⁵ puts it quite strongly, the UN (and this includes the General Assembly) is perhaps best known in public for its torrent of unproductive and unheeded words.

Nevertheless, the United Nations General Assembly is also a symbol and practical manifestation of multilateralism. And even though the General Assembly may lack legal power to influence the world with, multilateralism is something which according to Pouliot⁶ can be an end in itself. He states that multilateralism is generally conceived of as a means to an end and is considered by countries as one among many options that they have to achieve their goals at an international level, rather than considering it as a process that has intrinsic value. According to Pouliot, the value of multilateralism should not be determined merely on the basis of functionality of the process however, but on the basis of the process itself as well. An important argument that he makes is that as multilateralism is practiced, it allows global actors to make sense of world politics in mutually recognizable ways, meaning that a common 'language' is created. The importance of speaking the same language is that it

⁴ 'United Nations Juridical Yearbook' (United Nations website, 1986, part 2, chapter VI, page 275) <<http://www.un.org/law/UNJuridicalYearbook/>> accessed 20 November 2015

⁵ Luard, E., Heater, D., *The United Nations: how it works and what it does* (Macmillan, London 1994).

⁶ Pouliot, V., 'Multilateralism as an End in Itself' (2011). Vol. 12, No. 1, *International Studies Perspectives*, 18-26.

promotes approaching problems from a common, global perspective and can create a mindset shared among countries. Following Pouliot's argument, the role of the General Assembly could then simply be to foster international understanding among nations.

If this were to be the conclusion, this paper should not have to be written however. The General Assembly exists, but as should have become clear from the introduction to this paper, there is a dissatisfaction with the role of the General Assembly as envisaged under the UN Charter and the way it functions in practice. We will turn to the several problems underlying this dissatisfaction in-depth after presenting our chosen method in the next section.

3. Methodology

Little empirical research has been done on the revitalization of the General Assembly, by which we mean research to obtain information on the topic that goes beyond what is publicly known through General Assembly resolutions. Most of the information available on the topic is of theoretical nature or comes from the United Nations itself in the form of resolutions or official documents. In this paper, we want to give a clear description of the most important problems related to the functioning of the General Assembly and ideally contribute some new viewpoints from practice to the literature already available. Therefore, we have chosen to conduct an exploratory research, combining information from publicly available documents and research papers with the conducting of a survey consisting of open-ended questions.

Insights from documents and research papers allowed us to get a better understanding of the selected problems related to the functioning of the General Assembly: the relationship of the General Assembly with the Security Council, the power that the General Assembly has in selecting the Secretary-General and the implementation of adopted General Assembly resolutions. After conducting analysis of written sources, it was possible to form a set of survey questions, based on the selected problems. Moreover, we included one question on what the role of the General Assembly should be. These questions have been posed to practitioners who are or have been directly involved in the work of the General Assembly. The answers to these survey questions served to get a better understanding of and to obtain hints to solutions for the problems identified, and form the basis for our recommendations at the end of this paper. According to Jackson and Trochim, open-ended survey questions are often used in organizational research for the purpose of gathering new information about a

topic, to explain quantitative findings or to explore different dimensions of respondents' experiences.⁷ For instance, one can research attitudes towards organizational change efforts or perceptions of organization policy.

In the hope of a high response rate, we decided to pose only four questions in our survey. An online survey containing these four questions was created, with two added optional questions on the identity of the respondent (country and position title) for our own reference. Following this, we sent out an e-mail to different groups of practitioners involved in the work of the General Assembly; we sent a total of 200 e-mails to Permanent Missions of the UN Member States, the regional integration groups of the United Nations in New York and to 20 former and current diplomats that are and were involved in the work of the General Assembly (General Assembly presidents and vice-presidents, national diplomats and UN staff). The addressees of the e-mail were asked if they would fill out the online survey or send us back their answers to the survey questions by e-mail. Both the e-mail that was sent out as well as the survey can be found in the appendix to this paper (page 22-24). Though we included optional questions for identification of respondents, we promised anonymity to our respondents, so no specific names of respondents or the countries that they represent will appear in this paper. We assumed that providing anonymity would improve the response rate to our survey, since the information shared may be of sensitive nature. Furthermore, we assumed that it should lead to more honest and therefore informative responses.

On the 200 e-mails that we have sent out, we received 14 responses, which is equivalent to a 7% response rate. Out of these 14 responses, 9 were direct answers to the questions in our survey, whereas the other responses referred us to official statements that had been made by countries before on the topics addressed in our questions.

In order to interpret the responses to the open-ended survey questions, we have made use of a simple method based on the idea of inductive content analysis. As Elo and Kyngäs state, under inductive content analysis “particular instances are observed and then combined into a larger whole or general statement”.⁸ This means that we have distilled important themes from

⁷ Jackson, K. M., Trochim, W. M., 'Concept mapping as an alternative approach for the analysis of open-ended survey responses' (2002). Vol. 5 No. 4 *Organizational Research Methods* 307-336.

⁸ Elo, S., Kyngäs, H. 'The qualitative content analysis process' (2008) Vol.62 No.1 *Journal of advanced nursing* 107-115.

the received responses in order to create general statements based on them.⁹ The more frequently we could find a word relating to a specific theme in the responses, the more important we considered the theme to be overall. The method fits well with an exploratory research such as ours, of which the aim is not to test a particular theory, but to collect and present viewpoints from practitioners in an organized way.

Now, we will turn to the next section of this paper, in which we will discuss each selected problem in-depth and will present our empirical findings with regards to each topic selected.

4. Reforming the General Assembly in order to strengthen its role: review of written sources and survey results

Suggestions for strengthening the role of the General Assembly have been made in the many resolutions that have been adopted on the revitalization of the work of the General Assembly. As pointed out before, we have picked three problems to focus on in this paper, which are the relationship of the General Assembly with the Security Council, the power that the General Assembly has in selecting the Secretary-General and the implementation of adopted General Assembly resolutions. The reasons for why we decided to focus on these three problems, we have addressed in the first section of the paper.

The questions that we have asked in our survey were quite similar to the questions that we asked ourselves in going about our search for written sources on the selected topics. In the next subsections, we present for each problem our findings from written sources and then the findings from our survey. Moreover, we asked one question on the role of the General Assembly, with which we will start this section. We have included this question in our survey, because we were curious about the view that practitioners hold on the General Assembly as an organization as a whole. It contributes to our paper, because it allows us to assess the other answers that we have received in a wider context.

4.1 The role of the General Assembly: the views of practitioners

⁹ ‘Steps for Conducting Conceptual Analysis’

<<http://writing.colostate.edu/guides/page.cfm?pageid=1310&guideid=61>> accessed 2 December 2015

‘The ten steps of content analysis’

<http://libweb.surrey.ac.uk/library/skills/Introduction%20to%20Research%20and%20Managing%20Information%20Leicester/page_74.htm> accessed 2 December 2015

The first question that we asked in our survey was “what should in your opinion be the role of the General Assembly in the 21st century?”.

Most of our respondents state that the main function of the UN General Assembly is its representative function. This function makes the General Assembly one of the major decision making organs in the UN system. One of the respondents states that “after 70 years of the establishment of the United Nations Organization, we think that the need is increasingly clear for a full involvement of the General Assembly in all decision making processes, being the United Nations primary organ, where all Member States are represented in an equal, inclusive and democratic manner”. Another respondent states: “due to its universal membership, decisions by the General-Assembly confer unique legitimacy, especially when adopted by consensus... it is the normative and moral power of these documents and of many of the resolutions and decisions by the GA that it is in the center. They are the yardstick of behavior and actions by Member States.” Besides the representative and the decision- and policymaking function, the most mentioned function was the deliberative function of the UN, which is the logical consequence of the representative function. One of the answers reads that the contemporary global challenges require: “a robust and active General Assembly, as the chief deliberative, policymaking and representative organ of the United Nations.” This view is shared among other respondents: “thus, the GA remains a unique platform for dialogue and – sometimes confrontational – exchange between almost all of the countries on the planet. This is a place where representatives from very different political systems and cultural and religious backgrounds interact with each other, trying to find joint solutions to common challenges.” The answers to this specific question converge with the official statements of regional organizations that we have received. In the statement of the Permanent Representative of the United Nations on behalf of the ASEAN, H.E. Ramlan Ibrahim, we can read that: “the General Assembly should be the chief deliberative, policymaking and representative organ of the United Nations.” In the analysis of the responses to our survey we only found one statement which mentions the budgetary function of the GA. This we can find in the EU statement regarding the Revitalization of the United Nations General Assembly, in which we can read: “we wish to reiterate that it is imperative that concrete steps are taken, at all levels, to spend more wisely, to deliver in new ways, and to ensure that the Organization lives within the agreed budget levels.” What we can conclude from this broad introductory question, is that all the functions and powers of the General Assembly stem from its

representative function and the democratic legitimacy that the universal membership grants to this body.

4.2 The relationship of the General Assembly with the Security Council and issues of transparency

One could say that the General Assembly and the Security Council are the most important bodies of the United Nations; the General Assembly due to its complete representation of the UN Member States and the Security Council due to its powerful position within the organization. Since a long time, debates have existed on whether and how the relationship between the two bodies should be changed.

4.2.1. Findings from written sources

During the 70th and most recent session of the United Nations General Assembly, the representatives of Paraguay stated the following with regards to the reform of the General Assembly: "...Paraguay supports the process to reform the Organization, in order to strengthen the General Assembly as the most representative body within the Organization, restoring its legitimate powers, which must be interdependent to those of the Security Council, according to the purposes enshrined in the United Nations Charter of 1945."¹⁰ Many Member States likewise support the idea to strengthen the position of the General Assembly and to make this body minimally as important and strong as the Security Council. According to Swart "the disparity of power between the General Assembly and the Security Council has certainly been a key motivating factor in the General Assembly revitalization debate."¹¹ She argues that the Security Council has an advantage due to its size, which leads to easier decision making, though there exists the veto power of its five permanent members, which makes decision-making harder. The General Assembly at least has the highest representative function, because it represents the opinion of all Member States of the United Nations. Each of the Member States has one voice, one vote and nobody has a special position in the sense of veto power.

¹⁰ Cartes, H., 'Statement of the Republic of Paraguay - General Debate of the 70th session of the General Assembly' (United Nations Webpage)

<http://gadebate.un.org/sites/default/files/gastatements/70/70_PY_en.pdf> accessed 30 October 2015

¹¹ Swart, L., *Revitalization of the work of the General Assembly* in: *Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.22

There have been attempts from the side of the Security Council to widen its scope beyond issues of peace and security.¹² The Non-Aligned Movement¹³ (NAM) and other countries however proposed strict division of competencies between the General Assembly and the Security Council in the year 2014, during the adoption process of a draft resolution created by the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly. These countries argued that “in order to restore the GA’s role and authority, Security Council encroachment on the GA had to be addressed....The NAM suggested the addition of a paragraph noting that the GA and the SC avoid encroachment of each other’s competencies.”¹⁴ This opinion resulted in a huge discussion between two opposing sides: the NAM on one side and countries such as Russia or Liechtenstein on the other side. Finally the states were not able to get to a common statement on this question, but the last draft contained the notion that UN organs should respect the principles and competences, which were determined by the United Nations Charter.¹⁵

A last issue of importance is the transparency of the Security Council procedures to the General Assembly. Even though the Security Council, according to resolution A/RES/58/126, is welcomed to submit and deepen the quality of reports for the General Assembly, “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. ...the General Assembly’s request for improved annual reports was met with derision - and even audible laughter - in the Security Council...” according to Swart.¹⁶

The relationship between the Security Council and the General Assembly is thus full of possible updates and changes, which are requested by different Member States of the United Nations. The main reason for this seems to be the dominant position of the Security Council.

¹²Swart, L., *Revitalization of the work of the General Assembly* in: *Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.21-36

¹³ ‘The Non-Aligned Movement (NAM)’ <<http://www.nti.org/treaties-and-regimes/non-aligned-movement-nam/>> accessed 25 October 2015

¹⁴ Jagtiani, S., ‘Draft Resolution of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly’ (Center for UN Reform Education, 2014) <<http://www.centerforunreform.org/?q=node/621>> accessed 30 October 2015

¹⁵ Jagtiani, S., ‘Draft Resolution of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly’ (Center for UN Reform Education, 2014) <<http://www.centerforunreform.org/?q=node/621>> accessed 30 October 2015

¹⁶S Swart, L., *Revitalization of the work of the General Assembly* in: *Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.25

4.2.2. Findings from survey

Related to the previous, the second question we asked in our survey was “do you think that co-operation and transparency between the General Assembly and the Security Council should be improved?”

All of the respondents answered this question in a positive manner. One of the important points raised by several respondents was that it is necessary for both the General Assembly and the Security Council to understand that only through their effective cooperation it is possible to enforce changes and achieve progress for a common cause. One of our respondents has written: “While the Security Council remains the primary organ for maintenance of the international peace and security, the Security Council deals mostly with the prevention and ending of conflicts. But for successful prevention of conflict recurrence the General Assembly should step in – with a wide range of proposals and measures in the area of sustainable development, rule of law, protection and promotion of human rights.” The General Assembly should thus not be perceived as a threat to the work of the Security Council, or the other way around, but they both should be perceived as mutually complementary.

Another important point, which we can identify as a recurring theme in the answers to the second question, is that of transparency and openness of the Security Council towards the General Assembly. The European Union in their statement at the United Nations General Assembly 70th Session Agenda¹⁷ emphasizes the importance of transparency towards and cooperation with the General Assembly by other UN organs. Furthermore, one of our respondents has written that “in order to enhance the UN system efficiency as a whole, the Security Council needs to be more accountable, to some extent, to the General Assembly, and also to act in a more open and transparent manner.” This means that more transparency between the Security Council and the General Assembly could lead to a more efficient UN. Few of our respondents identify the annual reports of the Security Council to the General Assembly as important. These reports should be more analytical in order to achieve a better

¹⁷ The European Union ‘EU Statement – United Nations General Assembly: Revitalization of the General Assembly’ (European Union Delegation to the United Nations -New York 2015) <http://eu-un.europa.eu/articles/en/article_17059_en.htm> accessed 11 December 2015.

understanding of the work of the Security Council for all Member States in the UN. The problem with analytical aspects of the reports has been identified by one respondent, who has written that: “this is very important to the Assembly because the Security Council membership is currently limited to only 15 Member States. By having a more analytical report from the Council, the wider membership will be able to better understand the reasoning behind the various Council actions or lack of action.” Another respondent has identified more analytical reports as an important way to create more interaction between these two bodies.

The last, and we believe very important point, which can be identified in our survey results, is that it is not possible to improve the General Assembly-Security Council relationship without reform of the Security Council itself. It seems that the respondents believe that only after this process it will be possible to improve the relationship between the General Assembly and the Security Council.

4.3 Powers of the General Assembly with regards to selecting the UN Secretary-General

The selection of the new UN Secretary-General is one of the most important events that can take place in the whole UN system. The Secretary-General brings new ideas into the Secretariat, sets the agenda for the coming years and is at the forefront of the global society. The more ambitious, persuasive and capable the Secretary-General is, the more efficiently the UN Secretariat can work. Currently with the ending mandate of Ban Ki-moon, discussions are underway on who will be involved in the election of the new Secretary-General.

4.3.1 Findings from written sources

Some UN Member States are of the opinion that they should have more powers in selecting the Secretary-General. The current practice is the following: the Security Council proposes one candidate and this candidate is then accepted by acclamation in the General Assembly. In short, nowadays the General Assembly does not play an important role in the selection procedure and rather a formal one.

Not only the discussions at the 70th General Assembly Meeting, but also the previous ones were focused on more transparency in the selection procedure. For example: the candidates

should be known before the selection itself, which implies there should be more than one candidate. The number of those candidates varies, but some diplomats speak about the same number as the number of the UN regional groups. “Some Member States remain supportive of India’s proposal to have the Security Council recommend up to three names for election by the General Assembly”.¹⁸ On the other hand, India’s proposal is objected by the Permanent Members of the UN SC, because it could cause strong disagreements among the membership and those struggles could undermine the support for the selected candidate.¹⁹

The candidates should have the right to stand up in the General Assembly meetings and give a speech on why they should be selected as the Secretary-General. The Member States should have also the right ask questions to those candidates. This process could improve transparency and a create a more effective cooperation between the General Assembly and the Security Council.

4.3.2 Findings from survey

In answering the question “Do you think that the UN General Assembly should have a larger role in the selection of the UN Secretary-General? If so, how do you suggest the UN General Assembly could be more involved in the election of the UN Secretary-General?” all addressed countries came to almost the same conclusions: that the General Assembly should play a more important role in the selection of the Secretary-General in order to have a Secretary-General that represents the interests of the global society and international community and not the interest of the 15 Security Council members. The selection process should be transparent and more competitive. Therefore, the Security Council should recommend more than one candidate to the General Assembly.

Some country representatives that participated in our survey propose to have a clear timeline with concrete dates (especially deadlines for candidatures) in the selection procedure. There should be official and public hearings of the candidates and discussions about their merits to hold this position. One respondent for example proposes “to assess the qualities of candidates

¹⁸ Swart, L., *Revitalization of the work of the General Assembly* in: *Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.32

¹⁹ Swart, L., *Revitalization of the work of the General Assembly* in: *Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.32

an independent commission could be established, with representation of some of the P5 countries and few other members of the GA”.

Some representatives in our survey propagate the implementation of the most up-to-date resolution regarding the revitalization (A/69/321) adopted on 11th September 2015.²⁰ The most important part of this resolution deals with the selection process of the Secretary-General. Beginning with the selection process for the next Secretary-General, which is already underway, the most important suggested improvements are the following.

Firstly, in the beginning of 2016, a ‘joint’ or ‘common’ letter by the Presidents of the General Assembly and the UN SC will be sent to all Member States asking for nominations and outlining the further selection process. In this case, every Member State can nominate its candidate and there is no limitation on the number of candidates. So this step is against the unofficial rule that the next Secretary-General should be from the Eastern European Group (EEG). One respondent mentions that “Member States were asked to actively encourage and present the candidatures of female candidates”. According this respondent, this resolution also “requests to both Presidents to keep Member States regularly updated on the candidates suggested, including relevant information, such as CVs, etc. A number of prerequisites – both, in terms of character traits and in terms of skills and experience – were defined in the resolution as well.” Secondly, another important part of this letter deals with the official public hearings and informal meetings that should be ensured. Official candidates should have a chance to demonstrate their merits to become the Secretary-General and the UN Member States should have a chance to ask those candidates questions regarding their goals and visions for the UN Secretariat.

It can be said that just before the 70th General Assembly session, huge progress regarding the selection procedure of the Secretary-General has been made. On the other hand, it is just a first step, because the final decision of the Secretary-General still is made by the Security Council.

4.4 The implementation of resolutions adopted by the General Assembly

²⁰ The detailed text of the resolution could be found here:
http://www.un.org/en/ga/revitalization/revital_current.shtml

If the General Assembly should be the chief policy-making organ of the UN, as is often claimed, then certainly a more effective implementation of resolutions would lend this claim credibility. We now take a closer look at the nature of General Assembly resolutions and possible reasons for why implementation of resolutions does not automatically follow their adoption in the General Assembly.

4.4.1 Findings from written sources

Every year, the General Assembly votes for a variety of resolutions, which have been prepared in advance by the Member States of the United Nations. The topics of these resolutions vary widely and can concern either the functioning of the United Nations organization itself or issues in the outside world, such as threats to international peace and security, or issues in the economic, social, cultural, educational and health fields.²¹ It is impossible to present here an exhaustive list of the topics touched upon by resolutions since the founding of the United Nations, but resolutions have dealt with themes such as threats to international peace and security, budgetary questions and admission of new Member States. More specific topics that have been addressed in the past are the position of women within the United Nations Secretariat, the financing of peacekeeping missions, human cloning, the restitution of expropriated art to former colonies and agricultural development and food security.²²

Roughly, a General Assembly resolution consists of the following parts: introduction of the issue, references to earlier decisions, declarations or conventions on the same issue, arguments for why action on this issue is required and a statement on what action is expected from whom with regards to this issue. The latter part of the resolution has to do with the actual implementation of the resolution. When a resolution on a topic has been drafted, a simple majority is needed for its adoption or, in particular cases, a two-thirds majority is needed. An adopted resolution should be seen as a recommendation and is not binding.²³ In other words, there is no legal obligation for the party or parties addressed in the resolution to

²¹ United Nations 'Charter of the United Nations' (United Nations website, 1945) <<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>> accessed 22 September 2015.

²² Resolutions 40 258B, 49 230, 56 93, 73 3187, 67 228 respectively. Retrieved October 18, 2015 from research.un.org/en/docs/ga/quick/regular/

²³ 'United Nations Juridical Yearbook' (United Nations website, 1986, part 2, chapter VI, page 275) <<http://www.un.org/law/UNJuridicalYearbook/>> accessed 20 November 2015

act upon the demands that are made in a resolution. According to Swart²⁴, in fact many of the adopted resolutions are not implemented. She states that probably no other weakness of the General Assembly undermines the effectiveness of the body more. Somewhat ironically, there exists at least one General Assembly resolution in which the importance of implementing General Assembly resolutions is emphasized.²⁵

Why is it so difficult to implement resolutions already agreed upon by the General Assembly during its annual meeting? Potential reasons can certainly be given. For one, resolutions probably just differ in how easily they can be implemented in practice. For example, one resolution can demand a ceasefire from fighting Member States²⁶, whereas another resolution can demand from Member States for non-recognition of a government of a particular country that has come into power by means of a coup d'état²⁷. Resolutions may sometimes be hard to implement, because demands made in a resolution are abstract, meaning that it is unclear how the request should be fulfilled or put into action. Moreover, it may be unclear who exactly has the responsibility for the implementation of a resolution. Other reasons that can be thought of are a lack of funds necessary to implement a resolution or simply now willingness to take action by the party responsible.

When one looks at the list of resolutions²⁸ that have been adopted in the past, it is clear that a large share of the resolutions concern questions dealing with the UN budget, the financing of peacekeeping operations and the organization of the United Nations itself. In the case of implementing budgetary resolutions, the General Assembly is quite effective, since it simply decides there and then to make a specific payment. Concerning big and sometimes abstract issues of international importance in the outside world, resolutions are often proportionally abstract in their approach to the issue however. Often, no concrete goals are formulated and no concrete plan of action is decided upon in terms of financing, tasks, deadlines and specific parties responsible for dealing with the issue. Resolutions seem to be limited to marking an issue as important and in that sense are not decisions on how to actually deal with the issue. This makes it quite difficult if not impossible to implement a resolution directly, because

²⁴ Swart, L., *Revitalization of the work of the General Assembly in: Managing Change at the United Nations*, (Center for UN Reform Education, New York 2008) p.21-36

²⁵ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/276

²⁶ UNGA Res. 46/242 (22 August 1992)

²⁷ UNGA Res. 63/301 (1 July 2009)

²⁸ research.un.org/en/docs/ga/quick/regular/

implementation requires a concrete plan of action. However, one can argue that it is not the function of a resolution to offer a concrete plan of action. One can see a resolution as the setting of a certain agenda, which leaves it to individual Member States to implement this agenda at the national level.

4.4.2 Findings from survey

The fourth question that we asked our interviewees was therefore the following.

“It is said that General Assembly resolutions are too often not implemented in practice. Do you agree? What do you think are barriers to the implementation of resolutions?”

Of the total of 10 respondents who answered this question, 3 respondents explicitly agreed with the statement. Other respondents seem to recognize at least that many resolutions are not implemented and largely share the same ideas on the causes of this. In identifying themes in the answers, three themes stand out very clearly, which can be named ‘lack of enforcement mechanisms’, ‘political will’ and the ‘number of resolutions’. With lack of enforcement, it is meant that no means exist to force the implementation of General Assembly Resolutions. Six of the respondents mentioned this as one of the main reasons for why resolutions are not implemented. One representative remarked that “when decisions are taken against their express will, those opposing the resolution adopted may be reluctant to implement them”. Another respondent stated, “to change this practice, amendments to [the] UN Charter would be necessary which seems unrealistic”. Indeed, no provision in the UN Charter states a legal obligation for Member States to follow up on resolutions that have been adopted by the General Assembly.

A lack of enforcement alone cannot explain why resolutions are not implemented however, unless one assumes that countries are always against their implementation, which seems unlikely. Another theme that was touched upon by the respondents may offer an explanation, which is the matter of ‘political will’. Six of the respondents either explicitly or implicitly mention a lack of political will as a reason for why General Assembly resolutions are not implemented. Seeming somewhat of a catch-all phrase, it is not exactly clear what is meant with this term however. Woocher (2001) quotes Lund (1996) in saying that political will as a

single explanation for inaction is “too diffuse to pin down the specific reasons why more is not being done”.²⁹

Several respondents made remarks on the content and the number of resolutions adopted by the General Assembly. One respondent pointed out that the resolutions lack strength and focus. Another respondent stated that the number of resolutions is ever increasing and that resolutions are often very similar in content and scope. The number of resolutions can lead to “weak monitoring on the implementation of resolutions” and a “lack of capacity to follow up on the hundreds of resolutions adopted each year” according to two other respondents respectively. “Fewer but better (and more realistic)” resolutions are suggested by one respondent. Other reasons for non-implementation of resolutions mentioned, are a lack of financial resources and “insufficient assistance from the concerned international entities” with the implementation of resolutions. One representative makes the remark that certain topics may be ‘pet projects’ for a limited number of countries. Other countries do not try to bar the implementation of resolutions on these topics, but “may not feel attached to their implementation.”

5. Conclusion and recommendations

The General Assembly remains the most representative body of the United Nations. It lacks power however, despite its many functions. The Security Council holds a strong position relative to the General Assembly, which is reflected in a lack of transparency of this body towards the General Assembly and its de facto exclusive power of selecting the Secretary-General of the United Nations. Furthermore, the General Assembly seems to lack effectiveness in implementing resolutions. Our survey, which asked practitioners to give their view on these issues, generally confirmed the existence of these problems and the necessity to deal with each of them. The question is what can be done about them.

As current procedures undermine the position of the General Assembly and favor the position of the Security Council, we believe that the way to solve this problem is the simultaneous reform of both bodies, acknowledging that they have to cooperate rather than

²⁹ Woocher, L. Deconstructing political will: explaining the failure to prevent deadly conflict and mass atrocities. Vol. 12, JOURNAL OF PUBLIC AND INTERNATIONAL AFFAIRS-PRINCETON 179-206.

see each other as a threat. For these changes political will on both sides is needed. This includes the will to change the procedure of selecting the Secretary-General. Regarding this procedure, how the agenda in the Joint Letter by the General Assembly and Security Council presidents will be set up is very important, because any failure, shortage or mismanagement will probably create an adverse precedent for the future elections. The number of the Secretary-General candidates is also of importance to consider, because a large number of candidates could make the selection procedure chaotic and would require more management capabilities from the Security Council, the General Assembly president and their vice-presidents. Our recommendation is definitely to follow the recommendations in the already adopted General Assembly resolution A/69/321, because there is currently a broad consensus regarding this issue. Any diversion from the recommendations in this resolution will only destroy efforts that have been made so far towards changing the selection procedure. It is in the interest of all Member States that this new selection procedure is accepted, because it will contribute to the transparency of the UN system.

If those making up the General Assembly want the organization to be the chief policy-making body of the United Nations, then the implementation of adopted General Assembly resolutions is also imperative. The best way to do so, would be to make General Assembly resolutions legally binding. This would require from Member States to think their vote in favor of a resolution through, before they actually vote in favor of its adoption. The question is whether Member States would actually be in favor of making resolutions legally binding, but it should certainly be on the agenda. It would probably result in a lower number of resolutions adopted and this is exactly what is required for more resolutions to be implemented. Making resolutions legally binding would mean that non-implementation of resolutions should lead to a form of punishment. Imposing fines or denying voting rights could be measures to put pressure on countries to implement resolutions. The finding out of whether a resolution is implemented or not, would require the monitoring of implementation efforts. This is likely to be expensive, but probably less so if the number of resolutions adopted overall is decreased at the same time. Moreover, it would be good to narrow resolutions in scope and allocate responsibility to a limited amount of actors. Regarding the issue of political will, it would be good to in some way communicate more clearly why it is in a Member State's interest to implement a resolution. Going beyond the term 'political will' as an explanation for inaction would also be beneficial, since it is a term that holds little

explanatory power. Countries may have the will to implement a resolution, but could simply lack the financial resources or assistance required for this.

Appendices

Appendix 1: E-mail as sent out to practitioners

Four questions regarding the Revitalization of the General Assembly

Matti Tetrev <matti.tetrev@jdi-vse.cz> 19 November 2015 at 18:35

To: timor-leste@un.int

Your Excellency, Ambassador of the Democratic Republic of Timor-Leste,

We are four students participating in this year's Regional Academy on the United Nations, established by the Academic Council on the United Nations System (ACUNS). The Academy aims to train and equip the next generation of 'Internationalists' with the necessary knowledge to provide solutions to contemporary global challenges.

Within this context, we are currently writing a research paper on the Revitalization of the work of the General Assembly. Our aim is to combine insights from literature, official UN documents and resolutions with the views of practitioners in the field, i.e. people involved in the daily work of the General Assembly. With this, we hope to contribute a little bit in our own way to improving the work of the General Assembly.

We would like to ask you kindly whether you or one of your colleagues could answer our questions regarding this topic listed below. Your answers will be used in our research paper. Anonymity is guaranteed of course, according to the Chatham House Rule. Our paper will be published and presented at the ACUNS annual conference in Vienna, Austria.

Of course, you will be sent a copy of the paper.

An online questionnaire of our questions can be found at this link:

<http://goo.gl/forms/FU6miaMQ7E>. In case of not-working we send it in the attachment as well.

Thank you very much in advance for your cooperation and we are looking forward to your response. It is greatly appreciated.

With kind regards,

Duco Claringbould (Vienna University of Economics and Business, Vienna, Austria)

Michaela Dénešová (Comenius University, Bratislava, Slovakia)

Sebastian Stantic (University of Belgrade, Belgrade, Serbia)

Matti Tetřev (University of Economics, Prague, Czech Republic)

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Appendix 2: Survey

Revitalization of the General Assembly

This questionnaire has been designed for the purpose of research on the revitalization of the General Assembly. This research is done within the context of the Regional Academy on the United Nations, which was established by the Academic Council on the United Nations

System (ACUNS). We guarantee anonymity according to the Chatham House Rule.

What country or institution do you represent? (Optional)

What is your job title/what position do you hold? (Optional)

1. What should in your opinion be the role of the UN General Assembly in the 21st century?

2. Do you think that co-operation and transparency between the UN General Assembly and the UN Security Council should be improved?

3. Do you think that the UN General Assembly should have a larger role in the selection of the UN Secretary-General? If so, how do you suggest the UN General Assembly could be more involved in the election of the UN Secretary-General?

4. It is said that UN General Assembly resolutions are too often not implemented in practice. Do you agree? What do you think are barriers to the implementation of resolutions?

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