



United
Nations
Association
of Australia

THE UNITED NATIONS AND THE RULES-BASED INTERNATIONAL ORDER

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More than ever the United Nations needs Australia ...and Australia needs the United Nations.

MICHAEL G SMITH, ON ELECTION AS UNAA NATIONAL PRESIDENT, AGM, MELBOURNE, 4 SEPTEMBER 2016.

EXECUTIVE SUMMARY

A concept gaining increasing currency both in Australia and internationally is that of a ‘rules-based international order’. This means a shared commitment by all countries to conduct their activities in accordance with agreed rules that evolve over time, such as international law, regional security arrangements, trade agreements, immigration protocols, and cultural arrangements.

As demonstrated since the formation of the United Nations following the Second World War, a rules-based international order is the only alternative to international coercion by competing great powers, spheres of influence, client states and terrorist organisations. Moreover, global development through the achievement of the sustainable development goals (SDGs) can only occur within a rules-based international system based on commitment and respect. An effective rules-based international order depends largely on the professionalism and neutrality of the United Nations, and the effectiveness of the United Nations depends mostly on the commitment by its Member States.

As a medium power, Australia has a profound interest in promoting multilateral diplomacy and actions to preserve and strengthen the rules-based international order. The United Nations has proved to be a ‘force multiplier’ for many countries including Australia: by providing global contributions to peace and security, sustainable development, humanitarian relief and human rights. In the Asia-Pacific region alone, Australia has frequently benefited by pursuing its national security interests through the United Nations; as evidenced by Australia’s support to Indonesia for its independence, the Korean War, the peace process and elections in Cambodia, and events leading to the independence of Timor-Leste. Continuing reform of the United Nations—including along the lines suggested by the International Commission on Multilateralism¹—will be required if the Organisation is to fulfil its Charter, so skilfully crafted and agreed in October 1945 following the horrors of the Second World War. Notably, Australia played an influential role in the formation of the United Nations, and continues to support the Organisation as its 11th highest financial contributor. While the world has changed remarkably since the Charter was enacted, and the UN’s membership almost quadrupled, the necessity for the existence of the United Nations has not diminished. Overall, the United Nations has served humanity well, despite the Organisation’s limitations and imperfections. A world without the United Nations and a rules-based international order would be even more troubled, insecure and poorer than it is.

This paper outlines the critical role of the United Nations in enhancing the rules-based international order, and contributing to a safer, fairer, and more sustainable world. The paper outlines the major organisational entities that the United Nations comprises, convenes or contributes to; reminds all Australians of the critical role that the United Nations plays in the rules-based international system; and advocates that it is in Australia’s national security interests to contribute to, and strengthen, the United Nations. The paper also highlights Australia’s continuing support for the Organisation since its formation in 1945.

Comments and suggestions to improve the paper are welcomed at admin@unaa.org.au.

¹ Independent Commission on Multilateralism (ICM), Pulling Together: the multilateral system and its future, New York: International Peace Institute, September 2016. https://www.icm2016.org/IMG/pdf/icm_summary_report.pdf

OVERVIEW

This paper outlines the critical role of the United Nations in enhancing the rules-based international order, and contributing to a safer, fairer, and more sustainable world. The paper outlines the major organisational entities that the United Nations comprises, convenes or contributes to; reminds all Australians of the critical role that the United Nations plays in the rules-based international system; and advocates that it is in Australia's national security interests to contribute to, and strengthen, the United Nations. The paper also highlights Australia's continuing support for the Organisation since its formation in 1945.

The United Nations provides a platform for Member States, both large and small, to have a voice. UN membership has grown from its original 51 members in 1945 to 193 members in 2017, with the newly formed states of Timor-Leste and South Sudan amongst the most recent members.

The Organisation's work is guided by its Charter, skilfully crafted at Dumbarton Oaks, Washington D.C. in 1944 in the horrific shadows of the Second World War, and completed in San Francisco in 1945. Amendments to the Charter can be made by a vote of two thirds of the members of the UN General Assembly (UNGA), which has occurred on three occasions (1963, 1968 and 1971). Predictably, many Member States have argued that UN structures—as stated in the Charter—are outdated. The main organs of the United Nations

are the UNGA, the Security Council (UNSC), the Economic and Social Council, the Trusteeship Council, the International Court of Justice (ICJ), and the UN Secretariat. While it is widely accepted that changes are needed, reforming the United Nations is difficult, although not impossible. The United Nations exists and performs to the extent permitted by its Member States, and continuous reform and debate on improving the UN system has occurred since its formation. While the United Nations is an imperfect system, its multilateral diplomacy and critical field work remain vital for international security, humanitarian action, human rights and sustainable development. Millions of people around the world are vitally dependent on the United Nations, which is of central importance to the effectiveness of a rules-based international order.

AUSTRALIA

AND THE UNITED NATIONS

Australia has a long history of active involvement in the United Nations: as a founding member in 1945, and on five occasions as a non-permanent member of the UNSC—1946-47, 1956-57, 1973-74, 1985-86 and 2013-14. During its formation, and led by the Minister for External Affairs, Dr H. V. Evatt, the Australian delegation played an instrumental role in framing the UN Charter. The United Nations officially came into existence on 24 October 1945 upon ratification of the Charter by the permanent five members (P5)—United States, Soviet Union (now the Russian Federation), United Kingdom, France and China—and 41 other countries. On 17 January 1946, the UNSC met for the first time at Church House, Westminster, in London, United Kingdom. As an acknowledgement of Australia's contribution, Australia was elected to the Executive Committee of the UN Preparatory Commission, to the first UNSC, to the Economic and Social Council, and to the first Commission on Human Rights (CHR). Evatt himself was elected as President of the UNGA in 1948. Successive Australian governments have placed varying degrees of importance on the UN system and its subsidiary organs, but have continuously supported the Organisation and its need for reform.

In 2017, Australia is the 11th largest financial contributor to the United Nations. Australia has consistently supported the UN's peace and security initiatives, but unlike many other countries Australia has filled very few senior posts (civilian and military) in the Organisation. In field operations, Australia has provided some military Force Commanders and Police Commissioners, but is yet to provide a Mission leader—a Special Representative of the Secretary-General (SRSG). In recent years, Australia's important contribution to UN peace operations has seriously declined and Australia is currently ranked 85th amongst Member States. In September 2017, Australia will celebrate 70 years

of its commitment to UN peacekeeping, which commenced in Indonesia in 1947. To commemorate this, the Australian Peacekeeping Memorial will be unveiled on ANZAC Parade in Canberra.²

The UN's Charter begins with the critical words *we the peoples...* Although comprised of Member States, the UN's founders also believed it important that civil society around the world should have active representation and involvement. Along with associations in other countries, Australian citizens were quick to form the United Nations Association of Australia (UNAA) in 1946. The UNAA continues to maintain an active presence throughout Australia to inform, inspire and engage all Australians to help promote the goals and work of the United Nations for a safer, fairer and more sustainable world. UNAA is a member of the World Federation of United Nations Associations (WFUNA). With membership of around 100 national associations, WFUNA helps advance the UN's vital work and expresses the needs and aspirations of civil society globally.

The UNSC is the UN's principal body responsible for ensuring international peace and security. At the UN's formation, the P5 insisted on their right to exercise a veto to protect their interests. Australia argued against this veto except for Chapter VII actions, but the Soviet Union insisted on retaining this right more generally and the other great powers supported Moscow. Australia's concern that a great power could use its veto to override the wishes of the majority of UN members caused Australia to advocate for the UNGA to have the right to take up a case if the Council had not accepted responsibility for it. This successful proposal was one of Australia's key early achievements.

Australia also worked to improve the human rights dimension of the UN Charter and hone the Organisation's social and economic aims. The

² The Memorial is dedicated to all Australian peacekeepers: military, police and civilian. While most peacekeepers have served under the UN flag, Australia has also provided peacekeepers to non-UN missions, such as Somalia, Sierra Leone, Bougainville and the Solomon Islands.

efforts of the Australian delegation led to several positive amendments to the Charter. As well, Jessie Street, a member of the Australian delegation, worked with women from other delegations to ensure that the Preamble to the Charter affirmed the equal rights of men and women, and that human rights were to be respected regardless of race, sex, language or religion. The Human Rights Council (HRC) replaced the UN's CHR in 2006. In 2017, Australia is seeking a seat on the HRC for the first time.

Australia also played an influential role in the formation of the ICJ, formed under Chapter XIV of the Charter as the UN's principal judicial body.

Alongside other states, Australia pressed for the ICJ to possess compulsory jurisdiction with respect to all justifiable disputes, though the great powers blocked this expansive conception. Despite this setback, Australia did enjoy some successes. Australia campaigned with Cuba for the UN's Charter to include a requirement that would obligate states to follow the decisions of the ICJ in cases to which they were a party. This idea was adopted. In 2014, the ICJ made a binding decision on a case brought by Australia against Japan for whaling in the Antarctic. The ICJ found that Japan's whaling program in the Antarctic was not in accordance with the International Convention for the Regulation of Whaling.



THE UNITED NATIONS AND THE RULES-BASED INTERNATIONAL ORDER

The rules-based international order can generally be described as a shared commitment by all countries to conduct their activities in accordance with agreed rules that evolve over time, such as international law, regional security arrangements, trade agreements, immigration protocols, and cultural arrangements.

The Australian Government's 2016 Defence White Paper refers to the 'rules-based global order' on 46 occasions. The document mentions the United Nations, but underestimates the UN's significant role in helping maintain international order. This was the first time the concept of a rules-based international order featured so prominently throughout a Defence White Paper.³ The 2016 Defence White Paper states that: 'The stability of the rules-based global order is essential for Australia's security and prosperity.'⁴ And the document describes the rules-based global order as a '... broad architecture of international governance which has developed since the end of the Second World War. This governance framework, including the United Nations, international laws and conventions and regional security architectures, has helped support Australia's security and economic interests for 70 years.'⁵

Although this assessment is correct, the 2016 Defence White Paper fails to fully acknowledge the critical work of the United Nations in ensuring the rules-based international order, or to explain how national Defence capabilities and priorities support the UN's efforts to maintain peace and security—the cornerstone of a rules-based international system. The document fails to highlight the significant occasions on which Australia's national security interests have been pursued through the United Nations. Little mention is made of the importance of UN peace operations, peacebuilding and conflict prevention, or of Australia's critical support to the United Nations in these essential endeavours for the maintenance of peace and security.

➤ RULE-OF-LAW

A key aspect of the rules-based international order is the development of international law. While international law has been in existence long before the UN's formation, one of the UN's achievements has been to develop and strengthen international law. The UN Charter specifically seeks to 'establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained...'. As such, the UNGA has adopted important multilateral treaties, including:

- The Convention on the Prevention and Punishment of the Crime of Genocide (1948),
- the International Convention on the Elimination of All Forms of Racial Discrimination (1965),
- the International Covenant on Civil and Political Rights (1966),
- the International Covenant on Economic, Social and Cultural Rights (1966),
- the Convention on the Elimination of All Forms of Discrimination against Women (1979),
- the United Nations Convention on the Law of the Sea (1982),
- the Convention on the Rights of the Child (1989),
- the Comprehensive Nuclear-Test-Ban Treaty (1996),
- the International Convention for the Suppression of the Financing of Terrorism (1999), and
- the Convention on the Rights of Persons with Disabilities (2006).

3 The 2013 edition made reference on eight occasions; the 2009 edition four times (referred to as 'multipolar global order'); and nil in the 2000 edition. Department of Defence, 'White paper: links and downloads: previous white papers', DoD website.

4 Australian Government, '2016 Defence White Paper', Department of Defence, p. 15.

5 Ibid., p. 45.

Professor Ramesh Thakur (a former UN Assistant Secretary-General) points out the importance of the United Nations as a 'symbol of global governance'. Thakur maintains that the:

“... UN will remain relevant for setting international standards and norms to regulate interstate behaviour. Norms, laws and treaties for governing the global commons will either be negotiated in UN forums, or ratified by the UN machinery. Its humanitarian service delivery functions are widely appreciated. Its peace operations offer the best crossover between cost efficiency and effectiveness.’ And, ‘There is no foreseeable substitute for the UN’s institutional and political legitimacy. If international consensus exists, the United Nations can provide the most authoritative forum for translating that into new norms, treaties, policies and operations. No other forum could leverage that process more efficiently or effectively.’⁶

> UN PROGRAMS

Through its extensive global programs, funds, commissions and offices the United Nations makes a significant and positive contribution to the rules-based international order. The key agencies are:



UNDP: The United Nations Development Programme *works in nearly 170 countries and territories, helping to eradicate poverty, reduce inequalities and build resilience so countries can sustain progress. As the UN's development agency, UNDP plays a critical role in helping countries achieve the SDGs.*



UNICEF: The United Nations Children's Fund provides long-term humanitarian and development assistance to children and mothers.



UNHCR: The United Nations High Commissioner for Refugees protects refugees worldwide and facilitates their return home or resettlement.



WFP: The World Food Programme *aims to eradicate hunger and malnutrition. It is the world's largest humanitarian agency. Every year, WFP feeds almost 80 million people in around 75 countries.*



UNODC: The United Nations Office on Drugs and Crime helps Member States fight drugs, crime, and terrorism.

⁶ R Thakur, 'Presence of UN makes exercise of power more effective: the body is a symbol of global governance', The Australian, 26 June 2012, p. 9.



UNFPA: The United Nations Population Fund is the lead UN agency for delivering a world where every pregnancy is wanted, every birth is safe, and every young person's potential is fulfilled.



UNCTAD: The United Nations Conference on Trade and Development is the United Nations body responsible for dealing with development issues, particularly international trade – the main driver of development.



UNEP: The United Nations Environment Programme established in 1972, is the voice for the environment within the UN system. UNEP acts as a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment.



UNRWA: The United Nations Relief and Works Agency for Palestinian refugees has contributed to the welfare and human development of four generations of Palestinian refugees, now numbering more than five million. Its services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict. It reports only to the UNGA.



UN Women: UN Women merges and builds on the important work of four previously distinct parts of the UN system, which focus exclusively on gender equality and women's empowerment.



UN-Habitat: The mission of the United Nations Human Settlements Programme is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all.



UN Photo/UNHCR

> INTERNATIONAL COURT OF JUSTICE

The ICJ was established under Chapter XIV of the UN Charter as the principal judicial organ of the United Nations. The ICJ has jurisdiction to decide on contentious cases brought before it by States (not individuals) and give advisory opinions to the United Nations or specialised agencies. While all members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice under the UN Charter (Article 93), its jurisdiction is restricted to States that consent to a matter being heard by the ICJ under the ICJ Statute (Article 35).

> INTERNATIONAL CRIMINAL COURT (ICC)

The permanent International Criminal Court was formally established on 1 July 2002 when the Rome Statute was ratified by 60 States. Unlike the ICJ, which only hears matters between States, the ICC can consider cases against individuals accused of genocide, crimes against humanity and war crimes that were committed on or after 1 July 2002. At present, 124 countries are State Parties to the Rome Statute, including Australia that signed the treaty on 9 December 1998 and ratified on 1 July 2002.

> UN SPECIALISED AGENCIES

Important contributions to an effective rules-based international order include a critical range of activities that many Australians take for granted—such as international post, air travel, telecommunications, banking and much more. None of these would be possible without a well-established rules-based international order developed through negotiation and consultations and administered as autonomous UN specialised agencies.

KEY SPECIALISED AGENCIES INCLUDE:

TELECOMMUNICATIONS.

The International Telecommunication Union (ITU) is the oldest international organisation, which was established in 1865 during the time of the telegraph. The ITU's role is to allocate global radio spectrum and satellite orbits, develop the technical standards that ensure networks and technologies seamlessly interconnect, and strive to improve access to ICTs to underserved communities worldwide. The ITU's membership is made up of public and private sector participants: 193 Member States, 700 technology companies and a number of academic institutions and ICT regulators.

POSTAL SERVICES.

The Universal Postal Union (UPU) is the second oldest international organisation having been established in 1874. The UPU sets the rules for international mail exchange and has 192 member states that finance the organisation. Australia has been a member since 1907. On 1 July 1948, the UPU became a specialised UN agency. The UPU is playing its part helping member states to work towards achieving the SDGs.

AVIATION.

International aviation agreements and standards were provisionally established in 1944 and then formalised as a UN specialised agency, the International Civil Aviation Organization (ICAO). The ICAO manages the Convention on International Civil Aviation (Chicago Convention), which is legally binding on 191 Member States. Australia is currently one of 36 ICAO Council members for the period 2016–2019.

FOOD.

The UN's Food and Agriculture Organization (FAO) was established in 1945 as a specialised UN agency, through the agreement of 44 governments including Australia. The FAO's main objectives are to:

- > eliminate hunger, food insecurity and malnutrition;
- > make agriculture, forestry and fisheries more productive and sustainable;
- > reduce rural poverty;
- > enable inclusive and efficient agricultural and food systems; and
- > increase the resilience of livelihoods to threats and crises.

Another food security related agency, the International Fund for Agricultural Development (IFAD), was established in 1977, initially as an international financial institution, and now has 176 Member States. IFAD's main focus is on eradicating rural poverty in developing countries.

FINANCE.

Following the Bretton Woods conference of July 1944, two organisations were formed: the International Bank for Reconstruction and Development (IBRD) and the International Monetary Fund (IMF). On 15 November 1947, the IBRD and the United Nations formalised their relationship. The IBRD later evolved into the World Bank Group of development institutions, currently including 189 members and comprised of the:

- > International Bank for Reconstruction and Development,
- > International Development Association,
- > International Finance Corporation,
- > Multilateral Investment Guarantee Agency, and
- > International Centre for the settlement of Investment Disputes.

The IMF was formed in 1944 with the primary purpose of ensuring the stability of the international monetary system—the system of exchange rates and international payments that enables countries (and their citizens) to transact with each other. The Fund's mandate was updated in 2012 to include all macroeconomic and financial sector issues that bear on global stability. The IMF has 189 member countries. Towards the end of 2016 the IMF had \$28 billion in outstanding loans to 74 nations.

➤ OTHER UN SPECIALISED AGENCIES

OTHER UN SPECIALISED AGENCIES ALSO MAKE IMPORTANT CONTRIBUTIONS TO THE RULES-BASED INTERNATIONAL ORDER. THESE INCLUDE:

- > the International Labour Organisation (ILO),
- > the International Maritime Organization (IMO),
- > the United Nations Educational, Scientific and Cultural Organization (UNESCO),
- > the United Nations Industrial Development Organization (UNIDO),
- > the World Health Organization (WHO),
- > the World Intellectual Property Organization (WIPO),
- > the World Meteorological Organization (WMO), and
- > the World Tourism Organization (UNWTO).

► OTHER SPECIALISED UN-AFFILIATED INTERNATIONAL ORGANISATIONS

THE UNITED NATIONS IS ALSO FORMALLY AFFILIATED WITH A NUMBER OF IMPORTANT MULTILATERAL ORGANISATIONS. THESE INCLUDE THE:

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA),

the world's centre for cooperation in the nuclear field. The Agency works with its Member States and multiple partners worldwide to promote the safe, secure and peaceful use of nuclear technologies.

WORLD TRADE ORGANIZATION (WTO),

a forum for governments to negotiate trade agreements, and a place where member governments try to sort out the trade problems they face with each other.

PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION (CTBTO),

promotes the Treaty (not yet in force) and the build-up of the verification regime so that it is operational when the Treaty enters into force.

ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW),

the implementing body of the Chemical Weapons Convention (CWC), which entered into force in 1997. OPCW Member States work together to achieve a world free of chemical weapons.

INTERNATIONAL CRIMINAL POLICE ORGANIZATION (ICPO-INTERPOL),

officially created in 1923 and has 190 member countries working together on a daily basis, using the databases, tools and secure communications systems that the Organisation offers.

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO),

established in 1921 as an intergovernmental consultative and technical organisation to support safety of navigation and the protection of the marine environment.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW (UNIDROIT),

originally a product of the League of Nations having been set up as an auxiliary organ in 1926. Following the demise of the League of Nations, UNIDROIT was re-established in 1940 under a multilateral agreement known as the UNIDROIT Statute. Only States that accede to the Statute can gain membership: currently there are 63 members, including Australia.



UN REFORM

Since its formation in 1945, the UN's structure and operations have been subject to significant scrutiny and change. The Organisation's traditional role in peace operations, for example, has changed remarkably in order to deal with the contemporary nature of international conflict and insecurity. A series of reviews have resulted in changes to the workings and composition of the UNSC, UNGA and the organisational structure and responsibilities of the Secretariat, but changes have been incremental.

► SECURITY COUNCIL REFORM

The powers of the UNSC include the establishment of peacekeeping and special political and peacebuilding missions, as well as the authorisation of international sanctions and military action. The UNSC is the only UN body with the authority to issue binding resolutions to member states and, unlike the UNGA which meets annually, it is on permanent stand-by to deal with emergencies. Along with the P5 members, the UNSC has temporary members on a rotating basis by geographic region. In its first two decades, the UNSC had six non-permanent members, which expanded to 10 in 1968. Non-permanent members are elected by the UNGA for two-year terms starting on 1 January, with five replaced each year. Despite the many changes that have occurred within the UN system, reform of the UNSC has proved the most difficult, with P5 members failing to agree on changes to composition and veto rights.

The use of veto by the P5 members of the Council remains a particularly contentious issue. Substantial pressure to reform the UNSC has been building in recent years, with reform proposals being promoted by groups such as the Global Centre for the

Responsibility to Protect (GlobalR2P) and The Elders (an influential group founded by Nelson Mandela and currently chaired by former UN Secretary-General Kofi Annan).

- In May 2013, under the GlobalR2P umbrella, the Accountability, Coherence and Transparency (ACT) Group was formed, with 27 small and mid-sized countries promoting UNSC reform. In July 2015, the ACT Group circulated a Code of Conduct that called on Council members 'to not vote against any credible draft resolution intended to prevent or halt mass atrocities'. Two P5 members, France and the UK, recently demonstrated their willingness to promote veto restraint in cases where genocide or mass atrocities are being reported. The ACT Code of Conduct was officially launched in the UNGA on 23 October 2015.⁷
- On 7 February 2015, The Elders adopted a statement on strengthening the United Nations.⁸

⁷ General Assembly of the United Nations, 'Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes', statement, 23 October 2015

⁸ The Elders, 'Strengthening the United Nations', statement, 7 February 2015.

➤ ORGANISATIONAL REFORM

Numerous proposals for organisational reform have been put forward. Some of these have been accepted, including a resolution adopted on 3 October 1995 by the UNGA on strengthening the UN system. This resolution noted the work already underway at that time by numerous working groups on specific reform topics.⁹

In 1992, through the initiative of Secretary-General Boutros Boutros-Ghali, the UNSC adopted *An agenda for Peace: preventative diplomacy, peacemaking and peacekeeping*.¹⁰ This report highlighted that peacekeeping alone was insufficient to ensure lasting peace and set out four basic tracks through which peace might be pursued: preventative diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding. The Agenda for Peace stressed that the United Nations must always respect the fundamental sovereignty of Member States, and described the concept of post-conflict peacebuilding as action to identify and support structures that help solidify peace and avoid a relapse into conflict.

In 1997, Secretary-General Kofi Annan, presented a report to the UNGA, titled *Renewing the United Nations*, that sought to build on earlier reforms and further transform the leadership and management structure of the United Nations. Annan's aim was to 'renew the confidence of Member States in the relevance and effectiveness of the Organisation and revitalize the spirit and commitment of its staff'.¹¹ Many of Annan's proposals were adopted in UNGA Resolution 52/12 of November 1997, including:

- establishing the Deputy Secretary-General position;
- revitalising the working methods of the UNGA;
- prescribing a time frame for concluding status-of-forces agreements between the UN and the host government for peacekeeping operations;
- revising the work undertaken by the Disarmament Commission and the First

Committee of the UNGA with the intent of updating, rationalising and streamlining; and

- discontinuing the High-level Advisory Board on Sustainable Development.

THERE HAVE ALSO BEEN IMPORTANT EXTERNAL EFFORTS TO REFORM THE UNITED NATIONS. FOR EXAMPLE:

- In September 2000, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS) to recommend how the international community should better respond to humanitarian and human rights disasters such as Rwanda and Srebrenica. In 2001 the ICISS, co-chaired by Gareth Evans (former Australian Foreign Minister and then President and Chief Executive of the International Crisis Group) and the Secretary-General's Special Advisor Mohamed Sahnoun (a senior diplomat from Algeria) presented their recommendations in a document titled *Responsibility to Protect (R2P)* which addressed the requirements to prevent and respond to acts of genocide, war crimes, ethnic cleansing and crimes against humanity.¹²
- In July 2005, former foreign ministers from Canada, Italy, Spain, Thailand, the United Kingdom and the United States, wrote an open letter to the *Wall Street Journal* calling for UN reform.¹³ The letter supported the establishment of the HRC, acceptance of the Secretary-General's definition of 'terrorism', recognition of the R2P norm, better support for the Community of Democracies (an international organisation comprising the government, civil society and private sector to promote democracy), and a greater commitment of aid from developed countries.¹⁴

9 United Nations General Assembly, 'Resolution adopted by the General Assembly: strengthening the United Nations system', A/RES/49/252, 3 October 1995.

10 *An agenda for Peace: preventative diplomacy, peacemaking and peacekeeping*, Report of the Secretary-General of the United Nations pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992.

11 United Nations General Assembly, *Renewing the United Nations: a programme for reform A/51/950*, 14 July 1997.

12 Report of the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, Ottawa, Canada, December 2001, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

13 M Albright, R Cook, L Dini, L Axworthy, A Palacio and S Pitsuwon, 'A new UN', *Wall Street Journal*, cited in Global Policy Forum, website, 8 July 2005.

14 Ibid.

- > In 2016, the ICM (headed by former Australian Prime Minister Kevin Rudd) presented its final report titled *Pulling together: the multilateral system and its future*. The report highlighted the urgent need for UN reform, identifying 10 general principles of change and recommending 15 specific issues that needed to be addressed if the United Nations was to be effective.¹⁵

In late 2003, Kofi Annan commissioned the High-level Panel on Threats, Challenges and Change to review the effectiveness of the United Nations in meeting contemporary challenges. The panel was chaired by Anand Panyarachun, a former Prime Minister of Thailand, and included Gareth Evans from Australia. The panel's report, *A more secure world: our shared responsibility*, was presented in late 2004 and recommended far reaching reforms.¹⁶ Annan used this report in preparing for the 2005 World Summit, for which he presented *In Larger Freedom: Towards Security, Development and Human Rights for All*. This ambitious report called for broad reforms, including expanding membership of the UNSC, replacing the CHR with a standing HRC, the adoption of R2P, and overhauling the Secretariat.¹⁷ Many of Annan's proposals were agreed by national leaders at the World Summit, including the application of the R2P norm, re-commitment to the Millennium Development Goals (MDGs), and the establishment of the HRC in 2006 to replace the CHR.¹⁸

Each year since the 2005 World Summit, the UNGA has continued to support the Ad Hoc Working Group on the revitalisation of the UNGA, resulting in numerous changes that are mostly

administrative in nature. In November 2015, Secretary-General Ban Ki Moon, remarked on the program to revitalise the work of the UNGA, noting improvements to the functions of the Office of the UNGA President following allegations of corruption against the President of the 68th Session.¹⁹ The Secretary-General called for greater transparency and accountability arguing that 'the United Nations should embody the highest level of integrity and ethical standards'. He acknowledged the work already achieved under the revitalisation program and welcomed the UNGA's involvement of civil society 'whose voices and actions can add great value to our work'. Part of the revitalisation program included measures for selecting and appointing future UN Secretary-Generals, which were implemented for the selection of Moon's replacement.²⁰

Before the succession of Antonio Guterres as the UN's ninth Secretary-General in January 2017, Moon oversaw the submission of a series of reform initiatives. Key amongst these were the report of the High-level Independent Panel on Peace Operations, *Uniting Our Strengths for Peace: Politics, Partnership and People*,²¹ chaired by Jose Ramos Horta, Nobel Peace Laureate and former President and Prime Minister of Timor-Leste; the Advisory Group of Experts on the 2015 Review of the United Nations Peacebuilding Architecture, *The Challenge of Sustaining Peace*;²² and the High-Level Advisory Group for the Global Study on the Implementation of UNSC Resolution 1325 (2000) on women, peace, and security, *Preventing Conflict, Transforming Justice, Securing the Peace*.²³ The implementation of the findings of these reports will be important in the UN's continuing reform program.

¹⁵ ICM, op. cit.

¹⁶ Report of the High-level Panel on Threats, Challenges and Change: *A more secure world: our shared responsibility*, 2004, http://www.un.org/en/peacebuilding/pdf/historical/hlp_more_secure_world.pdf.

¹⁷ UN World Summit, *In Larger Freedom: towards Security, Development and Human Rights for All*, September 2005.

¹⁸ United Nations General Assembly, '2005 World Summit outcome', A/RES/60/1, 24 October 2005; United Nations Human Rights Council, 'About the Human Rights Council', UNHRC website.

¹⁹ B Ki-Moon, 'Remarks to the General Assembly on the revitalization of the work of the General Assembly', speech, 3 November 2015.

²⁰ Ibid.

²¹ Report of the High-level Independent Panel on Peace Operations: *Uniting our strengths for peace: politics, partnership and people*, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/95.

²² Report of the advisory group of experts on the 2015 review of the UN peacebuilding architecture, *The Challenge of Sustaining Peace*, <http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FI.NAL.pdf>.

²³ Report of high-level advisory group for the global study on the implementation of Security Council resolution 1325 (2000) on women, peace and security, *Preventing conflict, transforming justice, securing the peace*, <http://www2.unwomen.org/-/media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf?vs=2435>.



PEACE AND SECURITY

– A SAFER WORLD

The UN Charter gives the UNSC primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility the Council may adopt a range of measures, including the establishment of UN peacekeeping operations, special political and peacebuilding missions, and/or the implementation of sanctions or military action.

The United Nations has no standing armed forces of its own and the military and police personnel deployed to field missions are provided by Member States. The legal basis for such action is found in Chapters VI, VII and VIII of the Charter. Chapter VI deals with the ‘Pacific Settlement of Disputes’; Chapter VII contains provisions related to ‘Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression’; and Chapter VIII provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security, provided such activities are consistent with the purposes and principles outlined in Chapter I.

The traditional role of peacekeeping, to monitor ceasefires and separate inter-state parties, was largely transformed following the end of the Cold War, with the United Nations increasingly being required to intervene in a growing number of intra-state conflicts. Some security actors no longer

respected geographic borders, international law, or the neutrality of the United Nations. The challenges facing peace operations were exacerbated by the increased threat of terrorism and organized crime, as well as the impact of human trafficking and environmental degradation on human security. The term ‘complex peace operations’ became commonplace to describe these ‘messy’ interventions. Since the end of the Cold War, peace missions have been increasingly deployed to help prevent conflict, stabilise fractured countries, and to help maintain the rule of law in insecure environments where there has been an uncertain peace to keep. In dealing with these complex situations the UN’s limitations were highlighted in the landmark *Report of the Panel on United Nations Peace Operations* (Brahimi Report) of 2000, commissioned by Kofi Annan. The Brahimi Report highlighted UN deficiencies and the lack of support from Member States, and recommended significant organisational change, improved unity

of effort, better planning and decision-making, and rapid deployment when required.²⁴ Since the Brahimi Report there have been continuing efforts to improve the effectiveness of the United Nations, including an initiative to enhance resources through strengthened partnership with Member States and regional organisations,²⁵ the development of guidelines to improve the protection of civilians,²⁶ and improved logistical support arrangements.²⁷ Despite these significant efforts, however, there remains much room for improvement, as identified in the report of the 2015 *High-level Independent Panel on Peace Operations* (already referred to). Among other initiatives, the panel's report called for greater attention on conflict prevention mechanisms and peacebuilding, to be better facilitated by an overhaul of the UN's inefficient personnel management system.

The UN's limitations in peace operations notwithstanding, it is clear that the world would be far less secure and millions of people more at risk without the United Nations. For example, a 2005 RAND Corporation study concluded that 'the United Nations provides the most suitable institutional framework for all but the largest and most demanding of nation-building missions due to the UN's comparative low cost structure, high success rate, and high degree of international legitimacy'.²⁸ The study compared UN nation-building efforts to those of the United States and found that UN missions were far more cost effective and successful, with seven out of eight UN case studies having resulted in peaceful outcomes at that time.²⁹

The United Nations peacekeeping 'Capstone Doctrine' describes the five main measures available to the United Nations.³⁰ In reality, these measures are seldom implemented in isolation and interventions often reflect elements of all categories:

CONFLICT PREVENTION

involves the application of structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering and a careful analysis of the factors driving the conflict. Conflict prevention activities may include the use of the Secretary-General's 'good offices', preventive deployment or confidence-building measures.

PEACEMAKING

generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. The United Nations Secretary-General, upon the request of the UNSC or the UNGA or at his/her own initiative, may exercise his/her "good offices" to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organisations or the United Nations. Peacemaking efforts may also be under-taken by unofficial and non-governmental groups, or by a prominent personality working independently.

PEACEKEEPING

is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements—military, police and civilian—working together to help lay the foundations for sustainable peace. The three guiding principles underlying all peacekeeping operations are: consent of the parties, impartiality, and the non-use of force except in self-defence and defence of the mandate.

24 UN A/55/305-S/2000/809, 21 August 2000, Report of the Panel on United Nations Peace Operations (Brahimi Report), <http://www.un.org/documents/ga/docs/55/a55305.pdf>.

25 A New Partnership Agenda: charting a new horizon for UN Peacekeeping, Department of Peacekeeping Operations and Department of Field Support, New York, July 2009, <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>.

26 Protecting Civilians in the Context of UN Peacekeeping Operations: successes, setbacks and remaining challenges, New York, November 2009, http://reliefweb.int/sites/reliefweb.int/files/resources/B752FF2063E282B08525767100751B90-unocha_protecting_nov2009.pdf.

27 UN Global Field Support Strategy, A/64/633 26 January 2010, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/64/633.

28 RAND Corporation media release 2005, <http://www.rand.org/news/press/2005/02/18.html>.

29 RAND Corporation, James Dobbins et al, The UN's Role in Nation-Building: from Congo to Iraq, 2005. The eight case studies were Belgian Congo, Namibia, El Salvador, Cambodia, Mozambique, Eastern Slavonia, Sierra Leone and Timor-Leste. http://www.rand.org/content/dam/rand/pubs/monographs/2005/RAND_MG304.pdf.

30 United Nations, United Nations Peacekeeping Operations; Principles and Guidelines, United Nations Department of Peacekeeping Operations, 2008, p. 13.

Peacekeeping is financed in the same way as the broader United Nations with a system of assessed contributions. In practice this means that countries with developed economies pay more and those with less developed economies tend to provide the bulk of the personnel.

PEACE ENFORCEMENT

involves the application, with the authorization of the UNSC, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the UNSC has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.

PEACEBUILDING

involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the State.

As at June 2016, 102,081 military, police and civilian personnel were serving in 16 peacekeeping missions with a peacekeeping budget of around US\$8.2 billion per annum.³¹ In addition, 3,701 UN personnel were deployed on 11 political and peacebuilding missions,³² while numerous special envoys, advisers and rapporteurs were actively pursuing peace initiatives in trouble spots around the globe.

Although Australia has been a consistent contributor to UN peace operations, by December 2016 it's contribution had fallen to an all time low. With only 36 peacekeepers deployed (16 troops, 13 military experts and seven police), Australia was ranked a lowly 87th,³³ thereby enabling Australia to have only limited influence in the important Special Committee on Peacekeeping Operations, which was established on 18 February 1965 to conduct a comprehensive review of issues relating to peacekeeping.³⁴

102,081
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per annum

36
Australian
peacekeepers
deployed
in 2016

31 The breakdown of the 102,081 personnel was: military 87,254, police 13,079, civilians 1,757, <http://www.un.org/en/peacekeeping/documents/Yearly.pdf>.

32 The breakdown of the 3,701 personnel was: uniformed (military and police) 838, civilian 950, locally engaged civilians 1,819, and UN Volunteers 94, http://www.un.org/undpa/sites/www.un.org.undpa/files/ppbm_November_2015.pdf.

33 Refer http://www.un.org/en/peacekeeping/contributors/2016/dec16_2.pdf.

34 UN Special Committee on Peacekeeping Operations, <http://www.un.org/en/peacekeeping/ctte/CTTEE.htm>.



HUMANITARIAN ACTION AND HUMAN RIGHTS – A FAIRER WORLD

In addition to the work of the UNSC, the UNGA, the Secretariat, and its numerous peace missions, the Organisation provides an enormous contribution in the critical areas of humanitarian action and human rights, both of which are key contributors to an effective rules-based international order.

One of the purposes of the United Nations, as stated in its Charter, is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character. The Organisation is relied upon by the international community to help coordinate humanitarian relief operations, mitigate the impacts of natural and man-made disasters, promote sustainable development through the SDGs and thereby reduce poverty.

> HUMANITARIAN ACTION

The UN's humanitarian action is coordinated through the Office for the Coordination of Humanitarian Affairs (OCHA), and implemented through its purpose specific humanitarian agencies, such as UNHCR and UNRWA (for refugees), WFP, UNICEF, UNFPA and UN-Habitat (mentioned earlier). UNDP plays a special role in managing development programs and providing UN Resident Coordinators in many countries to deal with disaster management. Australia has traditionally been a major contributor to the UN's humanitarian efforts, including with the resettlement of refugees (the current situation with Manus Island and Nauru notwithstanding).

> HUMAN RIGHTS

The United Nations has always performed a critical role in monitoring and improving human rights, particularly for the most disadvantaged in poorer countries and in regions affected by conflict. The HRC was established on 15 March 2006 to replace the CHR as a subsidiary organ of the UNGA (Resolution 251).³⁵ The change was made mainly because of complaints about 'excessive politicization' and States seeking membership 'to protect themselves against criticism or to criticize others'.³⁶ Through the CANZ group (Canada, Australia, New Zealand), Australia participated actively in supporting the establishment of the HRC, including the adoption of the Universal Periodic Review mechanism, under which the human rights records of all Member States are reviewed every four years. The HRC elevated human rights within the hierarchy of UN bodies, whereas its predecessor, the CHR, had been a functional commission of the ECOSOC. As a subsidiary organ of the UNGA, the HRC has the authority to submit relevant recommendations to the UNGA and other UN bodies via the Assembly.³⁷

³⁵ United Nations General Assembly, 'Human Rights Council', UNGA Resolution 251, A/RES/60/251, adopted 15 March 2006, distributed 3 April 2006.

³⁶ Ibid.

³⁷ United Nations General Assembly, 'General Assembly establishes new Human Rights Council by vote of 170 in favour to 4 against, with 3 abstentions', press release, 15 March 2006.

GLOBAL DEVELOPMENT

– A MORE SUSTAINABLE WORLD

► THE SUSTAINABLE DEVELOPMENT GOALS (SDGS)

In September 2000, the UN Millennium Declaration was adopted by Member States with a deadline of 2015. The eight targets for developing countries were known as the MDGs. The SDGs replaced the MDGs in September 2015, unanimously endorsed by all Member States as part of the 2030 Agenda for Sustainable Development. The SDGs are a set of 17 goals and 169 targets that all Member States are to achieve and report against. The purpose of the SDGs is to mobilize action over the next 15 years towards ending poverty and hunger, protecting the world from environmental degradation, and fostering prosperous, peaceful, just and inclusive societies. The 17 Goals are:

GOAL 1.

End poverty in all its forms everywhere

GOAL 2.

End hunger, achieve food security and improved nutrition and promote sustainable agriculture

GOAL 3.

Ensure healthy lives and promote well-being for all at all ages

GOAL 4.

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

GOAL 5.

Achieve gender equality and empower all women and girls

GOAL 6.

Ensure availability and sustainable management of water and sanitation for all

GOAL 7.

Ensure access to affordable, reliable, sustainable and modern energy for all

GOAL 8.

Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

GOAL 9.

Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

GOAL 10.

Reduce inequality within and among countries

GOAL 11.

Make cities and human settlements inclusive, safe, resilient and sustainable

GOAL 12.

Ensure sustainable consumption and production patterns

GOAL 13.

Take urgent action to combat climate change and its impacts. (Acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change.)

GOAL 14.

Conserve and sustainably use the oceans, seas and marine resources for sustainable development

GOAL 15.

Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

GOAL 16.

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

GOAL 17.

Strengthen the means of implementation and revitalize the global partnership for sustainable development



> CLIMATE CHANGE

Two key agreements have shaped the international community's approach to climate change, the 1997 **Kyoto Protocol**³⁸ and the 2015 **Paris Agreement**.³⁹

The Kyoto Protocol is an international agreement that commits developed countries to binding targets to reduce greenhouse gas emissions. Under the Protocol, countries must meet their targets primarily through national measures. However, the Protocol also offers them an additional means to meet their targets by way of three market-based mechanisms: International Emissions Trading, Clean Development Mechanism, and Joint Implementation. These mechanisms were designed to help stimulate green investment and help Parties meet their emission targets in a cost-effective way. The Kyoto Protocol also assists countries in adapting to the adverse effects of climate change by facilitating the development and deployment of technologies that can help increase resilience to the impacts of climate change. The Kyoto Protocol's first commitment period ran from 2008 to 2012 and aimed to reduce the collective greenhouse gas emissions of developed country Parties by at least five per cent below 1990 levels. In 2012, the Protocol was amended to establish a second commitment period from 2013 to 2020. Australia ratified the Protocol on 3 December 2007.⁴⁰

The Paris Agreement was adopted by all 196 Parties to the United Nations Framework Convention on Climate Change (UNFCCC) during a conference in Paris held from 30 November to 12 December 2015. The Agreement obliges all Parties to take coordinated action to address climate change from 2020. Key elements of the Agreement include:

- > a global goal to hold average temperature increase to well below 2 degrees centigrade and pursue efforts to keep warming below 1.5 degrees centigrade above pre-industrial levels;
- > all countries to set mitigation targets from 2020 and review targets every five years to build ambition over time, informed by a global stocktake;

- > robust transparency and accountability rules to provide confidence in countries' actions and track progress towards targets;
- > promoting action to adapt and build resilience to climate impacts; and
- > financial, technological and capacity building support to help developing countries implement the Agreement.

Under the Agreement, Australia has set a target to reduce its greenhouse emissions by 26-28 percent below 2005 levels by 2030. The Agreement entered into force on 4 November 2016.

> THE UN GLOBAL COMPACT

The United Nations Global Compact (UNGC) is the world's largest corporate sustainability initiative, with over 12,000 participating businesses and other organisations. The UNGC works with business to create a sustainable and inclusive global economy that delivers lasting benefits to all people, communities and markets. UNGC is both a practical framework for action and a platform for demonstrating corporate commitment and leadership. The initiative combines the global reach, convening power and moral authority of the United Nations with the private sector's solution-finding strengths and the expertise and capacities of a range of stakeholders. UNGC members voluntarily pledge to:

- > operate responsibly in accordance with the UNGC's;⁴¹
- > take actions that support the society around it;
- > commit to the effort from the organisation's highest level, pushing sustainability deep into its DNA;
- > report annually on the organisation's ongoing efforts; and
- > engage locally where the organisation has a presence.

38 The information in this section is drawn from United Nations Framework Convention on Climate Change, 'Kyoto Protocol', n.d., accessed 3 November 2016.

39 Refer <https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>

40 Australia adopted a Quantified Emissions Limitation or Reduction Obligation (QELRO) limiting Australia's emissions growth over the first commitment period to 108 per cent of 1990 levels. Australia submitted a second commitment period QELRO of 99.5 per cent, consistent with the Government's unconditional target to reduce emissions by five per cent below 2000 levels by 2020.

41 Refer <http://www.unglobalcompact.org.au/about/principles/>, downloaded 7 February 2017

Inform.

Inspire.

Engage.

CONCLUSION

In an increasingly multipolar and unpredictable world order a commitment to an effective rules-based international system is required more than ever. The United Nations continues to be central in promoting global stability, human rights and sustainable development, and for small and medium countries, including Australia, the Organisation provides a neutral platform and force multiplier. But there are no easy solutions in the quest for durable peace and security, for ensuring justice and human rights for all, and for alleviating poverty and working collectively for a more sustainable world. The United Nations is far from perfect and in need of continuing reform, but the world is far better for the United Nations and there is no viable alternative to replace it. If Member States want the Organisation to work efficiently then they must provide sufficient resources and advocate for meaningful reform. Born from the horrors of the Second World War and its more than 50 million victims, there should be no appetite to return to an anarchic world with senseless competition between major and emerging powers.

More than 70 years ago Australia played an influential role in the establishment of the United Nations. Australia can boast a proud record of continuing its support for the Organisation, often to the benefit of its own national security interests in the Asia Pacific region. Given contemporary international uncertainty the United Nations needs Australia's support more than ever ... and Australia needs the United Nations more than ever. In addition to continuing to provide significant financial contributions, Australia should nominate for more senior positions within the Organisation, and should reclaim its historical influence by contributing more purposefully to the UN's efforts in conflict prevention, peacekeeping and peacebuilding. In so doing, Australia will make a significant contribution to enhancing the rules-based international order.



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