

# **Israel and the Reform of the UN**

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The fiftieth anniversary of the United Nations produced an unprecedented amount of publications on the imperative need to “reform the UN.” Some of these publications were encouraged by the United Nations General Assembly which invited its members, in September 1995, to submit their views and proposals with regard to the “Strengthening of the UN System.”<sup>1</sup> For some reason, the reaction of Israel to the General Assembly’s initiative was awaited with attention by numerous member states.<sup>2</sup> In early 1996, the author was asked by the Israeli Foreign Ministry to produce a report on the reform of the UN for Israel’s Permanent Mission to the United Nations. The main conclusions of this report are summarized in the present article.

Israel was asked to submit its proposals for the reform of the UN in a period of enthusiasm and optimism. Following the signature of the Oslo Agreements between Israel and the Palestine Liberation Organization (PLO), and of the peace treaty between Israel and the Hashemite Kingdom of Jordan, it seemed that the Middle-East was undergoing profound changes and that Israel’s international position was enjoying some unprecedented improvement. The Foreign Ministry’s general *Zeitgeist* was that the world was entering a new historical period, that Israel was finally joining the family of nations, and that Israel’s proposals for the reform of the UN should be formulated accordingly.

The present article argues that the Foreign Ministry was overly optimistic. Our argument is built upon three central ideas: 1) The “reform of the UN” is a euphemism used by member states to modify the UN system to their own advantage; 2) Since the United Nations is an organization of sovereign states with different interests, there is no objective need to reform the UN; 3) Neither the demise of the Soviet Empire nor the Oslo process have generated an international nirvana, and Israel should be aware of its own interests with regard to the reform of the UN.

## THE UNATTAINABLE REFORM

The proliferation of publications on the reform of the UN is not unrelated to the UN’s fiftieth anniversary; however, the need to reform the UN is far from being a recent concern. As pointed out by two specialists on the matter: “If the UN had one dollar to spend for every word written about UN reform, world poverty would rapidly become a distant memory.”<sup>3</sup>

The expression “reform of the UN” appeared in the UN jargon in the early 1950s. Since the UN started its activities, numerous intergovernmental committees and groups of experts have examined such issues as methods of work, financial difficulties, personnel policies, decentralization, structure of the Secretariat, etc. Until the mid-1960s, initiatives for reflections and change were generally initiated by the Secretary-General, such as the Group of Three Experts in 1954, the Salaries Survey Committee in 1957, or the Group of Eight Experts in 1960.<sup>4</sup>

In 1965, the General Assembly created a Special Committee entrusted with the task of finding a solution to the Organization’s financial crisis.<sup>5</sup> The Committee’s main conclusion was that Member-States should be fully informed on UN programs

and expenditures. A Joint Inspection Unit (JIU) was created with the task of investigating all matters related to the Organization's expenditures and accountability. The JIU's powers, however, were soon jeopardized by the nomination of unqualified candidates and the general hostility it aroused among UN chief executives.<sup>6</sup>

In 1969, the Governing Council of the United Nations Development Program (UNDP) commissioned Sir Robert Jackson, a British officer and UN veteran, to evaluate the ability of UNDP and other specialized agencies to dispense the aid money of the UN. Jackson reported that comprehensive overhaul of policymaking and financial control (including ECOSOC control over specialized agencies' budget and policies) were two core conditions for the efficiency of development programs.<sup>7</sup> He also contrasted the inefficiency of UNDP and other UN specialized agencies with the high level of competence and competitive management of the World Bank. While the World Bank had an integrated approach and produced tangible results at reasonable cost, the "UN development system" was costly and inefficient. Developing countries, however, preferred the aid of organizations not subject to the World Bank's system of voting weighted according to financial contribution, as they knew that their policies would not meet the World Bank's criteria for efficiency and reliability.

Jackson's suggestions failed to be enacted. UNDP maintained its policy of automatically allocating to the specialized agencies projects that fell within their "jurisdiction." Unwilling to challenge the agencies' monopoly rights, UNDP set up special funds to attract donor finance that it could keep under its own control. Meanwhile, UNDP's technical assistance was outweighed by that of the World Bank both in quantity and quality.

The hostility aroused by this report among developing countries was predictable. Less understandable was the lack of will of Western governments to put

its recommendations into practice. After all, they were (and still are) the main contributors to the UN technical assistance programs and had a genuine interest in knowing how their money was being spent. One of the most logical explanations is that Western governments feared that limiting the autonomy of specialized agencies through the tight control of ECOSOC would inevitably affect the independence of the World Bank and the International Monetary Fund (IMF). Indeed, the strengthening of ECOSOC and its control over the UN “development system” was seen as a potential threat to the independence of the two Washington institutions.

The fate of the Jackson Report suggested that there were no terms on which a global reform of the UN was possible. It did not put an end, however, to the ritual proposals made by the General Assembly for “comprehensive studies” on “structural changes.”

In 1974, the General Assembly (on the initiative of developing countries) called for a new expert group to formulate “proposals on structural changes within the United Nations system so as to make it fully capable of dealing with problems of international economic cooperation in a comprehensive manner.”<sup>8</sup> The General Assembly’s majority (essentially composed of developing countries under the political leadership of the Soviet Union) passed this resolution with the half-declared intention of using the UN for the creation of a New International Economic Order (NIEO). A group of twenty-five “experts” (mostly politicians and diplomats) was established under the Authority of Prof. Richard Gardner from Columbia University. The “Gardner Report,” as it happened to be called, recommended the creation of a post of Director-General for Development, and the extension of the role of the Committee for Program and Coordination (CPC).<sup>9</sup> The main emphasis of the Report was the need for stronger central direction of the UN’s development policy. The Director-General

would be responsible for a single United Nations Developmental Authority (UNDA). The twenty-four separate UN operational units would merge (except, for no stated reason, UNICEF) into UNDA. Referring to the Havana Charter of 1948, the Gardner Report recommended the establishment of an International Trade Organization. The United Nations Conference on Trade and Development's (UNCTAD) non-trade functions would be assumed by the General Assembly, ECOSOC, and the Secretariat. The Report also recommended a redistribution of the voting rights at the World Bank and the IMF (fifteen of the twenty-five "experts" were nationals of Third World countries, such as Manuel Pérez Guerrero, an ardent advocate of the "New International Economic Order").

The seventh special session of the General Assembly decided to review the Report's proposals, which were apparently not enough in tune with the new ideological *Zeitgeist* of the UN. A new committee was set up under the authority of Kenneth Dadzie of Ghana, with the task of making the UN "more responsive to the requirements of the provisions of the Declaration and Program of Action of the Establishment of a New International Economic Order (NIEO) as well as those of the Charter of Economic Rights and Duties of States."<sup>10</sup> The ultimate aim of the developing countries was to subject the World Bank and the IMF to the authority of the General Assembly. Such a proposal was obviously unacceptable to developed countries. A compromise was finally reached in 1978, but most of the minor changes which came into effect "failed to produce the 'integrated approach to development' for which the General Assembly ritually and unconvincingly continued to call for."<sup>11</sup>

In 1985, Maurice Bertrand, a member of the Joint Inspection Unit, published an unexpected report calling for a sweeping reform of the UN.<sup>12</sup> Bertrand argued that the structure of the UN system was grounded on three false notions: 1) that peace

could be maintained through an institution, 2) that development could be attained through a non-integrated sectoral approach, and 3) that world consensus could be reached without the prior establishment of negotiating structures acceptable to all the participants. Peace, according to Bertrand, could only be guaranteed by economic stability. To this end, he proposed the creation of an “Economic Security Council” which would replace ECOSOC and UNCTAD. With regard to development, Bertrand suggested the setting up of “Regional Agencies or Enterprises for Development.” All the operational structures of the UN system, i.e. the major programs such as UNDP, Food Population, UNICEF and most of the technical cooperation services of the large specialized agencies (ILO, FAO, UNESCO, WHO, UNIDO) as well as UN Regional Commissions and the regional offices of large agencies, would merge into Regional Agencies or Enterprises for Development. The UN Secretariat and the secretariats of the large agencies would be reorganized under the authority of “Commissions” composed of independent personalities. The new Council would have an authority comparable to that of the Security Council.

The Bertrand Report presented an original and bold project to reform the UN and adapt it to its new challenges. However, UN diplomats decided to ignore it.

By the mid-1980s, the inability and unwillingness of the UN to meet United States demands for budget cuts and depolitization eventually compelled the Organization to consider once more the need to “reform the UN.” In August 1985, the United States Congress approved the Kassebaum Amendment which called for a 20% cut in the United States contribution to the UN budget, unless a system of weighted voting for financial decision-making was introduced. In October 1985, the Sundquist Amendment was passed to deny United States contribution to the salary of Soviet bloc UN staff members, in protest of their having to relinquish part of their pay

cheques to their own governments. In December 1985, the Gramm-Rudmann Act provided that if United States federal deficits were to be higher than those specified, starting in the 1986 fiscal year, funds were to be cut from most federal programs, including those concerning payments to the UN regular budget. The combination of these measures led to a reduction of about 50% in the United States contribution to the UN budget in 1986. The large-scale restriction of American assessed payments precipitated the UN financial crisis. By the end of 1985, eighteen member states (including four of the five Permanent Members of the Security Council) had combined withholdings up to \$120 million. Unpaid dues reached \$225 million in 1985. The UN's working capital fund of \$100 million was rapidly exhausted.<sup>13</sup>

Following this new financial crisis, another group of experts (the Group of Eighteen) was established by the General Assembly in 1986. Its report was nothing more than a repetition of past proposals on coordination, planning, programming, and evaluation.<sup>14</sup> For the first time, however, several abusive practices and problems of mismanagement were openly criticized, especially the unjustified proliferation of posts of Under-Secretary-General and Assistant Secretary-General, the inadequacy of qualifications of high-ranking civil servants, and the complex and fragmented structure of the Secretariat. The report recommended a reduction of the number of Under-Secretary-General and Assistant Secretary-General posts by 25% over a period of three years.

The Group of Eighteen could not reach an agreement regarding the creation of a mechanism aimed at controlling the UN budget. However, many of its experts advocated the creation of a Committee of Program and Budget which would give the major contributors the possibility of sizing the UN budget and advise the General

Assembly on the content of UN's programs. This proposal did not meet the support of the Group's majority.

The General Assembly approved by Resolution 41/213 of December 19, 1986 (with a number of reservations) the recommendations of the Group of Eighteen regarding the structure of the Secretariat, staff reduction, personnel policy, inspection, coordination, etc. With regard to the budget, the General Assembly decided to request the Secretary-General to prepare a draft for the programmed budget one year in advance, and to give the existing Committee for Program and Coordination (CPC) the mandate to consider this draft. In response, the American Administration informed the UN Secretariat that it would recommend to Congress to reconsider its financial policy towards the UN.

The tension between the UN and the United States was reduced, but no common basis between developed and developing countries was found for overwhelming reform of the UN.

Reforming the UN is a quasi-impossible task. The United Nations included fifty-two members in 1945, most of them being former allies in the war against totalitarian regimes. In less than twenty years, the number of member states trebled and the former World War Two allies (the United States and the Soviet Union) became irreconcilable enemies. The voting system of the General Assembly (one country=one vote) gave an absolute majority to the Third World and Communist Bloc. Western countries, now a minority in the Organization, were still the main providers of the UN budget and kept their power of decision solely at the Security Council (because of the American, British, and French veto power) and at the Bretton Woods Institutions (because of the weighted voting system). The United Nations became the arena of East-West and North-South conflict. Western countries, while financing



three-quarters of the UN budget, had lost control of the “Machine.” Developing countries, which enjoyed numerical preponderance at the General Assembly, saw in the Security Council, the World Bank and the IMF, the last citadels of “Western Imperialism” which had to be replaced by the New International Economic Order.

The notion of “UN reform” became the hypocritical euphemism used by each bloc to change the system to its advantage. The United States evoked the need to “rationalize” and “restructure” the UN system to extricate itself from the money pit, while developing countries gave as a pretext “profound changes” in the world order to extend their majority to the Security Council and the Bretton Woods institutions. The attempt to reform the UN was bound to fail because of the conflicting interests between member states.

## THE IMPOSSIBLE CONSENSUS

Some observers believe that the end of the Cold War increased the need for an active and powerful UN in world affairs and laid down the conditions for consensus between member states, which would supposedly allow a profound reform of the UN.<sup>15</sup> However, the end of the systematic opposition between the United States and the Soviet Union did not alter the fact that every member state only considers the need to reform the UN in the light of its own interests, and that Israel should be aware of the fact that some of the suggested reforms might endanger its security and sovereignty.

### *Institutional Reforms*

Institutional reforms mean the restructuring of UN organs such as the Security Council, the General Assembly, and the Economic and Social Council (ECOSOC). They imply a revision of the Charter, which requires a two-third majority in the General Assembly and approval by the five Permanent Members of the Security Council (Article 108 of the UN Charter). The most debated issue is the reform of the Security Council. This debate illustrates the divisions between member states, especially between the Permanent Members of the Security Council and the non-Permanent Members.

The present structure of the Security Council is described by a wide majority of member states as an anachronistic survival of the post-World War II political context. Some major regional and world powers (such as Japan, Germany, India, Brazil, and Nigeria) claim a permanent seat at the Council, while medium size powers advocate an enlargement of non-permanent seats. These claims have been endorsed by numerous scholars and research institutions.<sup>16</sup>

Since Israel is the only member state of the United Nations which does not belong to any regional grouping, it has absolutely no chance to be elected to UN bodies, such as the Security Council. Israel, therefore, would not directly benefit from an enlargement of the number of non-permanent seats. But besides this absence of gain for Israel, the enlargement of the Security Council might create, within the UN system, a new type of balance of power which would not coincide with the interests of Israel.

The relationship between the Security Council and the General Assembly is similar to that between Parliament and Government in parliamentary democracies: the legislative power tries to control and limit the autonomy of the executive power. Aware of this danger, the drafters of the UN Charter introduced an article (Article 12)

aimed at preventing possible encroachment of the General Assembly upon the activities of the Council. Article 12 of the Charters provides *inter alia*: “While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.” This article progressively eroded with the admission of new member states hostile to the “hegemony” of the Security Council. It became obsolete because of the General Assembly’s alacrity to condemn Israel at any cost, and regardless of the Charter’s provisions. As Michael Reisman explains: “During the Cold War, while the Security Council was frequently blocked, the General Assembly grew in the admission of many newly independent states. Many of them became increasingly restive about the Assembly’s limited powers.”<sup>17</sup> In order to bypass the limitations of Article 12, the General Assembly interpreted it so as to make recommendations on matters which the Security Council was also considering (such as, in 1968, South Africa, Southern Rhodesia and the Territories under Portuguese rule). Thus, as Professor Yehuda Blum explains: “In the practice of the United Nations, the initial effort to impose a broad restriction upon the Assembly’s powers has not been sustained, and the shift toward a more flexible and less technical interpretation ... gradually gained momentum in the fifties.”<sup>18</sup> Article 12 eventually became obsolete because of the General Assembly’s eagerness to condemn Israel. On December 17, 1981, the General Assembly voted a resolution condemning Israel for its annexation of the Golan Heights, notwithstanding the fact that the Security Council had begun its consideration of the same matter the day before and was scheduled to reconvene to vote on a draft resolution declaring the annexation null and void. This was the final *coup de grâce* to Article 12.

The de facto cancellation of Article 12 was not the only “victory” of the General Assembly on the Security Council. In 1963, the General Assembly obtained the enlargement of non-permanent membership from six to ten seats. Clearly, the General Assembly’s new majority of developing and socialist countries saw in this reform a mean to impose a “veto power over the Permanent Five.”<sup>19</sup>

Another enlargement of the Security Council would further increase the influence of the General Assembly’s majority on the Council. This influence is detrimental both for Israel and for the Security Council itself.

The exponential growth of new member states stemming from decolonization in the 1960s represented a strategic victory for the Arab world. The overwhelming majority enjoyed by Third World countries in the General Assembly became a strategic asset for the Arab states which masterly manipulated the well-known technique described by Holloway and Tomlinson in the following terms: “The formation of the largest bloc of Third World States can be roughly simplified as a bargain between Arab and African states: the Arab states voted with Africa to condemn South Africa and in return the African states voted with the Arab states to condemn Israel.”<sup>20</sup> The use of the General Assembly by the Arab world to fight Israel on the diplomatic scene produced an avalanche of obnoxious resolutions, whose culmination was the 1975 Resolution equating Zionism with racism. Although the “disappearance” of the “South African asset” and the Oslo process have rusted this smooth mechanism, the General Assembly’s majority remains the same. As Anne Bayefsky rightly noticed: “There are some who claim that the U.N. is undergoing profound changes since the Oslo agreement. There have been changes. They are not profound.”<sup>21</sup>

It is true, as pointed out by Shabtai Rosene, that “[the General Assembly’s endless and offensive resolutions against Israel] wasn’t very pleasant, but it didn’t kill us.”<sup>22</sup> However, had the Third World majority been as influential and powerful at the Security Council as it was at the General Assembly during the darkest hours of the Cold War and the Arab-Israeli conflict, the tactic used by the Arab states would not have limited itself to unpleasant but harmless diatribes. Clearly, a further extension of the General Assembly’s majority to the Security Council would not serve the interests of Israel, and might even be a threat to its security.

The Security Council would not benefit either from an extension of non-permanent seats and, subsequently, from a widened influence of the General Assembly’s majority on the Council. The politicization of the General Assembly, which reached its climax in the 1970s, seriously deteriorated the constitutional climate at the United Nations and encouraged gross violations of the UN Charter. Besides violation of Article 12 (mentioned above), the activism of some member states at the General Assembly and other UN bodies caused further erosion of the UN Charter. The attempts made by Iran in 1982 to exclude the Israeli Delegation from the UN, despite the absence of such recommendation from the Security Council, was an infraction of Articles 5 and 6 of the Charter. General Assembly Resolution 3210 (XXIX) of October 14, 1974, inviting the PLO to participate in the deliberations of the General Assembly, and Resolution 3237 (XXIX) of November 22, 1974, granting the PLO the status of observer, constituted a departure from a well-established practice of the Assembly, namely that non-governmental representatives could be heard only in the Assembly’s committees and that only States may be granted the status of observer.<sup>23</sup> Following these two resolutions, both the Economic and Social Council (ECOSOC) and the Economic Commission for Western Asia (ECWA) invited the

PLO to participate in their deliberations, thus violating their own Rules of Procedure and amending their status against the opinion of the Secretariat's Legal Department.<sup>24</sup>

It is thus difficult to escape the logical conclusion reached by Professor Yehuda Blum: "The 'uniqueness' of the PLO's status has been attained ... through a long series of systematic and deliberate violations of the relevant provisions of the Charter and of the rules of procedure of the various organs, as well as of long-standing practice and established custom."<sup>25</sup>

The Security Council itself was not totally immune from this wave of institutionalized illegalism. On January 12, 1976, the Security Council met to discuss the Middle-East problem, in conformity with Resolution 381 of November 30, 1975, and invited the PLO to participate in the debate, although the provisional Rules of Procedure of the Council provide only for member states of the Organization to enjoy such treatment. Thus, as Leo Gross pointed out: "The unprincipled majoritarianism of the Soviet and Third World blocs which all too often has come to prevail in the Assembly has found a second home in the Security Council."<sup>26</sup> Enlarging the Security Council would make this "second home" homier for those countries whose doubtful practices have caused a serious erosion of the UN Charter. Such a reform would therefore serve the interests of certain member states, but it is hard to see how it would serve the interests of the UN.

### *The Financial Crisis*

The financial crisis of the United Nations is commonly quoted by the supporters of the reform. It also illustrates, like the issue of institutional reforms, the lack of consensus between developed and developing countries.

According to *The Economist*, the UN's budget deficit reached \$400 million by the end of 1996. In December 1995, members' accumulated debts totaled at \$2.3 billion. The United States alone owes more than \$1.2 billion. Between August and December 1995, the \$176 million budgeted to pay for peace-keeping operations was borrowed to pay salaries.<sup>27</sup> The main reason for this financial crisis is the unwillingness of the American Congress to approve the contribution of the United States to the UN. As *The Economist* states: "The size of the American debt is overwhelming. Even Russia, the second-largest debtor, is promising to try to pay its arrears over a stated number of years. The United States is not ready even to start trying. A Republican Congress sees virtue in doing down a scorned UN."<sup>28</sup>

The Congress of the United States, accused by many member states of being irresponsible and cynical and of voluntarily bankrupting the UN, contends that there is no logical reason for asking the American taxpayer to finance an inflated and incompetent administration whose policy often challenges the interests of the United States. As Haim Herzog pointed out in 1978: "Ironically, the United Nations is still financed largely by the free world while it is increasingly run by the most extreme despotisms, whose primary aim is to use the Organization as an instrument against the free world."<sup>29</sup>

The United States, which alone shares 25% of the UN budget, is eager to ask for budget discipline, accountability, and reforms aimed at reducing waste and improving investment returns. On the other hand, those member states which contribute to 0.01% of the UN budget and are the main beneficiaries from UN development programs are quite satisfied with the existing scale of assessment and are not particularly affected by the global cost of the UN system.

The suggested solutions to the financial crisis of the United Nations reveal a wide gap between the interests of the United States and those of the developing countries. The United States “believes that the scales of assessments do not apportion the burden of financing the UN in a transparent manner reflective of current economic realities,” that it is “assessed too much for peacekeeping costs and that the UN system must be reformed comprehensively,”<sup>30</sup> and finally that “The financial crisis faced by the Organization is attributable primarily to ... an outmoded and unfair system of assessment and a lack of confidence in the management and structure of the Organization.”<sup>31</sup> Developing countries, on the other hand, maintain that “The current scale of assessments is not the cause of the crisis of payments, nor can the question of improving the financial situation be linked to the question of the overall reform of the Organization nor to the current methodology of the scale of assessment.”<sup>32</sup>

The United States is not the only country asking for a reconsideration of the scale of assessment. The European Union, for instance, also suggested a new scale. Israel should support the idea of reevaluating the scale of assessment, as it is unacceptable that the UN’s budget is almost entirely financed by five or six countries, and that this budget is voted by an ‘automatic majority’ (the General Assembly’s majority) composed of member states whose assessed share is comparatively low. Israel, however, should oppose any increase of its own share as long as it is excluded from regional groups. Some delegations have supported the idea that there should be “no representation without taxation,” i.e. that member states which do not pay their assessed share should not have the right to be elected to UN bodies. This idea is quite legitimate, but it also implies that there should be no taxation without representation. Since Israel is not represented in any of the UN bodies because of its status of pariah



state, there is no reason why it should be charged more money for the financing of an organization in which it does not enjoy the right of being elected.

In order to find a solution to the UN's financial crisis in the absence of consensus between member states, some scholars have suggested the creation of a supranational taxation system which would grant the UN with an independent funding, regardless of the capacity or willingness of member states to pay their assessed contribution. The underlying assumption is that "The U.N. --as well as the entire international public sector-- cannot not rely on government contributions to fund its expanded responsibilities."<sup>33</sup> The idea of a supranational income tax was first suggested by Professor James Tobin, winner of the 1981 Nobel Prize for Economics. Tobin advocated the setting up of a tax on foreign exchange transactions in order to deter short-term currency speculations and thus give governments a greater say in setting their own monetary policies. Tobin also noticed that such a tax would generate revenues which could be used for international development. Some authors further argued that this tax could become as well a source of income for the UN, especially for the financing of peacekeeping operations. However, as *The Economist* noticed: "It is ... unlikely that the tax would, as Mr. Tobin hoped, give governments much more autonomy in monetary policy (assuming for a moment that this is desirable). Indeed, the lower the tax, the greater this drawback is. Mr. Frankel points out that the speculators who assaulted the ERM were seeking (and got) returns far greater than the likely cost of a Tobin tax. The same goes, he says, for those who poured into the Mexican peso in the early 1990s and out again at the end of 1994."<sup>34</sup> Ruben P. Mendez suggested an alternative independent income system for the UN: the Foreign Currency Exchange (FXE). This free-market mechanism would supposedly be freed from the technical difficulties of the Tobin tax. The purpose of the FXE would be to

serve the foreign currency market in the same way that national bourses or securities exchanges provide markets for stocks and bonds. Such a system would lower the costs to end users of changing currencies, thus creating a “discount” market with comprehensive and centralized market information. It would lower the costs of changing money to end users by providing them with competitive prices for foreign currencies through access to other final buyers and sellers, which they now lack. According to Mendez, the FXE could “capture this market and charge for commissions, which may yield \$840 million a day.”<sup>35</sup>

Besides its technical difficulties, this solution raises a major problem. Like any other supra-national taxation system (such as the suggested “UN tax” on arms sales, currency transactions, natural resources, and international air and sea travel), it would ultimately prevent member states from controlling the UN budget. As far as the United Nations is an organization of sovereign states, it cannot and should not act as an independent body regardless of the will and decisions of member states. A supranational taxation system would also threaten the sovereign and exclusive right of states to levy taxes on their own citizens. It could therefore create absurd situations in which citizens of a given country would pay taxes to finance activities to which their own country is opposed. For instance, an Israeli citizen would have to pay a tax on the purchase of a plane ticket, which might contribute to the financing of UNRWA (United Nations Relief and Work Agency for Palestine Refugees in the Near-East) without his consent or that of his own government. Although the idea of finding alternative resources for the UN budget is legitimate and valuable, it might lead to situations in which citizens would finance activities that challenge the interests of their own country.

*Collective Security*

The first purpose of the United Nations, as stated by Article I of the UN Charter, is “To maintain international peace and security.” One of the main concerns of the advocates of the reform of the UN is to determine how the United Nations can better serve this purpose in the present international context. Once again, the suggested reforms reveal deep divisions between member states.

As Peter Wilenski incisively recalls: “Through the worst years of the Cold War the UN was no more than a bit player in international peace and security issues: at its worst a propaganda forum, at its best playing a supporting role in the provision of peacekeeping forces once regional hostilities had ceased.”<sup>36</sup> The demise of the Soviet Empire, the active role played by the Security Council in the liberation of Kuwait from Iraqi invasion in 1991, and the explosion of intrastate conflicts in the 1990s, have raised new hopes and created new challenges for the war-preventing and peace-keeping role of the United Nations. Most of the conflicts which typically arise in the present international system are quite different from those which broke out in the 1930s, thereby motivating the authors of the UN Charter. Many wars today are not caused by invasions or aggressions, but rather by the spread of local conflicts, generally of an ethnic nature. As the United Nations is increasingly called upon to settle these kinds of conflicts, it has been suggested to set up “peace enforcement units.” The Research Project for a More Effective United Nations advocates the creation of a “United Nations Emergency Reaction Corps.”<sup>37</sup> The Independent Working Group on the Future of the United Nations recommends “that a UN Rapid Reaction Force be established for urgent deployment on the decision of the Security Council.”<sup>38</sup> This Rapid Reaction Force would operate in conformity with the

provisions of Article 40 of the UN Charter. It would be replaced as soon as possible by regular peacekeeping or peace-enforcement troops provided by member states, for which it would not be a substitute.

The idea of peace-enforcement units is controversial and highlights some ideological discrepancy between developed and developing countries. Maurice Bertrand expressed the opinion, shared by most developing countries, that peace-enforcement units are “designed to allow the great powers, or the hegemonic ones, to use the UN when necessary for supporting their national interests or their conception of international order.”<sup>39</sup> Opponents to peace-enforcement units argue that, as they would not need the agreement of the parties taking part in the conflict, they would become an undeclared tool of “neo-imperialism.” In order to grant moral and legal justification to these peace-enforcement units, some French jurists introduced in 1987 the notion of *droit d'ingérence* (right to interfere/intervene) in international law. This concept, however, is quite controversial and has been treated with suspicion by developing countries. As Rosemary Righter pointed out, the *droit d'ingérence* might be seen “as an outwardly benign mask for a new form of neoimperialism. In the case of France in Rwanda, this was more than half-true.”<sup>40</sup>

Peace-enforcement units are meant to adapt peace-keeping operations to the post Cold War era. Peace-keeping operations, which are not mentioned in the UN Charter, were designed by Secretary-General Dag Hammarsköld as an alternative to the incapacity of the Security Council to act as the central UN body for the maintenance of international peace and security. These operations were originally supported by “middle powers” which were concerned with the inability of the Security Council to fulfill its primary role due to superpower rivalry. The proliferation of ethnic and intrastate conflicts has created a new need to which peace-keeping

operations are not suited. As Michael Renner explains: “The traditional peacekeeping model is based on the principles of impartiality, nonviolence, consent of all parties, and no deployment without an established cease-fire. It is workable in cases where the UN is called upon by the warring parties themselves to police a cease-fire. But it appears unworkable in the two types of situations that the UN is increasingly getting involved in: those in which it is invited to facilitate a demilitarization but the combatants fail to comply with the terms they early agreed to; and those in which it intervenes against the express wishes of one or more of the contenders, for humanitarian purposes.”<sup>41</sup> However, the alternatives suggested to the ill-adapted peace-keeping operations are controversial and reveal deep ideological disparities between member states.

The United Nations’ ability to maintain international peace and security remained limited even after the demise of the Soviet Empire. Boutros-Ghali’s *Agenda for Peace* soon appeared somewhat idealistic and unreal as the cooperation between the United States and the Soviet Union during the Gulf War did not last and did not lay down the foundations of a new security system. Therefore, while the Security Council is still impotent because of the lack of consensus between its Permanent Members, the alternatives to its inability to act (i.e. peace-keeping operations) are not adapted to the proliferation of ethnic conflicts, and the suggested solutions to this inadequacy (i.e. peace-enforcement units) are controversial and reveal ideological disputes between member states. Therefore, it is difficult to escape the logical conclusion reached by Abba Eban: “The central truth in diplomacy is that there are no collective solutions to individual crisis.”<sup>42</sup>

There is no more *volonté générale* among member states than among citizens of a same country. Rousseau’s eccentric idea implies, as he admitted himself, that a

citizen who does not identify with the “general will” will have to be convinced that he actually does. Threats and blackmail have been commonly used by certain member states in order to gather the majority needed at the General Assembly to pass their partisan resolutions. However, such devices do not suffice to build a two-third majority at the General Assembly and to obtain, at the same time, the support of the Permanent Members of the Security Council. Nor can the financial pressure from the United States (although efficient to obtain budget cuts) gather the required majority for the implementation of real reform.

### THE IMPROBABLE CHANGE

Israel has suffered, more than any other member state, from the “dictatorship of the majority” of the General Assembly. It therefore has an obvious interest in reforms aimed at limiting the disastrous effects of unbridled “majoritarianism.” Unfortunately, such reforms are very unlikely to take place.

#### *The Record of Israel at the UN: A Plea For Reform*

The relationship between Israel and the UN started on a confidence basis: the United Nations was founded as the result of an alliance against Nazi Germany and the forces of hatred and destruction which led to the genocide of the Jewish people. More than one million Jews fought in the ranks of the Allied forces that eventually crushed the Axis powers and brought the UN into being. The Isaiah Wall across the street from the United Nations building on First Avenue in Manhattan, proclaims the Jewish ideal of beating swords into plowshares. The vote of the General Assembly of

November 29, 1947, recommending the division of the British Mandate in Palestine into a Jewish State and an Arab State, created an emotional deference vis-à-vis the UN among Israeli politicians and diplomats. This emotional deference, however, was rapidly replaced by a gradual move described by Haim Herzog as “disenchantment, disapproval, distrust and finally defiance.”<sup>43</sup>

The first cause of the change of attitude of the UN towards Israel was the Soviet diplomatic “U-Turn” after the vote of the General Assembly on the Partition Plan. The Soviet Union had supported the Partition Plan as a mean to terminate the British presence in the Middle-East. With the end of the British Mandate, the Soviet Union had reached its first strategic goal. Encouraged by the seizure of power by nationalist and anti-western regimes in Damascus and in Cairo, the Soviets started their political conquest of the Middle-East. The new alliance between the Soviet Union and the nationalist Arab states had immediate repercussions on the Security Council’s attitude regarding the Arab-Israeli conflict. As Professor Ruth Lapidot explains: “In the Arab-Israeli conflict, the Security Council virtually lost its capacity to act as an impartial arbiter in 1953, when the Soviet Union decided to protect the Arab States against any Security Council censure, irrespective of whether they were in the right or in the wrong.”<sup>44</sup> This incapacity --or unwillingness-- to act started in the early 1950s. The Security Council remained silent when Syrian artillery shelled helpless fisherman in the Sea of Galilee or farmers in the Huley Valley. It did not react to the terrorist infiltrations from Jordan and Egypt causing the murder of Israeli citizens, or to Egypt’s policy preventing Israel from exercising its rights to free navigation through the Suez Canal. The 1967 crisis, however, was the most dramatic illustration of the Council’s inability to play its war-preventing role in the Middle-East because of the pro-Arab stance of the Soviet Union. While on May 19, 1967,

Secretary-General U Than declared that the situation in the Middle-East was “more disturbing, indeed, ... more menacing than at any time since the fall of 1956,”<sup>45</sup> the Soviet Union rejected, together with its Arab allies, the convening of the Security Council arguing that there were no “sufficient reasons for such a hasty convening of the Security Council and the artificially dramatic climate fostered by the Representatives of some Western Powers.”<sup>46</sup> Thus, the Council failed to deter the crisis. Had it not been paralyzed by the Soviet Union’s procrastinating attitude, the Security Council might have been able to prevent the escalation which led to the war of June 1967. This phenomenon repeated itself during the Yom Kippur war, and continued later on. While multiplying its attacks on Israel, the Council never condemned the Soviet invasion of Afghanistan, Vietnam’s invasion of Cambodia, Iraq’s invasion of Iran, or Libya’s invasion of Chad. Neither did it ever express any concern over the Israeli victims of terrorism. Thus, as Leo Gross rightly pointed out: “The members of the United Nations now seem to be moved to moral indignation only in selected cases, which deprives indignation of its moral basis.”<sup>47</sup>

The second cause of the change of attitude of the UN towards Israel was the emergence of a new majority in the General Assembly, which soon turned out to be hostile to Israel. As a result of the decolonization process, the number of member states grew exponentially in the 1950s and 1960s. By the mid-1960s, developing countries formed the largest voting bloc in the General Assembly. Voting alliances with the Soviet Union became a common practice, and this new strategic advantage was shrewdly exploited by the Arab States to pass resolutions against Israel, without any limitation. The most famous --and miserable-- consequence of this well-trained mechanism was the passing of the General Assembly’s Resolution of November 10, 1975 (mentioned earlier), equating Zionism with racism. The same day it passed this



resolution, the General Assembly established a Committee on the Exercise of the Inalienable Rights of the Palestinian People.<sup>48</sup> This committee published its first report in May 1976, endorsing the program of the PLO Charter (including the destruction of the State of Israel). This report was approved by the General Assembly on November 24, 1976, as the “basis for the solution of the Palestinian problem.”<sup>49</sup> The PLO used this committee to diffuse its propaganda through the UN. Millions of dollars from the UN budget were spent on movies, books, exhibitions, stamps, etc., presenting a one-sided version of the Arab-Israeli conflict and blaming Zionism for all the sorrows of the Middle-East. The domination of the “automatic majority” over the General Assembly also had regrettable consequences on the rhetoric and attitude of certain member states. In 1983, for instance, the Representative of Iran, Mr. Rajaie-Khorassani, expressed his hope that, in order to put an end to the “Zionist entity,” the Moslem countries “will soon consider the final solution.”<sup>50</sup> He then called the Representative of Israel a “Zionist entity agent with the retarded mind and archaic logic and with a polluted reasoning” without being called to order by the President of the Assembly. When the Representative of the United States, Congressman Solarz, protested against these obscene and venomous attacks, he was answered by the Representative of Syria: “We have a small amount of time. There are attempts in this hall on the part of the United States Representative to gain the Jewish vote.”<sup>51</sup>

The General Assembly’s new political bias affected the entire UN system. The Secretariat, whose staff is appointed by the Secretary-General “under regulations established by the General Assembly” (Article 101 of the UN Charter), unequivocally reflected this tendency. Pressures and maneuvers from the General Assembly have distorted the established quotas of member states’ representation at the Secretariat, thus replacing professional standards by political ones. Some applicants even reported

anti-Israeli and anti-Semitic discriminations.<sup>52</sup> The creation of the Secretariat's Division on Palestinian Rights by the General Assembly (General Assembly's Resolution 32/40 B, 2 December 1977) was another illustration of this political tendency.

The Economic and Social Council (ECOSOC) was also (and still is) affected by the effects of unbridled majoritarianism. This is particularly true for two ECOSOC subsidiary bodies, the Commission on Human Rights (CHR) and the Economic and Social Commission for Western Asia (ESCWA). CHR's membership is composed of government representatives appointed by ECOSOC on the basis of recommendations from regional groups which are not embarrassed to nominate notorious human rights abusers such as Libya, Sudan, or Iraq. While one quarter of the resolutions passed by the CHR over the past thirty years concern Israel, no condemnation was issued against Iraq in 1988 for the gassing of its Kurdish population.<sup>53</sup> Countries like Syria and China have also enjoyed total immunity. With regard to ESCWA, some unfair practices are also noticeable. While the ESCWA's Charter provides that only states should be members of the Commission, the PLO is registered as a member of ESCWA. Israel, on the other hand, is excluded from this body despite the fact that it is a West-Asian state.

UN Specialized Agencies and Conferences were not immune either from the effects of "majoritarianism." In 1974, the International Labor Organization (ILO) admitted the PLO to participate in its General Conference which condemned Israel for "racist" practices in the West Bank.<sup>54</sup> In 1975, the United Nations Educational Scientific and Cultural Organization (UNESCO) excluded Israel from its activities. In 1976, the World Health Organization condemned Israel for the state of health administration in the West Bank and Gaza and appointed a committee of inquiry to

check into the matter. The committee concluded that medical care in the Occupied Territories had actually improved since 1967. The WHO simply refused to consider the committee's "unexpected" report.<sup>55</sup> In 1981, the International Atomic Energy Agency (IAEA) suspended Israel from membership. UN Conferences also took part in this anti-Israel campaign. In 1976, the UN Conference on Water Resources spent most of its time condemning Israel. In 1980, the UN Conference on Women (Copenhagen) focused its work on an anti-Israel resolution and adopted a Program of Action which calling for the eradication of Zionism, referring to the Arab citizens of the State of Israel as a "conquered people," and calling the Israeli government "colonialist" and "racist."<sup>56</sup>

Last but not least, the record of Israel at the UN has to be examined in the light of the poor achievements of the UN in the pacification of the Middle-East and the fight against terrorism. The General Assembly boycotted the peace agreement between Israel and Egypt, and Secretary-General Kurt Waldheim did not even mention it in its annual report to the General Assembly. With regard to terrorism, the General Assembly recognized its legitimacy in Resolution 2708 (XXV) of 15 December 1970: "liberation movements" are entitled to use "all the necessary means at their disposal." It is also a well-known fact that the United Nations Relief and Works Agency for Palestine Refugees in the Near-East (UNWRA) has done very little to solve the refugee problem, but has proven to be a very reliable partner for the PLO to conduct its terrorist activities. As Avi Becker commented, "The transfer of control in the camps in Southern Lebanon from the UN Secretariat to the PLO was a type of open secret known to anyone who visited the camps."<sup>57</sup>

In sum, Israel has a genuine interest in supporting reforms intended at correcting the abuses of majoritarianism which have discredited the UN and from which it has suffered more than any other member state.

*Suggested Reforms to Improve the UN and Defend the Interests of Israel*

Limiting the deleterious effects of unbridled majoritarianism would both improve the credibility of the UN and lower the chances of isolating Israel. Moreover, the relics of the Cold War and of the Arab-Israeli conflict at the UN should be expunged.

Israel has an obvious interest in the reform of the UN, as it is the only member state which does not enjoy the right of being elected to UN bodies. Election of member states to the different UN organs (such as the Security Council, the International Court of Justice, or ECOSOC) is based on the regional grouping system, i.e. each regional group has a certain quota in the allocation of seats between member states in the elected bodies. Since Israel does not belong to any of these groups, it has no chance of being elected to UN organs. Although Israel is an Asian state, it is rejected by the Asian Group. Israel was not invited to the Bandung Conference in 1955 because it was considered a “white” nation, regardless of the fact that the Jewish people is multi-racial and that its cultural and historical roots are in Asia. Some members of the Asian Group argue that a comprehensive peace between Israel and the Arab world would “reintegrate” Israel in the Asiatic family, thus allowing Israel’s admission to the Asian Group. This argument is specious for two reasons. First, a successful outcome of the peace-process between Israel and its neighbors will never involve countries such as Iran, Iraq, Libya, and Sudan; therefore the opposition to

Israel within the Asian Group will never vanish, regardless of the political situation in the Middle-East. Second, it is unacceptable to insinuate that the admission of Israel to the Asian Group requires a certificate of good behavior (i.e. the return of Israel to its pre-1967 borders), as this contains the highest percentage of human rights abusers and international law transgressors. But, besides these obstacles, should Israel try to belong to the Asian Group anyway? To paraphrase Judah Halevi's famous verse ("My heart is in Asia, and I myself am in the West"), one could say that Israel is historically and culturally in Asia, but that it belongs to the West economically and politically. Moreover, Israel's strongest political support and ally (the United States) is a Western state. Despite its close political and economic ties with the West, Israel is also rejected from the group of "Western European and Other States." Apparently, Israel is more "Other" than countries such as Turkey and New Zealand, which do belong to this group. Some members of the Western Group argue that Israel should belong to the Asian Group. There seems to be no short-term solution to this hypocritical game.

Beyond this personal grievance, Israel should support reforms aimed at limiting the disastrous effects of majoritarianism, which both permitted the success of the anti-Israel propaganda at the UN and deeply discredited the UN itself. One of Montesquieu's major ideas in *De l'Esprit des Lois* is that "Pour qu'on ne puisse pas abuser du pouvoir, il faut que, par la disposition des choses, le pouvoir arrête le pouvoir."<sup>58</sup> Nothing can stop the General Assembly from passing resolutions whose letter and spirit contradict or even violate the principles of the Charter. Nothing can prevent the General Assembly from creating committees or other bodies whose legitimacy is questionable and whose activities contradict the provisions of the Charter. The Charter of the United Nations is the supreme legal and moral reference

of the Organization. Like Constitutions in democratic states, it is a legal document which binds its signatories. In contemporary democracies, the Constitution is generally the legal basis of the country's judicial system. In the United States, the Supreme Court may decide that a law is not constitutional and, therefore, not valid. In France, the Conseil Constitutionnel is entitled to prohibit the passing of a law by the Parliament, if it rules that such a law is not consonant with the Constitution. In other words, the majority does not have the power to overrule legal and moral principles which have been established and accepted as a supreme reference.

No such thing exists within the UN system. As demonstrated by Professor Yehuda Blum, the Charter of the United Nations eroded over the years under the deleterious effect of the "dictatorship of the majority." Since no legal mechanism was set up to protect the Charter, nothing could prevent the General Assembly's majority from infringing upon it and from distorting the originally conceived UN system. In the most advanced democracies, the judicial authority is the guardian of the Constitution. Such a system should be established at the UN, by strengthening and widening the powers of the International Court of Justice.

The redefinition of the role of the International Court of Justice has been suggested by distinguished scholars.<sup>59</sup> This redefinition should include the granting of an additional function to the Court, namely the capacity to rule out *a priori* General Assembly's resolutions. The International Court of Justice should serve, in addition to its existing functions, as the supreme authority for the respect and implementation of the UN Charter. Like the Conseil Constitutionnel in France, it should have the power to rule out *a priori* any resolution of the General Assembly if it deems that such a resolution contradicts or violates the Charter, or any of the legal established practices of the United Nations. The Secretary-General, the President of the General

Assembly, and any Member-State, should be entitled to submit controversial resolutions to the Court before the vote of the General Assembly. Such a reform would create a legal framework for the respect of the Charter and of the UN's legal practices, and would prevent the use of the General Assembly by certain member states as a forum for political propaganda.

Another way of controlling the effects of the General Assembly's extreme politicization is to put into practice the idea suggested by Leo Gross in 1983, namely the elimination of Rule 86 of the Rules of Procedures of the General Assembly.<sup>60</sup> This rule provides that the words "present and voting" of Article 18 of the UN Charter means "members casting an affirmative or negative vote. Member which abstain from voting are considered not voting." This rule was useful as long as the General Assembly's membership was small and when it was deemed necessary to pursue its agenda. Today, with a membership of 185 and a large number of permanent delegations which actively bargain for votes, the adoption of resolutions should be made more difficult. As Leo Gross explains: "A return to the Charter would not prevent the adoption of partisan or ideologically motivated resolutions but would make their adoption more difficult."<sup>61</sup> The infamous 1975 resolution equating Zionism with racism would not have been adopted, had abstentions been counted.

Israel should also demand the abolishment of UN bodies created under the pressure of radical member states in the context of the Cold War and of the Arab-Israeli conflict. The Secretariat's Division for Palestinian Rights, which was originally initiated by the PLO as a way to counter the Egyptian peace initiatives, is not compatible with the Middle-East peace-process and with the building of a constructive relationship between Israelis and Palestinians. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and

Other Arabs of the Occupied Territories, the Working Group on the Financing of the UN Relief and Works Agency for Palestine Refugees in the Near-East, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People, should also be abolished. The Committee on the Exercise of the Inalienable Rights of the Palestinian People discredited itself in 1976 by endorsing the PLO Charter as the “basis for the solution of the Palestinian problem.” The Oslo Agreements themselves (signed between the State of Israel and the PLO) call for the amendment of this Charter, as it is considered incompatible with the peace-process. Clearly, the existence of these bodies is an unnecessary relic of the Arab-Israeli conflict and of the extreme politization of the UN during the 1970s and 1980s. However, as the General Assembly continues every year to reconduct the mandate of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, it should adapt the mandate of this committee to the new realities of the Middle-East: since most of the Palestinians are now ruled by a Palestinian Authority whose record in the field of human rights has been criticized and denounced by the most reputed human rights organizations, the Committee should direct its inquiries on the violations, by the Palestinian Authority itself, of the Inalienable Rights of the Palestinian People.

Unfortunately, such reforms, for as desirable as they are, are very unlikely to be enacted. The General Assembly’s majority has no objective interest in limiting its own power, even if such a limitation would contribute to partly restore the credibility of the UN. The Oslo process has had very limited consequences, so far, on Israel’s “pariah state” status at the UN. The PLO and its supporters are not inclined to abandon the Palestinian institutions of the UN, despite their irrelevance since the signature of the Oslo agreements.



## CONCLUSION

Israel has its own interests with regard to the reform of the United Nations. While the main providers of the UN budget are eager to improve the Organization's productivity and to reduce its costs, and while developing countries continue to see in the UN an irreplaceable forum in which they can express their grievances and benefit from multilateral aid, Israel is in a different --although not enviable-- situation. Israel has been the main victim of the distortion of the UN under the deleterious effect of the Cold War and of the Arab-Israeli conflict. Although the recent changes in the world order (and the subsequent modification of some member states' attitude toward Israel) have improved Israel's position at the UN, Israel has retained a genuine interest in reforms aimed at preventing the use of the UN as a forum of political propaganda and diplomatic war.

Notwithstanding the judicial disappearance of the Soviet Union and the efforts to reach a settlement between Israel and its neighbours, the foreign policy of Russia, China, France, and the Arab states only seems to confirm Braudel's theory of *longue durée*. The United Nations is an organization of sovereign states primarily (and naturally) concerned with their own interests.

The recent changes of the world order should not be naively interpreted, and the influence of these changes on the United Nations should not be overestimated. As illustrated by the fiasco of international relations theories for the past fifty years, the international reality is unpredictable. The adaptation of Israel's multilateral diplomacy to the post-Cold War era requires a subtle combination of pragmatism and vigilance.

## Notes

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<sup>1</sup> UN General Assembly, 14 September 1995, establishment of the Open-Ended High-Level Working Group (HLWG) on the Strengthening of the UN System.

<sup>2</sup> The Author witnessed the unprecedented interest in Israel's position on the reform of the UN during his interviews with major Permanent Representatives to the United Nations in July 1996.

<sup>3</sup> H.W. Singer and Richard Jolly, "Fifty Years On: The UN Economic and Social Development." *IDS Bulletin* 26 (1995), p. 2.

<sup>4</sup> See: Maurice Bertrand, "The Historical Development of Efforts to Reform the UN." In Benedict Kingsbury and Adam Roberts (eds), *United Nations, Divided World*. Oxford: Clarendon Press, 1993.

<sup>5</sup> UN General Assembly, Res. 2049 (XX), 13 December 1965.

<sup>6</sup> See: Rosemary Wrighter, *Utopia Lost. The United Nations and World Order*. New York: The Twentieth Century Fund Press (1995), p. 159.

<sup>7</sup> Sir Robert Jackson, *A Study of the Capacity of the United Nations Development System*. Geneva: United Nations, 1969.

<sup>8</sup> UN General Assembly, Res. 3343 (XXIX), 17 December 1974.

<sup>9</sup> "A New United Nations Structure for Global Economic Cooperation: Report of the Group of Experts on the Structures of the United Nations System." New York: United Nations, 28 May 1975.

<sup>10</sup> UN General Assembly, Res. 3362 (S-VII), 1975.

<sup>11</sup> Righter, *Utopia Lost*, pp. 172-173.

<sup>12</sup> Maurice Bertrand, *Contribution à une réflexion sur la réforme des Nations Unies*. Geneva: United Nations, 1985.

<sup>13</sup> Source: Bertrand, "The Historical Development of Efforts to Reform the UN," note 10.

<sup>14</sup> "Report of the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administration and Financial Functioning of the UN." UN Doc. A/41/49 (1986).

<sup>15</sup> See, for instance, Boutros-Boutros Ghali, *An agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*. New York: United Nations, Department of Public Information, 1992.

<sup>16</sup> See, for instance: Independent Working Group on the Future of the United Nations, *The United Nations in Its Second-Half-Century*. New York: Ford Foundation (Yale University), 1995; The Commission on Global Governance, *Our Global Neighborhood*. Oxford: Oxford University Press, 1995; PHP Research Institute, *Toward a More Effective UN*. Tokyo, 1995; Ingvar Carlson, "The UN at Fifty: A Time for Reform." *Foreign Policy* 100 (Fall 1995).

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<sup>17</sup> Michael Reisman, "The Constitutional Crisis of the United Nations." *The American Journal of International Law* 87 (1993), p. 84.

<sup>18</sup> Yehuda Zvi Blum, *Eroding the United Nations Charter*. Dordrecht/Boston/London: Martinus Nijhoff Publishers (1993), p. 116.

<sup>19</sup> Reisman, "The Constitutional Crisis of the United Nations," p. 84.

<sup>20</sup> Steven Holloway and Rodney Tomlinson, "The New World Order and the General Assembly: Bloc Realignment at the UN in the Post-Cold War World." *Canadian Journal of Political Science/ Révue Canadienne de Science Politique* 28 (June/Juin 1995), p. 230.

<sup>21</sup> Anne Bayefsky, "Inequity in the United Nations Human Rights System." *Justice* 6 (August 1995), p. 28.

<sup>22</sup> Interview with Shabtai Rosene, July 1st, 1996.

<sup>23</sup> See: General Assembly's Resolutions 104 (S-I) of May 5, 1947, and 105 (S-II) of May 7, 1947 with regard to the Jewish Agency and the Arab High Committee's requests to participate in the General Assembly's deliberations on the first Special Session on Palestine.

<sup>24</sup> The Secretariat's Legal Department Stated in 1977 that: "If the Council [of ECWA] were, on its own authority, to grant full membership to the PLO in ECWA, it might be considered as going beyond the letter and possibly the spirit of ... resolution [3237 (XXIX)] of the Assembly, which is the organ preeminently qualified to make political decisions in the Organization." (*UN Judicial Yearbook*, 1977, p. 219, paragr. 6).

<sup>25</sup> Blum, *Eroding the United Nations Charter*, p. 92.

<sup>26</sup> Leo Gross, "Voting in the Security Council and the PLO." *The American Journal of International Law* 70 (1976), p. 484.

<sup>27</sup> *The Economist*, February 10th 1995, p. 39.

<sup>28</sup> *The Economist*, February 10th 1996, p. 39.

<sup>29</sup> Haim Herzog, *Who Stands Accused? Israel Answers Its Critics*. New York: Random House (1978), p. 144.

<sup>30</sup> United States Mission to the United Nations, Statement by David E. Birenbaum, United States Representative for United Nations Reform and Management, before the Open-Ended High-Level Working Group on the financial situation of the United Nations, February 7, 1996.

<sup>31</sup> United Nations, Report of the High-Level Working Group on the financial situation of the United Nations, Compilation of Positions on the Scales of Assessment, 29 May 1996.

<sup>32</sup> The Group of 77, Statement on Behalf of the Group of 77 and China by Ambassador Fernando Berrocal-Soto, Permanent Representative of Costa Rica to the United Nations, at the end of the first part of the Program of Work of the High-Level Open-Ended Working Group on the Financial Situation of the United Nations, New York, 9 February 1996.

<sup>33</sup> Ruben P. Mendez, "Paying For Peace and Development." *Foreign Policy* 100 (1995), p. 23.

<sup>34</sup> *The Economist*, July 13th, 1996, p. 86.

<sup>35</sup> Mendez, "Paying for Peace and Development," p. 27.

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- <sup>36</sup> Peter Wilenski, "The Structure of the UN in the Post-Cold War Era." In *United Nations, Divided World*, p. 437.
- <sup>37</sup> PHP Research Institute, *Toward a More Effective UN*, Tokyo, 1996, p. 4.
- <sup>38</sup> Independent Working Group on the Future of the United Nations, *The United Nations in its Second Half-Century*. New York: Ford Foundation (Yale University), 1995, p. 22.
- <sup>39</sup> Bertrand, "The Historical Developments of Efforts to Reform the UN," p. 436.
- <sup>40</sup> Righter, *Utopia Lost*, p. 361.
- <sup>41</sup> Michael Renner, *Critical Juncture: The Future of Peacekeeping*. Washington D.C.: Worldwatch Institute (1993), p. 37.
- <sup>42</sup> Abba Eban, "The U.N. Idea Revisited." *Foreign Policy* 74 (September/October 1995), p. 51.
- <sup>43</sup> Herzog, *Who Stands Accused?*, p. 138.
- <sup>44</sup> Ruth Lapidot, *The Security Council in the May 1967 Crisis: A Study in Frustration*. Jerusalem: The Israel Law Review Association, (1969), p. 18.
- <sup>45</sup> UN Doc. S/7896, 19 May 1967, p. 5, paragr. 19.
- <sup>46</sup> UN Doc. S/PV. 1341, 24 May 1967, p. 6.
- <sup>47</sup> Leo Gross, "On The Degradation of the Constitutional Environment of the United Nations." *The American Journal of International Law* 77 (1983), p. 589.
- <sup>48</sup> UN General Assembly, Res. 3276 (XXX), 10 November 1975.
- <sup>49</sup> Quoted from: Avi Becker, *The United Nations and Israel. From Recognition to Reprehension*. Toronto: Lexington Books (1988), p. 83.
- <sup>50</sup> Quoted from: Yehuda Blum, *For Zion's Sake*. New York: Cornell Books (1987), p. 33.
- <sup>51</sup> Blum, *For Zion's Sake*, p. 33.
- <sup>52</sup> See: Herzog, *Who Stands Accused?*, p. 135, and Harris O. Schonberg, *A Mandate For Terror. The United Nations and the PLO*. New York: Shapolski Publishers (1989), p. 286.
- <sup>53</sup> Source: Bayesfsky, "Inequity in the United Nations Human Rights System."
- <sup>54</sup> See: Herzog, *Who Stands Accused?*, p. 132.
- <sup>55</sup> Gross, "On The Degradation of the Constitutional Environment of the United Nations," pp. 573-574.
- <sup>56</sup> Quoted from: Michael Curtis, "The United Nations Against Israel." *Middle East Review* 13 (1981), p. 51.
- <sup>57</sup> Becker, *The United Nations and Israel*, p. 51.
- <sup>58</sup> Montesquieu, *De L'Esprit des Lois*, Book XI, Chapter 4.

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<sup>59</sup> See: Stephen M. Schwebel, "Authorizing the Secretary-General of the United Nations to Request Advisory Opinions of the International Court of Justice." *The American Journal of International Law* 78 (1984); Heidi K. Hubbard, "Separation of Power Within the United Nations: A Revised Role for the International Court of Justice." *Stanford Law Review* 38 (1985).

<sup>60</sup> Leo Gross, "On the Degradation of the Constitutional Environment of the United Nations," pp. 569-583.

<sup>61</sup> *Ibid.*, p. 583.