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-Prüfbericht-



für
Dr. Franziska Brantner
Uni Mannheim

Münster, den 19.02.2019



ProfNet PlagiatService - Zusammenfassung

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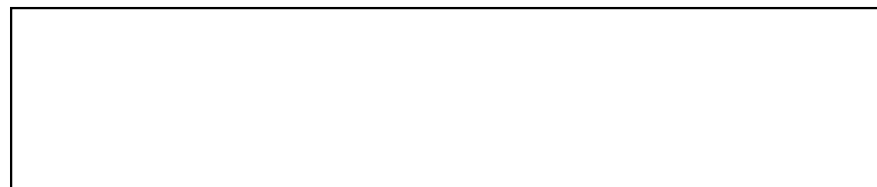
Analysetyp	Indizien
• Bauernopfer-Absatz	7
• Bauernopfer-Halbsatz	4
• Bauernopfer-Satz	40
• Bauernopfer-Wort	20
• Bauernopfer-Zitat	6
• Eigenplagiat	214
• Teilplagiat	10
• Zitat-Veränderung	46
• Zitierungsfehler	11
Anteil Fremdttexte (netto): 4 % (4.201 von 117.300 Wörtern)	
• Phrase-allgemein	221
• Phrase-fachspezifisch	1111
• Zitat-Fremdtext-ohne Quelle	124
• Zitat-Fremdtext-vollständig	23
• Zitat-im Text-ohne Quelle	211
• Zitat-im Text-vollständig	19
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Dokumente	Anzahl	1	8	1	4	398	790	740	4974	4548	1238	29591	748	818009
Abbildungen	Anzahl (Durchschnitt)	0	19	0	0	4	2	2	10	8	7	6	2	2
Absätze	Anzahl (Durchschnitt)	1180	1466	1180	839	780	104	118	214	344	291	557	464	276
Fußnoten	Anzahl (Durchschnitt)	284	744	284	237	344	29	39	64	58	54	112	91	28
Literatur	Anzahl (Durchschnitt)	0	1	0	0	3	1	4	1	1	1	4	2	2
Sätze	Anzahl (Durchschnitt)	7152	6370	7152	4308	3810	450	497	932	1416	1306	2442	1951	899
Seiten	Anzahl (Durchschnitt)	405	390	405	284	215	30	31	69	100	89	164	110	55
Tabellen	Anzahl (Durchschnitt)	0	9	0	0	3	1	1	3	3	4	4	2	1
Wörter	Anzahl (Durchschnitt)	157359	104640	157359	76700	64725	7318	7642	14520	22007	20944	39314	31099	15053
Zeichen	Anzahl (Durchschnitt)	880318	743415	880318	532349	439234	48339	50888	97274	147586	138247	262639	211218	98408
Zitate	Anzahl (Durchschnitt)	812	580	812	423	554	66	60	97	150	140	229	200	92



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Kriterium	Dimension	Prüfdokument	Erstprüfer	Fachbereich	Hochschule	Fachrichtung	Hausarbeiten	Seminararbeiten	Bachelor Thesen	Diplomarbeiten	Master Thesen	Dissertationen	Habilitationen	alle
Dokumente	Anzahl	1	8	1	4	362	112	53	750	4111	464	25938	362	55634
Mischpl.-eine	Anzahl (Durchschnitt)	0	25	0	0	2	1	4	1	1	1	1	1	2
Teilplagiat	Anzahl (Durchschnitt)	10	267	10	4	24	4	6	5	7	9	13	11	13
Mischpl.-mehrere	Anzahl (Durchschnitt)	0	59	0	0	8	1	1	1	2	2	3	3	4
Zitierungsfehler	Anzahl (Durchschnitt)	11	583	11	3	22	1	6	3	3	3	6	11	4
Bauernopfer	Anzahl (Durchschnitt)	7	110	7	4	9	1	0	2	3	3	5	3	4

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United Nations had come to "a fork in the road" and argued that "this may be a moment no less decisive than in 1945 itself, when the United Nations was founded".¹ Annan's speech launched a broad reform process that challenged member states to render the UN fit for the twenty-first century and tasked a High-Level Panel of eminent persons to deliver a report with recommendations for reform in 2004; the process culminated in the largest ever gathering of heads of state in New York in September 2005 to celebrate the United Nations' 60th birthday. The party was also expected to ensure splendid prospective years to come. The outcome of the summit, however, has largely been dismissed as failure. The Financial Times titled "Summit fails to grasp historic opportunity," the New York Times editorial "The Lost U.N. Meeting".² Nancy Soderberg of the International Crisis Group lamented the UN's missed opportunity.³ UN expert Maurice Bertrand argued that reform endeavors were in vain; one should attempt to find new solutions outside the UN (Bertrand 2005).⁴ Germany, Japan, Brazil and India's quest for a permanent seat on the Security Council had certainly not succeeded. However, a focus on the failure of Security Council expansion might be misleading. The outcome of the 2005 process shows variation - surprisingly much has been altered. In the field of peace and security, the Security Council has not been enlarged, but its working methods have been improved so as to increase transparency and the participation of nonmembers. A Peacebuilding Commission has been established to better orchestrate the UN's increasing role in nation building and

1 The Secretary-General address to the General Assembly, New York, 23 September 2003, <http://www.un.org/News/Press/docs/2003/sgsm5803.htm> (accessed 25 January 2005).

2 Financial Times (London, England), September 15, 2005 Summit fails to grasp historic opportunity; Financial Times (London, England), September 14, 2005; New York Times editorial of September 14th 2006: "The Lost U.N. Meeting".

3 Nancy Soderberg, The United Nations* missed opportunity, September 14 2005, <http://www.crisisgroup.org/usa/india/20050914.htm> (accessed 20 September 2007).

4 Others see the UN so powerless as not being worthy of reform: If the UN is only called upon to solve conflicts

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the UN. Secretary-General Kofi Annan, two years earlier and following 9/11 terrorist attack and the U.S. led intervention in Iraq, had launched a broad reform effort and challenged Member States to render the UN fit for the 21st century. According to Slaughter (2005: 631), this proposal went beyond the topic of actual UN reform and opened the door to rethinking fundamental assumptions of the

An Analysis of the 2005 Reform Outcome To celebrate the United Nations 60th birthday, the largest ever gathering of heads of states of 193 countries took place in New York in September 2005. Their task was to address the future of the UN and to decide on several reform proposals, which included the UN s Human rights machinery, the Security Council, the Peace-building Commission, the Economic

Marketing, AREVA; former Foreign Minister simon panek (czech republic) Chairman, People in Need Foundation chris patten (united Kingdom) Chancellor of Oxford University and co-chair of the International Crisis Group diana pinto (france) Historian and author Jean pisani-ferry (france) Director, Bruegel and Professor at Universite Paris-Dauphine ruprecht polenz (Germany) MP and Chairman of

for the use of force, which should guide or even direct the decisions of the five permanent members of the Security Council. The membership composition of the Security Council has not yet been changed, neither has the veto power been limited or refined. Nonetheless, the Security Council adopted in 2006 a resolution codifying and extending several so

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 19

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in turn, can they change them. Furthermore, this work will not stop at asking if the status quo has been changed or not; but instead ask gradually **how far the outcome** has moved the organization **from the status quo and in which direction it has actually shifted the** international organization. It does nonetheless not pretend to have normative answers to **what might be the 'best' design of the UN**. The UN and international institutions literature does not satisfyingly account for the variance in the degree and direction of change of the 2005 reform round and this for three reasons. First, a lack of a common

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policy space of each area which encompass on average ten issues. This policy space allows us to gradually determine **how far the outcome** is located **from the status quo and in which direction it has actually shifted the** UN in this area. For the analysis of the 2005 UN reform we propose to follow an international intergovernmental framework and assess several claims from a bargaining, a

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 6

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bargaining models; and third, an empirical void as most studies exclude the majority of member states from their analysis, solely focusing on few big powers. This study sets out to remedy these three, deficits and to provide a more complete picture of the 2005 UN reform process. This study therefore follows the research design of the 'Domestic Structures and European Integration*' project, which successfully studied the most recent reform process of the European Union (König and Hug 2006). Performance Indicators - Scope and

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concentrated on a few reform topics, most often on the Security Council, and used selected samples, mostly Western powers plus sometimes Russia or China (i.e., Knight 2000, Luck 2003). To provide a more complete picture of the 2005 UN reform, we gathered information by interviewing the 85% of UN members who often represented their issue-specific views in a collective manner meaning that we have to deal

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 3

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scale has been chosen because it is indicative of the struggle over the limits of state sovereignty, which has been at the heart of the negotiations (Slaughter 2005). According to Slaughter, the High-Level Panel proposals opened the door to rethinking fundamental assumptions of the international legal system for the twenty-first century by moving from a rights-based conception of sovereignty to a responsibility-based conception, from a perception of UN membership as validation of sovereign status to viewing signature of the Charter as acceptance of conditional sovereignty, and from an organization based on and dedicated to state security to one that locate the value of states in their ability to guarantee human security (Slaughter 2005: 631). Reform is hence understood in this work as a purposeful and consistent modification of the structure, process and substantive mandate of the United Nations that entails further authority delegation from member states to the United Nations. Change, which does not entail further authority delegation or even returns previously delegated authority to member states, does not qualify as reform. This study for the first time

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Member States to render the UN fit for the 21st century. According to Slaughter (2005: 631), this proposal went beyond the topic of actual UN reform and opened the door to rethinking fundamental assumptions of the international legal system for the twenty-first century by "moving from a rights-based conception of sovereignty to a responsibility-based conception, from a perception of UN membership as validation of sovereign status to viewing signature of the Charter as acceptance of conditional sovereignty, and from organization based on and dedicated to state security to one that locates the value of states in their ability to guarantee human security". From a more general IR perspective, we believe that the analysis of the 2005 UN reform can provide insight into changing the organizational design of international cooperation,

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2

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Collier and Collier 1991) hypothesis is shared by those following a hegemonic stability approach and who expect radical change when the entire international system is recomposed. Both hegemonic stability theories and historical institutionalist literature draws heavily on "distinctions between long periods of institutional stasis periodically interrupted by some sort of exogenous shock that opens things up" (Streeck and Thelen 2005: 2). Both historical institutionalist and realismbased accounts are often caught in conceptual frameworks that either provide for explanations of "incremental change supporting institutional continuity through reproductive adaptation...or disruptive change causing institutional breakdown and innovation and thereby resulting in discontinuity" (Streeck and Thelen 2005: S). Their current interpretations are hence limited in their capacity to identify and assess gradual and observable change short of system change. While rational institutionalist scholars do account for design questions in between

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explain modes of gradual change, much of the institutionalist literature relies explicitly or implicitly on a strong punctuated equilibrium model that draws an overly sharp distinction between long periods of institutional stasis periodically interrupted by some sort of exogenous shock that opens things up, allowing for more or less radical reorganization. As the problems of the literature on the political economies of advanced capitalism are symptomatic of broader theoretical

conform to a strong punctuated equilibrium model. On the contrary, they suggest that we must avoid being caught in a conceptual schema that provides only for either incremental change supporting institutional continuity through reproductive adaptation, or disruptive change causing institutional breakdown and innovation and thereby resulting in discontinuity. In short, we argue that equating incremental with adaptive and reproductive minor change, and major change with, mostly exogenous, disruption of continuity, makes excessively high

- 3 Introduction: Institutional change ..., 2005, S. 1
- 3 Introduction: Institutional change ..., 2005, S.

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rarely act individually, but via groups and coalitions. The difficulty for a researcher to collect the positions of 191 member states would also be the difficulty for 191 individual actors if negotiations were conducted without intervening group constellations. The complexity of UN decision-making necessitates gathering (costly) information about alternatives and possible consequences. Moreover, for many countries, the collective representation should also be advantageous for influencing the outcome when compared to individual representation. The collective representation of group positions provides particular insight into the UN's reform process. The analysis of the 2005 process brought to light a bargaining logic that divided the entire panoply of reform issues into five subfields. Member states negotiated in parallel tracks and with distinct group formations on the review

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taken by individual countries, the collective representation of group positions provides particular insight into the UN's reform process. On the one hand, it is obvious that the complexity of UN decision making necessitates gathering (costly) information about alternatives and possible consequences. Moreover, for many countries, the collective representation should also be advantageous for influencing the outcome when compared to individual representation. However, on the other side, these advantageous effects should also depend on the cohesiveness of a group's position because a less cohesive group may gather less valuable information and beg higher risks for the representation of an individual country's position.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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the economic and social field and the management of the organization. Empirically, it varies across these five issue areas, which groups are acting, and how they are composed. The groups that engaged in the 2005 process are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ (Canada, Australia and New Zealand). Others are exogenous, such as the European Union. This research has per issue area collected the positions of all participating groups as well as individual countries, such as Russia or the US. This work is thereby the first to systematically collect and analyze

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often joins the G77 as it seeks to increase its influence within the developing world, the G77 hence becomes G77 and China. The groups active in the United Nations are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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triangulation method is used to identify 64 reform issues of the 2005 process based on participant observation, document analysis and expert interviews. The identification of reform issues is delineated by three criteria: issue characteristics, political importance, and the amount of possible options. The issues had to fall under the institutional change definition adopted in this work. Controversial issues of the 2005 summit only pertaining to specific policies, for example in the field of nuclear disarmament, were not included. Within each of the five issue areas (Security Council, Peacebuilding, Human Rights, Economic and Social, Management), on average ten reform issues have been identified that reflect the most relevant decisions member states had to take and for which more than one option existed. Second, a careful process-tracing and analysis of the negotiation documents at different stages of the negotiation process and an analysis of over 600 group and government statements served to spot the relevant actors per issue area and issue. Media analysis of the reform process (using LexisNexis) as well as interviews with representatives of the UN secretariat and the office of the President of the General Assembly allowed for verification of the collected information. This study then collected the preferences of each actor on each of the reform issues by interviewing 69 decision-makers based on standardized questionnaires. Actors' position, salience and cohesiveness

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individual countries and groups positions on 51 issues for five reform areas. Within each reform area, 10-15 reform issues were selected based on three criteria: their political importance, the amount of possible options, and issue characteristic. In order to select politically relevant issues, only those that made it from the High-Level Panel report over the Secretary-

known opposition from others. For this study we selected those issues for which at least two options beside the status quo existed. Finally, reform issue characteristics had to fall under the reform definition adopted in this paper. Controversial issues only pertaining to specific policies, for example precise policy proposals in the field of nuclear disarmament, were not included. A careful process-tracing and analysis of several negotiation documents then served to spot the relevant actors per reform area. Media reporting on the reform process (using LexisNexis) as well as

The questionnaire was developed based on an analysis of several unofficial negotiating documents, which contained, in addition to the original proposal, alternative formulations in brackets. Furthermore, an analysis of over 600 group and government statements made from April to September 2005 allowed further identification of alternative proposals. Most of these statements were publicly available on member states websites and the website "Reform the UN", which managed to

disarmament, were not included. A careful process-tracing and analysis of several negotiation documents then served to spot the relevant actors per reform area. Media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of involved groups and individual countries. The interviews

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 12
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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between the status quo, the proposals and the final outcome based on the degree of authority delegation entailed and thereby allows identifying the utilities of member states in altering the status quo. Third, for each issue, a careful evaluation of the status quo, identifying existing structures, processes and policies, was undertaken based on official UN documents, but also expert interviews as the status quo is often insufficiently codified in official documents. This research design has implications for the period under research. Drawing heavily on interviews with decision-makers renders studying reform efforts that date back late almost impossible. The period under

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allows predictions of which positions are closest or furthest from the status quo, and the outcome. In order to code the status quo, for each reform issue, a careful evaluation of the status quo, identifying existing structures, processes and policies, was undertaken. This was done based on official UN documents, but also based on interviews with concerned actors as the status quo is often not codified in official documents. Furthermore, regarding cohesiveness and salience, interviewees had the option to select on a scale from 0 to 3, 0 meaning that the group

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 14

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Scope and Direction of Change Some argue that the term reform has lost its meaning within the UN beltway, because it is used politically by the different parties to advance their own political projects (Luck 2003:8). Reform has taken on so "many guises through the years as to be almost unrecognizable. When there appears to be political momentum behind a reform exercise, various delegations are quick to repackage some of their favorite perennial hobbyhorses as innovative reform measures" (Luck 2003:4). Interestingly, Secretary-General Kofi Annan's 2005 report In Larger Freedom, which outlined his vision for the future of the UN, did not include the terms reform or change in its title, nor did the subheadings. The proposed alterations of the status quo could be found in the chapter Strengthening the United Nations. The inherent

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expand the definition and scope of basic terms until they begin to lose their meaning, as well as their analytical value, is much in evidence. Reform has taken on so many guises through the years as to be almost unrecognizable. When there appears to be political momentum behind a reform exercise, various delegations are quick to repackage some of their favorite perennial hobbyhorses as innovative reform measures. Few Member States, for example, are reticent about claiming that measures to reduce their assessments or to increase their voice in the Organization qualify as

- 4 UN Reform advocate - Peace Palace L..., 2003, S.

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is punished by sanctions (Parsons 1982). This is more difficult in the international sphere. Nonetheless, some authors require international institutions to "affect individual behavior" (Peters 1999: 18). Robert Keohane and Craig Murphy for example defined an institution as "**persistent and connected sets of rule (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations**" (Keohane and Murphy 2004: 913, emphasis added). This definition implies that, in order to be an institution, a set of rules must have an impact on the participating actors. Others argue that such a definition already precludes an important

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to introduce measures of "clean production" into their generation processes. Endnotes Notes 1. An international institution can be defined as "a persistent and connected set of rules (**formal and informal**) that **prescribe behavioral roles, constrain activity, and shape expectations**" (Keohane 1989, p. 3). Institutions " may take the form of bureaucratic organizations, regimes (rule-structures that do not necessarily have organizations attached), or conventions (informal practices)" (Keohane, Haas,

- 5 Bridging sustainable agriculture an..., 2006, S. 390

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participating actors. Others argue that such a definition already precludes an important research area: the extent to which international institutions really impact states' behavior. John Mearsheimer gives an alternative definition. He defines an international institution as "sets of rules that stipulate the ways in which states should cooperate and compete with each other" (Mearsheimer 1994/1995: 340). This study will opt for such an open definition, not requiring any affect on individual behavior in order to qualify as an institution; instead, the potential institutional impact is an important independent variable of

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wichtigen Gründe für Frieden sind. Es gibt verschiedene Meinungen über Institutionen in der Literatur der internationalen Beziehungen. Laut John Mearsheimer werden Institutionen definiert als: A set of rules that stipulate the ways in which states should cooperate and compete with each other. They prescribe acceptable forms of state behavior, and prescribe unacceptable kinds of behaviors. These rules are negotiated by states. (") These rules are typically formalized in

- 6 Cho, Sung Bok: Die Außen- und Siche..., 2007, S. 24

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of this research. II. DEFINITION OF REFORM - SCOPE AND SCALE OF INSTITUTIONAL CHANGE Definition of "Institutional Change" - Scope of Change Given the adopted definition of an institution, institutional change most basically concerns modifications of the sets of rules that stipulate the ways in which states should cooperate and compete with each other. First, these rules can stipulate how states will take decisions, or who can participate. They can also concern specific policy areas, such as rules governing the emissions trading scheme under the Kyoto Protocol. Second, institutional

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wichtigen Gründe für Frieden sind. Es gibt verschiedene Meinungen über Institutionen in der Literatur der internationalen Beziehungen. Laut John Mearsheimer werden Institutionen definiert als: A set of rules that stipulate the ways in which states should cooperate and compete with each other. They prescribe acceptable forms of state behavior, and prescribe unacceptable kinds of behaviors. These rules are negotiated by states. (") These rules are typically formalized in

- 6 Cho, Sung Bok: Die Außen- und Siche..., 2007, S. 24

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and types of interaction among its units" (Nye 2004: 37). This excludes policy changes. While including any policy change would render the search for a workable definition meaningless, excluding 'politics' entirely risks adopting a division between 'polity' and 'politics' that is tainted by a 'Western' or 'Southern' understanding. While Western diplomats quickly label Security Council expansion a matter of polity change, Southern diplomats are as quick in defining changes in the development sphere as polity change.⁹ Furthermore, polity and politics are mutually dependent: Structural

⁹ Interviews with UN delegates conducted in New York by the author, June and July 2006.

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it is questionable whether reform is limited to the polity. Excluding politics and policy aspects runs the risk of adopting a division between structure and policy that is tainted by a Western or Southern understanding. With regard to Dejammet (2005), the scope of international cooperation in the UN can be divided into three broad categories, which are part of the 2005 UN

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 5

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of family status, e.g. how family is defined normatively and legally. Studying the expansion or reduction of the mandate scope of the UN (discussing family status or not) is different from addressing all 8 Luck evokes similarly "the structure, composition, decision-making procedures, working methods, funding, or staffing of an institution" (Luck 2003: 4). policy shifts substantively (discussing if same sex partners quality as family). The difference might be small; I do nonetheless postulate that institutional change includes changes of the mandate scope of the United Nations. Institutional change hence concerns the structure, process and substantive mandate of the United Nations. Minor or Radical Modifications Furthermore, scope of change also requires an overall indicator, e.g. there can be minor and radical modifications. The



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vis the status quo. Edward Luck, who has written the most comprehensive historical overview of UN reform, defines reform as "the purposeful act of modifying the structure, composition, decision-making procedures, working methods, funding, or staffing of an institution in order to enhance its efficiency and/or effectiveness in advancing its core goals and principles." (Luck 2003:4). Compared to Luck s "purposeful" view, Knight (2000) understands change

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 4

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of sovereignty. Multilateralism is linked to the Westphalian order of nation states and sovereignty. Multilateralism - understood as the willingness of states to accept and respect commonly defined rules - also includes the rule inscribed in Article 2 of the UN Charter: "The Organization is based on the principle of the sovereign equality of all its Members.... Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII." Besides immediate threats to peace and security and the use of force (Chapter VII), this leaves little room for the UN to actually realize the objectives and values propelled in the preamble and Article 1 of the UN Charter, which are the "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to promote social progress and better standards of life in larger freedom, to maintain international peace and security and

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sein und die¹⁰⁴ Autonomie aller Staaten unsicher machen.") (Emphasis by the author.)¹⁰⁵ 105 See Art. 2 (1) of the UN Charter: "The Organization is based on the principle of the sovereign equality of all¹⁰⁵ its Members."¹⁰⁶ 106 H. Scott Fairley, "State Actors, Humanitarian Intervention and International Law: Reopening Pandora's Box,"¹⁰⁶ p. 63.¹⁰⁷ 107 "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental¹⁰⁷ freedoms, and the rule of law, principles which

Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security. 7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII. CHAPTER II MEMBERSHIP Article 3 The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization

NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ

- 7 Humanitarian intervention in the co..., 2001, S. #P51#Art. 7 [1]
- 8 Charter of the united nations, 1945, S.
- 9 Forderungskatalog - Österreichische..., 2000, S.

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to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." The tension between the realization of these values and goals and the respect of state sovereignty as enshrined in Article 2 of the UN Charter is a fundamental characteristic of the UN.¹² The UN has always had difficulty reconciling its dual commitment to sovereignty and human rights, both embedded in its Charter. Since the Cold War, these principles have been in permanent conflict and the UN has struggled to decide which should take precedence. According to Slaughter (2005: 631), the reform process under study

¹² See Mats Berdal (2005: 17): "The tension between power and principle was there at the outset; it should be

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international machinery for the promotion of the economic and social advancement of all peoples, Emphasizing that the nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and 4. To be a center for harmonizing the actions of nations in the attainment of these common ends. Article 2 The Organization and its Members, in pursuit of reform can therefore be assessed by looking at one of the fundamental balances governing the UN. It is the balance between, on one side, the respect of state sovereignty (Article 2 of the UN Charter) and, on the other, the enforcement capacities of the UN in order to pursue its purposes as defined in Article 1

- 10 The General Assembly of the United ..., 1960, S. 249
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 5

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embedded in its Charter. Since the Cold War, these principles have been in permanent conflict and the UN has struggled to decide which should take precedence. According to Slaughter (2005: 631), the reform process under study went opened the door to rethinking fundamental assumptions of the international legal system for the twenty-first century by "moving from a rights-based conception of sovereignty to a responsibility-based conception", which labors for human security and not state security. One of the main challenges for the UN is to be reconstituted in a way that allows it to stay relevant in a 'neo-Westphalian order' (Hettne 2005), where states are not irrelevant, but where their sovereignty is renegotiated. The UN is called upon to

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Member States to render the UN fit for the 21st century. According to Slaughter (2005: 631), this proposal went beyond the topic of actual UN reform and opened the door to rethinking fundamental assumptions of the international legal system for the twenty-first century by "moving from a rights-based conception of sovereignty to a responsibility-based conception, from a perception of UN membership as validation of sovereign status to viewing signature of the Charter as acceptance of conditional sovereignty, and from organization based

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2

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international institution, there is no political authority on the international level (Lake 2007: 54). If there is no lawful institution beyond the nation state, there is no supranational political 13 Political authority is understood as a **relationship in which "A...wills B to follow A and B voluntarily complies"** (Scheppelle and Soltan 1987). The distinction between authority and power is based on the extent of coercion. **"Purely coercive relationships are characterized by power, but are not authoritative. Although it may be wise to comply in the face of superior force, there is no obligation to do so. It is the obligation to comply with A's commands - or, alternatively, the legitimacy of those commands - that renders authority and coercion analytically distinct"** (Lake 2006b). authority. This reflects an anarchic world where anarchy is a political relationship in which the units possess no authority over one another and are not bound under any common authority (Waltz 1979). Instead, all authority is

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more narrowly as that subset of restraints that rests on authority, where authority itself is a social **relationship in which "A (a person or occupant of an office) wills B to follow A and B voluntarily complies"** (Scheppelle and Soltan 1987, 194). In other words, governance is characterized by decisions issued by one actor that a second is expected to obey.⁴ Most of the papers

- 11 Globalization and governance, 2003, S. 7

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the international level. III. OPERATION ALIZING THE SOVEREIGNTY - AUTHORITY SCALE In order to assess the degree of change and authority delegation per issue and to compare these elements across issue areas, a standard **codification scheme** is developed. **For each issue, the status quo, group positions and the outcome** were mapped **on a continuum**, reflecting the degree of authority delegation the status quo, actors* positions and the outcome entail, from 0 (no delegation) to 100 (total delegation). This codification scheme allows for a visual mapping **of which positions are closest or furthest from** the status quo and the outcome. <-----> 0
100 No delegation Total delegation In order to specify authority delegation, this research develops different categories of authority, ranging from constitutional to monitoring. In addition, it is argued that the degree of authority delegation depends on the independence of the recipient of authority delegation, as well as the level of its legal obligation. Categories of Authority Delegation Authority delegation can concern different dimensions of international politics, for example delegation

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codification scheme had to be developed that allows conceptualization of very diverse decisions. The controversies and possible options are hence presented on one scale across **issues**. **For each issue, the status quo, group positions and the outcome** were placed **on a continuum**, which describes the degree of authority delegation the adoption of a proposal would entail, from 0, requiring no delegation, to 100 as most

General Assembly body, as Security Council decisions are binding, hence the SC option received a high 80, whereas the General Assembly option a low 40. Such a codification also allows **predictions of which positions are closest or furthest** from the status quo, and the outcome. In order to code the status quo, for each reform issue, a careful evaluation of the status quo, identifying

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 14

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and as the agenda setting is part of the broader decision-making process at the UN, I have included it in this category. Policy implementation authority is defined by Bradley and Kelley as the authority to "expend and allocate resources to carry out agreed-upon programs and projects, including internal administrative tasks" (Bradley and Kelley 2006: 15). The International Monetary Fund (IMF) and the World Health Organization (WHO) are examples of institutions to which member states have delegated authority over the implementation of operational programs. Regulatory delegation is defined as the granting of authority to "create administrative rules to implement, fill gaps in, or interpret preexisting international obligations" (Bradley and Kelley 2006: 11, emphasis added). I argue that the 'regulatory*' category is a sub aspect of the implementation process. Similarly, "research and advice" activities can be part of decision-making or implementation strategies. Monitoring and enforcement delegation grants authority "to take measures to monitor or enforce compliance with state commitments"* (Bradley and Kelley 2006: 11). Monitoring authority can range from voluntary reporting to mandatory inspections. Enforcement also covers a wide range from peer pressure to military sanctions. Adjudicative delegation grants authority to make a decision on a controversy or dispute, but it does



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All articles referring to entry into force, ratification, reservations, signature and withdrawal are coded as ?no relevant text.? Implementation States also delegate authority to agents to ?carry out agreed-upon programs and projects, including internal administrative tasks? (Bradley and Kelley 2007: 14). Any measures that do not fall under other policy functions that help further the goals of the treaty are coded as implementation.

and influence of these alternative forms of private authority. Appendix I: Coding Instrument Policy Function Codes Rule-making Delegation of rule-making includes the ?authority to create administrative rules, to implement, fill gaps in, or interpret preexisting international obligations? (Bradley and Kelley 2007: 12). Non-delegation means that this authority rests exclusively with states. Treaty language may specify rule-making ability with respect to information collection,

- 12 Green, Jessica F.: Private authorit..., 2008, S. 15

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defining the recipients of authority therefore has to be identified. One way of defining the recipient of delegated authority more broadly, covering a diversity of potential recipients of authority delegation, is an "international body", which is "some entity to which states have granted authority to make decisions or take actions" (Bradley and Kelley 2006: 3-4). The term body explicitly rejects limitations to "third party", "formal organization" or "agent" as recipients of authority. This work adopts such a broad definition and assesses if delegation occurs to a third party or to a group of

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to the UN which can be defined, according to Bradley and Kelley (2008:3), as "a grant of authority by two or more states to an international body to make decisions or take actions." Using this definition, the scale of reform can therefore be assessed by looking at one of the fundamental balances governing the UN. It is the

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 5

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is 2.5 points. A doubling of points reflects twice as much authority delegation. Each status quo, proposal and outcome was assessed and received a number of points. In the **Peacebuilding Commission** case for example, establishing the **Peacebuilding Commission as a Security Council subsidiary body would have required more authority delegation than a General Assembly body: Security Council decisions are binding** and the decisions by its subsidiary body therefore also rank legally higher. More substantive explanations per issue can be found in the Chapters 5-9 for each reform area. Nonetheless, a final concern arose in defining the level

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the **Peacebuilding Commission** and its institutional location, the questionnaire asked if the group s preference at the beginning of the negotiations had been to create the **PBC as a Security Council subsidiary body, or a body linked to the General Assembly, or to ECOSOC or any other preferred** institutional location. The questionnaire was developed based on an analysis of several unofficial negotiating documents, which contained, in addition to the original proposal, alternative formulations

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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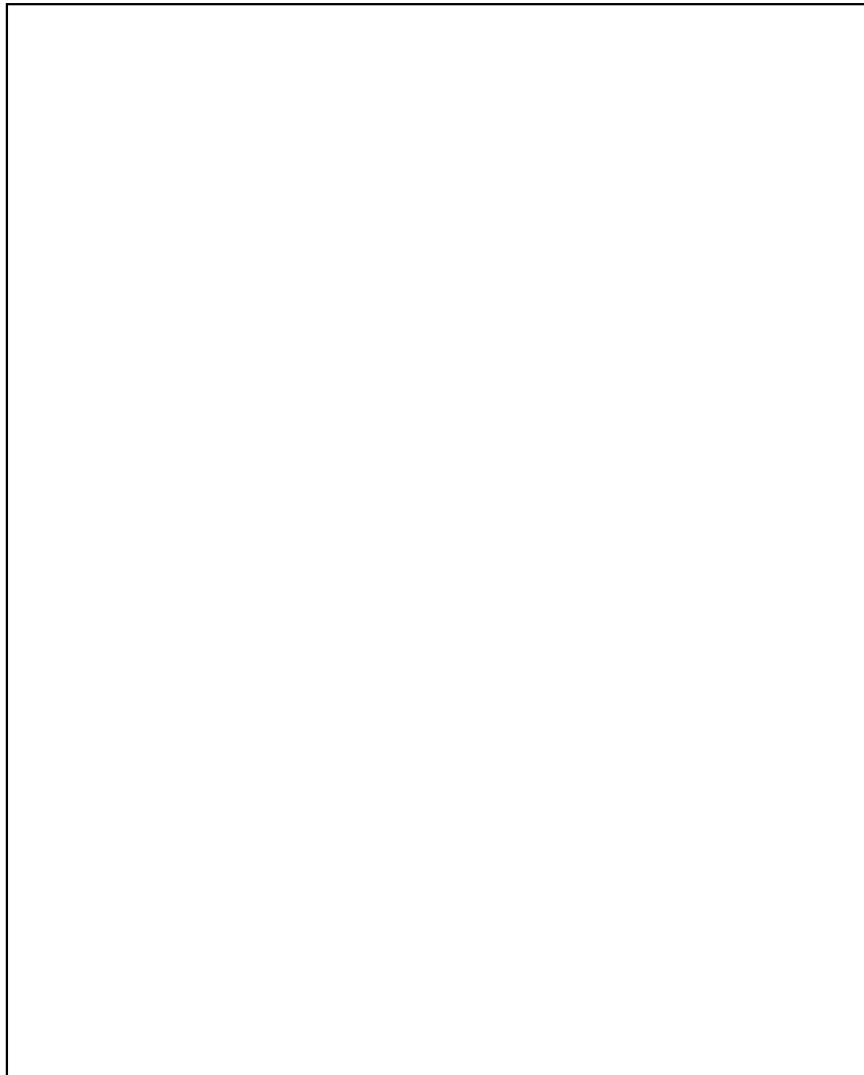
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that in order to arrive at rational and just decisions, the original position must be identified behind a veil of ignorance (Rawls 1971). Behind this veil, nothing is known about one's natural abilities, position in society or **sex, race, nationality, or individual tastes**. Behind such a veil of ignorance all individuals are simply specified as rational, free, and morally equal beings. Of course, in the 'real world', differences of sex, race, and culture distinguish groups of people from each other, and there exists a wide variety in natural

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- 13 Kenney, Richard: An ethical critiqu..., 1994, S.

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history back into the analysis of changing (economic) institutions.' Its focus on 'path dependencies*' and 'congealed preferences' accords the status quo such an importance that adaptive and minor changes are the object of study. Major 18 "Informal constraints embodied in customs, traditions, and codes of conduct are much more impervious to deliberate policies" (North 1990: 6). These concepts have been integrated into political science literature most extensively by Pierson (2004). change will occur at 'turning points' or 'critical junctures', moments of complete disruption and alteration. Realists who analyze radical change when

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is mostly attempted through a reform of formal constraints such as laws. Although formal rules may change overnight as the result of political or judicial decisions, informal constraints embodied in customs, traditions and codes of conduct are much more impervious to deliberate policies. These cultural constraints not only connect the past with the present and the future, but provide us with a key to explaining the path of historical

- 14 Change of degrees and degrees of ch..., 2006, S. 54

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representativeness of the membership or the distribution of financial burdens. Interpreting and applying historical institutionalist insights in this way brings one, de facto, to study tenets of rational institutionalism. Rational Institutionalist Approaches Rational design perspectives have in common that they conceive the UN as "an assembly of governments which represent sovereign states" (Krasno 1996: 333). This means that member states' preferences should be the ultimate variable explaining outcomes, either expressed singular as nation-state or via aggregated coalitions by collective groups of members. Koremenos et al. (2001: 766) argued that institutional arrangements are best understood through "rational design" among multiple participants at important (historical) junctures (see also Bräuniger and König 2000). They point to the importance of relating incentive compatible rules and member states' preferences. Liberalism holds that state preferences, which can depend on a variety of factors such as domestic actors, determine states' behavior, rather than their material capabilities. Thus, preferences will vary from state to state, depending on factors such as culture, economic system or government type. Preferences do however not necessarily have to be material; they can well reflect preferences for norms and principles or group identities and can be issue-specific or power-related (Hurrell 2005). Furthermore, Neoliberalism holds that even in an anarchic system of autonomous rational states, cooperation can emerge through the building of norms, regimes and institutions (Keohane and Martin 1995). States establish international organizations exactly to overcome the

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of the 2005 UN reform we propose to follow an international intergovernmental framework and assess several claims from a bargaining, a hegemonic and politico-economic perspective. These views have in common that they conceive the UN as "an assembly of governments which represent sovereign states" (Krasno 1996: 333). This means that Member States preferences should be the ultimate variable explaining outcomes, either expressed singular as nation-state or via aggregated coalitions by groups. In accordance with the rational design-concept, Member States adhere to institutional change because doing so is in their interest; reform proposals must be

and noise regarding the difficulty of observing others actions clearly do not exist in the event of a change of the organizational status quo. More recently, Koremenos et al. (2001: 766) argued that institutional arrangements are best understood through "rational design" among multiple participants at important (historical) junctures. Following this rational design-concept, we will investigate whether and how participants chose incentive compatible rules in their interests in a historically troubling period about the

be in a position) where any other outcome would lead them to be in a less desired position - institutional change must be "incentive compatible" (Koremos et al. 2001: 768).³ Preferences do however not necessarily have to be material; they can well reflect preferences for norms and principles or group identities and can be issue-specific or power-related (Hurrell 2005). The Performance of the Participants in the 2005 UN Reform While the participants in the 2005 UN reform pursue different interests and differ in their individual and

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 6
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 3
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 6

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Koremenos et al. 2001, Downs & Rocke 1995, Milner 1997, Hawkins et al. 2006, Koremenos 2006). Information asymmetries and high transaction costs inhibit cooperation and delegation. The existence of international institutions addresses these concerns by **increasing the quality and quantity of information, reducing the costs of negotiating agreements**, allowing issue-linkages, and monitoring compliance. International institutions facilitate international cooperation and theoretical treatises focus on cooperation games (Abbott & Snidal 1998: 8, Simmons & Martin 2002: 195). Within the rationalist paradigm, change of international institutions has no finite explanation.²² In

²² At its most basic, scholars following this paradigm hold that institutional change depends on changes of states'

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they exist and to achieve joint gains that they could not obtain acting on their own.⁹ These gains include **increasing the quality and quantity of information, reducing the costs of negotiating agreements** and of linking discrete issue areas, resolving disputes over the meaning of agreed rules and norms, and providing mechanisms to monitor behavior and impose sanctions

- 15 Helfer, Laurence R.: Theories of ch..., 2006, S. 3

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paradigm, change of international institutions has no finite explanation.²² In fact, this question has received far less attention in the past than the creation of such institutions. Little is known about the impact of the status quo on the likelihood for change in an international institution. As Robert Keohane put it, "Although we are living in a period of unprecedented change, our understanding of change is much inferior to our understanding of fundamental long-term regularities".²³ I argue that this is partially due to their focus on enforcement problems that arise from the lack of common goals and information about the future ('shadow of the future'). Change, as compared to the creation of international cooperation, strives to change existing cooperation, from which actors have derived lessons from the past. Thus, a purposeful decision on UN reform, which is based on previous actions and outcomes, may raise fewer concerns about uncertainty and noise, often considered significant obstacles for international cooperation (Downs, Rocke & Siverson 1985). Rather than information-based cooperation problems, UN reform might point towards the importance of distributional logics. During the process under study, member states, however, were not faced with a lack of information or uncertainty about

22 At its most basic, scholars following this paradigm hold that institutional change depends on changes of states'

23 Robert Keohane. Big Questions in the Study of World Politics,

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and Simmons 2001, Gourevitch 1999). This difference can have several ramifications for the study of international cooperation because little is known about the impact of an organizational status quo on the likelihood for a change in the organization of international cooperation. As Robert Keohane lately put it, "Although we are living in a period of unprecedented change, our understanding of change is much inferior to our understanding of fundamental long-term regularities."¹ Theoretically, it is possible that the frequently cited obstacles to international cooperation under anarchy - uncertainty about repeated interaction and noise regarding the difficulty of observing Security Council resolutions for action. These defeats come on top of previous setbacks for the EU at the UN in cases from Kosovo to Darfur. This is partially due to geopolitical shifts. But this report shows that the EU has also been the architect of its own misfortune. Europe has lost ground because of a reluctance which happens almost unconsciously by institutional entrepreneurs that adapt their work to the changing environment. In our view, both concepts are not exclusive because reform as compared to the creation of international cooperation directs to changing existing cooperation, from which actors have learnt in the past. Hence, a purposeful decision on UN reform, which is based on previous actions and outcomes, may raise fewer concerns by uncertainty and noise which are considered as significant obstacles for international cooperation (Downs, Rocke and Siverson 1986). Luck (2003) furthermore limits reform to changes of "the structure, composition, decisionmaking procedures, working methods, funding, or staffing of an institution", which all relate

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 1
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 4
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 5

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as both theories are positivist and follow the logic of expected outcomes and consequences (as opposed to the logic of appropriateness). For the first two sets of hypotheses, **member states* preferences** are hence the central **variable explaining outcomes, either expressed singular as nation-state or via aggregated coalitions by** collective groups of members. **In accordance with the rational design concept, member states adhere to institutional change because doing so is in their interest, i.e.** it must be in the interest of actors to change or maintain the institution in the proposed way (Koremos et al. 2001: 768).²⁴ **Preferences do not necessarily have to be material; they can well reflect preferences for norms and principles or group identities and can be issue-specific or power-related (Hurrell 2005).** Furthermore, I do not assume that actors possess perfect information; they design institutions for tomorrow in ways they today think will serve their purposes. Unintended consequences and miscalculations can be important (Pierson 2000: 477). The third set of

²⁴ See also Kelley and Keohane (2006: 3).

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that they conceive the UN as "an assembly of governments which represent sovereign states" (Krasno 1996: 333). This means that **Member States preferences** should be the ultimate **variable explaining outcomes, either expressed singular as nation-state or via aggregated coalitions by** groups. **In accordance with the rational design-concept, Member States adhere to institutional change because doing so is in their interest;** reform proposals must be Pareto resolving solutions, which means that the actors will be in a position (or consider to be in a position) where any other

or consider to be in a position) where any other outcome would lead them to be in a less desired position - institutional change must be "incentive compatible" (Koremos et al. 2001: 768).³ **Preferences do however not necessarily have to be material; they can well reflect preferences for norms and principles or group identities and can be issue-specific or power-related (Hurrell 2005).** The Performance of the Participants in the 2005 UN Reform While the participants in the 2005 UN reform pursue different interests and differ in their individual

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 6

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that counts, but its benefits from change in comparison to the status quo. Puchala, in his study of the US' role in UN reform under the Clinton administration, identifies as key problem that UN reform "is not likely to be a major preoccupation of the Clinton administration" (Puchala 1994: 166). The Clinton administration had positioned itself positively towards many reform issues, but "what continues to be missing in Washington is political will" (Puchala 1994: 168). The political cost of confronting Congress on these issues was too high compared with the costs of maintaining the status quo. High enough benefits from change in comparison to the status quo were thus the missing element, rather than just a preference for or against change.

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base), major policy programmes (programmes ² majeures d activité). ³ See also Keohane and Kelley 2006: 3 ⁴ Puchala identifies as the problem with the Clinton administration regarding UN reform that "it is not likely to ⁴ be a major preoccupation of the Clinton administration" (Puchala 1994: 166) and continues, after describing in ⁴ detail how the Clinton administration has positioned itself positively towards many reform issues, that "what ⁴ continues to be missing in Washington is political will" (Puchala 1994:168). The political will to confront ⁴ Congress on these issues was lacking. Voeten, in his account on non-reform of the SC argues that one ⁴ explanation is that "Some executives publicly claim aspirations to permanent

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. #P34#Organization 54: 185-215.#A#

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predict the propensity for change, can such a reading also make predictions on its direction? Traditional realists rule out the idea that governments are willing to delegate any authority since states defend their sovereignty above all: "The most basic motive driving states is survival. States want to maintain their sovereignty" (Mearsheimer 1994/5: 10). Sovereignty is understood as "the survival of the state as a distinct political entity in world affairs" (Koenig-Archibugi 2004: 139). Neo-realists do not rule out the possibility of voluntary integration. Joseph Grieco's remarks on the European Union Economic and Monetary Union (EMU) are an outstanding example of a more nuanced realist analysis. In Grieco's neo-realist interpretation, the power structure determines the willingness to delegate authority. In his account, agreement on the EMU reflects the interests of

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as the survival of the state as a distinct political entity in world affairs is a "good" that states value over all others+ According to John J+ Mearsheimer, "the most basic motive driving states is survival+ States want to maintain their sovereignty+"³ If states are assumed to be "unitary actors who, at a minimum, seek their own preservation and, at a maximum, drive for universal domination, "⁴ then the absence

state of foreign policy integration is far from surprising+ Foreign and security policies are pivotal to state sovereignty, and for these authors, sovereignty understood as the survival of the state as a distinct political entity in world affairs is a "good" that states value over all others+ According to John J+ Mearsheimer, "the most basic motive driving states is survival+ States want to maintain their

- 16 Explaining government preferences f..., 2007, S.

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authority. In his account, agreement on the EMU reflects the interests of France and Italy to increase their "voice opportunities" vis-a-vis Germany (Grieco 1996: 185). Relatively weaker states are more inclined towards delegation. Grieco argues that "especially for weaker but still salient states, institutionalization might constitute an effective second-best solution to the problem of working with, but not being dominated by, a stronger partner in the context of mutually beneficial joint action (the first-best solution would be to become more powerful and thus be on more equal terms with the stronger partner, or perhaps even not to require cooperation)"¹ (Grieco 1996: 289). In contrast, governments with sufficient independent resources to carry out their favored policies unilaterally should see "no need to relinquish their autonomy and have their hands tied by supranational institutions"² (Koenig-Archibugi 2004; 144-5). Recent studies on international delegation arrive at similar conclusions. Hawkins et al. argue, "states that lack international influence will typically favor delegation"³ (Hawkins et al. 2006: 22). The authors* argument follows Grieco's logic: weaker states cannot act unilaterally and will share in the benefits of delegation. Thus, we would expect stronger states, and especially the hegemon, to be less

1 (Grieco 1996: 289).

2 (Koenig-Archibugi 2004; 144-5)

3 (Hawkins et al. 2006: 22).

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Maastricht reflects the interest of France and Italy in gaining "voice opportunities" vis- -vis Germany for determining monetary policy in Europe+ Grieco s thesis is that, "especially for weaker but still salient states, institutionalization might constitute an effective second-best solution to the problem of working with, but not being dominated by, a stronger partner in the context of mutually beneficial joint action ~the first-best solution would be to become more powerful and thus be on more equal terms with the stronger partner, or perhaps even not to require cooperation!"+¹⁶ Realist theory leads to the expectation that the international distribution of power affects each government s interest in a common foreign and security policy in a different way+

foreign and security policy in a different way+ More specifically, governments whose power resources allow them to conduct an independent and effective foreign policy should see no need to relinquish their autonomy and have their hands tied by supranational institutions+ Weaker countries, on the contrary, should be interested in an integrated foreign 14+ Hasenclever et al+ 1997+ 15+ See Waltz 1979; and Legro and Moravcsik 1998+ 16+ Grieco 1996, 289+ A similar argument with

• 16 Explaining government preferences f..., 2007, S.

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qualifications: the ability to create and enforce international norms, and the will to do so (Keohane 1984). This definition goes beyond purely materialistically defined hegemony. Similarly, Puchala argues that US leadership is crucial for UN reform. "When Washington has been able to project visions that others could endorse and adopt; when it has been able to build coalitions to impel action; and when it has been willing to invest resources in the collective undertakings of the international community, it has led the UN" (Puchala 1994: 172). This has important implications for the interpretation of the results. If we find the UN reformed against the will of the US, especially if the US has declared its attachment to the issue, two explanations are possible: either the US is no longer

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it is often argued that only with the support of the current hegemon, the United States of America, can reform be achieved. Puchala argues that "When Washington has been able to project visions that others could endorse and adopt; when it has been able to build coalitions to impel action; and when it has been willing to invest resources in the collective undertakings of the international community, it has led the UN" (Puchala 1994: 172). But can reform also work without the U.S.? Similarly, studies assessing UN voting behavior argue that member states align according to the hegemon either bandwagoning

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 8

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Germany, France and the UK. One tenet of liberal intergovernmentalism, besides its focus on domestic actors in the determination of EU member states' preferences, is that outcomes reflect the bargains between the powerful member states: "The distributional bargains reflect, above all, the pattern of asymmetrical interdependence among governments" (Moravcsik & Nicolaidis 1999: 69). Asymmetries are determined by outside options, which are related to population size and economic strength (Moravcsik 1993, 1998, Moravcsik & Nicolaidis 1999). Saliency is an important factor in this analysis, as even powerful governments are expected to

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by national governments. Evidence of sub-optimality in these negotiations is limited to a few, less important, areas, mostly involving the precise institutional form of agreements. The distributional bargains reflect, above all, the pattern of asymmetrical interdependence among governments. The intensity of national preference for co-operation, compared to the best unilateral alternative, decisively shaped the distributional outcomes. Assessing and Explaining Efficiency: Agenda-Setting,

- 17 Explaining the treaty of Amsterdam:..., 1999, S. 69

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co-vary with intent. In addition, other big powers, especially members of the European Union, often like to portray their foreign policies and those of the European Union as a "normative power" (Manners 2002) that is happy to bind itself to international law (Diez 2005, Smith 2003). My fourth hypothesis is hence that reform is more likely when the 'big powers' favor it, in comparison to the status quo. The stronger the 'big powers' favor further authority delegation, the more likely is change involving more authority delegation (H4). Operationalizing External Power Even though "translating power outside an organization into power inside the organization is never an exact science" (C. Smith 2006: 24), the most obvious difference in capabilities lies outside the UN . In order to test the influence of external material capabilities on UN reform decisions, this work uses the following two mainstream indicators: the Correlates of War Project Composite Index of Material Capabilities and the gross domestic product (GDP) at purchasing power parity (PPP). The National Material Capabilities data set contains annual values for total population, urban population, iron and steel production, energy consumption, military personnel, and military expenditure

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imply a critique of US policy. Even if the concept of normative power is not specific to the EU (Diez 2005), some argue that the EU s willingness to bind itself to international law is special and specific (Diez 2005: 622). Laatikainen and Smith state: The contrast between the US and EU perspectives on multilateralism could not be more stark. While

voting behavior of developing countries is determined by their perception of powerlessness resulting from their position of relative (economic) power in the international system (Voeten 2000). Even though "translating power outside an organization into power inside the organization is never an exact science" (Smith, C. 2006: 24), the most obvious difference in capabilities potentially impacting member states performance lies outside the UN. The difference in (material) resources is often advanced by UN specialists, the so identified powerful determine

Regarding the factors against which coalition formation is checked, the external power will be measured based on the commonly used Composite Index of Material Capabilities of the Correlates of War Project, which includes values for total population, urban population, iron and steel production, energy consumption, military personnel, and military expenditure. The widely-used Composite Index of National Capability (CINC) index

index is based on these six variables and included in the data set, V3.02. The economic measurement will be based on 2005 World Bank Atlas indicators for measuring the gross domestic product (GDP) at purchasing power parity (PPP).

Table 1 provides an overview on our dependent and independent variables: Explanation Operationalization Abbrev Range Performan ce of actors (DV) Distance between position and outcome

is checked, the external power will be measured based on the commonly used Composite Index of Material Capabilities of the Correlates of War Project, which includes values for total population, urban population, iron and steel

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 6
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 9
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 15

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of all member states, currently from 1816-2001. The widely used Composite Index of National Capability (CINC) is based on these six variables. I have used the most recent available data, which is 2001. The GDP PPP measures the value of all final goods and services produced within a nation in a given year. It is based on World Bank statistics. I then harmonized the two measurements and summed them up. For collective actors, I averaged the external capabilities of the group members (sum of all group

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production, energy consumption, military personnel, and military expenditure. The widely-used Composite Index of National Capability (CINC) index is based on these six variables and included in the data set, V3.02. The economic measurement will be based on 2005 World Bank Atlas indicators for measuring the gross domestic product (

to important cities (capital or cities with more than 500,000 inhabitants). Gross Domestic Product: The Gross Domestic Product (GDP) of a country is defined as the market value of all final goods and services produced within a country in a given period of time. It is the sum of gross investment, consumption, governmental spending and exports minus imports. The GDP is used as

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 15
- 19 What do CIVITAS cities have in common, 2007, S. 13

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looming on **member states'** minds. In the human rights area, the negotiations ended with a vote. Simple majority is hence an important decisionmaking rule of UN negotiations. **As reforms are decided on within the General Assembly, where each country has** one vote, assembling a **majority of members** should not only be a **crucial pre-condition for change**, but the factor determining the outcome. My sixth hypothesis is thus that if the relevant quorum for decision-making (simple or two-thirds majority) is obtained in favor of change and further delegation, change and

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numbers, of rallying the right coalitions, a sufficient number of **member states** with the same preferences. Especially **as reforms are decided upon within the General Assembly, where each country has a vote**, reassembling a **majority of members** is a **crucial pre-condition for change**. We therefore expect a group's influence to go increasing with the number of its members (H3). Finally, another source of power is cohesiveness (König and Slapin 2006). Cohesiveness, e.g.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 8

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simple or two-thirds majority) is obtained in favor of change and further delegation, change and further delegation will occur (H6). If reaching this quorum should not emerge as the determining factor, the **outcome should nonetheless be a matter of raw numbers** with the quality of the actors in terms of their material capabilities being secondary. "**Reform requires coalition-building (or constituency hunting) on a large scale**" (Luck 2004: 2, emphasis added), it requires the rallying of a **sufficient number of member states with the same preferences**. Each member state, independent of its size or strength, counts. A coalition with many members should have more influence on the negotiations than one with few members independent of their national capabilities. And this the more,

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based on economies of scale arguments (Ginsberg 1989). We therefore hypothesize that the closeness to other actors positively impacts an actor's performance (H2). Likewise, the **outcome should be a matter of raw numbers**, of rallying the right coalitions, a **sufficient number of member states with the same preferences**. Especially as reforms are decided upon within the General Assembly, where each country has a vote, reassembling a majority of members is a crucial pre-condition for change.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 8

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benefiting from reform, the more likely is reform (H7). The G77 and NAM - the United South One large group exists automatically when the developing countries decide to speak with one voice, either via the Group of 77 (G77) or the Non-Aligned Movement (NAM). The power of the G77 and NAM accrues out of their numbers and the existing decision-making rule. Table 3: Distribution of seats in UN bodies, August 1st 2005 - General Assembly Security Council Economic and Social Council G77 129 (67%) 6 (40 %) 32 (59 %) NAM 115(60%) 6 (40 %) 32 (59 %) African Union 52 (27 %) 2(13%) 14(26%) Organization of the Islamic Conference 58 (30%) 2(13%) 15(28 %) EU 25(13%) 5 (33 %) 12(22%) A united G77 or NAM achieves by itself a simple majority. With a few other allies, a two-thirds majority can also be obtained - a potential reform veto.²⁹ The Gil and NAM therefore represent collective veto players (Tsebelis 1995).³⁰ It is hence

28 See also Tsebelis's logic of sequencing and taking the decision-making rule of the final stage as relevant rule for the entire process (Tsebelis 2002).

29 One could understand the G77 and NAM as defined by external distribution patterns. But the G77 and NAM

30 In a later study, he differentiates between the impact of collective veto players depending on how the

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areas, sometimes their composition also varies from issue to issue within an area. The major groups at the UN are, starting with the largest in numbers, the Non Aligned Movement (NAM), the Group of 77 (G77), the African group, the Organization of the Islamic Conference (OIC), the European Union, the Latin American group, Caribbean Community and Common Market (

Egypt, Indonesia, Iran, ⁸ Libya, Malaysia, Pakistan, Russia, Somalia, Sudan, Syria, Uzbekistan, ⁸ Vietnam, Zimbabwe. ⁸ The four key groups on human rights ⁸ ⁸ RELATIONSHIP ⁸ WITH EU ⁸ HUMAN ⁸ RIGHTS ⁸ COUNCIL ⁸ ECONOMIC ⁸ AND SOCIAL ⁸ COUNCIL ⁸ SECURITY ⁸ COUNCIL ⁸ GENERAL ⁸ ASSEMBLY ⁸ 16 (7%) 0 (0%) 1 (4%) 4 (9%) ⁸ 2 (14%) 18 (34%) 12 (26%) 77 (40%) ⁸ ENP ⁸ COTONOU ⁸ AGREEMENT ⁸ ENP/Cotonou members in major UN forums, 2007 ¹¹ 11 Robert Kagan, "The Case for a League of Democracies", Financial Times, 15 May 2008. ¹³ 13

Latina Americans on one side and the opposing likeminded countries such as Iran, Sudan or Cuba were the African group and the Caribbean countries, with the Organization of the Islamic conference (OIC) tendentiously favoring a like-minded position. The reform alliance managed first of all to maintain the status quo as it relates to decisionmaking authority,

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. #P85#Noël
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 18

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voting rights in the General Assembly. Article 2 affirms the "sovereign equality of all its members". This equality is not based on material factors, such as military might or economic wealth, but rather a legal principle, which "has attained almost an ontological position in the structure of the international legal system" (Kingsbury 1998: 600). Furthermore, this principle implies that "inherent in sovereign equality is a particular concept of just governance where all states - regardless of material attributes - have equal authority in managing the international system" (Viola forthcoming). At the UN, despite its claim for procedural equality, control over the organization is nonetheless unequally distributed among the UN membership in (often subtle) ways. Some are more explicit and observable, such as

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for the 21st century. According to Slaughter (2005: 631), this proposal went beyond the topic of actual UN reform and opened the door to rethinking fundamental assumptions of the international legal system for the twenty-first century by "moving from a rights-based conception of sovereignty to a responsibility-based conception, from a perception of UN membership as validation of

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2

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Vision: Potential Balancing Distribution of institutionalized privileges and burdens cannot only be assessed statically; it also requires a dynamic analysis. Future distribution matters. Authors in the field of historical institutionalism argue that change can occur when "something erodes or swamps the mechanisms of reproduction that generate continuity" (Pierson 2004: 52), which in this case are worldwide power dynamics. Similarly, as mentioned above, an important insight of hegemonic stability theory is that the reduction of asymmetries in the global sphere leads, at least until new

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und versage weitgehend, wenn es darum geht, institutionellen Wandel zu erklären (Rittberger 2003). An Piersons vage Bemerkung, dass Institutionen so lange schwer zu verändern sind, "until something erodes or swamps the mechanisms of reproduction that generate continuity" (Pierson 2000a, 265) knüpft etwa Kathleen Thelen an und setzt die Erforschung der jeweils stabilisierenden Mechanismen vor die Analyse konkreten institutionellen Wandels. Denn die Kenntnis der besonderen

- 20 8222 Wollen wir wirklich so einen s..., 2007, S. #P29#von 28

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incentives, especially in the relationship between the member states and the UN secretariat and UN agencies, funds, and programs. For example, the Secretary-General is selected by the P5, The UN Charter, in Article 97 (Chapter XV), postulates **that the Secretary-General "shall be appointed by the General Assembly upon the recommendation of the Security Council"**. While the Secretary-General is appointed by a General Assembly resolution, the specification **"upon the recommendation of the Security Council"** has limited the adoption of these resolutions to a formal act. At its very first session in 1946, the General Assembly set the exact procedure for the Secretary-General's appointment. Most significantly, this resolution stipulated that the General Assembly should be presented with a single name from the Security Council. This has de facto given the power of selection to the Security Council.³⁹ Per issue, this work analyzes which bodies are concerned and how its constituent parts

³⁹ In 1950 the General Assembly, in highly exceptional circumstances, again took a prominent role in the

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Asia and Mrica Eastern Europe Western Europe Older Commonwealth countries United States The Secrrtary-Gentral initially 4, now 2 initially 2, now 5 initially 3, now 2 usually 4 The Charter states **that the Secretary-General ' shall be appointed by the General Assembly upon the recommendation of the Security Council'** (Article 97). The Assembly decided during the first session that 'both nomination and appointment should be discussed at private meetings, and a vote ... , if taken, shall be

principles for the use of force, which should guide or even direct the decisions of the five permanent members of the Security Council. The membership **composition of the Security Council** has not yet been changed, neither has the veto power been limited or refined. Nonetheless, the Security Council adopted in 2006 a resolution codifying and extending

- **10** The General Assembly of the United ..., 1960, S.
- **1** Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 19

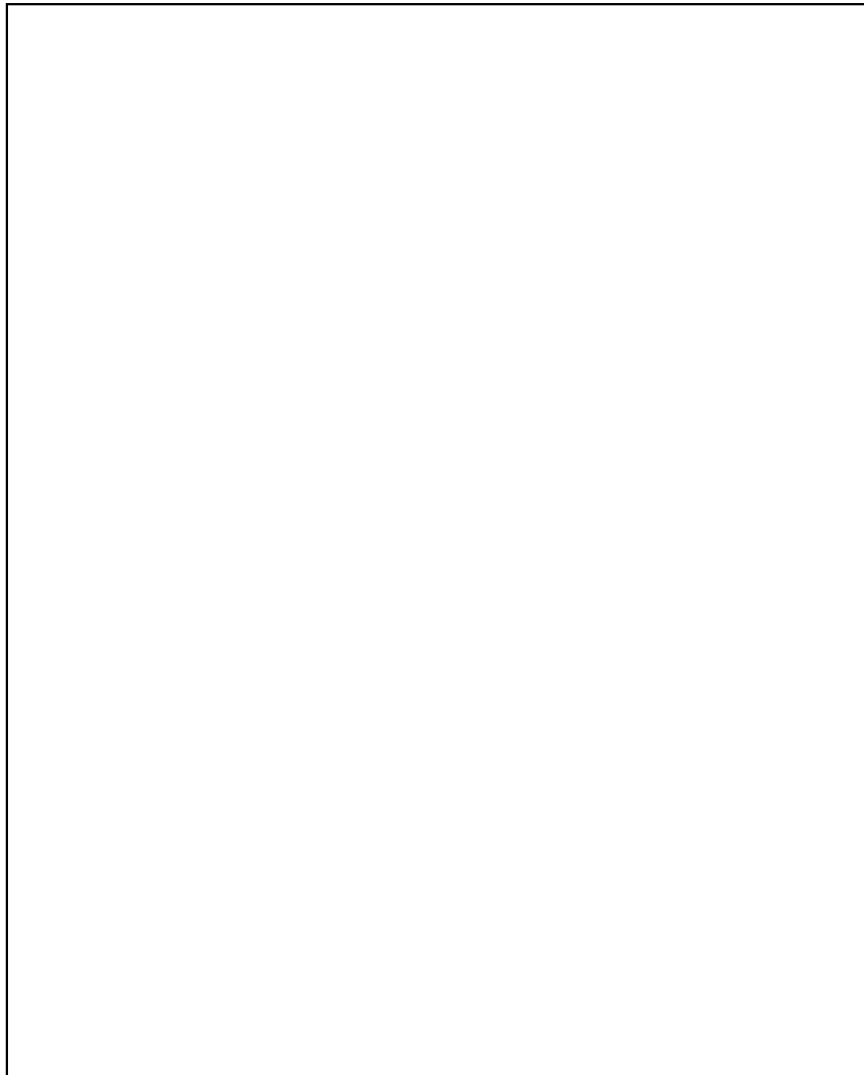
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developed above, this study will control for several variables that might impact the likelihood of reform. The quantitative regression analysis will be controlled for issue area and authority delegation outliers based on a residual plot analysis. Residuals are the difference between an observed value of the response variable and the value predicted by the model¹ (Moore and McCabe 1993: 854). In addition, both quantitative and qualitative analysis will attempt to identify a trend supporting Hoffmann's hypothesis of "low and high" politics (Hoffmann 1996). Categories of Authority Delegation Looking at a large sample of international agreements drawn from the UN Treaty Series, Barbara Koremenos (2006) argues that studies should differentiate between different types of authority delegation, such as monitoring or decision-making authority. She argues that the degree of authority delegation on which member states can agree might depend on the nature of authority concerned. This research therefore controls for the

¹ (Moore and McCabe 1993: 854)

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- 21 Alzamora, Stella M./u.a.: Experimen..., 2005, S.

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documentation provided for by the UN secretariat and secondary literature about the structure of the United Nations. For the quantitative analysis of the collected data, I use co-variation tests, estimating the coefficients of three developed models by ordinary least square regression (OLS). I develop three models, one for each set of hypotheses derived from the broad theoretical approaches: a) testing hegemon and big power hypotheses, b) the impact of decision-making rules and c) consequences of asymmetry and symmetry for the

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on the distance to the outcome is strictly additive and employ the following linear model for the analysis: $Y = \beta_1 H_1 + \beta_2 H_2 + \beta_3 H_3 + \beta_4 H_4 + \beta_5 H_5 + \beta_6 H_6 + \beta_7 H_7 + \beta_8 H_8 + \beta_9 H_9 + \beta_{10} H_{10}$. The coefficients of this model can be estimated by ordinary least square regression (OLS) and we report the results of that regression in table 2. Table 2: Explaining Performance in the 2005 UN Reform

Estimate	Std. Error	t value	Pr(> t)
(Intercept)	0,06732	0,7817	0,08612
0,9319			

Distance

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 26

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is defined "as the change in the probability and/or value of the dependent variable that would have occurred if the explanatory variable had assumed a different value" (George & Bennett 1997). This counter-factual definition represents the "fundamental problem of causal inference" (King, Keohane & Verba 1994: 79). Instead, we can test co-variation, but it remains an imperfect alternative to perfect experiments. Covariation tests attempt to measure causal effects by controlling for the effects of variables other than the variable of concern.⁴⁶ Co-variation can be tested in several ways; one is through statistical methods that estimate the partial correlations between each independent variable and the dependent variable. Another way is through congruence

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internationalen Beziehungen, München 1973, S. 11-21, S. 20¹¹⁸ 118 Gurr 1995, zitiert nach Hamm 1999, S. 28¹¹⁹ 119 Nach Holland (1986) bezeichnen King, Keohane und Verba die Unmöglichkeit, einen¹¹⁹ kausalen Effekt mit Sicherheit zu bestimmen als "the fundamental problem of causal¹¹⁹ inference" (King / Keohane / Verba 1994, S. 79)¹²⁰ 120 Die kontrafaktische Analyse ist der Versuch, in den Sozialwissenschaften die Bedingungen¹²⁰ eines Experiments herzustellen, um kausale Effekte zu bestimmen. Im Gegensatz zu

- 22 Kölner Arbeitspapiere zur internati..., 2003, S. 1

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patterns allow for prediction of policy outcomes, it does not necessarily explain causality (Van Evera 1997: 6-10). John Stuart Mill's method of concomitant variations argues that whatever **phenomenon varies in** any manner whenever another **phenomenon varies in some particular manner, is either a cause or an effect of that phenomenon, or is connected with it through some fact of causation** (Copi & Carl 2001). Complementarities of Quantitative and Qualitative Methods This' difference provides for complementarities in the methods of analysis. As Bennett and George argue, "causality involves both causal effects and causal mechanisms and its study requires a

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Informationen auf der Mesoebene etwa über Parteien oder Verbände (Wähleranteil an der Gesamtbevölkerung, Mitgliederanteil an der Gesamtbevölkerung etc.) oder der **phenomenon varies in the some particular manner, is either a cause or an effect of that phenomenon, or is connected with it through some fact of causation.**" (Mill 1890: 287) Makroebene z.B. auf staatlicher Ebene (Arbeitslosenquote, Wirtschaftswachstum, Demokratiegrad etc.) gearbeitet. Folglich werden in Aggregatdatenanalysen kollektive Eigenschaften miteinander in Beziehung gesetzt. Kollektive sind jedoch komplexer als Individuen,

- 23 Pickel, Susanne/u.a. (Hrsg.): Metho..., 2009, S. 174

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the 'big picture'. This is then complemented with an analysis of causal mechanisms, e.g. of processes, events and actions that link the independent to the dependent variable (usually referred to as "process-tracing"). For the quantitative **analysis of the 2005 UN reform**, this work has distinguished between **five reform areas** and uses **issue-specific positions of the participants**. For each issue area, the status quo, member states' preferences and the outcome per issue were coded so as to allow for spatial analysis, and then projected into a **conflict space** using **Bayesian factor analysis to unfold a two-dimensional policy space for each area**. This analysis permits a general picture of one issue area, to assess how far the status quo has been moved overall and in which direction. Furthermore, it allows a positioning of each actor per issue area according to its willingness to delegate further authority to the UN. The question is not how much an actor



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security to one that locates the value of states in their ability to guarantee human security". From a more general IR perspective, we believe that the **analysis of the 2005 UN reform** can provide insight into changing the organizational design of international cooperation, which has received little attention in the past. While the 2005 UN reform is about

or the African group. ³ ³ Max:74 ³ 594597 ³ ⁴ ³ Unfolding **Five Reform Areas**

³ For the analysis of the 2005 UN reform, we distinguish between the five reform areas and use ³ **the issue-specific positions of the participant** for unfolding the latent **conflict space** in each ³ area, whether these positions are mentioned by individual or collective actors. This means that ³ the

individual or collective actors. This means that ³ the size of the actors varies between seven and thirteen participants in each area. For each ³ area, we use **Bayesian factor analysis to unfold a two-dimensional policy space for each area**, ³ in which we locate the positions of the participants, the status quo and the outcome. We apply ³ the approach developed by Quinn (2004) that can

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 2
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. #P34#Organization 54: 185-215.#A#

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as dependent variables. Change is first coded as 'yes' or 'no' (1 or 0) and in a second step the 'delegation intensity' variable is the distance between the outcome and the status quo and measures the two-dimensional Euclidean distance for 430 cases (actors times reform issue minus missing information, see further below) so as to reflect the direction change has taken as well as its intensity according to the authority delegation scale. Regarding the independent variables, Chapter 2 has developed three sets of hypotheses. As the theoretical approaches are competing, three models have been developed to test in separate regressions their explanatory power; using one regression would

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the configuration in each reform area we can determine the distances between each participant and the outcome. This is our dependent variable which measures the twodimensional Euclidean distance for 46 cases (actors times area). As independent variables we distinguish between a bargaining, hegemonic and politico-economic perspective. The bargaining factors relate to the distance between each actor and

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 25

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the independent variables are additional factors. The first two regressions use utility calculations and measure the distance between actors' positions, the status quo and the outcome. The third regression uses symmetry indicators. Within each model, I assume that the impact of these independent variables on the distance of the outcome to the status quo is additive. For each model, I employ the following linear model for the analysis: $Y = p_1H_1 + p_2H_2 + p_3H_3$ The coefficients of this model can be estimated by ordinary least square regression (OLS). I then compare the models based on the Akaike Information Criterion (AIC) as one prominent method for cross model comparison of nonnested models (Clarke 2001:734). This is done by transforming the linear regressions into generalized linear models, whose analysis provides for the AIC. Finally, the intercept has been

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we evaluate macro-economic indicators such as the economic power in terms of GDP (H8), national material capabilities (H9) and the UN budgetary contribution of an actor (H10). We assume that the impact of these independent variables on the distance to the outcome is strictly additive and employ the following linear model for the analysis: $Y = ?_1H_1 + ?_2H_2 + ?_3H_3 + ?_4H_4 + ?_5H_5 + ?_6H_6 + ?_7H_7 + ?_8H_8 + ?_9H_9 + ?_10H_{10}$ The ?-coefficients of this model can be

the UN budgetary contribution of an actor (H10). We assume that the impact of these independent variables on the distance to the outcome is strictly additive and employ the following linear model for the analysis: $Y = ?_1H_1 + ?_2H_2 + ?_3H_3 + ?_4H_4 + ?_5H_5 + ?_6H_6 + ?_7H_7 + ?_8H_8 + ?_9H_9 + ?_10H_{10}$ The ?-coefficients of this model can be estimated by ordinary least square regression (OLS) and we report the results of that regression in table 2. Table 2: Explaining Performance in the 2005 UN Reform

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 25
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 26

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Foreign Affairs Ministry's Policy Planning Unit, also focusing on the included. Second, only politically relevant issues were included. Political salience was defined based on a proposal's success on moving from the High-Level Panel report to the Secretary-General report's to the negotiating table, i.e. into the first draft of the Outcome Document. This work therefore studied the High-Level report, the Secretary-General report and the first June draft negotiation document, tracing issues from one document to the next.

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amount of possible options, and issue characteristic. In order to select politically relevant issues, only those that made it from the High-Level Panel report over the Secretary-General report to the negotiating table were selected. Kofi Annan had tasked a "High Level Panel on Threats, Challenges and Change" to present a coherent set of proposals for reform. The report

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 12

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Status Quo and Reform Options Having identified the relevant reform issues, I next identified the status quo. Identifying the status quo was one of the most difficult steps in my endeavor. A careful study of existing UN structures, processes and policies was again undertaken based on triangulation of primary sources, such as the UN Charter or General Assembly resolutions, interviews with experts and secondary resources. Interviews were necessary as the status quo is often not codified in official documents but defined by member states' practice and informal agreements. For half of the 64 issues, official documents were insufficient to determine the status quo. I then either asked experts based in the UN secretariat to identify

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from the status quo, and the outcome. In order to code the status quo, for each reform issue, a careful evaluation of the status quo, identifying existing structures, processes and policies, was undertaken. This was done based on official UN documents, but also based on interviews with concerned actors as the status quo is often not codified in official documents. Furthermore, regarding cohesiveness and salience, interviewees had the option to select on a scale from 0 to 3, 0 meaning that the group actually had not managed to

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 14

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Next I identified all possible reform options by studying several official negotiating documents, which were made publicly accessible by an NGO covering the reform process (www.reformthcun.org). These documents contained alternative proposals suggested by member states. Furthermore, an analysis of over 600 group and government statements made from April to September 2005 allowed further identification of alternative proposals. Most of these statements were publicly available on member states' websites and the beforementioned website "www.reformtheUN.org", which placed online many of the statement made throughout the process that were not available elsewhere. The status quo as well as reform options were then coded according to the delegation schem? developed in Chapter 1. This was necessary for the quantitative analysis and the possibility to establish

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location. The questionnaire was developed based on an analysis of several unofficial negotiating documents, which contained, in addition to the original proposal, alternative formulations in brackets. Furthermore, an analysis of over 600 group and government statements made from April to September 2005 allowed further identification of alternative proposals. Most of these statements were publicly available on member states' websites and the website "Reform the UN", which managed to place online many of the statements made throughout the process that are not available elsewhere. In addition, unpublished position papers and internal documents were obtained by the researcher, which allowed for cross-checking of the

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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be an insurmountable task. Fortunately, this is not necessary as member states act collectively. Only few states, such as Russia or the United States, act outside of a group. Although individual countries formally take the final votes, the complexity of UN decision-making necessitates gathering (costly) information about alternatives and possible consequences. Moreover, for many countries, the collective representation should also be advantageous for influencing the outcome when compared to individual representation. Collective groups are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 of developing countries or CANZ (Canada, Australia and New Zealand). Others are exogenous, such as the European Union. Empirically, it varies across the five issue areas, which groups are acting and how they are composed. This reduces significantly the amount of positions to be collected. Furthermore, this work only collects actors' positions and

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taken by individual countries, the collective representation of group positions provides particular insight into the UN's reform process. On the one hand, it is obvious that the complexity of UN decision-making necessitates gathering (costly) information about alternatives and possible consequences. Moreover, for many countries, the collective representation should also be advantageous for influencing the outcome when compared to individual representation. However, on the other side, these advantageous effects should also depend on the cohesiveness of a group's position because a less cohesive group may gather less

often joins the G77 as it seeks to increase its influence within the developing world, the G77 hence becomes G77 and China. The groups active in the United Nations are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union

in the United Nations are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is the child of decolonization and the Cold War, its origins are Yugoslav, Egyptian and Indian

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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each reform area, presenting the status quo as well as a set of possible reform options per issue. Interviewees were asked to identify their preferred option at the beginning of the process, as well as the group's coherence on the issue and its salience to the group. For example, one issue within the peacebuilding reform area was the creation of a new peacebuilding commission and its institutional location. The questionnaire asked if the group's preference at the beginning of the negotiations had been to create the commission as a) a Security Council subsidiary body, b) an ECOSOC body, c) a General Assembly body, or c) some other institutional location to be specified. The reform options were ordered according to the degree of authority delegation entailed in each option, starting with that requiring most authority delegation from member states. Identifying Actors; Groups in UN reform The next step was to identify all relevant actors, either individual or collective, per reform area and issue. Group constellations in the 2005 process differ according to area. While some

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reform issues per area and, per issue, requested the interviewee to identify the group's preferred option at the beginning of the process, as well as the group's coherence on the respective issue and its salience. It presented for all identified reform issues a set of possible options, including the status quo. For example, regarding the creation of the Peacebuilding Commission and its institutional location, the questionnaire asked if the group's preference at the beginning of the negotiations had been to create the PBC as a Security Council subsidiary body, or a body linked to the General Assembly, or to ECOSOC or any other preferred institutional location. The questionnaire was developed based on an analysis

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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While some groups do only form in one area or even on one issue, others act almost consistently across all areas, such as the European Union. **This means that the size of the actor set varies between seven and thirteen participants in each area.** Member states could not freely pick and choose 47 httpwwwsowiunimarmheimdelehsmehlelspol2dosei from all theoretically available alliance formations. If only Senegal wanted to act via the African group **but the rest of the African group preferred to participate in the G77,** Senegal could not alone chose the African group. Group formation hence depends on collective decisions. This group formation process **has not been studied.** For each reform issue, **media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of individual countries and groups involved in the process.** The major groups that participated in the process were, starting with the largest in numbers, the Group of 77 (G77), the Non-Aligned Movement (NAM), the African group, the Organization of the Islamic Conference (OIC), **the European Union (EU), the Latin American group, Caribbean Community and Common Market (CARICOM), Canada, Australia and New Zealand (CANZ).** In addition, a variety of ad hoc coalitions

● 19% Einzelplagiatswahrscheinlichkeit

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unfolding the latent conflict space in each ³ area, whether these positions are mentioned by individual or collective actors. **This means that ³ the size of the actors varies between seven and thirteen participants in each area.** For each ³ area, we use Bayesian factor analysis to unfold a two-dimensional policy space for each area, ³ in which we locate the positions of

is not primarily a question of improving EU unity within the UN, which is already at an all-time high. The EU increasingly votes as one **but the rest of the world has not followed;** support for EU positions at the UN is steadily decreasing. European unity is necessary, but it is not sufficient. The EU field of nuclear disarmament, were not included. A careful process-tracing and analysis of several negotiation documents then served to spot the relevant actors per reform area. **Media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of involved groups and individual countries.** The interviews were conducted based on five standardized questionnaires, one for each reform area. The questionnaire addressed all reform

also varies from issue to issue within an area. The major groups at the UN are, starting with the largest in numbers, the Non Aligned **Movement (NAM),** the Group of 77 (G77), the African group, the Organization of the Islamic Conference (OIC), the European Union, the Latin American group, Caribbean Community and Common

UN are, starting with the largest in numbers, the Non Aligned Movement (NAM), the Group of 77 (G77), the African group, the Organization of the Islamic Conference (OIC), **the European Union, the Latin American group, Caribbean Community and Common Market (CARICOM), Canada, Australia and New**

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. #P34#Organization 54: 185-215.#A#
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 7
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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existed. As single actors, the US, Japan, Russia and China are relevant. At the same time China often joined the G77 as it seeks to increase its influence within the developing world; the G77 hence becomes 'G77 and China'. These groups are partially endogenous to the UN and have constructed their identity over decades inside the UN, such as the G77 or CANZ. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is the child of decolonization and the Cold War; its origins are Yugoslav, Egyptian and Indian objectives to develop a common power base of "non-aligned" states, neither to the Soviet Union or the United States of America. It continues to rally the developing countries and middle-income countries around political questions. The G77 is concerned with economic questions and originally brought together 77 states. It is largely identified with the drive for a 'New Economic Order' and the creation of a trade conference within the United Nations (UNCTAD) to counterweigh the General Agreement on Tariffs and Trade (GATT). The G77 has seen a revival over the last few years, after many had predicted its death with the end of the Cold War (Voeten 2000). The African group's membership is evident; CARICOM also exists outside the UN context and serves inside the UN to bring together the Caribbean states. Even though the degree of actorness of the EU varies at the UN, it is certainly an important group.⁴⁹ When speaking with one voice, candidate and associated countries often align their positions with the EU, adding up the number of countries behind a EU position to a fifth of the membership. In fact, when looking at the variety of reform issues, the EU spoke with one voice on the vast majority of issues - except Security Council expansion. Regarding Latin America, the Rio group, which previously assembled most Latin American democracies, exists in theory as a possible group formation. Since the election of Hugo Chavez in Venezuela, this group has lost its usefulness for most of its members, and ad hoc coalitions of some Latin American countries have replaced it instead, which have not yet taken on any new formalized label or organization. The least organized continent is Asia, no formalized negotiation coalition exists; the Asian countries are only organized as Asian group for election purposes to UN bodies. Ad hoc coalitions among themselves or with

● 89% Einzelplagiatswahrscheinlichkeit

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Zealand (CANZ). In addition, a variety of ad hoc coalitions exists. As single actors, the USA, Japan, Russia and China are relevant. China however often joins the G77 as it seeks to increase its influence within the developing world, the G77 hence becomes G77 and China. The groups active in the United Nations are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is the child of decolonization and the Cold War, its origins are Yugoslav, Egyptian and Indian objectives to develop a common power base of "non-aligned" states, neither to the Soviet Union or the United States. It continues to rally the developing countries and middle-income countries around political questions. The G77 is concerned with economic questions and originally brought together 77 states and is largely identified with the drive for a "New Economic Order" and the creation of a trade conference within the United Nations (UNCTAD) to counterweigh GATT. The G77 also saw a revival over the last few years, after many had predicted its death with the end of the Cold War (Voeten 2000).

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with one voice on the vast majority of issues except Security Council expansion. The African group's membership is evident; CARICOM also exists outside the United Nations context and serves inside the UN to bring together the Caribbean states. Regarding Latin America, the Rio group, which previously assembled most Latin American democracies, exists in theory as a possible group formation. But since the election of Hugo Chavez in Venezuela,

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great powers dominate the picture. To be mentioned, as cross-continent, and instead religion-based coalition is the Organization of the Islamic Conference with 58 member states, representing one-third of the General Assembly. Finally, one small, but not negligible group is CANZ, as it brings together non-EU Western middlepower countries that are often active change promoters. In addition, during the 2005 process, an informal group around Egypt, Pakistan and Cuba played a crucial role. Around 16 countries, including Venezuela, Burma, Turkmenistan, Belarus, Vietnam, Syria, Sudan, and Iran, enjoined their often hard-line positions against alterations of the status quo. Their label was hence 'the like-minded against', or just the 'likeminded'. Peace and Security Alliances were different in the Security Council and the peacebuilding cases. Nonetheless, the same diplomats were often responsible for both

49 Smith and Laatikainen's recent volume on the EU at the UN has shown that the EU actually operates together more often than one might expect. However, Jørgensen and Laatikainen explain that "The challenge of the UN context for the EU is that while it enjoys competence in some areas across the UN system, for the most part in the political organs of the UN, the EU depends upon the sovereignty of its member states in order to play a role. The UN thus contribute to the gestalt of the EU's split personality, being both actor in its own right and an arena for the expression of member-state interests" (Jørgensen and Laatikainen 2006: 10). For this study, the EU is an actor in terms of 3 coalition, as much as the G77 is or the African group.

● 11% Einzelplagiatswahrscheinlichkeit

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this group has lost its usefulness for most of its members, and ad hoc coalitions of some Latin American countries have replaced it instead, which have not yet taken on any new formalized label or organization. The least organized continent is Asia, no formalized negotiation coalition exists; the Asian countries are only organized as Asian group for election purposes to UN bodies. Here as well, ad hoc coalitions among themselves or with great powers dominate the picture. To be mentioned as cross-continent, and instead religionbased coalition is the Organization of the Islamic Conference with 58 member states, representing 30% of the General Assembly. Finally, one small, but not negligible group is CANZ, as it brings together non-EU Western middlepower countries that are often active change promoters. For the analysis of their bargaining performance we gathered data by standardized interviews with decision-makers, experts and UN secretariat staff and a thorough process-tracing of the different reform cases. The data set used contains individual countries and groups positions

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among themselves or with great powers dominate the picture. To be mentioned as cross-continent, and instead religionbased coalition is the Organization of the Islamic Conference with 58 member states, representing 30% of the General Assembly. Finally, one small, but not negligible group is CANZ, as it brings together non-EU Western middlepower countries that are often active change promoters. For the analysis of their bargaining performance we gathered data by standardized interviews with decision-makers, experts and UN secretariat staff and a thorough process-

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 12

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in their positions at the beginning of the process. The majority of interviewees expressed surprise at this approach but managed to switch their thinking. Interviewees were clearly able to distinguish and remember initial positions. When answers were unclear or contradictory, I conducted a further interview with either another member of the same group or an expert on the group. In order to address group fitnesses, I did extensive crosschecking interviews with several key actors within each of the big groups, G77, NAM, African group and EU. I consistently conducted two interviews for each large

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elsewhere. In addition, unpublished position papers and internal documents were obtained by the researcher, which allowed for cross-checking of the publicly available documents. Whenever given answers were unclear or contradictory, a further interview with either another member of the same group or an expert of the group was undertaken. All interviews were conducted with less than a year of time lapse and partially still during the time of negotiations.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

● 5% Einzelplagiatswahrscheinlichkeit

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existing UN structures, processes and policies. This has again been undertaken based on triangulation of primary sources, such as the UN Charter or General Assembly resolutions, interviews with experts and secondary resources. Interviews were necessary as the status quo is often not codified in official documents but defined by member states' practice and informal agreements, Whenever two out of the three categories (voting and election mechanisms, representation, and financial arrangements) were characterized by imbalance in the status quo, the slates quo

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status quo, identifying existing structures, processes and policies, was undertaken. This was done based on official UN documents, but also based on interviews with concerned actors as the status quo is often not codified in official documents. Furthermore, regarding cohesiveness and salience, interviewees had the option to select on a scale from 0 to 3, 0 meaning that the group actually had not managed to

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 14

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the entire UN system. On the basis of Charter regulations, the status of permanent member has special bearing on: - Veto right in the Security Council (Article 27) - Composition of the **Military Staff Committee** (Article 47), which consists **of the Chiefs of Staff of the permanent members or their representatives** - Composition **of the** Trusteeship Council (Article 86 b) Appointment **of the** Secretary-General The imbalance in financial arrangements is evident as not all P5 contribute equally to the regular and peacekeeping budgets. The US shoulders 22

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and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. 2. The **Military Staff Committee** shall consist **of the Chiefs of Staff of the permanent members of the Security Council or their representatives**. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee

- 8 Charter of the united nations, 1945, S. 10

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process, puts the diverse issue areas into perspective and presents the background for the area specific process analyses. The 2005 reform process story starts in 2003 with [Kofi Annan](#)'s widely cited "fork in the road" statement: "We have come to a fork in the road. This may be a moment no less decisive than in 1945 itself, when the United Nations was founded. (Secretary-General address to the General Assembly New York, September 23,2003)"⁵⁶ A broad participatory and consultative process led to the September 2005 summit, at which heads of states mainly decided on the principles for change and outlined a road map for more detailed follow up negotiations. While the summit Outcome

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world. The profound character of the reformist imperative was most dramatically articulated by [Kofi Annan](#) when, in a September 2003 speech to the General Assembly, he said: **We have come to a fork in the road. This may be a moment no less decisive than 1945** itself, when the United Nations was founded... I believe the time is ripe for a hard look at fundamental issues, and at the structural changes that may

Occasional Paper, No. 25 (Notre Dame, IN: The Joan B. Kroc Institute for International Peace Studies, University of Notre Dame). IRAK DANSK NY 18/05/05 13:15 Side 186 Annan, Kofi (2003) The [Secretary-General Address to the General Assembly, New York, 23 September](#), tilg ngelig p <<http://www.un.org/webcast/ga58/statements/s2eng030923.htm>> (23. januar 2005). Associated Press (2004) "Russia Threatens to Strike Terror Bases", 9. september. Authorization for Use of Military Force, Joint Resolution of

- 24 Falk, Richard: Reforming the United..., 2005, S.
- 25 OG MILIT R MAGTANVENDELSE, 2005, S. 187

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though President Bush pointedly refused to answer questions on whether he thought Annan should resign, the entire atmosphere was not one just to celebrate the UN. The Russian Deputy Foreign Minister Yuriy Fedotov stated "It is not by chance that this campaign coincided with the release of a report by the High-Level Panel on threats, challenges and change".⁶² Because of the serious attacks on Kofi Annan, many other governments, even if critical of the report, refrained from outspoken criticism so as not to further weaken the Secretary-General. Instead, the Secretary-General's presentation of

⁶² Russian deputy foreign minister stands up in defense of UN secretary-general, ITAR-TASS news agency,

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that ³⁰ state delegations should be led by key and prominent individuals with human rights experience. See UN General Assembly, A More Secure World: Our Shared Responsibility. Report by ³⁰ the High-Level Panel on Threats, Challenges and Change, 2 December 2004, A/59/565 at ³⁰ para. 286, available at: <http://www.un.org/secureworldreport2pdf> [last accessed 1 ³⁰ December 2008]. ³¹ 31 The reports of the Working Group usefully provide lists of the composition of delegations as ³¹

- ²⁶ Of Shaming and Bargaining: African ..., 2009, S. #P35#July 2008.

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has book length. The Panel made a total of 101 recommendations. However, many of them were not new, rather calling upon states to sign or ratify existing conventions, to terminate negotiations on specific issues (such as on **legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons**), or to call upon states to terminate negotiations outside the UN (such as the call for the Doha Round at the WTO to be terminated before the end of 2006). In many cases the Panel's role was more taking a position in an old debate rather than suggesting new institutional mechanisms. Importantly,

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regional organizations in developing frameworks for minority rights and the protection of democratically elected Governments from unconstitutional overthrow. (94) 15. Member States should expedite and conclude negotiations **on legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons.** (96) 16. All Member States should report completely and accurately on all elements of the United Nations Register of Conventional Arms, and the Secretary-General should be

- 27 Transmittal letter dated 1 December..., 2004, S. 76

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visions of security arguing ,i hese were all actually inextricably intertwined. Reaching a "new security consensus" was at the heart of the report (Berdal 2005: 45). The Panel opted for identifying several major threats based on six clusters: "poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime," although acknowledging that some threats they had identified would most likely not be recognized by all. The Panel nonetheless insisted that threat definitions could not exclude some dimensions to the detriment of others, as they feared

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too well that the biggest security threats we face now, and in the decades ahead, go far beyond States waging aggressive war. They extend to poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. The threats are from non-State actors as well as States, and to human security as well as State security. The preoccupation of the United

- 27 Transmittal letter dated 1 December..., 2004, S. 11

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by all. The Panel nonetheless insisted that threat definitions could not exclude some dimensions to the detriment of others, as they feared that such an act would further alienate those from the UN that "believe that what passes for collective security today is simply a system for protecting the rich and powerful. Such perceptions pose a fundamental challenge to building collective security today. Stated baldly, without mutual recognition of threats there can be no collective security"¹ (High-Level Panel 2004: ²). Furthermore, the Panel did adopt a state-centered approach, reconfirming the principles of sovereignty and non-intervention. States are the "front-line actors," but no single state "can stand wholly alone" (High-Level Panel 2004: 11). Regarding specific issues, the Panel put much importance on the development aspects, addressing development aid, trade and finance issues. On the more narrowly defined security aspects, it extensively addressed nuclear non-proliferation and

¹ High-Level Panel 2004: 2

² High-Level Panel 2004: § 200



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lead us to dismiss what others perceive as the gravest of all threats to their survival. Inequitable responses to threats further fuel division. Many people believe that what passes for collective security today is simply a system for protecting the rich and powerful. Such perceptions pose a fundamental challenge to building collective security today. Stated baldly, without mutual recognition of threats there can be no collective security. Self-help will rule, mistrust will predominate and cooperation for long-term mutual gain will elude us. What is needed today is nothing less than a

- 27 Transmittal letter dated 1 December..., 2004, S. 12

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On the more narrowly defined security aspects, it extensively addressed nuclear non-proliferation and terrorism questions. The Panel, although reaffirming the sovereignty and non-intervention principles, embraced the concept of the Responsibility to Protect: "We endorse the emerging norm that there is a collective international Responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent"² (High- Level Panel 2004: § 200). At the same time, the Panel members rejected the concept of preventive self-defense, such as undertaken by the US in its war against Iraq, and argued that if a state perceived a nonimminent and non proximate threat to be so dangerous that requiring

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it is prepared to declare that the situation is a "threat to international peace and security", not especially difficult when breaches of international law are involved. 203. We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent. B. The question of legitimacy 204. The effectiveness of the global collective security system, as with any other legal order, depends ultimately not only on the legality

- 28 United Nations: A More Secure World..., 2004, S. 66

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so dangerous that requiring intervention, it **should be** able to convince **the Security Council** of its cause. Clarity about the **use of force** could be provided by establishing criteria to circumscribe the **use of force (seriousness of threat, proper purpose, last resort, proportional means, and balance of consequences)**, **more** transparency and involvement of the entire membership of the organization. In contrast to earlier news,⁶⁴ the Panel had not settled on one formula for Security Council expansion but presented two models. One foresaw new permanent

⁶⁴ Following the closed door Panel meeting in Baden, Austria, in July 2004, The Economist reported that the

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Level Panel sets forth five criteria that **should be** relied upon by **the Security Council** in debates and discussions pertaining to the **use of military force: seriousness of threat, proper purpose, last resort, proportional means, and balance of consequences** (UN 2004b: 67). This set of criteria amounts to a revival of a just war approach to the use of force, combining considerations of law, morality, and politics to

- 24 Falk, Richard: Reforming the United..., 2005, S. 173

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conflict. It recommended a Peacebuilding fund, a Peacebuilding office and the establishment of a "Peacebuilding Commission" by the Security Council after consultation with ECOSOC. In regards to strengthening the position of the Secretary-General, the Panel recommended substantially **increasing the flexibility provided to the Secretary- General in the management of his staff**. **Finally**, the Panel proposed relatively little in the realm of human rights and the rule of law. There was no extra section on human rights and the rule of law. The Panel proposed that membership of the Commission on Human Rights becomes universal, for the secretariat to produce an **annual report on the situation of human rights worldwide** and to establish a **robust capacity-building mechanism for rule-of-law assistance**. In addition, it called upon sanctions committees to establish mechanisms for reviewing cases and respecting the rule of law. As soon as the report was released, an intensive debate about its merits and pitfalls started. The

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Articles 100 and 101 of the Charter of the United Nations; (b) Member States review the relationship between the General Assembly and the Secretariat with the aim of **substantially increasing the flexibility provided to the Secretary-General in the management of his staff**, subject always to his accountability to the Assembly; (c) The Secretary-General's reform proposals of 1997 and 2002 related to human resources should now, without further delay, be

be supported in its work by an advisory council or panel. (287) 93. The United Nations High Commissioner for Human Rights should be called upon to prepare **an annual report on the situation of human rights worldwide**. (288) 94. The Security Council and the Peacebuilding Commission should request the High Commissioner for Human Rights to report to them regularly on the

Trafficking in Persons, Especially Women and Children, and parties to the Protocol should take all necessary steps to effectively implement it. (175) 49. The United Nations should **establish a robust capacity-building mechanism for rule-of-law assistance**. (177) The role of sanctions 50. The Security Council must ensure that sanctions are effectively implemented and enforced: (a) When the Security Council imposes a sanctions regime including arms

- 27 Transmittal letter dated 1 December..., 2004, S. 87
- 27 Transmittal letter dated 1 December..., 2004, S. 80

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common African position. The debate on the institutional reform of the UN and, more particularly, the expansion of the Security Council were the principal subjects of discussion.⁶⁸ In the spring of 2005, Kofi Annan presented his report *In Larger Freedom following* consultations with member states. The report called for Freedom from Want, Freedom from Fear, and Freedom to live in dignity. He followed the High-Level Panel's broad conception of security: "we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights" (*In Larger Freedom* 2005). Annan's report was divided into four clusters: Cluster I: Freedom from want, ranging from facilitation of trade, over debt reduction to improved accountability for the MDGs. Cluster II: Freedom from fear, covering issues such as

⁶⁸ Report of the meeting in Accra co-sponsored by the governments of Denmark and Ghana, April 15 2005, <http://www.missionn-ny.com/BB5B07AAEB0B/0/190705AccraSeminarTheUNandPeacebuildingDraft14.doc>.

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especially so after countries with despicable human rights records gained membership and Libya had been elected for the chairmanship of the Commission. Kofi Annan proposed in his report "In larger freedom" the creation of a Human Rights Council, with a smaller membership and to elect its members by a two-thirds majority of members present and voting. Furthermore, "

stated that universal⁶ respect for human rights improves the conditions for⁶ peace and security.¹³ 13 As Kofi Annan literally proposes in his report "In larger freedom"; freedom from want, freedom from¹³ fear, and freedom to live in dignity. See also his¹³ explanatory notes in "United Nations Human Rights Council", Explanatory Note provided by the¹³ Secretary-General, April 2005.¹⁴ 14 These intentions have been reflected in

governed and respect the human rights of their citizens are better placed to avoid the horrors of conflict and to overcome obstacles to development. 17. Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed. In this new millennium, the work of the United Nations must move our world closer to

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 17
- 29 Reforming the UN Commission on Huma..., 2005, S. 4
- 30 UN General Assembly: In larger free..., 2005, S. 6

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from the remaining issues. Proposals on the former were hence not included in the draft outcome prepared by President Ping. The Security Council expansion track effectively stalled in July 2005. For the remaining issues, President Ping introduced a first draft in June 2005. Documents leading up to the World Summit 2005 December 2 2004: High-Level Panel Report A More Secure World: Our Shared Responsibility March 21 2005: Secretary-General's Report In Larger Freedom: Towards Development, Security and Human Rights for All June 3 2005: General Assembly President's Draft Outcome Document Based on this draft, member states started negotiations per cluster and were in several areas close to agreement by the end of August. However, after months of negotiations towards

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synopsis of the report, containing his recommendations for reform. From there on, member states started to consult officially and the President of the General Assembly, Jean Ping, introduced a first draft in June 2005 containing either those proposals with enough consensus and willingness among the wider membership to engage in a discussion or those proposal pushed for by single

will become especially significant if the UN adopts a definition of terrorism as has been proposed.¹⁵⁴ Beyond this, the UN Secretary General s High Level Panel Report A More Secure World: Our Shared Responsibility¹⁵⁵ whilst not referring in explicit terms to the need to control unauthorised transfers of 282 INTERNATIONAL ACTION ON SMALL ARMS 2005 SALW to NSA nevertheless addresses a series of related issues and

were specifically designated as being open only to co-sponsors of the resolution or some other restricted group?4. NGOs could organise ?1? See?the? UN?Secretary-General s?Report,?In Larger Freedom: Towards Development, Security and Human Rights for All,?A/59/2005,?(21?March?2005),?p.?45,?in? which?he?states?"The?Commission s?close?engagement? with?hundreds?of? civil?society?organizations?provides?an?opportunity?for?working?with?civil? society? that?does?not?exist?elsewhere". ?2?

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13
- 31 Full report - International Alert, 2005, S. 3
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 88

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Peacebuilding Commission and the Human Rights Council,⁷² which scrapped most of their details such as qualifications for membership and left them for post-summit negotiations. The new human rights text only stated that the "mandates, modalities, functions, size, composition, membership, working methods and procedures" will be worked out over the⁷³ next year as Russia, China and some middle-income developing countries had conceitedly opposed membership criteria in the human rights field.⁷⁴ Britain made similar concessions to save the proposed Peacebuilding Commission, leaving the details of its composition to be worked out by the end of the year. Ping also reached agreement in principle on provisions that

72 James Bone, Britain brokers terrorism deal, The Times, September 13, 2005.

73 James Bone, Can this summit rescue UN from the melting pot?, The Times, September 14, 2005.

74 Caroline Daniel and Mark Turner, UN summit faces fiasco amid threat to reforms. Financial Times (London,

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to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council .¹⁰ II. Main features of the new Human Rights Council 660/25111 establishing the new Human Rights Council to replace the Commission on HumanRights. Firstly,

- 33 The UN Human Rights Council at work..., 2008, S. 5

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the proposed Peacebuilding Commission, leaving the details of its composition to be worked out by the end of the year. Ping also reached agreement in principle on provisions that would increase pressure on states to act to halt genocide, ethnic cleansing and other largescale killings (Responsibility to Protect). The negotiators also agreed to condemn terrorism although they left it to the General Assembly to decide later on how to define terrorism. The negotiations remained deadlocked over several key issues,⁷⁵ though, including provisions designed to hasten the pace of disarmament and halt the transfer of the world's deadliest weapons to terrorists and

75 Deaglade Breadun, Reform of UN hampered by Bolton's tactics, The Irish Times, September 14,2005.

Textstelle (Originalquellen)

better conflict prevention. But conflict prevention fails more often than it succeeds, and the EU should assert and defend the right of the Security Council to act to halt "genocide, war crimes, ethnic cleansing and crimes against humanity". If the Security Council faces deadlock in such situations, the EU should be ready to act more

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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the 31st of December 2005" (A/Res/60/i: §105). The selected co-chairs presented a first options paper in October 2005. On the 20th of December 2005, the Security Council and the General Assembly adopted joint resolutions SC/1645 and A/60/180 establishing a new UN Peacebuilding Commission (PBC). The PBC convened for the first time in June 2006, but the scope and nature of civil society participation in PBC meetings were only agreed upon in June 2007. Heads of states did set no firm deadline for Human Rights Council (HRC) negotiations, only calling in Paragraph 160 for the "President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session". Importantly, however, member states had given the President of the General Assembly the task of conducting the negotiations. Member states adopted Resolution A/60/251 on the 15th of March 2006 by vote, with the US voting against the compromise text creating the new HRC. Only one year later did the Council

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very small countries but high in numbers. Intergovernmental processes governing peacebuilding On December 30th 2005, the General Assembly and the Security Council each approved a resolution establishing the UN Peacebuilding Commission (PBC). The idea behind the PBC was to bridge an institutional, attention and cooperation gap. The Security Council deals with conflicts, but rarely with the prevention

actors per reform area. Media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of involved groups and individual countries. The interviews were conducted based on five standardized questionnaires, one for each reform area.

to create a Human Rights Council without giving any more details. All further modalities were left to the General Assembly with the request to its President to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council .¹⁰ II. Main features of the new Human

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13
- 33 The UN Human Rights Council at work..., 2008, S. 5

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in April 2008 did the HRC start to implement the Universal Periodic Review, a new mechanism introduced in 2006. In the economic and social field, paragraphs 155 and 156 of the World Summit Outcome Document established a biennial high-level Development Cooperation Forum and annual ministerial-level substantive review of the implementation of the Millennium Development Goals and other internationally agreed development goals. To start operationalizing these new formats, GA President Eliasson set up a special consultation group. Starting in December 2005, informal consultations of the Plenary of the General Assembly were conducted. However, member states were unable to reach agreement during the 60 session of the GA as originally envisaged. Informal consultations prolonged into the 61st session and the resolution was only decided upon on the 34th

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the new Human Rights Council, the new Peacebuilding Commission substituting ECOSOC Ad Hoc groups, or, in the development field, the transformation of existing accountability settings (Development Cooperation Forum and "Annual Ministerial Review"). An analysis of the 2005 UN reform hence calls for a closer examination of the actual variance we can find. Regarding the 50th anniversary of the

right; it is critical to our ability to reach all the others." (United Nations 2002) A key theme of the CSW 2005 Session will cover the five-year review of the implementation of the Millennium Development Goals thus far, including the cultural relativism perspective of the UN's seven cultural regions. The other theme will honor the thirty-

World Summit Outcome,⁴ and its resolution 60/265 of 30 June 2006 on follow-up to the development outcome of the 2005 World Summit, including the Millennium Development Goals and other internationally agreed development goals, Recognizing the vital role played by these conferences and summits in shaping a broad development vision and in identifying commonly agreed objectives, which have contributed to

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 4
- 34 Culture and Communication A Study o..., 2005, S. 111
- 35 Triennial comprehensive policy revi..., 2008, S. 2

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session and the resolution was only decided upon on the 34th of November 2006. Regarding the management area, paragraph 162 of the Summit Outcome, member states requested the Secretary-General to make proposals to the General Assembly, for its consideration, on the conditions and measures necessary for him to carry out his managerial responsibilities effectively, in paragraph 163, they also called on the Secretary-General to submit proposals for implementing management reforms, aimed particularly at making more efficient use of the organization's financial and human resources, for consideration and decision in the

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in accordance with established budgetary procedures; 4. Recalls paragraph 162 of its resolution 60/1, whereby the General Assembly called upon the Secretary-General to make proposals to the Assembly for its consideration on the conditions and measures necessary for him to carry out his managerial responsibilities effectively, and stresses that proposals 20 and 21 do not bear any relation to the requests of the Assembly as outlined in resolution 60/1 or in any other legislative

- 36 UN: Investing in the United Nations..., 2006, S. #P7#subjects; 7 3.

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issues 30% 43% . 'No Change in Status Quo ! | El Change in Status Quo with No Change! I in Delegation j 1U Change in Status Quo with Further ! Delegation j H Change in Status Quo with Less | Delegation I No Simple Differentiation Between "High or Low Politics" In the Security Council area, the status quo clearly prevails; only its working methods have been amended without, however, changing the level of delegation entailed. Only an expansion, modification of the veto power or a more significant

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reform the United Nations , Global Governance, (11): 407-414. Luif, P. (2003) EU cohesion in the UN General Assembly, EU-ISS Occasional Paper No. 49. Malone, D. (2006) The International Struggle Over Iraq: politics in the Security Council 1980-2005, Oxford. Manners, I. (2002) Normative Power Europe: A Contradiction in Terms? , Journal of Common Market Studies, 37(3) : 235-258. Marchesi, D. (2005) The United Nations Security Council Reform and

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 37

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Status Quo with Less Delegation The economic and social field represents an even more mixed picture: while change occurred on the majority of issues discussed by member states, they withdrew monitoring authority previously delegated to the UN secretariat and did not increase the level of delegation in those areas where decision-making or implementation mechanisms were modified. Monitoring delegation to member states, e.g. not to the UN secretariat but to peer review, has been slightly increased.

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Review of Global Peace Operations, the most comprehensive source of data and analysis on the subject in the public domain. He has acted as a consultant to the UN Secretariat and the UK Department for International Development, and writes frequently for E!Sharp, The Globalist and other international affairs magazines. E richard.gowan@ecfr.eu Franziska Brantner is a

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. #P85#Noël

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reaching the relevant quorum of members necessary for a decision in the General Assembly on change and reform (either simple or two-thirds majority) will increase the likelihood of change and reform. The Group of 77 and the Non-Aligned Movement already unite the number of votes required for a simple majority. If reaching the decision-making quorum was relevant, the more the united members of the G77/NAM benefit from reform, the more likely should reform be. Alternatively,

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the International Reconstruction Fund Facility for Iraq, are at www.irffi.org, 4
At the UN, North South refers to Western powers against the Group of 77 (G77, 130 members) and the Non-Aligned Movement (NAM, 118 members). 5
Interviews with UN delegates conducted in New York by Franziska Brantner, June and July 2006. 6 EU priorities for the 60th session, <http://www.europa.eu.un.org/>

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 32

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SC) was in the spotlight during most of 2003 during the run up to the US and UK war in Iraq. Calls for changing the Council's membership intensified and stakes increased of being excluded from "the body in the United Nations most capable of organizing action and responding rapidly to new threats" (High-Level Panel 2004: §66).so In 2005, Security Council "reform" was articulated around three critical points: expansion of its membership - in both permanent and non-permanent categories-, the extension or limitation of the veto power and the working methods of the Council. Germany, Japan, Brazil and India (G4) attempted to obtain permanent membership, in addition to two permanent seats for Africa. The G4 were obstinately opposed by their regional competitors that rallied under the banner of Uniting for Consensus (UfC). The Chinese, Russian and American

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security off the Security Council s agenda has further undermined confidence in the body s work. 247. Yet recent experience has also shown that the Security Council is the body in the United Nations most capable of organizing action and responding rapidly to new threats. 248. Thus, the challenge for any reform is to increase both the effectiveness and the credibility of the Security Council and, most importantly, to enhance its

and Singapore). In the Security Council field, we only had three issues: improved and increased participation of non-members in the work of the Council, limitations of the veto power and a possible expansion. To date, the status quo has not been changed for the second and third issue. Member states are continuing negotiations, but with less steam and without a result in proximity. We therefore coded the

- 27 Transmittal letter dated 1 December..., 2004, S. 62
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20

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non-permanent category. The Charter gives no direct guidelines for SC membership expansion, in Article 23 it sets only two criteria for members to take into account when electing non permanent members to the SC: "due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution". Changes of SC membership require a Charter amendment and, according to Article 108, a two-thirds majority in the General Assembly and ratification by two-thirds of its member states, including the permanent five members of the SC. The following will first look back in order to earth the 2005 process clearly In its historical context to then analyze in detail the 2005 process. The 1963

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members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be nonpermanent members of the Security Council, **due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.** 2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members

- 37 Charter of the United Nations, 2004, S. 8

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additional four non-permanent seats. Not receiving any signs of support from any of the P5s, they did not push for a vote in the GA; the GA instead decided to defer th; discussion of the "question of equitable representation on and increase in the membership of the Security Council" from one General Assembly session to the next throughout the 1980s.⁸² The end of the Cold War could have set the SC and the composition of its permanent membership in jeopardy. The P5 quickly agreed that a smooth transition, even if legally questionable, had to be found for the Russian Federation to take over the

⁸² The above is based on Bourantonis (2005:16-31) and Luck (2003: 8-10).

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Rights, Sub-Commission on the Promotion and Protection of Human Rights (New York: United Nations). UN (2004) Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council: General Assembly Official Records (New York: United Nations) UN (2004b) Unleashing Entrepreneurship: Making Business Work for the Poor:

- 38 (UN)MAKING INTERNATIONAL NORMS: THE..., 2005, S. 35

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The African group also advanced the idea of a rotating permanent membership for Africa, where the African permanent members would be accountable to the African group (Bourantonis 2005). NAM achieved the inclusion of the agenda item "Question of equitable representation on and increase in the membership of the Security Council" on the 48th GA agenda and in 1993 the General Assembly set up the "Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters", which 'worked' throughout the 1990s. In this working group, the voice of the non-aligned became vocal, changing the debate from the inclusion of Japan and Germany (based on their contributions) to the third criteria manifested in

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auf einen ständigen Sitz im UN-Sicherheitsrat warten. in: Vereinte Nationen (4) : 147-152. Gareis, Sven Bernhard/Varwick, Johannes (2006): Die Vereinten Nationen. Aufgaben, Instrumente und Reformen. Opladen. Resolution "Question of equitable representation on and increase in the membership of the Security Council" (UN-Dok. A/RES/47/62 vom 23.11.1992). Kühne, Winrich/Baumann, Katja (1995): Reform des UN-Sicherheitsrates zum 50jährigen Jubiläum. Auswertung und Analyse der Stellungnahmen im Überblick. Ebenhausen: SWP-AP 2919.

to Human Rights: Commission On Human Rights, Sub-Commission on the Promotion and Protection of Human Rights (New York: United Nations). UN (2004) Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council: General Assembly Official Records (New York: United Nations) UN (2004b) Unleashing Entrepreneurship: Making Business Work for the Poor: Commission on the

- 39 Die Rechtsprechung des Internationa..., 2001, S. 55
- 38 (UN)MAKING INTERNATIONAL NORMS: THE..., 2005, S. 35

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enlargement; the first two largely reflected the criteria of Article 23 - e.g. financial, military and diplomatic support to the UN, adding the 0.7 per cent of GNP for ODA criteria, and regional representation. Furthermore, the Panel demanded, "(c) They [enlargements] should not impair the effectiveness of the Security Council; (d) They should increase the democratic and accountable nature of the body". The Panel then presented models A and b: Table 22: Model A and B for Security Council reform, ss presented by the High-Level Panel Model A Mode! B Total number of members 24 24 New Permanent members with veto 0 0 New Permanent members without veto 6 0 New

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important criterion of contribution; (b) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world; (c) They should not impair the effectiveness of the Security Council; (d) They should increase the democratic and accountable nature of the body. 250. The Panel believes that a decision on the enlargement of the Council, satisfying these criteria, is now a necessity. The presentation of two clearly defined alternatives, of

- 27 Transmittal letter dated 1 December..., 2004, S. 63

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veto 0 0 New Permanent members without veto 6 0 New Non permanent member (2 years, no immediate re-election 3 I New Non permanent members (4 years and renewable) 0 8 Despite the Panel's disagreement on the exact expansion model, they clearly stated: "We recommend that under any reform proposal, there should be no expansion of the veto" (HLP 2004: § 256).⁸⁵ Similar to the High-Level Panel, Kofi Annan refrained from making one proposal for SC expansion, and instead referred to the Panel's proposal (In Larger Freedom 2005). Kofi Annan continued to insist on the logic of

85 In addition to these suggestions, the Panel decided to call for a new definition of regional areas. Instead of the five existing regional groups of the UN, they called for four new regions: "Africa, Asia and Pacific, Europe and Americas". This proposal, reportedly attributed to Panel member Gareth Evans from Australia, was considered

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in their individual capacities, to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses. We recommend that under any reform proposal, there should be no expansion of the veto. 257. We propose the introduction of "indicative voting", whereby members of the Security Council could call for a public indication of positions on a proposed action.

- 27 Transmittal letter dated 1 December..., 2004, S. 64

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Textstelle (Prüfdokument) S. 132

Germany, India and Japan (G4) claimed permanency on the Security Council, in addition to two permanent seats for Africa.⁸⁶ Some 40 countries rallied to oppose **any new permanent membership under the Uniting for Consensus (UfC)** label around **Italy, Pakistan, Argentina and Canada.**⁸⁷ They called for a consensus decision on Security Council expansion, even though consensus is not required by the Charter; a sign of their fear of being outvoted in the General Assembly if Security Council expansion came push to shove. The African group plaid a crucial role uniting a total of 53 states in the General Assembly, 27 percent of the votes- and asked for two permanent members and five non-permanent

86 The G4 really started in 2003, when heads of states of Brazil, India, Japan and the German Foreign Minister met. Apparently, it was mainly a Japanese idea. The four launched their common bid officially during the General Assembly in September 2004.

87 Interestingly, the group has changed its name from "Coffee club", the alliance nickname in the 1990s. In

Textstelle (Originalquellen)

status quo in terms of decision-making delegation. Those countries opposing the introduction of **any new permanent** members, grouped **under the** label of "**Uniting for consensus**" around **Italy, Pakistan, Argentina** and Mexico, preferred the introduction of non permanent seat, hence requiring less delegation. Nonetheless, all three just mentioned groups, G4, G4 without veto and UfC all supported

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20

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proposed 25 members, without any new permanent members, but with seven or eight semi-permanent members, for either three or four years. The Green model in contrast only proposed ten new non-permanent members. Reportedly, Argentina and Mexico preferred the green model, whereas Pakistan the blue one. Canada introduced the UfC resolution on the 26th of July 2005. It did not create a new semipermanent category, but left it open for regional groups to decide to have semi-

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terms of decision-making delegation. Those countries opposing the introduction of any new permanent members, grouped under the label of "Uniting for consensus" around Italy, Pakistan, Argentina and Mexico, preferred the introduction of non permanent seat, hence requiring less delegation. Nonetheless, all three just mentioned groups, G4, G4 without veto and UfC all supported calls for improvement

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20

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smaller states. Above all, new permanent members might have pronounced further the difficulty for non-members to have their interests to be taken into account. While the Security Council is responsible for the "maintenance of international peace and security" (UN Charter Article 24), the Security Council is acting on behalf of the whole membership and the Security Council de facto relies on the wider membership to implement its decisions. This intricate link between centralized decision-making delegated to a few and de-centralized and mainly national implementation by the entire membership

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peace and security. (para. 255) As for the enlargement of the Council, NAM continues to believe that the Security Council as a body primarily responsible for the maintenance of international peace and security must become more democratic, more representative, more accountable and more effective in accordance with the provisions of the UN Charter. In this respect, NAM is

- 40 Comments of the non-aligned movemen..., 2005, S. 54

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rights concerns arose increasingly regarding their legality. Human Rights Watch for example argued that in the application of targeted financial and travel sanctions to individuals under the terms of Security Council resolutions 1267, 1333, and 1390 "the Council should ensure that the basic due-process rights of these individuals are guaranteed, in particular the right to equality before the law, the right to be informed of the reasons for the sanction or restriction imposed, the right to prepare a defense, the right to be heard, the right to challenge evidence, and the right to obtain a review".¹⁰⁴ The SC did establish in 2002 guidelines for doing so in the case of the sanctions against those belonging to or associated with the Taliban or Al-Qaida (Hulton 2004: 246). These guidelines foresee that a listed individual can petition the government of his citizenship and if his government is convinced of his/her claim, it is up to the government to convince the sanctions

Textstelle (Originalquellen)

it. It also reviewed judgements of the AP High Court relating to cooperatives, as well as judgements of the Supreme Court relating to fundamental rights - the right to equality before the law, the right to form association and the right to practice any business - as applicable to cooperatives. The report of the Study Group was formally presented to the Government

- 41 URBAN AND PERI URBAN AGRICULTURE: T..., 2007, S.

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since the beginning of the new millennium. The role of the **Military Staff Committee** and a possible rehabilitation thereof was up for discussion. Under Article 47 of the Charter, the **Military Staff Committee** is composed of the **chiefs of staff of the permanent members**. Its role is to be responsible for the **strategic direction of any armed forces placed at the disposal of the Council**. This committee has been formally established in 1946, but been a dead body ever since. The Brahimi report on peacekeeping operations (S/2000/809) had first raised the option of revitalizing this body into an oversight body of peacekeeping missions. The 2005

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and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. 2. The **Military Staff Committee** shall consist of the **Chiefs of Staff of the permanent members** of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee

discharge of the Committee's responsibilities requires the participation of that Member in its work. 3. The Military Staff Committee shall be responsible under the Security Council for the **strategic direction of any armed forces placed at the disposal of the Security Council**. Questions relating to the command of such forces shall be worked out subsequently. 4. The Military Staff Committee, with the authorization of the Security

- 8 Charter of the united nations, 1945, S. 10

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Textstelle (Prüfdokument) S. 143

had first raised the option of revitalizing this body into an oversight body of peacekeeping missions. The 2005 process: Slow Motion Progress The High-Level Panel report addressed some of these concerns, recognizing that "in recent years, many informal improvements have been made to the transparency and accountability of the Security Council's deliberative and decision-making procedures" (HLP 2004: §258). Reminding the SC about the rights of troop contributing countries under Article 44 of the UN Charter, the Panel went on to recommend the formalization of existing informal practices in the Council's rules of procedure. The S5 draft resolution went further and contained a total of nineteen suggestions. On substance, the S5 proposals broadly centered on improving non-members involvement by institutionalizing existing practices, but also introduced few more controversial issues. The draft resolution called

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vote on any resolution would take place under the current procedures of the Council. This would, we believe, increase the accountability of the veto function. 258. In recent years, many informal improvements have been made to the transparency and accountability of the Security Council's deliberative and decisionmaking procedures. We also remind the Security Council that troop contributors have rights under Article 44 of the Charter to be fully consulted concerning the A/59/565 deployment

- 27 Transmittal letter dated 1 December..., 2004, S. 64

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Textstelle (Prüfdokument) S. 143

SC decisions existed besides the annual debate in the General Assembly following the SC report or special situations such as the Volcker investigation in the Oil-for-Food case. Furthermore, and more controversially, "where sanctions involve lists of individuals or entities, sanctions committees should establish procedures, reflecting standards of due process, to review the cases of those claiming to have been incorrectly placed or retained on such lists". Part of the S5 proposals hence aimed at, even if only slightly, reducing the amount of decision-making and monitoring authority delegated to the Security Council in the status quo by establishing mechanisms involving more member states and

Textstelle (Originalquellen)

exemptions and routinely conduct assessments of the humanitarian impact of sanctions. The Security Council should continue to strive to mitigate the humanitarian consequences of sanctions. (181) 52. Where sanctions involve lists of individuals or entities, sanctions committees should establish procedures to review the cases of those claiming to have been incorrectly placed or retained on such lists. (182) Part three Collective security and the use of force Using force: rules and guidelines 53. Article 51 of the Charter of the United Nations should be neither

- 27 Transmittal letter dated 1 December..., 2004, S. 81

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Textstelle (Prüfdokument) S. 147

round: Limit the **use of the Veto** In the 2005 round, the High-Level Panel did not see any opportunity for institutional change **of the veto** but recommended self-constraint by the veto holders in cases **of genocide and large-scale** human rights abuses and urged "that its **use be limited to matters where vital interests are genuinely at stake**" (HLP 2004: 256) - however vague such a definition. Kofi Annan's report In Larger Freedom did not address the veto question explicitly. He did not follow up on the Panel's call for self-restraint by the current P5. Annan hence advocated for

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are genuinely at stake. We also ask the permanent members, in their individual capacities, to pledge themselves to refrain from the **use of the veto in cases of genocide** and large-scale human rights abuses. We recommend that under any reform proposal, there should be no expansion of the veto. 257. We propose the introduction

whole the institution of the veto has an anachronistic character that is unsuitable for the institution in an increasingly democratic age and we would urge **that its use be limited to matters where vital interests are genuinely at stake**. We also ask the permanent members, in their individual capacities, to pledge themselves to refrain from the use of the veto in cases of genocide

- 27 Transmittal letter dated 1 December..., 2004, S. 64

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Textstelle (Prüfdokument) S. 148

the veto's scope would have decreased the level of delegated decision-making. The big Five against the Small Five The above-mentioned S5 resolution called on the P5 to refrain from its use when treating genocide, war crimes, ethnic cleansing and crimes against humanity. Also, a permanent member of the Security Council using its veto should explain the reason for doing so and circulate a copy of the explanation as a Security Council document to all members of the organization. The US, Russia and China refused even a discussion thereof. The G4 position was delicate exactly: On one side, the G4 needed the support of the P5 and on the other, a range of G4 supporters were critical of the veto power and its current use, calling on the current holders to refrain from its use (Chile for example). Nonetheless, the G4 resolution refrained from making any calls on limitations. The alliance of states opposing new permanent seats, Uniting for Consensus, "

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Responsibility to Protect initiative, which was adopted at the 2005 World Summit. But the ultimate fate of this concept that states should protect their populations from "genocide, war crimes, ethnic cleansing and crimes against humanity", and that the Security Council may have to act in extremis when they do not remains uncertain. In 2008, EU Member States came under pressure from

and Singapore). In the Security Council field, we only had three issues: improved and increased participation of non-members in the work of the Council, limitations of the veto power and a possible expansion. To date, the status quo has not been changed for the second and third issue. Member states are continuing negotiations, but with

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20

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membership expansion did not dare to open yet another avenue of discussion and possible discord with the P5. Member states critical of the veto power in human rights crises preferred to focus their energy on the Responsibility to Protect (R2P), also concerning existing obstacles for the international community to tackle massive human rights abuses. However, the main concern of R2P was less the clash of the veto and the responsibility to prevent genocide, but the clash of the principle of national sovereignty and the duty to prevent genocide (see infra in

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the coalitions it builds must be part of a strategy for creating new pressures on the Security Council to support human rights and, in extremis, act on the Responsibility to Protect. A primary mechanism for injecting substance into the EU's coalition building is resolution-making. One problem in this area is that some EU members and non-

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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mandate), should the General Assembly or Security Council define further principles guiding the legitimate and legal use of force? This discussion was central to the High-Level Panel report (Slaughter 2005), which stated that: "force can legally be used, does not always mean that, as a matter of good conscience and good sense, it should be used. We identify a set of guidelines - five criteria of legitimacy - which we believe the Security Council (and anyone else involved in these decisions) should always address in considering whether to authorize or apply military force"¹ (HLP 2004: Synopsis). The five criteria then listed are (a) Seriousness of threat, (b) Proper purpose (clarity of primary purpose to halt or avert the threat in question), (c) Last resort (only if every non-military option for meeting the threat in question has been explored, with reasonable grounds for believing that other measures will not succeed), (d) Proportional means ('scale, duration and intensity of the proposed military action reflect the minimum necessary to meet the threat in question), and (e) Balance of consequences (reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction). Furthermore, these guidelines for authorizing the use of force should be embodied in declaratory resolutions of the Security Council and General Assembly² (HLP 2004: §207 and 208). Kofi Annan's follow up on this recommendation, though mollifying the recommendation: "Request the Security Council to adopt a resolution on the use of force that sets out principles for the use of force and expresses its intention to be guided by them when deciding whether to authorize or mandate the use of force; such principles should include: ... and the need to consider when contemplating whether to authorize or endorse the use of force the seriousness of the threat, the proper purpose of the proposed military action, whether means short of the use of force might reasonably succeed in stopping the threat, whether the military option is proportional to the threat at hand and whether there is a reasonable chance of success"³ (In Larger

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The task is not to find alternatives to the Security Council as a source of authority but to make it work better than it has. That force can legally be used, does not always mean that, as a matter of good conscience and good sense, it should be used. We identify a set of guidelines five criteria of legitimacy which we believe the Security Council (and anyone else involved in these decisions) should always address in considering whether to authorize or apply military force. The adoption of these guidelines (seriousness of threat, proper purpose, last resort, proportional means and balance of consequences) will not produce agreed conclusions with push-

of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved? (c) Last resort. Has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed? (d) Proportional means. Are the scale, duration and intensity of the proposed military action the minimum necessary to meet the threat in question? A/59/565 (e) Balance of consequences. Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction? (207) 57. The above guidelines for authorizing the use of force should be embodied in declaratory resolutions of the Security Council and General Assembly. (208) Peace enforcement and peacekeeping capability 58. The developed States should do more to transform their existing force capacities into suitable contingents for peace operations. (216) 59. Member States

and take all necessary steps to implement them effectively, including by incorporating the provisions of those conventions into national legislation and strengthening criminal justice systems; (h) Request the Security Council to adopt a resolution on the use of force that sets out principles for the use of force and expresses its intention to be guided by them when deciding whether to authorize or mandate the use of force; such principles should include: a reaffirmation of the provisions of the Charter of the United Nations with respect to the use of force, including those of Article 51; a reaffirmation of the

- 27 Transmittal letter dated 1 December..., 2004, S. 49
- 27 Transmittal letter dated 1 December..., 2004, S. 81
- 27 Transmittal letter dated 1 December..., 2004, S. 82

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Freedom 2005: § 6h). Such guidelines and principles, especially if mandatory, would limit the range of possible decisions for any national actor, requiring substantial decision-making authority delegation to the UN. The majority of member states preferred not to discuss the issue during the summit. The P5 were at best skeptical of the feasibility of codifying such principles and at worst outright opposed, whereas the majority

1 HLP 2004: Synopsis

2 HLP 2004: §207 and 208

3 In Larger Freedom 2005: § 6h

Textstelle (Originalquellen)

central role of the Security Council in the area of peace and security; a reaffirmation of the right of the Security Council to use military force, including preventively, to preserve international peace and security, including in cases of genocide, ethnic cleansing and other such crimes against humanity; and the need to consider when contemplating whether to authorize or endorse the use of force the

- 30 UN General Assembly: In larger free..., 2005, S. 58

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it will always remain a case by case decision and it would be too difficult to codify such principles" (EU representative during interview). While the August 10th draft of the Summit Outcome Document still "recognize(d) the need to continue discussing principles for the use of force, including those identified by the Secretary-General" (§56), any such reference was deleted in the September Outcome Document. P5 opposition had been successful, but facilitated by weak headwind from other actors. In the Security Council case, the factor analysis of group and member states' positions shows

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die in HLP und ILF angeregten Richtlinien zum Einsatz von Gewalt nicht einmal in der sehr vagen Formulierung des ersten Ping-Entwurfs vom 3. Juni ("47. We recognize the need to continue discussing principles for the use of force, as identified by the Secretary-General, and that such principles should be among the factors considered by the Security Council in deciding to authorize the

- 39 Die Rechtsprechung des Internationa..., 2001, S. 28

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balances, but rather by shifting and undecided regional and global dynamics. Unless these are settled, new permanent membership is unlikely. CHAPTER 6 THE PEACEBUILDING COMMISSION Between the Security Council and the General Assembly Most countries emerging from conflict relapse into conflict rapidly afterwards. A 2003 World Bank study showed that a country reaching the end of a civil war faces around a 44 percent risk of returning to conflict within five years (Collier et al. 2003). No UN mechanism was in place to properly tackle this post conflict

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and social development, but is less effective in situations of failed state-hood or not yet again established statehood. The fact that almost half of the countries emerging from conflict relapse into conflict rapidly afterwards increased the need for a mechanism that could address this gap. The PBC was meant to do just that. Even if member states agreed on

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21

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reaching the end of a civil war faces around a 44 percent risk of returning to conflict within five years (Collier et al. 2003). No UN mechanism was in place to properly tackle this post conflict peacebuilding challenge. Who ensures that the delicate transition from conflict to peace and the interplay between security needs and institution building are well managed? The Security Council mainly deals with conflicts, and in post-conflict situations focuses on the military side. The development machinery of the UN helps countries in their economic and social development, but is less effective in situations of failed or not yet established statehood. An institutional, cooperation and attention gap needed to be bridged. The Peacebuilding Commission (PBC) was meant to do just this. It was established on the 30th of December 2005 (S/Res/1645 and A/Res/60/180). The role of the Security Council versus that of the General Assembly in the Peacebuilding Commission was at the heart of the debate. Would the new body contribute to enlarging the domain and power of the Security Council or serve to counter-balance it instead? In the end, member states created a subsidiary body of both the Security Council and General

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of the UN helps countries in their economic and social development, but is less effective in situations of failed statehood or not yet established statehood. Who ensures that the delicate transition from conflict to peace and the interplay between security needs and institution building are well managed? The PBC was meant to do just that. The PBC negotiations were considered mild in comparison to other negotiations. The determination of the PBC's relation to to bridge an institutional, attention and cooperation gap. The Security Council deals with conflicts, but rarely with the prevention of conflicts or with their aftermath. The development machinery of the UN helps countries in their economic and social development, but is less effective in situations of failed statehood or not yet established statehood. Who ensures that the delicate transition from conflict to peace and the interplay between security needs and institution building are well managed? The PBC fact that almost half of the countries emerging from conflict relapse into conflict rapidly afterwards increased the need for a mechanism that could address this gap. The PBC was meant to do just that. Even if member states agreed on this analysis, the institutional location between the Security Council and the General Assembly (the High-level panel

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 22
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21

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group, the Latin Americans, CANZ, on several aspects the Non-Aligned Movement and the iike-minded' countries such as Pakistan, Cuba or Egypt. The EU was officially represented by the Presidency, but often silent due to internal squabbles. This study argues that the P5 were driving players, striving to maintain SC prerogatives, but that the final design of the Peacebuilding Commission also reflects broader group dynamics, especially within the African group, and the procedural decision by member states to set a firm deadline for negotiations and to empower the President of the General Assembly to conduct these. Besides P5 unity, the decision by some African countries to pull the strings and re-

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Americans and on some aspects NAM. The EU was represented by the Presidency and spoke with one voice, even though on some issues it was more silent due to internal squabbles. However, the disagreements went not so far as for the member states to seek new alliances on this issue (as happened on Security Council

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21

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rather falling under GA competence. Member states started to label this expansion of SC decision-making into fields originally falling under the scope of the General Assembly as "SC encroachment".¹⁰⁹ Given these evolutions, heads of states decided in 1992 to task the new Secretary-General Boutros Boutros-Ghali with studying possible options for strengthening the UN's peace and security work. The main contribution of his report, An Agenda for Peace, was to conceptually clarify the four

¹⁰⁹ See for example statement by Munir Akram, Ambassador of Pakistan to the UN, on the report of the High-

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the power of the General Assembly's budget and finance committee in favour of the Secretary General, increasing accountability and improving audit structures (Luck 2003). This time around, heads of states decided in September 2005, especially after the Oil-for-food and other secretariat scandals, to commission the Secretary General to write a report on possible management reforms, as

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 24

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was not new to Kofi Annan, Before becoming Secretary- General, he headed the UN's peacekeeping department during the tragedies of Rwanda and Srebrenica. His 1997 report Renewing the United Nations underlined that peacebuilding had "assumed new prominence in the work of the UN", defining the concept of peacebuilding as "the various concurrent and integrated actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation"¹¹² and recommended, among others, a special representative per country with authority over the diplomatic and political, military and humanitarian and/or development components of the UN to better integrate the UN missions.¹¹³ Furthermore, he assigned the Department of Political Affairs (DPA) the role of "focal point within the United Nations for post-conflict peace-building" and targeted the newly created Executive Committee on Peace and Security (convened by DPA) with "the design and implementation of post-conflict peace-building initiatives".¹¹⁴ Attributing this responsibility to DPA was nonetheless questioned because many aspects of peacebuilding, besides election monitoring, He outside DPA's mandate and therefore require DPA to rely heavily on other components of the UN system (Sutterlin 2005: 173). In March 2000, Kofi Annan convened a High-Level Panel to undertake a review of the United Nations peace and security activities.¹¹⁵ The so-called Brahimi report¹¹⁶ after its chair Lakhdar Brahimi, suggested that for "[the coordination of not only the UN's activities in peacebuilding but also of the larger donor community], there is great merit in creating a consolidated and permanent institutional capacity within the United Nations system". The Panel therefore believed that the Under-Secretary-General for Political Affairs, in her capacity as Convener of ECPS [Executive Committee on Peace and Security¹¹⁷], should serve as the focal point for peacebuilding".¹¹⁸ The ECPS should provide the forum for the formulation of peacebuilding strategies.¹¹⁹ Building on the Brahimi report, the UN adopted integrated mission task forces, inter-departmental fact-finding

112 A/51/950, Renewing the United Nations, Report by the Secretary-General, 14 July 1997 (=A/51/950): §120.

113 A/51/950: §119.

114 4A/51/950: § 121.

115 The Security Council adopted at the end of 1998 a presidential statement encouraging the Secretary-General

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methods of the Council (Jordan, Liechtenstein, Switzerland, and Singapore). In the Security Council field, we only had three issues: improved and increased participation of non-members in the work of the Council, limitations of the veto power and a possible expansion. To date, the status quo has not been changed for the second and third issue.

vom ehemaligen algerischen Außenminister Lakhdar Brahimi geleitete Kommission war von ¹²⁶ UNO-Generalsekretär Kofi Annan damit beauftragt worden, "to undertake a thorough ¹²⁶ review of the United Nations peace and security activities, and to present a clear set of ¹²⁶ specific, concrete and practical recommendations to assist the United Nations in conducting such activities better in the future". Vgl.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20
- 42 Provincial reconstruction teams in ..., 2008, S. #P142#Sharif

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116 Official title: Comprehensive review of the whole question of peacekeeping operations in all their aspects.

117 At the time it involved the Department of Political Affairs (DPA), the Department of Peacekeeping

118 Brahimi report, § 44.

119 Brahimi report, § 46.



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Emergency Economic Management Fund was set up to channel financial assistance to Guinea-Bissau.¹²² The overall success of the ad hoc groups was however limited, the 2005 High-Level Panel report succinctly put that "even the proponents of these committees acknowledge that they have not succeeded in generating crucial resources to assist fragile transitions" (HLP 2004: §225). One reason might have been the lack of institutionalization, another reason the lack of close cooperation with the Security Council. To summarize, the lack of internal coordination, transparency and clear division of labor between different parts

122 For Burundi, the group attempted to address the challenge of materializing donor disbursements of pledges

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of the Security Council. While the Economic and Social Council has created several ad hoc committees to address specific cases, results have proven mixed and even the proponents of these committees acknowledge that they have not succeeded in generating crucial resources to assist fragile transitions. What is needed is a single intergovernmental organ dedicated to peacebuilding, empowered to monitor and pay close attention to countries at risk, ensure concerted action by

- 27 Transmittal letter dated 1 December..., 2004, S. 57

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peacebuilding.¹²³ Together with Tanzania, Denmark played a critical role in sustaining attention and facilitating discussion of possible formats of a UN peacebuilding structure. The High-Level Panel report subsequently bluntly stated that in the periods before the **outbreak of civil war and in the transition out of war, the international** community was not well organized **to assist countries attempting to build peace. The Panel** argued that "What is **needed is a single intergovernmental organ dedicated to peacebuilding, empowered to monitor and pay close attention to countries at risk, ensure concerted action by donors, agencies, programmes and financial institutions, and mobilize financial resources for sustainable peace**"¹²⁴ (HLP 2004: § 225). Kofi Annan took up this idea and suggested the creation of an "intergovernmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the United Nations Secretariat"¹²⁵ (In Larger Freedom 2005: §114). Broad consensus reigned on the identification of the "institutional gap" and the need to address it but member states had considerable disagreement over how such a commission should look like. The challenge was to find

123 In June 2004, the Danish government organized a seminar on civilian crisis management in Copenhagen to prepare input to the High-Level Panel.

124 HLP 2004: § 225

125 In Larger Freedom 2005: §114

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all its multiple dimensions is critical; failure to invest adequately in peacebuilding increases the odds that a country will relapse into conflict. 225. In both the period **before the outbreak of civil war and in the transition out of war**, neither the United Nations nor the broader international community, including the international financial institutions, are **well organized to assist countries attempting to build peace**. When peacekeepers leave a country, it falls off the radar screen of the Security Council. While the Economic and Social Council has created several ad hoc

results have proven mixed and even the proponents of these committees acknowledge that they have not succeeded in generating crucial resources to assist fragile transitions. **What is needed is a single intergovernmental organ dedicated to peacebuilding, empowered to monitor and pay close attention to countries at risk, ensure concerted action by donors, agencies, programmes and financial institutions, and mobilize financial resources for sustainable peace**. We address this need in part four below. 226. Similarly, at the field level, many different elements of the United Nations system and the broader international

system effectively addresses the challenge of helping countries with the transition from war to lasting peace. I therefore propose to Member States that they create an **intergovernmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the United Nations Secretariat**, to achieve this end. 115. A Peacebuilding Commission could perform the following functions: in the immediate aftermath of war, improve United Nations planning for sustained recovery, focusing

- 27 Transmittal letter dated 1 December..., 2004, S. 57
- 30 UN General Assembly: In larger free..., 2005, S. 31

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bodies in the achievement of peace and security has created tensions from the inception of the UN, most clearly between the General Assembly and the Security Council. The Security Council has been assigned the primary responsibility for the maintenance of international peace and security. In its broadest sense this responsibility is however shared by the General Assembly (Articles 10 and 14 of the UN Charter) and by all the functional elements of the world organization. There is hence an inherent tension about the work division between these two bodies, which is exacerbated by the unequal regional representation in the Security Council and the veto power of the permanent members. Financial burdens related to peace and security are unequally shared, too. SC permanent members are assessed at a higher rate than for the regular budget (around 20 percent higher). Poor countries get an additional discount on their regular budgetary contribution rates. The biggest contributors to the peacekeeping budget in 2005 were the US, Japan, Germany, UK, France, Italy, Canada, Spain, China and the Netherlands.¹²⁴

¹²⁴ The Fifth Committee (Administrative and Budgetary) sets the Peacekeeping Budget each year from July to

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security architecture. The 2003 European Security Strategy stated that: "The fundamental framework for international relations is the UN Charter" and that: "The UN Security Council has the primary responsibility for the maintenance of international peace and security." In the same vein, the UN is at the centre of the concept of "effective multilateralism", linking the two institutions at the strategic level. For

by looking at one of the fundamental balances governing the UN. It is the balance between, on one side, the respect of state sovereignty (Article 2 of the UN Charter) and, on the other, the enforcement capacities of the UN in order to pursue its purposes as defined in Article 1 of the UN Charter. Thus, in

of the Security Council should form a separate level and that, consistent with their special responsibilities for the maintenance of peace and security, they should be assessed at a higher rate than for the regular budget of the United Nations; 6. Decides that all discounts resulting from adjustments to the regular budget assessment rates of Member States in levels C through J shall be

- 43 Koops, Joachim: Military crisis man..., 2009, S. 44
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 5
- 44 Scale of assessments for the apport..., 2001, S. 3

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the PBC (Issue 1) was its foremost manifestation: the PBC could become a subsidiary body to the Security Council, or the General Assembly, ECOSOC or a mixture thereof. Early proposals were based on the concept of the PBC as a Security Council subsidiary body (P5 position).¹²⁵ However, the idea of the Security Council alone tackling peacebuilding provoked fear of further "encroachment" of the Security Council into development domains. Could the SC "bear the weight they would have it bear"? (Fearon 2005: 90) Instead the PBC could be established by the General Assembly or ECOSOC (NAM, African group). Alternatively, some argued that the PBC should reflect its objective: to link the work of several UN bodies (CANZ, Japan, Latin

¹²⁵ The HLP report recommended that "the Security Council, acting under Article 29 of the Charter of the United

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creation of the Peacebuilding Commission and its institutional location, the questionnaire asked if the group's preference at the beginning of the negotiations had been to create the PBC as a Security Council subsidiary body, or a body linked to the General Assembly, or to ECOSOC or any other preferred institutional location. The questionnaire was developed based on an analysis

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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see below) does intervene in such situations, it is however widely assumed that the PBC's "conflict prevention" role will be negligible.¹²⁷ Furthermore, in the post-conflict phase, the PBC is to focus on "the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundation for sustainable development". (S/Res/1645 and A/Res/60/180) This formulation is a vague compromise between reconstruction and development without choosing either. The first two cases picked up by the PBC, Burundi and Rwanda, confirmed however the preference for countries at a later stage of

127 Peacebuilding Commission, Special Research Report, Security Council Res M, 23 June 2006, no 3.

Textstelle (Originalquellen)

to: Bring together all relevant actors to marshal resources and advise on and propose integrated strategies for post-conflict peacebuilding and recovery; Focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development, Provide recommendations and information to improve the coordination of all relevant actors

- 45 Ajayi, Titilope: The UN, the AU and..., 2008, S. 5

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PBC. Even with permanent seats in the new body, the P5 were not expected to obtain veto power in the PBC. In the end, member states decided that the PBC is advisory and charged to - bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery - support the development of integrated strategies in order to lay the foundation for sustainable development - provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations - to help to ensure predictable financing for early recovery activities and to extend the period of attention given by the international community to post-conflict recovery - to develop best practices¹ (S/Res/1645 and A/Res/60/180). This outcome changed the status quo without requiring significant additional authority delegation: the PBC has neither decision-making nor implementation capacities; but the outcome did slightly broaden available channels for those under-represented in the status quo to voice their concerns.¹²⁹ This was a relatively easy case for the US

¹²⁹ The relevant balance must be 1) that of the body which will actually carry out either a decision-making,

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concerning Western Sahara twice a year¹⁴ (originating in resolution 690 (1991) and most recently renewed in resolution 1634 (2005)).¹⁵ 15 The Peacebuilding Commission was established by the 2005 World Summit (resolution 60/1,¹⁵ paras. 97-105) to "bring together all relevant actors to marshal resources and to advise on and¹⁵ propose integrated strategies for post-conflict peacebuilding and recovery".¹⁶ 16 See Security Council resolutions 1565 (2004) and 1635 (2005) which mandated troop levels for¹⁶ MONUC.¹⁷ 17 Recommendations on improving peacekeeping operations are contained in the report of the¹⁷ Panel ("Brahimi

to: Bring together all relevant actors to marshal resources and advise on and propose integrated strategies for post-conflict peacebuilding and recovery; Focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development, Provide recommendations and information to improve the coordination of all relevant actors within and outside the United nations, to develop best practices, to help to ensure predictable financing for early recovery activities and to extend the period of attention given by the international community to post-conflict recovery.¹⁷ Post-conflict reconstruction is an expensive longterm process.

- 46 Mandating and delivering: analysis ..., 2006, S. #P44#in _____ A/60/733
- 45 Ajayi, Titilope: The UN, the AU and..., 2008, S. 5

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could and should act upon it according to **their respective mandates**. The compromise found was that all relevant UN bodies, other bodies and actors can take action on the advice of the Commission - "**as appropriate and in accordance with their respective mandates**". If the SC is actively seized of a country situation and especially if a peacekeeping mission is undergoing, "the main **purpose of the Commission will be to provide advice to the Council at its request**" (S/Res/1645 and A/Res/607180). This reflects the P5 claim, but the formulation is not absolute. The precision for other bodies to only act according to their respective mandates does however attenuate any possible relativization of SC prerogatives - ECOSOC for

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Nations Environment Programme, and the World Bank "to strengthen, **as appropriate** and in accordance with **their respective mandates**, their co-operation at all levels, including **the field level**" (clause 79; see Osborn and Bigg, 1998, p. 173). Earlier in the year the UN Secretary-General had recognised UNDP s Capacity 21 Programme as "an effective catalyst and learning mechanism to support capacity-building for sustainable that in situations that are on the agenda of the Security Council and with which it is actively seized the main purpose of the Peacebuilding **Commission will be to provide advice to the Council at its request**".³³ 2.4.2 Alternative and complementing frameworks The issue of alternative and complementing frameworks for the promotion and protection of human rights was discussed with reference to the

- 47 Renewable energy technologies, 2006, S.
- 48 The new human rights council: The f..., 2007, S. 12

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for the need of a General Assembly category to balance out the structural imbalances in the other categories. More generally, developing countries, and especially the Latin American countries, were advocating for the principle of "equitable geographic representation" (EGR) to be respected. The EGR criteria could be interpreted strictly, e.g. each body or group of actors represented in the PBC would have to respect the principle of equal regional representation ('like-minded'), or broadly, requiring only

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feature of this period was that the 2004²⁰⁰³ enlargement, which brought a large number of pro-US countries into the UN bloc,¹¹ 11 Due to the principle of equitable geographic representation, each region of the UN¹¹ has assigned number of seats in the HRC, which are however voted on individually¹¹ by the entirety of the membership

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. #P39#Press.#A#

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question almost tore the EU apart, as it reflected the **internal EU** fight over either attributing more powers in external relations to the Council or the Commission. The EU Commission, representing the Communities, was keen **on participating as an important financial donor, whereas the Council wanted to maintain its dominance over second pillar (foreign affairs) issues. The EU** evenly split **along these two options. The internal squabble** was especially **fierce in view of the then still** plausible establishment of an EU external **action service and its future institutional location either closer** to the Commission or the Council. In the end, the EU advocated for an option that allowed both EC and EU representation at the same time, by proposing the category of "institutional donors" (the Commission) in addition to regional organizations (the Council). A design of membership categories such as

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and the UK to take a more conciliatory approach. **Internal EU** discussions furthermore focused on the representation of the EU in the PBC. The EU Commission **was keen on participating as an important financial donor, whereas the Council wanted to maintain its dominance over second pillar issues. The EU** membership **evenly split along these two options. The** wider UN membership did not quite understand this struggle and only realized that much EU energy was spent on this question. The internal argument over EC/Council representation **was especially fierce in view of the EU external action service and its future institutional location.** To summarize, the EU did not have extreme, but carefully drafted compromise positions, which were sometimes as weak as for the EU to only play a

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 23

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would, even with a lifted veil, have required more delegation than a PBC with rotating membership. In the end, the Commission has thirty-one members, seven are appointed by the Security Council, seven by ECOSOC, plus five members selected among the ten top financial contributors and five from the top ten military contributors; and seven appointed by the General Assembly to ensure overall geographical representation. The P5 won permanent membership in the PBC. This, however, is not explicitly stated in the resolutions creating the PBC. Instead, the resolutions foresee that the Security Council elects its members for the PBC. The Security Council selects its members for the PBC "according to rules and procedures decided by the Council" (S/Res/1645 and A/Res/60/180). The SC decided that the rule was permanent membership of the P5 plus two further non-permanent members (S/RES/1646). This avoided most members airing their position openly in the General Assembly. Only the non-permanent members of the Security Council at the time of decision had to vote on P5 permanent status. Only Brazil and Argentina abstained. Furthermore, the international financial institutions, regional organizations and secretariat representatives participate in an observer capacity.¹³⁴

¹³⁴ Regarding EU membership: In the Sierra Leone case, under the category of regional countries and relevant

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The Commission has 31 members, seven are appointed each by the Security Council (including the 5 permanent members), ECOSOC, and the General Assembly to ensure overall geographical representation, plus five members selected among the 10 top financial contributors and the top 10 military contributors. The PBC will report directly to the Security Council on cases that are on the SC s

the parties involved in the post-conflict situation. The Commission has 31 members, seven are appointed each by the Security Council (including the 5 permanent members), ECOSOC, and the General Assembly to ensure overall geographical representation, plus five members selected among the 10 top financial contributors and the top 10 military contributors. The PBC will report directly to the Security Council on

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21

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and other countries that are involved in relief efforts and/or political dialogue, as well as relevant regional and subregional organizations and international financial institutions are invited to participate. The PBC is encouraged "to consult with civil society, nongovernmental organizations, including women's organizations, and the private sector engaged in peacebuilding activities"¹³⁵. Rather broad rules for NGO and business participation (without any decision-making rights) have since been adopted, not requiring per se the agreement of all L Neue Uno-Kommission soil Krisenstaaten Frieden bringen, Spiegel Online, 21. December 2005 <http://ww.sniecei>.

¹³⁵ The thorny question was if NGOs and the private sector should participate based on ECOSOC rules of

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of the NGO accreditation process also fits in well with the process of cutting down superfluous bureaucracy at the UN secretariat. A pragmatic first step towards overcoming the current impasse on reform could be for the General Assembly to establish an Open-ended Working Group which, over the course of a year, would work out concrete proposals for the strengthening and expansion of UN-

- 49 Martens, Jens: The Future of NGO Pa..., 2006, S. #P6#is a 6

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insisted on country's consent. For the EU, Russia, Latin Americans, Japan and the USA, the PBC should cooperate with national (or transitional) authorities where possible with a view of national ownership. After all, only the 'like-minded' countries and some Africans insisted on the removal of "where possible". The December resolutions therefore decided that the PBC "shall work in cooperation with national or transitional authorities, where possible..." (S/Res/1645 and A/Res/60/180). Even if it seems highly unlikely that the PBC will ever endeavor in this direction, this decision required member states to delegate decisionmaking and potentially implementation authority to the PBC. Address the Peacebuilding gap

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authority. In this regard, the difference was more between the EU, CANZ, Japan and the progressive Latin Americans on one side favoring stronger implementation powers and the like-minded countries and the OIC on the opposing side, with the USA, CARICOM and African group in the middle and favoring a similar level of implementation authority delegation.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 19

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could have Assistant-Secretary or normal director status. If a new unit was **to be** created, the office could be assigned operational capacities or mainly a cross-department coordinating role. Above all, was it possible to use **existing resources more efficiently in order to meet the** challenge or would additional resources be necessary? The money question was at the heart of the debate. The discussion concentrated first on available resources and then possible functions. The level of resources would determine the possible scope of the office's functions. The stronger the office was going to be in terms of resources and

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and improved control over resource use. If little or no new money is **to be** made available to the NHS, then the only alternative is **to use existing resources more efficiently in order to** create the means for new developments or simply to stand still. As Day and Klein⁽⁴⁷⁾ have said, it is 'the vision of a NHS that could

- 50 THE LURE OF THE ORGANISATIONAL FIX:..., 1984, S. 249

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Money was central to yet another implementation dimension: the creation of an extra fund for peacebuilding activities (Issue 10). Peacekeeping budgets are assessed, e.g. mandatory. In addition, the General Assembly had created a **Peacekeeping Reserve Fund**, a cash-flow **mechanism to ensure the rapid response of the UN** to the needs of **peacekeeping operations** (A/Res/47/217 of December 23, 1992). The military side is hence well covered. All parallel peacebuilding activities, for example demobilization, disarmament and reintegration (DDR), are however not part of the peacekeeping budgets and

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Assembly and only with the approval of the Under-Secretary-General for Management. **Peacekeeping Reserve Fund** Regulation 4.5. There shall be established a peacekeeping reserve fund as a **cash flow mechanism to ensure the rapid response of the** Organization during the start-up phase of new **peacekeeping operations** and the expansion of existing peacekeeping operations and to meet unforeseen and extraordinary expenditure requirements

- 51 United Nations Financial Regulation..., 2003, S. 11

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leads to these important tasks not being financed and therefore not carried out at all, these costs could be integrated into assessed peacekeeping budgets. Alternatively, a separate peacebuilding fund could **be established to finance recurrent expenditures of a nascent government, as well as critical agency programs in the areas of rehabilitation and reintegration** (HLP 2004: §228). **In the** later scenario, how to ensure not to create yet another development fund? Much depended on the independence of the fund, e.g. on who would manage and supervise

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United Nations peacekeeping operations. (227) 65. A standing fund for peacebuilding should **be established** at the level of at least \$250 million that can be used **to finance the recurrent expenditures of a nascent Government, as well as critical agency programmes in the areas of rehabilitation and reintegration**. (228) A/59/565 X. Protecting civilians 66. All combatants must abide by the Geneva Conventions. All Member States should sign, ratify and

- 27 Transmittal letter dated 1 December..., 2004, S. 82

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UN budget. For most of the UN history, powerful organizations like NATO were concerned, but with the African Union taking over responsibility in Africa,¹⁴⁰ the question arose if the UN should be able, in very exceptional circumstances, to use assessed contributions to finance regional operations authorized by the Security Council, or the participation of regional organizations in multi-pillar peace operations under the overall UN umbrella (In Larger Freedom 2005: §213-5). This had important financial implications and required member states to delegate additional decisionmaking authority over budgetary decisions. The G77 and China and NAM had no cohesive position on the question, with some African

140 In the Darfur crisis, the African Union force was the one acceptable to the government in Khartoum, and then

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which they have a particular interest are discussed. 215. The rules of the United Nations peacekeeping budget should be amended to give the United Nations the option, in very exceptional circumstances, to use assessed contributions to finance regional operations authorized by the Security Council, or the participation of regional organizations in multi-pillar peace operations under the overall United Nations umbrella. F. Updating the Charter of the United Nations 216. As I remarked at the beginning of section V, the principles of the Charter of the United

- 30 UN General Assembly: In larger free..., 2005, S. 52

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in the process. In June 2005, GA President Ping considered it advantageous to leave "detail" of the PBC negotiations to diplomats once heads of states had returned to their capitals. He proposed instead to request "the President of the General Assembly, assisted by the Secret-General, to ... Member States in order to develop the necessary ... for the effective ... Paccbta: ?Hing Commission, including on arrangements for its structure, so that the body can help 2005 (June 3th Draft Outcome Document)." Member states quarreled over the 'details' until the beginning of the fifth session. They could broadly agree on the categories of factors that should compose the P8C but were unable of agreeing on any detail- The small group around

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relevant actors per reform area. Media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of involved groups and individual countries. The interviews were conducted based on five standardized questionnaires, one for each reform area.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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membership to swallow the P5, especially US American requests. CHAPTER 7 THE HUMAN RIGHTS COUNCIL The West against the Rest The UN's central human rights body, the Commission on Human Rights (CHR or the Commission), had an unusually wide range of critics. Opponents of the UN in the West called the CHR a platform for rights abusers like Libya and Sudan, especially after Libya was elected to the chairpersonship of the Commission. Yet many in the developing world saw it as a mechanism for the West to bully poor countries (Alston 2006: 2) and a movement around China had started to oppose and increasingly block resolutions condemning country-specific human rights abuses. These two lines of criticism explain the major battle fields of the 2005 reform process in the field of human rights: the membership of the intergovernmental human rights body and its mandate and functions. The CHR had earned the particular animosity of the Bush administration after the US was ousted from the body in 2001, in part because Europeans withheld their support for renewed US membership due to differences over the International Criminal Court The US then started an aggressive campaign against the Commission (Alston 2006). National Security Adviser Condoleezza Rice stated that the 'sad thing is that the country that has been the beacon for those fleeing tyranny for 200 years is

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forum's ability to advance universal human rights. It was proposed prior to the 2005 World Summit as a replacement for the Commission on Human Rights (CHR), which had an unusually wide range of critics. Opponents of the UN in the West called the CHR a platform for rights abusers like Libya and Sudan, yet many in the developing world saw it as a mechanism for the West to bully poor countries. The CHR had also earned the particular animosity of the Bush administration after the US was blocked from continued membership of the body in 2001, in

like Libya and Sudan, yet many in the developing world saw it as a mechanism for the West to bully poor countries. The CHR had also earned the particular animosity of the Bush administration after the US was blocked from continued membership of the body in 2001, in part because of its opposition to the ICC. Both the EU and US wanted a replacement that excluded the worst rights abusers but finding fair and effective criteria proved

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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two-thirds majority. The underlying belief was that a body composed purely of democracies could more effectively promote human rights in the remaining dictatorships. Besides some Latin American countries, the vast majority of members categorically refused **the idea of membership criteria and two-thirds majority voting**. The developing countries were organized around the **African group**, CAJUCOM (Caribbean Community **and Common Market**) and the **v** like-minded" states, consisting among others of Cuba, Venezuela, Burma, Turkmenistan, Pakistan, Belarus, Vietnam, Syria, Sudan, Egypt, Iran, and opposing any strengthening of the UN human rights machinery. The hardliners within the South and China suggested instead limiting the mandate of the new body and curtailing its monitoring and enforcement role. Religious prophets were to be protected and the new body should no longer



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was not organized around the developing countries coalitions of the G77 or NAM. Most countries accepted the idea of a new institution and wanted some change, but **categorically refused the idea of membership criteria and 2/3 majority voting**.⁹ In fact, the countries attempting to mediate were foremost Switzerland, Singapore, Liechtenstein and New Zealand. The question remains why developing, but democratic countries,

Canada, Australia and New Zealand), Latin American countries such as Argentina and Brazil, the **African group**, the "like-minded group" of states opposing any reform¹⁰, **CARICOM (Caribbean Community and Common Market)**, small states such as Switzerland and Liechtenstein and big ones such as the USA, China and Russia. Briefly summarized, the status quo has been

- **18** Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25
- **1** Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 18

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elected individually by an absolute majority and creating a removal option. For the US, the institutional innovations did not go far enough. The **Human Rights Council** was hence adopted with 170 to four votes against (US, Israel, **Marshall Islands and Palau against**) and **three abstentions (Belarus, Iran and Venezuela)**. **This reminds** of the result of the quantitative analysis: Model 1, focusing on the **role of the US, explained** less well human rights issues. The challenge is hence to define and explain the interplay between the US, regional alliances and symmetry, and to assess carefully possible procedural equality dimensions. De facto, Western countries had won in principle -all innovations went

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as Denmark, and were highly esteemed for their efforts in the wider UN membership. **Human Rights Council** In March 2006, the General Assembly approved, 170 to 4 votes (**US, Israel, Marshall Islands and Palau against**) with **3 abstentions (Belarus, Iran and Venezuela)**, the resolution creating the Human Rights Council. The HRC replaced the Commission on Human Rights, which had come under

budget for assessing the politico-economic view. Human rights machinery On March 15th 2006, the General Assembly approved, 170 to 4 votes (U.S., Israel, Marshall Islands and Palau against) **with 3 abstentions (Belarus, Iran and Venezuela)**, the new Human Rights Council (HRC). The HRC replaced the Commission on Human Rights, which had come under heavy criticism from the human rights

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- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 24
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 17
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. #P85#Noël

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has vanished. The new majority configurations allowed developing countries to shift the policies of the new body away from a Western vision of the UN human rights work, obstructing efforts at challenging human rights abuses in specific countries. The Western incapacity to build coalitions across the South, isolating hardliners, also due to a lack of transparency and double standards in their approach, led to a new body whose potential to strengthen the UN's human rights machinery is severely hampered. I. THE COMMISSION ON HUMAN RIGHTS
The Commission on Human Rights held its first session in 1946; the UN Charter had mandated its establishment. The Commission was a subsidiary body of the Economic and Social Council (ECOSOC), made up of 53 States elected for three-year terms by ECOSOC. The Commission met annually in Geneva in March and April for six weeks. This session was attended by members of the Commission, non-member states, National Human Rights Institutions (NHRIs) and NGOs. NGOs accredited by ECOSOC could participate in the Commission's session and make oral and written statements. States, NHRIs, NGOs, and representatives of international organizations made over a thousand statements at the 61st session of

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has proved more divisive still in the HRC). But its main focus has been on a relatively small number of votes raising concerns on human rights abuses in specific countries like Iran, Sudan and Burma. The EU can typically get around 80 nations on its side in these cases, in contrast to over 100 for votes on

Rights? The Commission on Human Rights (the Commission) was the main body set up to address human rights issues in the United Nations (UN) system?
1. The Commission was a subsidiary body of the Economic and Social Council (ECOSOC), made up of 53 States elected for three-year terms by ECOSOC with a balance of representation from the UN's five regional groups?
2. The major roles of the Commission were standard-setting in the field of human rights

was a subsidiary body of the Commission and acted as a thinktank by undertaking in-depth research and analysis into particular human rights issues. The Commission met annually in Geneva in March and April for six weeks. This session was attended by members of the Commission, other States, NGOs, and National Human Rights Institutions (NHRIs). The Commission's work was organised under agenda items, focusing on specific thematic areas and a few dealing

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 23
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 10
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.

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ECOSOC could participate in the Commissions session and make oral and written statements. States, NHRIs, NGOs, and representatives of international organizations made over a thousand statements at the 61st session of the Commission in 2005. The Commission took action by adopting decisions or resolutions and approved hundreds of resolutions related to human rights every year (Abraham 2006).¹ Its major roles were standard-setting in the field of human rights and monitoring of compliance with human rights standards (E/RES 20/46: 3). It produced an enormous body of international human rights law and standards, such as the Universal Declaration of Human Rights, or the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights. From the beginning, the Commission addressed implementation. The Chairman at the time argued, "no bill of Human Rights will be worth anything unless it is enforced" (Winslow 1947: 27).¹⁴² It was only starting in the 1970s that the Commission could adopt resolutions

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the Commission s functioning. Over a thousand statements were made at the 61st session of the Commission in 2005 by States, NGOs, NHRIs, and representatives of international organisations. The Commission took action by adopting decisions or resolutions and approved hundreds of resolutions related to human rights every year. Reform of the Commission on Human Rights In the last few years the Commission increasingly came under criticism for its double standards and selectivity in

of 53 States elected for three-year terms by ECOSOC with a balance of representation from the UN s five regional groups?² The major roles of the Commission were standard-setting in the field of human rights and monitoring of compliance with human rights standards. The Commission was also the main forum for non-governmental organisations (NGOs) to raise human rights concerns with States and to lobby for the creation

For exactly 60 years, since 1946, the Commission on Human Rights (the Commission) was the principal human rights body within the United Nations system. It produced the enormous body of international human rights law and standards that now governs the conduct of States. It developed a system of independent experts to assist in the development of human

rights and fundamental freedoms for all, Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights,³ the International Covenant on Economic, Social and Cultural Rights³ and other human rights instruments, Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights

was China 14 European foreign ministers called Beijing, and the EU s

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 10
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.
- 52 Handbuch 8222 Chairing Model United..., 2007, S. 16

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addressing specific country situations of human rights abuse. To support and monitor implementation, the CHR developed various mechanisms, together called "special procedures": A system of independent experts, which travel to countries to monitor and assess situations and make recommendations, or engage in the development of

1 Abraham 2006

142 For this reason the Commission concentrated on public opinion and proposed the creases of informaitoo

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withdrawal threat made headlines. In the end, Europe managed to preserve the HRC s power to adopt resolutions addressing specific country situations, as well as to appoint special rapporteurs and groups of experts to investigate human rights abuses in specific countries. China relented in exchange for the

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 37

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the CHR developed various mechanisms, together called "special procedures": A system of independent experts, which travel to countries to **monitor and** assess situations and make recommendations, or engage in the development of new norms. The Commission **also had a complaint procedure referred to as the 1503 procedure,¹⁴³ under which it could receive communications from individuals** about human rights violations occurring in any country, II.

CREATING A GOOD GUYS' CLUB? REFORM ISSUES AND ACTOR POSITIONS

In 2005, one option was to create a new intergovernmental body for human rights, replacing the existing Commission, Creating a new body (Issue I) allowed re-designing its membership, mandate and status, which the Western member states wanted. They therefore favored the creation of a new body. Alternatively the Commission itself could be reformed.

¹⁴³ Named after the resolution by which it was created. Economic and Social Council Resolution 1503 of 27 May 1970.

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that were authorised to examine, **monitor, and** publicly report on the human rights situation in specific countries or on major themes of human rights violations?³. **The Commission also had a complaint procedure referred to as the 1503 procedure²⁴, under which it could receive communications** about human rights violations occurring in any country. The Sub-Commission on the Promotion and Protection of Human Rights²⁵ (the Sub- ?1? The?Commission?) was? a? body?

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 10

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governments made up a strong bloc. The Western countries and their Latin American allies enjoyed a slight but defensible majority. A new body of the 21st century had to reflect the 2005 regional balance and the principle of "equitable geographic representation" (Issue 11) - a formal criterion, which limits the choice of member states and therefore requires decision-making authority delegation. All developing countries, besides the Latin Americans, advocated for it and even the Latin Americans, losing most seats, did not oppose it. The resulting redistribution was not massive, but has given Asia and Africa a de facto majority

Textstelle (Originalquellen)

feature of this period was that the 2004²⁰⁰³ enlargement, which brought a large number of pro-US countries into the UN bloc,¹¹ 11 Due to the principle of equitable geographic representation, each region of the UN¹¹ has assigned number of seats in the HRC, which are however voted on individually¹¹ by the entirety of the membership

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. #P39#Press.#A#

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and decision-making authority to the UN in the field of **human rights**. CANZ, **the EU**, Japan and the progressive Latin Americans all favored a principal body, but EU member states were not cohesive. **The EU presidencies advocated for a 'different' status of the HRC - a standing body, possibly a treaty body.**¹⁴⁴ **The 'likeminded'** states fought against the strengthening of the UN's human rights mandate. Kofi Annan proposed an intermediary step: a subsidiary body of the General Assembly (in Larger Freedom 2005: § 1 S3), which the African group and CARICOM supported. While the US was agnostic about this choice, its preferences being elsewhere (membership criteria), it spoke out in favor of a GA body at one point.¹⁴⁵ A GA body

144 EU priorities for the 60a sesaon* http://M%,%airQps u-us.,Qfg articles, cn articie_4599_en.htirL

145 [hnp://www.un.org/ine*-s"Press'docs, 005/hrcnl 110.ek5e.htm](http://www.un.org/ine*-s).

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rights community for being an extremely politicized and rather ineffective body. **The EU** supported from early on the strengthening of the UN **human rights** machinery. **The EU presidencies advocated for a different status of the HRC a standing body, possibly treaty body-** with increased meeting time and new membership rules.⁶ The EU wanted to set criteria for membership (such as abiding by the highest human rights standards)

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 24

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originally been composed of 18 members. In 1962 it was expanded to 21, then to 32 in 1967, 43 in 1980 and finally to 53 in 1996.¹⁴⁶ The US disregarded the High-Level Panel recommendation of universal membership for the new body. The High-Level Panel had argued that the Commission's membership had become a source of "heated international tension, with no positive impact on human rights and a negative impact on the work of the Commission"; Universal membership would "underscore that all members are committed by the Charter to the promotion of human rights, and might help to focus attention back on to substantive issues rather than who is debating and voting on them" (HLP 2004: §285). Universal membership, favored by Cuba and some 'like-minded' would also, ipse facto, have balanced any pre-existing regional inequalities. Secretary-General Kofi Annan did not follow the Panel's commendation and suggested instead, like the US, a

146 Website of the Office of the High Commissioner for Human Rights: >o*-h _ohchr.org

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PBC was meant to do just that. Even if member states agreed on this analysis, the institutional location between the Security Council and the General Assembly (the High-level panel had proposed the PBC to be a Security Council subsidiary body), its membership, mandate and function were up to fierce debate. In its current form, the

Commission on Human Rights is that of membership. In recent years, the issue of which States are elected to the Commission has become a source of heated international tension, with no positive impact on human rights and a negative impact on the work of the Commission. Proposals for membership criteria have little chance of changing these dynamics and indeed risk further politicizing the issue. Rather, we recommend that the membership of

indeed risk further politicizing the issue. Rather, we recommend that the membership of the Commission on Human Rights be expanded to universal membership. This would underscore that all members are committed by the Charter to the promotion of human rights, and might help to focus attention back on to substantive issues rather than who is debating and voting on them. 286. In the first half of its history, the Commission was composed of heads of delegation who were key players in the human rights arena and

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 21
- 27 Transmittal letter dated 1 December..., 2004, S. 70

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to governmental representation, giving way to Soviet pressure. The Economic and Social Council by a simple majority elected CHR members with candidates being part of a regional group's proposal. In 2005, the High-Level report argued, "Proposals for membership criteria have little chance of changing these dynamics [politicization and discussion of membership] and indeed risk further politicizing the issue". The Panel rejected the proposal of establishing substantive membership criteria and proposed instead that "all members...designate prominent and experienced human rights figures as the heads of their delegations," returning to the earliest design of the Commission . Secretary-General Annan again decided not to follow the High-Level Panel, but rather the US and proposed, "those elected to the Council should undertake to abide by the highest human rights standards" (in Larger Freedom 2005; §183) . Despite this weak requirement (it would not have excluded countries not yet abiding by the highest human rights standards). Annan accepted the general logic of linking the domestic human rights record to membership- The EU, CANZ, Japan opted for stringent criteria such as "have to abide by" or "shall uphold and promote the highest human rights standards". Yet another option was to ask candidates to provide letters of commitment and regional endorsement (CANZ, US)- The stricter the criteria, the more limited were member states' choices and therefore the more decisionmaking authority had to be

149 Statement by H.E. Rosemary Ranks, on behalf of Canada, Australia and New Zealand. 11 October 2005: We

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the Commission has become a source of heated international tension, with no positive impact on human rights and a negative impact on the work of the Commission. Proposals for membership criteria have little chance of changing these dynamics and indeed risk further politicizing the issue. Rather, we recommend that the membership of the Commission on Human Rights be expanded to universal membership. This

The Commission on Human Rights 90. Membership of the Commission on Human Rights should be made universal. (285) 91. All members of the Commission on Human Rights should designate prominent and experienced human rights figures as the heads of their delegations. (286) 92. The Commission on Human Rights should be supported in its work by an advisory council or panel. (287) 93. The United Nations High Commissioner for Human Rights

larger freedom" the creation of a Human Rights Council, with a smaller membership and to elect its members by a two-thirds majority of members present and voting. Furthermore, "Those elected to the Council should undertake to abide by the highest human rights standards."⁶ Member States relatively quickly came out supporting the idea of a new human rights council, but disagreement reigned from the beginning over status, membership, mandate

membership and to elect its members by a two-thirds majority of members present and voting. Furthermore, "Those elected to the Council should undertake to abide by the highest human rights standards."⁶ Member States relatively quickly came out supporting the idea of a new human rights council, but disagreement reigned from the beginning over status, membership, mandate

- 27 Transmittal letter dated 1 December..., 2004, S. 70
- 27 Transmittal letter dated 1 December..., 2004, S. 87
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 17

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authority had to be delegated. Such plans met fierce opposition from the vast majority of the global South (African group, CARICOM, the 'like-minded'), opposition not only from dictators, but also from Southern democracies, such as South Africa or India. Even Liechtenstein argued, "We do not think that introducing criteria for membership is either feasible or desirable".¹⁵⁰ Even though there was no overall coordination by the Non-Aligned Movement (NAM) and important Latin American countries such as Argentina, Chile or Uruguay¹⁵¹ supported the LIS position, a NAM position on the opposition to criteria could have emerged according to several negotiators.¹⁵² From the beginnings the central question was why developing, but democratic countries, such as South Africa, did not support American and EU positions. They opposed "exclusive clubs" but also substantially argued that excluding those the UN wished to impact was not the most promising strategy and highlighted the example of the Libyan chairwoman of the Commission. The US's discrediting the Commission campaign had gained new momentum with the election of a female Libyan diplomat to the Chairmanship of the Commission in 2003, at a time

150 The progress report of the High Level Panel of Experts, 2005, p. 10.

151 The progress report of the High Level Panel of Experts, 2005, p. 10.

152 Interview ...

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pattern on human rights in the General Assembly.⁸ The EU has developed a confrontational relationship with the Organisation of Islamic Conference and some non-Western democracies such as South Africa.¹⁴ The HRC continues to support a Special Rapporteur on Sudan, but independent observers have argued that she would become extremely overloaded without the group of experts.

Liechtenstein and New Zealand. The question remains why developing, but democratic countries, such as South Africa, did not support EU positions. Even Liechtenstein argued that "We do not think that introducing criteria for membership is either feasible or desirable." Delegates from democratic developing countries opposed exclusive clubs but also substantially argued that excluding those the UN wished to impact was not the most promising

authority. They opposed any body within which their decisionmaking prerogatives would not be guaranteed. In contrast, the like-minded countries, the African group as well as the Non-Aligned Movement (NAM) wanted the new body to be institutionally close to the General Assembly, de facto leading to a decrease in required decision-making authority. On the

humanity and therefore to mandate the use of force in such cases. Main actors in this process were the EU, CANZ (Canada, Australia and New Zealand), Latin American countries such as Argentina and Brazil, the African group, the "like-minded group" of states opposing any reform¹⁰, CARICOM (Caribbean Community and Common Market), small states such as

idea of membership criteria and 2/3 majority voting.⁹ In fact, the countries attempting to mediate were foremost Switzerland, Singapore, Liechtenstein and New Zealand. The question remains why developing, but democratic countries, such as South Africa, did not support EU positions. Even Liechtenstein argued that "We do not think that introducing criteria for membership is either feasible or desirable." Delegates from democratic developing countries opposed exclusive clubs but also substantially argued that excluding those the UN wished to impact was not the most promising strategy. In addition, the EU (as well as the US and CANZ) was criticized for not defining the criteria, who

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Human Rights..., 2008, S. 18
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reform..., 2008, S. 22
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reform..., 2008, S. 18
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25

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to encourage the regime in Tripoli to confine its new, more open, orientation (Védrine 2003: 133). 'Terrible' membership could at least be interpreted differently. Furthermore, Western countries * re criticized for not delimiting criteria clearly, or who would monitor them and decide on eligibility of candidates. NGOs such as Human Rights Watch had suggested pragmatic criteria already in 1963: member states* ratification of UN human rights treaties, their issuance of standing invitations to UN human rights experts or effective respects of reporting obligations. These were discarded without effect.

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impact was not the most promising strategy. In addition, the EU (as well as the US and CANZ) was criticized for not defining the criteria, who would monitor them and decide on eligibility of candidates. Criteria proposed by some NGOs such as ratification of human rights conventions had to be disregarded as they would have excluded the USA and Australia.

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25

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the Security Council determine the membership, especially as SC decisions are not always based on human rights? Next to these possible, but not feasible or desired criteria, no concrete criteria were presented. The lack of transparency by the Western advocates of criteria sustained the fears of many among the developing countries of yet another body dominated by the West setting AI standards and applying these in an unfair manner. Once complications surrounding the criteria appeared, the drivers for "better" membership focused on increasing the election quorum to two-thirds (Issue 14), a hurdle human rights offenders were expected not to overcome. Europeans proposed this as a compromise. For the EU, the two-thirds quorum was the priority, abandoning it the absolute 'no-goer'. The change from simple to two-thirds majority would have

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Criteria proposed by some NGOs such as ratification of human rights conventions had to be disregarded as they would have excluded the USA and Australia. The lack of transparency by the EU and others sustained the fears of many among the developing countries of yet another body dominated by the West setting its standards and applying these in an uneven manner. Furthermore, the proposed criteria as well as the 2/3 majority vote were opposed for exactly the reason the EU and the US advocated

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25

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negotiations, but none dared to agree to it officially. Eliasson picked up on this compromise in his package and included it for member states' approval. Member states accepted Eliasson *s deal allowing members to be elected directly and individually by secret ballot by an absolute majority of GA members. Member states "shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" when electing members of the Council. All candidates are invited, but not forced, to present pledges outlining their commitment to human rights. This system of human rights pledges is an innovation, but far from stipulating formal membership criteria. US UN Ambassador Bolton explained the US 'no vote*' on the resolution creating the HRC with the lack of either criteria or a two-thirds majority.^{15*} Despite

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institutions and civil society; " (j) Submit an annual report to the General Assembly; 7. Decides further that the Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows

General Assembly (not just of the votes cast) instead of regional groups in ECOSOC choosing their representatives- and, "when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto"; finally, a "universal periodic review" of all member states human rights record is foreseen, with the elected members to undergo it first.⁹ Famously, the General

by the majority of the members of the General Assembly (not just of the votes cast) instead of regional groups in ECOSOC choosing their representatives- and, "when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments

- 52 Handbuch 8222 Chairing Model United..., 2007, S. 17
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 18

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Clean regional slates annul any decision-making power for the membership as wider decision-making about membership is delegated to regional groups. Liechtenstein argued that 2 two-thirds or simple majority voting made no difference if there was no choice to be voted on. The primary' goal should be to give all member states a real choice between 1 candidates and mist them to weed out human rights Violators. Ensuring competition gives each country the possibility to choose. The no-clean slate policy was not on the US priority' list and only very late on the EU list. CARICOM. the African group. Russia* China. India

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not to elect human rights violators. Liechtenstein and others had already earlier in the negotiations argued that 2/3 or simple majority voting would not make any difference if there was no choice. Such an institutional setting would have empowered other democratic countries to make real choices over membership. Finally, the EU was challenged based on alleged double

no clean slate per region,¹¹ an institutional mechanism to ensure more candidates than slots, found broader support among the wider membership. The basic idea was to give all member states a real choice between candidates and trust them not to elect human rights violators. Liechtenstein and others had already earlier in the negotiations argued that 2/3 or simple majority

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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the US priority' list and only very late on the EU list. CARICOM. the African group. Russia* China. India and the Tike-minded" all officially opposed a "no clean-slate policy", but the proposal found broader support among the wider moderate membership. However, a "do clean slate"* policy7 was not adopted as the proposal 154 Explainsipp of Vole by AJiibessa br Jobs JS Sc-issi. U S. Penane! Reprssiss ve 10 ifee United Nation on the Human Rights CamaJ Draft Rescfttasaa. m ifcs Genssi Assembly. Marcs 15. http: isi-infusa OGprirAjft 2 .htm. was not pushed seriously by any of the major groups. Such an institutional setting would have empowered countries to make real choices over membership. It seems that an empowerment rather than criteria based strategy might have been more promising in an organization characterized by universal membership. Create an Effective Removal Option If human rights' abusers could be elected to the new body, some argued that there should at least be a mechanism to remove them if their abuses should tun*, even more egregious (Issue 15), Members could for example be excluded based upon

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the body. In the end, the EU move to ask for no clean slate per region,11 an institutional mechanism to ensure more candidates than slots, found broader support among the wider membership. The basic idea was to give all member states a real choice between candidates and trust them not to elect human rights violators. Liechtenstein and

Liechtenstein and others had already earlier in the negotiations argued that 2/3 or simple majority voting would not make any difference if there was no choice. Such an institutional setting would have empowered other democratic countries to make real choices over membership. Finally, the EU was challenged based on alleged double standards. The linchpin for many became if the EU was willing to support resolutions

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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is not mentioned.¹⁵⁶ In 1986, the **right to development** was however confirmed explicitly in the Declaration on the **Right to Development** (A/Res/41/128), with the United States casting the single dissenting vote (Marks 2004: 138). It postulates obligations both **on individual states - to ensure equal and adequate access to essential resources - and on the international community to promote fair development policies and effective international cooperation.**¹⁵⁷ The CHR regularly addressed the right to development, which had, de facto, become part of its mandate. In 2005, the question was hence: Should the HRC mandate explicitly include the right to development (Issue 4)? The squabble about the "

¹⁵⁶ But the CHR and the General Assembly had afterwards established additional mandates, a total of 36 specific

¹⁵⁷ <http://www.unhcr.org/refugees/development/right-to-development.html>

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popular participation in development. Following the adoption of the Declaration, the UN High Commissioner for Human Rights explained that the **right to development** imposes **obligations both on individual states to ensure equal and adequate access to essential resources and on the international community as a whole to promote fair development policies and effective international cooperation**" (emphasis added). At the 1993 World Conference on Human Rights, these principles were reaffirmed by the Vienna Declaration and Programme of Action, which is

- 53 Theme: NGOs and Civil Society in Pa..., 2008, S. 8

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Japan and the EU opposed the specification of any right in general and more specifically the codification of the right to development. CANZ favored already agreed language, whereas US ambassador Bolton argued that "We must resist the efforts of some to insert language on development not contained in the Universal Declaration of Human Rights, We believe that there should be a strong focus on the abuses of civil and political rights, as this body will alone be responsible for monitoring the adherence to the international standards in this area."¹⁶⁰ Western negotiators argued that the development right claim was only used to weaken the importance of other rights. This dismissed however the historical roots of this concept and the attachment to it by the broader developing world (

160 Statement by Ambassador John R. Bolton, U.S. Permanent Representative to the United Nations, on Moving

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international rule of law, Europe has a further interest in the values that underpin it. Since the founding of the UN in 1945 and its adoption of the Universal Declaration of Human Rights in 1948, there has been a tension between those whose vision of world order depends on respect for sovereignty, and those who also believe that human rights

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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or vote against the resolution establishing the HRC if their concerns were not taken seriously, Eliasson permitted one change to be made to his package deal. The preamble paragraph was modified to read: "Affirming the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief"¹ (A/Rc&60/251). A divided South, with the OIC defending its positions alone against the EU, as well as interventions at capital level on the Cartoon incident contributed to finding this compromise, which did not compromise the Council's core mandate. The question of religious defamation remains one of the most divisive in the new Council's work.

¹ A/Rc&60/251



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being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing, _____ 1 Resolution 217 A (III) . 2 A/CONF.157/24 (Part I), chap. III. 2 Affirming the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief, Recognizing the work undertaken by the Commission on Human Rights and the need to preserve and build on its achievements and to redress its shortcomings,

- 54 Resolution adopted by the General A..., 2006, S. 2

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international human rights conventions on the ground, in the 191 member states, and what should the Council do when a government violated human rights? In 1947, the Economic and Social Council stated that the Commission had "no power to take any action in regard to any complaints concerning human rights".¹⁶⁴ The empowerment for the Commission to address country specific situations was closely linked to the fight against apartheid in South Africa. In 1965, the Commission was faced with a number of individual petitions from South African citizens and came under considerable pressure to address these. In response, the Commission

¹⁶⁴ The Economic and Social Council resolution ~5(V) (1947) and decision of the Commission on Human Rights

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action could be taken by the UN with regard to the received communications. A much-criticized statement of the Commission, adopted in 1947, claimed that it had no power to take any action in regard to any complaints concerning human rights. This point of view was overturned in 1967 against racist and colonial policies. Eventually, negotiations created two separate procedures, laid down in two different ECOSOC resolutions. 1.

by a 2/3 majority, instead of simple majority.⁷ At the same time, the EU defended the status quo on many other aspects, such as the CHR's mandate to address country specific situations, or the status of NGOs.⁸ Comparing the EU to other actors, the EU was definitely on one extreme. Together with the US and Canada, Australia

- 55 From Commission on Human Rights to ..., 2006, S. 2
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 24

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in 1967 and established an ad hoc working group of experts to investigate the situation of human rights in South Africa. The Commission in 1967 requested the Economic and Social Council to allow' it to "examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid practiced in the Republic of South Africa" and to "make a thorough study of situations which reveal a consistent pattern of violations of human rights, as exemplified by the policy of apartheid" (E/res/1236 (XLII)). This led to a Commission practice of addressing country specific human rights situations, so called "country-specific resolutions," which became extensively used. At the 61st session of the Commission, in April 2005, 114 draft resolutions and decisions were tabled, totaling over 600 pages of documentation. 22 hours and 39 minutes were spent on voting including statements made during voting (Abraham 2000, 29), but many of these resolutions were annual reoccurrence. In practice, some resolutions had deviated from the "gross violations" and "consistent pattern" requirement, with the exact interpretation of these terms being the object of intense debate. The

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far wider range of tasks and human rights issues. The Sub-Commission was authorised by the Economic and Social Council (ECOSOC) in 1967 to "examine information relevant to gross violations of human rights and fundamental freedoms"³ in all countries in the world. The Sub-Commission's role is often described as being a think tank for the Commission⁴. Its main functions were to undertake

countries. In 1967, the Commission was authorised by the Economic and Social Council (ECOSOC) to examine information regarding "gross violations of human rights" and study "situations which reveal a consistent pattern of violations of human rights"¹. From this point the Commission also took on a human rights monitoring role, which expanded over the years to become its major activity. To fulfil its human

is not excessively politicised? Resolutions or something new? At the 61st session of the Commission, 114 draft resolutions and decisions were tabled, totalling up to over 600 pages of documentation. 22 hours and 39 minutes were spent on voting including statements made during voting⁵⁶. Many of these were resolutions that "change very little from one year to the next"⁵⁷ but considering the number of resolutions tabled and their volume, the

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 5
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 33
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.

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Latin Americans, Japan, the US and also some CARICOM and Europeans wanted not only to codify the existing practice, but also to go a step farther. They asked for the HRC to address "any matters or situations related to the promotion and the protection of human rights, including urgent or continuous human rights situations". The EU and the African group¹⁶⁵ were satisfied if the Council could address "situations of violations of human rights, including gross and systematic violations" The difference between the options is significant. The first formulation would go far beyond the 1967 mandate by covering every issue related to the promotion of human rights; the second option would also widen the mandate by including "non-gross" violations (de facto codifying the status quo). Such widening of the mandate required additional monitoring and enforcement authority. The iike-minded' group preferred a strict interpretation

¹⁶⁵ Statement by H.e. Mr. Martin Andjaba. Ambassador of Namibia to the United Nations. Chairperson of the

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Criminal Court (ICC). The remit for the Commission s European Initiative on Democracy and Human Rights (EIDHR) includes "supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy." The fund has backed the EU s campaign against the death penalty, but has otherwise been

recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms"⁷⁴. The Resolution also states that "the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon"⁷⁵ and "contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies"⁷⁶.

6. Key questions

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 8
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 74

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of the Council as part of a larger deal across issues, but refused to abandon the enforcement mandate of the HRC. In the summit Outcome Document, member states therefore decided that the Council could "address situations of violations of human rights, including gross and systematic violations," maintaining de facto the status quo and codifying it de jure (A Res 60 I: §159). This proved to be decisive as the like-minded states attacked the mandate in the ensuing negotiations. To fend off their attacks, member states referred back to the summit outcome. As heads

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to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms"⁴. The Resolution also states that "the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon"⁵ and "contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies"⁶.

6. Key questions

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 74

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CHR. They argued that resolutions were politically motivated, with Western democracies targeting those countries where they did not risk compromising other national interests (Abraham 2006: 26). The litmus test for many became the EU's willingness to support resolutions against the US; evidence over the past years had shown that this was not the case.¹⁶⁶ Delegates from democratic developing countries singled out the EU opposition to attempts at criticizing the US for its human rights abuses at the Guantanamo Bay detention center. While the EU was crying to act as a bridge between the US and others on issues of structure of HRC reform, its claim to do so was undermined (from the

¹⁶⁶ For example on Guantanamo: Say: EO* 4C0Q5-L-9-i?Rev.i, Question of detainees in the area of the United

Textstelle (Originalquellen)

make real choices over membership. Finally, the EU was challenged based on alleged double standards. The linchpin for many became if the EU was willing to support resolutions against the US, and evidence over the past years had shown that this was not the case.¹² This in turn did not increase the credibility of the EU's claim to strengthen universal human rights, similar to its often manifest unwillingness to discuss internal human rights violations

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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should decide to adopt a two-thirds modus. Fourteen EU foreign ministers called Beijing. The absent US was only indirectly involved in the negotiations, in the end, China stepped back, in exchange for the mandates of the HRC's Special Rapporteurs on Belarus and Cuba being terminated (Russia had long wished to end the role of the special envoy for Belarus). So while the EU's threat combined with crucial support of some (mainly democratic) developing countries saved the Council from irrelevance, the

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well as to appoint special rapporteurs and groups of experts to investigate human rights abuses in specific countries. China relented in exchange for the withdrawal of the HRC's special rapporteurs on Belarus and Cuba, taking away with one hand what it had given the other. If Belarus and Cuba are unworthy of the HRC's attention, who does this leave?

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 37

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to me mandatory and comprehensive Covenant reporting mechanism, the US proposal foresaw voluntary reporting on "general developments and progress achieved". Such a voluntary mechanism was then established, but human rights specialist Alston argues that "Its achievements could readily be measured in terms of trees destroyed, but it is doubtful whether it made any significant contribution to the promotion of respect for human rights. It did, however, succeed in giving the appearance that all governments were making themselves accountable to the Commission, and it gave NGOs and UN specialized agencies art excuse to submit written comments"168 (Alston 2006: 21). This reporting procedure was hence abolished in 1981. widely considered as a timeconsuming and useless instrument The debates leading to the establishment of the review in 1957 already encapsulate the crux of the 2005 debate: how to establish an effective

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marginal importance.³⁹ As noted by Philip Alston, despite their modest significance to the promotion of respect for human rights, the periodic reports succeeded at least in "giving the appearance that all governments were making themselves accountable to the Commission."⁴⁰ 3.1.2 There is a potential concern everywhere The discussion among participants of the workshop on the universal periodic review revealed that almost everything with regard to the

- 48 The new human rights council: The f..., 2007, S. 15

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double standards without weakening the existing treaty body monitoring mechanisms? Members had to decide whether they wanted to establish a universal review, and if so, if the universal review was going to be a light and superficial process or a more substantive and comprehensive one, Canada studied these two possible models in a draft concept paper on 'peer review': An extensive, rigorous undertaking with emphasis on quantity and quality of information and assessment would not only review implementation of human rights treaties members had legally ratified but also the implementation of general human rights standards such as the Universal Declaration of Human Rights: a rigorous review would have a follow up mechanism rather than only being designed as a cooperative mechanism based on genuine dialogue and it would be based upon the widest range of sources of information ranging from treaty bodies

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that would be more in line with a comprehensive and substantive review. Essentially, the Council will have to decide whether the UPR will be a lighter and superficial process or a more substantive and comprehensive one. The lighter process may be easier to administer but would raise fun- ?22? Canada, Human Rights Peer Review: Draft Concept and Options Paper, (n.?18?above). ?23? Ibid. ?24? Canada, Human

paper on peer review , Canada studied two possible models and compared the advantages and disadvantages of each?18. According to Canada, the UPR could be an extensive, rigorous undertaking with emphasis on quantity and quality of information and assessment. At the other end of the spectrum, it could be a light process with emphasis on an open and frequent discussion among peers. The first model called

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 78

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and it would be based upon the widest range of sources of information ranging from treaty bodies and special procedures¹⁷⁰ over member states to NGOs. At the other end of the spectrum was a light process with emphasis on an open and frequent discussion among peers, with input limited to information provided by member states.¹⁷¹ The broader the scope of the review process, the more diverse and reliable its input, the more compulsory its follow up process, the more monitoring authority delegation was required. Overall, there was a rather coherent position among developing countries in favor of a periodic review. Only a minority favored a strong peer mechanism. The African group and CARICOM, but also the US, I ~ preferred a light mechanism (verifying only

170 Amnesty International (2005: G'i.

171 Canada. Human Rights Peer Review: Draft Concept i&i&idGp?i&i&m salable si:
www.eycoritheiirotg/assets'af

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an extensive, rigorous undertaking with emphasis on quantity and quality of information and assessment. At the other end of the spectrum, it could be a light process with emphasis on an open and frequent discussion among peers. The first model called the comprehensive approach, would borrow some of the features of peer reviews conducted by the Organisation for Economic Cooperation and Development (OECD)?¹⁹,

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 78

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two weeks for the review- and a guarantee that this process would not duplicate other treaty bodies. While CANZ, Japan and progressive Latin Americans favored the review to also cover international human rights standards, Canada seemed to prefer the lighter, interactive dialogue approach. 13 and all preferred not duplicating the work of treaty bodies. 3 4 Within the EU, Germany and others were skeptic as such a review could detract from the council' main business. In the end, the EU accepted the idea, but limiting the review process to a maximum of two weeks. The EU saw its potential merits in overcoming polarization. but did not push for it. Then some of the 'like-minded* countries turned against

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that the dialogue may be influenced by considerations other than the actual human rights situation of the country under review?23. In a second non-paper, Canada seemed to prefer the lighter, interactive dialogue approach, and set out the modalities of the process in line with this model?24. Human Rights Watch has suggested various steps for the UPR?25 that would be more

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.

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input) and u\; EU Found itself defending the **new mechanism**. Late in the game, in order to prove a conciliatory siatice. the EU even started te push the review. The resolution establishing the Council hence provides that **the Council shall " undertake a universal periodic review, based on objective iad rdllisbk infoinEitsoEu of she fuinlineni by each Slsie of it? human rights obligations . and commitments , shall be 3 soepessm e mechanism, basssi on an interactive ditlogue. with Lat full isvolvsnsni of the country cofKWned and \vim osratdsstioii given to its capaciry-buildi g nseeds: such a rnsehamsn sh I! ccsspis nsit *nd no? duplkss? ths work of treaty bodies" (A/Res 25), During the " insititution-building" process, member stales agreed :hat each year 48 nations, comprising a mixture of Council members and observer slates, will be reviewed. These evaluations will not only involve input from the individual governments under review,**



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Periodic Review (UPR) is a **new mechanism** that has been established under General Assembly Resolution 60/251, which created the Human Rights Council (the Council). The Resolution provides **that the Council shall " undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and**

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 6

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in Chile to inquire into the **human rights** situation in Chile. In 1980, the Commission established a thematic working group dealing with enforced disappearances.¹⁷⁵ The Commission also crmied 'special rapporteurs', 'representatives' or independent experts': individuals, appointed by **the Chairperson of the Commission, after consultation with the five regional groups, to monitor** human rights situations. The special rapporteur on Cuba for example is a "special procedure". All individuals appointed to special procedures were expected to be independent, unpaid, and served in a personal capacity- for a maximum ot six years. Factfinding missioas¹⁷⁶ to the

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176 Szmdsfid i m& of refs-snee rc in Apperid-x > c the rss&n ...

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Special procedures are normally entrusted to individuals who are independent **human rights** experts?², or occasionally to a group of independent human rights experts?³. They are appointed **by the Chairperson of the Commission⁴ after consultation with the five regional groups⁵, consisting** of ?¹? ECOSOC? Resolution 1235 (XLII).? ?²? Referred? to? as? special? rapporteurs,? special? representatives,? personal? representatives? or? independent? experts,?based? on?the?title?given?to?the?specific?mandate?in?

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 33

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tendency, however, has been to shift towards thematic-based special procedures. In 2005, only 13 out of the 41 special procedure mandates were country mandates (Abraham 2006: 37). In 2005, special procedures sent 1,049 communications to 137 states, addressing 2,545 cases. 53% of these communications were issued jointly by a number of special procedures (Abraham 2006:35-1). Another element of the special procedures was the Subcommission on the Promotion and Protection of Human Rights, its functions were mainly to undertake studies on particular human rights questions and to make recommendations to the Commission. The Subcommission was composed of 26 experts acting in their personal capacity and elected by the Commission with due regard to equitable geographical distribution.¹⁷⁷ ECOSOC also established in its resolution 1503

¹⁷⁷ In 2005, it had six working groups: the Working Group on Communications considered complaints received

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to seek clarification on alleged violations in order to ensure the protection of human rights. In 2005, special procedures sent 1,049 communications to 137 States, addressing 2,545 cases. 53% of these communications were issued jointly by a number of special procedures.⁹ The very fact that a particular situation has been taken up by a UN human rights mechanism can trigger a response from national authorities, prevent or halt violations, or

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 35

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with due regard to equitable geographical distribution.¹⁷⁷ ECOSOC also established in its resolution 1503 the so called "1503 procedure" giving the Commission the mandate to examine complaints (called communications) brought to its attention by a victim of human rights violations or any other person or group with direct and reliable knowledge of such violations,¹⁷⁸ The process was three-fold: a first screening of the received communications by the secretariat, then by the Working Group on Communications, which brought them then to the attention of the Working Group on Situations, which could then refer them to the Commission itself. This net of special procedures was not a perfect enforcement mechanism, especially compared with the tools at the disposal of the Security Council. The special rapporteurs for example were sometimes quite effective in their work.¹⁷⁹ The special procedures were therefore the bull's eye of attack before 2005. Member states tried to limit the independence and/or working methods of special procedures; including

177 In 2005, it had six working groups: the Working Group on Communications considered complaints received

178 The procedure was substantially amended in 2000 facilitate dialogue with the governments concerned and to provide for a more meaningful debate in the Commission.

179 Philip Alston, special procedure mandate bolder, identifies the following functions of such visits and ensuing

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the also receive communications that they take up directly with the concerned governments. How did the 1503 procedure work? Individuals or groups who were victims of human rights violations, or any other person or group with direct and reliable knowledge of the violations, could submit a complaint to the Commission through the Office of the High Commissioner for Human Rights (OHCHR)?⁶ Non-governmental organisations (NGOs) did not require

days each session. This Working Group examines complaints that have passed the initial screening stage and any replies received from Governments with a view to bringing to the attention of the Working Group on Situations any particular situation appearing to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. Stage 3: Working Group on Situations

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S.
- 56 A Handbook for Civil Society (PDF) ..., 2009, S.

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over a risky review business and wanted to maintain the existing system of 'special procedures' of the CHR. The March resolution, however, provided that the Council would "maintain a system of special procedures..." and shall "review and, where necessary, improve and rationalize all mandates".¹⁸¹ Once member states had settled on a review process, the substance of the special procedures was up for debate (Issue 16) during the "institution building" process and the diversity of reasons for which member states had agreed to a review

181 The resolution also maintains "a system of -.. expert advice" without however referring to the

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drawn to General Assembly resolution 60/251 of 15 March 2006, establishing the Human Rights Council. Pursuant to paragraph 6 of that resolution, the Human Rights Council assumed and shall review and where necessary, improve and rationalize, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights within one year in order to maintain a system of special procedures, expert advice and a complaint

- 57 ANNOTATIONS TO THE PROVISIONAL AGENDA, 2006, S. 3

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sessions of the new body, based in Geneva, where developing countries have few permanent expert staff. The HRC did not become a standing body, but does schedule no fewer than three sessions per year for a total duration of no less than ten weeks. It is able to hold special sessions with the support of one third of the membership of the Council. This is a compromise outcome, which reflects the "red, red" line of the EU and is close to the position of the majority, the preference of the African group and CAR¹ COM regarding meeting time. A (financial) mechanism guaranteeing the participation of smaller and poorer member states might have facilitated their agreement to a standing body. Uphold Strong NGO Participation The involvement

¹ Abraham 2006: 88

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the Council? Resolution 60/251 provides that the Council "shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks"⁷ and that "the first meeting of the Council shall be convened on 19 June 006"⁸. The Council is expected to address a number of issues in its first

inflexible. The General Assembly Resolution creating the Council empowers it to hold special sessions "when needed, at the request of a member of the Council with the support of one third of the membership of the Council"⁶⁰. The Council will have to expand on the procedure to hold special sessions in its rules of procedure or working methods, particularly to determine how quickly

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 5
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 30

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the participation of smaller and poorer member states might have facilitated their agreement to a standing body. Uphold Strong NGO Participation The involvement of civil society actors as watchdogs is another factor strengthening enforcement (Issue 17). The Commission's **practices evolved over time to allow NGOs greater rights of participation than at any other UN body**¹ (Abraham 2006: 88). In the Commission, NGOs accredited by ECOSOC could attend all public sessions, make oral statements and submit written statements, which were circulated to members of the Commission and made available to all participants along with other UN documents. A practice also evolved at the Commission, which enabled NGOs to attend and participate in negotiations on resolutions, unless the negotiations were specifically designated as being closed. NGOs could also participate in working groups created to develop international human rights standards or discuss particular thematic issues. The Commission accepted information about human rights violations from NGOs, which do not have ECOSOC consultative status² (Leininger 2005: 13). Some of these rules and arrangements are clearly recorded in ECOSOC Resolution 1996/31; others are 'practices' that were recognized by members and widely observed, though not formally

² Leininger 2005: 13

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the work of the Commission? NGOs have been active participants in all aspects of the work of the Commission on Human Rights (the Commission). The **Commission s practices evolved over time to allow NGOs greater rights of participation than at any other United Nations (UN) body**?¹. While some States have tried to restrict NGO participation or attack it on various grounds?², most States and the **Commission** as a body

NGOs accredited by the Economic and Social Council (ECOSOC) could attend all public sessions of the Commission, make oral statements under different agenda Items, and submit written statements, which were circulated to members of the Commission and made available to all participants along with other UN documents. A practice also evolved at the Commission enabled NGOs to attend and participate in negotiations on resolutions, unless the negotiations were specifically designated as being open only to co-sponsors of the resolution or some other restricted group?⁴. NGOs could organise ?¹? See? the?UN?Secretary-General s?Report,?In Larger Freedom: Towards

resulted in important resolutions, studies, and the creation of various special procedure mandates. NGOs could **also participate in working groups created** by the Commission to **develop international human rights standards or discuss particular thematic issues**. NGOs have played a prominent role in the development of international human rights standards by highlighting the need for such standards, providing input into the content, and

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 88
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 5

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NGO participation required additional delegation of decision-making authority, as member states would loosen their grip on information flows. AH but the Mike- minded' countries favored the status quo. Not surprisingly, the Council carried over the arrangements and practices of the Commission concerning NGOs, national human rights institutes and other observers.¹⁸⁴ The support by the vast majority of developing countries for NGO and civil society participation allowed for the maintenance of the status quo. Improve Enforcement of Violations of Geneva Conventions the Responsibility to Protect A final enforcement question concerning human rights was the "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (R2P) (Issue 21). Heads of states and governments in 2005 declared, in the human rights section of the Outcome Document (not the use of force), that they are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII..., should national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (A/Res/60/1: § 138-140). Its adoption has widely been hailed as a primary success of the 2005 summit. Since the

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with special procedures and mechanisms"². In terms of participation of States that are not members of the Council, NGOs, NHRIs and other observers, the Resolution carried over the arrangements and practices of the Commission on Human Rights (the Commission) to the Council, while asking the Council to ensure "the most effective contribution of these entities"³. The Rules of Procedure

seinen Resolutionen lediglich bekräftigt und sich in Erinnerung gerufen: "The Security Council (...) Reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (...)"³⁰³ 295 ICISS-Bericht, Abschnitt 4.9; Asfaw in Asfaw/Kerber/Weiderud, The Responsibility to Protect, S. 122. 296 S/Res/1521. "The Security Council (...) Recalling also its previous resolutions 1325 (2000) on women, peace

Regionalorganisationen ausgeführt werden sollen, um Völkermord, Kriegsverbrechen und Verbrechen gegen die Menschlichkeit zu verhindern. In Abschnitt 139 der Resolution A/Res/60/1 wird dies deutlich: "In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly

der ebenfalls deutlich auf die rtp zur Lösung der Darfur-Krise abgestellt wurde: "The European Parliament (...) E. whereas the UN 'Responsibility to Protect' provides that, where 'national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity,' the UN Security Council can agree to a Chapter VII military force, (...). 2. Underlines that Sudan has failed in its 'responsibility to protect' its own

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 18
- 58 , Christopher: Verlage, Christopher: Responsibilit..., 2008, S. 249
- 58 , Christopher: Verlage, Christopher: Responsibilit..., 2008, S. 258
- 58 , Christopher: Verlage, Christopher: Responsibilit..., 2008, S. 136

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end of the Cold War and the escalation of ethnic intra-state conflicts, several actors had started to call for a humanitarian right to intervene. Among these figured prominently Bernard Kouchner, co-founder of Médecins sans fronti res. Even if his suggested "droit d'ingérence" was highly contested and portrayed as a neo-colonial tool of dominance, the Rwandan genocide and NATO's intervention in Kosovo without a UN Security Council mandate increased the need for a discussion of priori for the international community to act in

184 "The participation of and consultation with observers ... including national human rights institutions, as well

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failed doing so? Should the international community even have an obligation to intervene? The High-Level Panel, in the section on the use of force and security section of its report, endorsed "the emerging norm that there is a collective international Responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law which sovereign Governments have proved powerless or unwilling to prevent" (HLP 2004: §203). The envisaged scope was hence broad, including other large-scale killings. Kofi Annan in his report followed the Panel recommendation but moved "R2P" into the human rights section and called on member states to act in cases of "genocide, ethnic cleansing and crimes against humanity". Although narrowed down, the proposal still created hefty debates. The 'like-minded' opposed the concept entirely; the African group and the Latin Americans were only supporting it if limited to genocide, war crimes and crimes against humanity. The African group was in a particular position as the African Union had recognized a regional version of the Responsibility to Protect in Article 4 (h) of the Constitutive Act of the African Union. This article authorizes regional intervention in grave circumstances

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not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has. (198) 55. The Panel endorses the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law which sovereign Governments have proved powerless or unwilling to prevent. (203) 56. In considering whether to authorize or endorse the use of military force, the Security Council should always address whatever other considerations it may take into

im Sicherheitsrat: "Norway endorses the Secretary-General's appeal to embrace the principle of the 'responsibility to protect' as a norm for collective action in cases of genocide, ethnic cleansing and crimes against humanity. In situations of mass atrocity, and when all other means are exhausted, the Security Council has the responsibility to act without hesitation, with authority, and

- 27 Transmittal letter dated 1 December..., 2004, S. 81
- 58 , Christopher: Verlage, Christopher: Responsibilit..., 2008, S. 84

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adoption, Brazil was opposing strong R2P language. CARICOM did not 999 African Union, Executive Council, 7th Extraordinary Session, 7- 8 March 2005 "Addis Ababa. Ethiopia, The Common African Position on the proposed reform of the United Nations: "The Ezulwini Consensus". Exf XXL/2 (VII). really have a common position; the group could only give support for R2P if " necessary safeguards are put in place to ensure respect for the principles set forth in the Charter and international law". The US similarly rejected any version of the R2P, which would limit SC prerogatives in mandating the use of force. The US opposed any obligation to act, and emphasized that the first responsibility is with the national state. It

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gelähmt ihre Weltorganisation mit ihren Hauptorganen sein wird. Literatur African Union, Executive Council (2005): The Common African Position on the Proposed Reform of the United Nations "The Ezulwini Consensus". Addis Abeba, 7./8. März 2005. Annan, Kofi (1997): Erneuerung der Vereinten Nationen. Ein Reformprogramm. Bericht des Generalsekretärs vom 17. 7. 1997. UN-Dok. A/51/950. Annan, Kofi (2003). Secretary-General Address to

- 39 Die Rechtsprechung des Internationa..., 2001, S. 54

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opposed the Security Council addressing human rights rather than "peace and security" situations (Mike-minded' group). CARJCOM was flexible on this question. The resolution establishing the Human Rights Council decided that the "Council should address situations of violations of human rights... and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system" (A/Res 60/251) This formulation does not specify the targets of recommendations: the body only makes recommendations "thereon", even if the GA as parenting body of the HRC is expected to be the main recipient. The ensuing sentence, however, strengthens

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up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms"⁷⁴. The Resolution also states that "the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon"⁷⁵ and "contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond kind and in a fair and equal manner; 3. Decides also that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system; 4. Decides further that the work of the Council shall be guided by the principles of universality,

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 74
- 54 Resolution adopted by the General A..., 2006, S. 2

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the biennium 2003-2005, the office received 60,6 Million US dollars or two percent of the assessed budget. In 2004, voluntary contributions were just above 105 Million US dollars.¹⁸⁹ The High-Level Panel report pointed to the "clear contradiction between a regular budget allocation of 2 per cent ... and the obligation under the Charter... to make the promotion and protection of human rights one of the principal objectives of the Organization". The Secretary-General took up this issue and recommended a doubling of the assessed budget of the OHCHR over the coming five years (Issue 19). A detailed program of action by the High Commissioner, to allow member states to see how

¹⁸⁹ This information is based on www.ohchr.org.

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monitoring of these provisions. 290. More also needs to be done with respect to the funding situation of the Office of the High Commissioner. We see a clear contradiction between a regular budget allocation of 2 per cent for this Office and the obligation under the Charter of the United Nations to make the promotion and protection of human rights one of the principal objectives of the Organization. There is also a need to redress the limited funding available for human rights capacity-building. Member States should seriously review the inadequate funding of this

- 27 Transmittal letter dated 1 December..., 2004, S. 71

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from a rather unusual range of donors. The Fund can be regarded as a success for the US, though without having had to impose this fund against the will of the majority. III. CLASHING INTERESTS BETWEEN THE WEST AND THE REST Looking at the overall picture in the human rights area* the US proposals required most decision-making authority delegation, as their priorities -new election mechanism, the call for a Security Council sized body as well as criteria based membership- all required more decision-making delegation than the status quo. The EU, CANZ, Japan and the progressive Latin Americans shared the election mechanism and criteria positions but less so the size proposal. They were hence slightly less demanding on the decision-making scale than the US Americans. They were, however, more willing to delegate further implementation authority to the UN than the US. Those wanting to withdraw already delegated decision making authority from the new body (the 'like-minded' China) did not necessarily favor new implementation tools such as technical capacity building- The outcome of the

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soon paint over the cracks of the Bush years. But this strategy, though important, will not be sufficient. Moreover, if pursued blindly, it risks a polarisation between the West and the Rest, which would paralyse the UN. Some argue that the EU should develop a role as a bridge builder between developing countries and the US. However, trying to

did also prefer new permanent members, but accepted a compromise deal, not offering immediate veto power rights to the new permanent members. Their position therefore required less decision-making delegation than the African group position. The group of countries supporting the idea of G4 permanent membership but in no case the extension of the veto was in

on the decision-making dimension, they were also closer to the reform alliance in terms of implementation authority. In this regard, the difference was more between the EU, CANZ, Japan and the progressive Latin Americans on one side favoring stronger implementation powers and the like-minded countries and the OIC on the opposing side,

membership bodies or third actors, but less so in terms of implementation authority. Mexico, CANZ have similar positions as the EU, whereas the G77 is only willing to delegate further implementation authority. In contrast to the EU, CANZ, Japan and the USA, the G77 prefers the outcome in regards to decision-making authority to be moved in

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 7
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 20
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 19
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 23

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ga President Jean Ping issued a draft negotiating document in June 2005: with a negotiation group dedicated to the HRC. Discussions were intense over the summer and opposition strong between the EU, US and some Latin Americans on one side and most developing countries on the other. The latter refused a smaller body, membership criteria and two-thirds majority election. The mandate of the Council in terms of its right to address country-specific situations was also object of debate, although less controversial. Reportedly, members were close to an agreement before the summit began, but most of the substance on the HRC was removed as the last second as part of a larger deal

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also closer to the reform alliance in terms of implementation authority. In this regard, the difference was more between the EU, CANZ, Japan and the progressive Latin Americans on one side favoring stronger implementation powers and the like-minded countries and the OIC on the opposing side, with the USA, CARICOM and African group in by a 2/3 majority, instead of simple majority.⁷ At the same time, the EU defended the status quo on many other aspects, such as the CHR's mandate to address country specific situations, or the status of NGOs.⁸ Comparing the EU to other actors, the EU was definitely on one extreme. Together with the US and Canada, Australia

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 19
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 24

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membership criteria,¹⁹⁵ British diplomats put forward compromise language to save the Human Rights Council¹⁹⁶, which removed most details and left these for post-summit negotiations. The Outcome Document only stated that the "mandates, modalities, functions, size, composition, membership, working methods and procedures" would be worked out over the next year.¹⁹⁷ The UK, however, had saved once crucial mandate of the HRC: the Council can "address situations of violations of human rights, including gross and systematic violations". Ping furthermore reached agreement in principle on provisions that would increase pressure on states to act to halt genocide, ethnic cleansing and other large-scale killings (the Responsibility to Protect), Many members were outraged when they discovered that most of the negotiated text had disappeared¹⁹⁸ - they felt their time and negotiating efforts wasted and argued that one

195 Caroline Daniel and Mark Turner. UK sunmh faces fiasco amid ihrcai id refofms. Financial Tiroes (London).

196 James Bone, Britain brokers terrorisin deal The Times, Scpisnber 15. 2005.

197 James Bone, Can this smimii rescue UK from the inciting poi?" The Tims, Sfipcesibs" \4" 2005.

198 Interviews ft-ith UK deiegaies conducted in New York by ihe aiahor, June aad iniy 2006.

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to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council .¹⁰ II. Main features of the new Human Rights Council 660/25111 establishing the new Human Rights Council to replace the Commission on HumanRights. Firstly,

to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms"?4. The Resolution also states that "the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon" ?5 and "contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies"?6. Key questions

better conflict prevention. But conflict prevention fails more often than it succeeds, and the EU should assert and defend the right of the Security Council to act to halt "genocide, war crimes, ethnic cleansing and crimes against humanity". If the Security Council faces deadlock in such situations, the EU should be ready to act more

- 33 The UN Human Rights Council at work..., 2008, S. 5
- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 74
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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had to start from scratch, with less pressure and bargaining scope across issue areas. The heads of states did not set a firm deadline for Human Rights Council negotiations, only calling for the "President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session" (ARes/60/L- §160). The member states hence gave the President of the General Assembly the mandate of conducting the negotiations. The incoming 60m GA President, Jan Eliassom resumed negotiations in October 2005, which stalled nonetheless briefly thereafter. The membership was polarized, repeating over and over again the same positions. Member states were stuck on

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actors per reform area. Media reporting on the reform process (using LexisNexis) as well as interviews with representatives of the secretariat and the office of the President of the General Assembly allowed for a precise identification of involved groups and individual countries. The interviews were conducted based on five standardized questionnaires, one for each reform area.

to create a Human Rights Council without giving any more details. All further modalities were left to the General Assembly with the request to its President to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council .¹⁰ II. Main features of the new Human

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13
- 33 The UN Human Rights Council at work..., 2008, S. 5

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and the US (and CANZ) being criticized for not giving clear answers as to who would define and monitor criteria and decide on the eligibility of candidates. The lack of clarify by the US and the EU sustained the fears of many among the developing countries of yet another body dominated by the "West" setting its standards and applying these in an unfair manner. These fears were encouraged when the US suggested that no country on the Security Councils agenda should become a member. Given such suspicions and low trust levels, the Europeans could have proposed an institutional substitute for trust

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important financial support from the UN and the one issue of major importance to them trade- is negotiated at the WTO. Their perception is that the US and the EU need the UN in order to legitimize their security policies be it in Afghanistan, Iraq or Congo, or to legitimize their democracy and human rights policies, and the EU its environmental policies.¹⁵ This perception be it right or wrong- also contributed to the Southern countries not accepting the financial whip.

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 28

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could have proposed an institutional substitute for trust possibly a clear mechanism for establishing the proposed criteria, A **no clean slate" policy per region, e.g. ensuring more candidates than slots per regional group, could also have empowered other democratic countries to make real choices over membership instead of imposing some criteria. However, this idea was never strongly advocated for by the EU or the US and if so, it came too late in an atmosphere already poisoned by the criteria debate. Negotiations started again when the EU

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the new HRC.13 By contrast, the EU managed to find ways out of the stalemate when it chose to prefer an institutional setting that would have empowered other democratic countries to make real choices over membership instead of imposing its (non-specified) criteria. MANAGEMENT OF THE SECRETARIAT, FUNDS AND PROGRAMS The quest for improving the management of the UN secretariat and its funds, programs

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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violating country - but in vain. Once the EU had accepted Eliasson's package deal, the US stood alone in its opposition together with countries like Venezuela and Belarus. The text was adopted by 170 to 4 votes (US, Israel, Marshall Islands and Palau against) with 3 abstentions (Belarus, Iran and Venezuela). Had Eliasson not arbitrated at one point, member states would have continued presenting their same positions over and over again without coming to terms. The iNSTmrrion-BuiLDiNG Process Harvests the Consequences of Polarization The member states' job was

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roles, such as Denmark, and were highly esteemed for their efforts in the wider UN membership. Human Rights Council In March 2006, the General Assembly approved, 170 to 4 votes (US, Israel, Marshall Islands and Palau against) with 3 abstentions (Belarus, Iran and Venezuela), the resolution creating the Human Rights Council. The HRC replaced the Commission on Human Rights, which had come under heavy criticism from the human rights

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 24

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continued to defend the status quo. Furthermore, given the US's absence on the new Council, the EU was left to defend the US in its absence, which increased allegations of double standards. EU members were so badly outflanked in 2007 that they threatened to withdraw from the HRC altogether over proposals to curtail the Council's ability to monitor human rights in individual countries. The strongest advocate of these proposals was China - 14 European foreign ministers called Beijing, and the EU's withdrawal threat made headlines. In the end, Europe managed to preserve the HRC's power to adopt resolutions addressing specific country situations, as well as to appoint special rapporteurs and groups of experts to investigate human rights abuses in specific countries. China relented in exchange for the withdrawal of the HRC's special rapporteurs on Belarus and Cuba, taking away with one hand what it had given with the other. The EU has succeeded in preserving the principle of intervention, but China hollowed out its practical substance. Also, the Southern countries managed to hollow out the practice of special rapporteurs by adopting a code of conduct potentially limiting their independence. CONCLUSIONS In the human rights area, the US was the agenda setters, asking for a small body, membership criteria, and a two-thirds majority election mechanism. Other actors had to react to this offensive agenda. Even if the US voted in the end against the

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marginalisation has occurred despite an exceptional level of internal cohesion which has seen the EU members voting together on all contested HRC resolutions to date. EU members were so badly outflanked in 2007 that they threatened to withdraw from the HRC altogether over proposals to curtail the Council's ability to monitor human rights in individual countries. The strongest advocate of these proposals was China 14 European foreign ministers called Beijing, and the EU's withdrawal threat made headlines. In the end, Europe managed to preserve the HRC's power to adopt resolutions addressing specific country situations, as well as to appoint special rapporteurs and groups of experts to investigate human rights abuses in specific countries. China relented in exchange for the withdrawal of the HRC's special rapporteurs on Belarus and Cuba, taking away with one hand what it had given the other. If Belarus and Cuba are unworthy of the HRC's attention, who does this leave? The EU has succeeded in preserving the principle of intervention, but China hollowed out its practical substance. While EU members have used their leverage to some effect on issues like Darfur, they have generally failed to influence the Council's agenda. "It's no

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S. 37

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positions in the chr - instead of finding new ways of dealing with them-backfired. CHAPTER 8 TOWARDS FREEDOM FROM WANT The Desired Incapacity of the UN System in the Economic and Social Field "Decision-making on international economic matters, particularly in the areas of finance and trade, has long left the United Nations and no amount of institutional reform will bring it back... It would not be realistic to aim for the Economic and Social Council to become the centre of the world's decision-making on matters of trade and finance" These are the words of the 2004 High-Level Panel report (HLP 2004: §274). Decision-making, however, had not just 'left' the UN (Dubey 2005:60-61), this was the desired consequence of deliberate government choices: Decisions are taken at the World Trade Organization (WTO), the Bretton Woods Institutions, the G7/8 or the Organization of

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of the Charter of the United Nations understood that peace and security were inseparable from economic development. The institutional problem we face is twofold: first, decision-making on international economic matters, particularly in the areas of finance and trade, has long left the United Nations and no amount of institutional reform will bring it back; and second, the Charter allowed for the creation of specialized agencies independent of the principal United Nations organs, reducing the role of the Economic and of coordination. The fragmentation of the United Nations funds, programmes and agencies makes this a difficult proposition in the best of times. It would not, however, be realistic to aim for the Economic and Social Council to become the centre of the world's decision-making on matters of trade and finance, or to direct the programmes of the specialized agencies or the international financial institutions. 275. And yet the United Nations does have potential assets in the

- 27 Transmittal letter dated 1 December..., 2004, S. 68

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Panel's call for 'realism-', developing countries did not give up entirely in this old struggle and the upgrading and restructuring of the Economic and Social Council (ECOSOC), so as to increase its normative agenda and **policy setting as well as** monitoring role, offered ample substance for debate in 2005.¹⁹⁹ In addition, developing countries wanted to increase ECOSOC's coordination role over the multiple UN funds and agencies. The **central concern** here was to device the **correct level of intergovernmental control**. While ECOSOC's coordination function has largely been left untouched, the accountability mechanism for the implementation **of the** Millennium Development Goals (MDGs) has been strengthened via a new **Annual Ministerial Review**, A new **Development Cooperation Forum** has the potential of shifting attention back to the UN in **the field of aid effectiveness**. **The alterations are minimal**, though, and entail only slight additional decision-making authority. The outcome reflects Western preferences. The G77 did neither push the negotiations - their proposals were vague and/or half-hearted, mainly postulating principles without making concrete suggestions

199 UNCTAD reform is not addressed. It ... ms cfsaised during the 2005 process. It should nooethek be

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example, are the places for normative policy setting. The reform struggle hence concerns an upgrading of ECOSOC, a restructuring that would allow it to play a more **important normative agenda and policy** setting role. Also, regarding the coordination function of ECOSOC, the **central concern is to device the correct level of** intergovernmental, ECOSOC, control over the work **of the** UN agencies and funds. Finally, a more recent focus has been on designing accountability mechanisms via ECOSOC for

by transforming the existing format into a newly designed "**Annual Ministerial Review**". Furthermore, a "**Development Cooperation Forum**" was created with the purpose of increasing the normative leverage **of the UN in the field of aid effectiveness**. The relevant groups and actors in this case were the G77 and China, the EU, CANZ, the US, Japan, Russia and Mexico. The status quo has

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 22
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 23

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principal organ in the economic and social field. Under the leadership of Australia. ECOSOC's status was raised at the San Francisco conference in April 1945 to the status of principal organ (Winslow 1947: 20), but unlike the Security Council, ECOSOC was not granted decision-making power. ECOSOC is placed under the authority of the General Assembly, to which it has to report. ECOSOC has furthermore two broad mandates: the formulation of policy guidelines and the coordination of economic, social and development activities of the UN system (Article 58).²⁰¹ To carry out its policy mandate, ECOSOC can make or initiate studies, make recommendations to the General Assembly, prepare draft conventions for submission to the General Assembly and call international conferences on matters falling within its competence (Article 62). Substantive as well as regional commissions were created to assist ECOSOC in this task, with today nine functional²⁰² and five regional²⁰³ commissions. ECOSOC's coordination role is more complex. The agencies, UN funds and programs follow a functional logic, like

201 The system refers to: central elements General Assembly and its Committees, ECOSOC, its functional and

202 At its creation, ECOSOC set up functional commissions, such as a Commission on Human Rights, on

203 The Economic Commission for Europe in 1946; the Economic Commission for Asia and the Far East in 1947

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social today mainly development issues. ECOSOC is one of the six main bodies of the United Nations, but placed under the authority of the General Assembly; unlike the Security Council, ECOSOC was not granted decision-making power; it has to report to the General Assembly. De facto, the G7/8, the Bretton Woods Institutions, but also the OECD for example, are the places

UN implementation and the more reluctant states. Economic and social decision-making processes The Economic and Social Council (ECOSOC) is the United Nations principal organ for the formulation of policy guidelines in the economic and social field and for the coordination of activities of the UN system related to economic and social today mainly development

agencies concerned. 2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. 3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence. 4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence. Article 63 1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 22
- 8 Charter of the United Nations, 1945, S.
- 8 Charter of the United Nations, 1945, S. 13

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nine functional²⁰² and five regional²⁰³ commissions. ECOSOC's coordination role is more complex. The agencies, UN funds and programs follow a functional logic, like the World Health Organization²⁰⁴ or needs of specific population groups, such as the United Nations Children's Emergency Fund (today UNICEF) (Winslow 1947: 20-22). Understanding the complexity further requires a historical reading. When the UN was created, several international organizations with functional mandates in the economic and social fields existed already, such as the International Labor Organization (ILO) with its special governance structure involving labor and business representatives²⁰⁵ or the Food and Agriculture Organization (FAO) created in 1943.²⁰⁶ The International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) were set up in parallel at the Bretton Woods conference in June 1944.²⁰⁷ These organizations gained the status of "specialized agencies"²⁰⁸ in relation to the UN, which left them with separate budgets, governing boards and executives. The Charter

202 At its creation, ECOSOC set up functional commissions, such as a Commission on Human Rights, on

203 The Economic Commission for Europe in 1946; the Economic Commission for Asia and the Far East in 1947

204 The WHO has been established by the International Health Conference under the lead of ECOSOC.

205 ILO was established in accordance with Chapter 13 of the League of Nations in 1919.

206 <http://www.ilo.org/>

207 This conference had been charged to devise a mechanism for stable exchange rates, facilitation of

208 Articles 57 and 63 of the UN Charter provide for ECOSOC to "assist in the realization of the various

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the exception of Poland, is not significant. Table 3.1. about here Voluntary contributions are similarly unevenly split among member states and go to funds and programs, such as the United Nations Development Program (UNDP). In the Fifth Committee of the General Assembly, which decides on assessed contributions, the EU often speaks with one voice; in the

The EC therefore participates in meetings and conferences in its own right. In contrast, the European Community is a full member of one UN specialized agency, the Food and Agriculture Organization (FAO), reflecting the Community's extensive responsibilities in the sectors covered by the FAO. The EC is represented by the Commission. It is noteworthy that the European

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 19
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 8

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possible from public funds, the ECOSOC's Commission on Sustainable Development (CSD) goes beyond the inclusion of NGOs to involve all major stakeholders. These represent a mix of very diverse categories of actors: Women, Children and Youth, Indigenous People, NGOs, local authorities, workers and trade unions, business and industry, scientific and technological communities, and farmers. The CSD as well as other commissions have created their own practices of involving stakeholders, which interpret the ECOSOC's NGO rules more flexibly. In 2005, member states' challenge was not to change NGO participation in

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in one of its main parts to strengthening the so-called major groups. The following nine groups are included by the UN under this term: **Women, children and youth, indigenous people, NGOs, local authorities, workers and trade unions, business and industry**, scientific and technological community, farmers. Under the heading "strengthening the role of business and industry", Agenda 21 deals expressly with the positive contribution of industry to

- 59 Martens, Jens: Multistakeholder Par..., 2007, S. 13

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these responsibilities as other forums outside the UN were mandated these responsibilities with teeth to it The remaining UN's former work in this area is dispersed over the UN. from the **General Assembly** and its **Second (Economic and Financial) and Third (Social, Humanitarian and Cultural Affairs) Committees, over ECOSOC itself and** its functional and regional commissions to the United Nations Conference on Trade and Development. Two approaches have been advanced in order to strengthen the UN's normative clout in the economic and social field. First, changes in ECOSOC working mechanisms, the format of its sessions, or other formal institutional modifications.²²⁰ Second, increasing the UN's capacities in the production of knowledge and understanding of pressing issues from new angles or or* issues not yet addressed



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one pillar of the EU) was admitted to the UN as observer based on **General Assembly** Resolution 3208 (XIX) of 11 October 1974. The EC has observer status for **the General Assembly and its** committees, the Economic and Social Council and its commissions and subsidiary bodies, and for several funds and programs, but, importantly, not for the Security Council.

EU in human rights votes in UNGA (page 22). "Human rights votes" refers to those on resolutions from the Third Committee of UNGA, which deals with "**Social, Humanitarian and Cultural**" affairs. To show levels of support for UNGA resolutions on human rights issues in specific countries (page 24) we used a simpler technique. We show the average number

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 8
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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having the upcoming world conferences and summits in mind as an expression of the convening power of the UN in the economic, social and related fields. An example thereof was the United Nations Conference on **Environment and Development (UNCED) in 1992 with the adoption of the** Rio Declaration and the Agenda 21. Similarly, the following UN summits and conferences throughout the nineties represented important crv-stalli ation points of international advocacy and exchange of expertise/*' The goals set in the various platforms

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the properties of being a whole and ²⁰⁰⁰ a part at a given moment in time. An individual person is a whole on its ¹⁹⁹⁵ 1995). This phenomenon gained greater attention during **the United ¹⁹⁹⁵ Nations Conference on Environment and Development (UNCED) in Rio ¹⁹⁹⁵ de Janeiro (1992)**, where world leaders demonstrated that no one group ¹⁹⁹⁵ of nations could continue progressing while the majority of its people ¹⁹⁹⁵ remained hungry and

- 5 Bridging sustainable agriculture an..., 2006, S. 1992

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aid disbursement. This meant partially moving away from the World Bank, but also from the UN framework. In this context, the High-Level Panel report proposed for the ECOSOC to "provide a regular venue for engaging the development community at the highest level, in effect transforming itself into a Development Cooperation Forum (DCF)" (HLP 2004: §278). This raised many ~4 Informal Consultations of the UN General Assembly Plenary on Follow up to 2005 World Summit Outcome on Development and ECOSOC Reform, 9 January 2006, Possible elements for a UNGA Resolution on Development Follow up. For information on the Monterey conference:

Textstelle (Originalquellen)

an arena in which States measure their commitments to achieving key development objectives in an open and transparent manner. (277) 89. The Economic and Social Council should provide a regular venue for engaging the development community at the highest level, in effect transforming itself into a "development cooperation forum". To that end: (a) A new approach should be adopted within the Economic and Social Council agenda, replacing its current focus on administrative issues and programme coordination

- 27 Transmittal letter dated 1 December..., 2004, S. 86

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Zimbabwe spoke out against extensive inclusion of civil society actors. Nonetheless, within the G77, a general doubt about the usefulness and benefit of private sector participation is spreading. The **partnerships for sustainable development** (voluntary, multi-stakeholder initiatives aimed at **implementing sustainable development and the platform of action** of the World Summit on Sustainable Development) are often considered toothless talking shops. For some member states, which otherwise favor civil society involvement, the question was if one could expand business involvement further without first establishing

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World Summit on Sustainable Development (WSSD) held in Johannesburg was the so-called "**partnerships for sustainable development**", one of the non-negotiated "type 2 outcomes" of **voluntary, multi-stakeholder initiatives aimed at implementing sustainable development**, which is complementary to the outcome of inter-governmental negotiation.¹⁴ It has a basis in the General Assembly Resolution 56/226, which states that it encourages "global commitment

- 60 Norichika KANIE, Ph.D. Associate Pr..., 2005, S. 11

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follow up processes (aRcs 57/270b). During its coordination segment, ECOSOC was tasked to focus on a particular common cross-sectoral thematic issue to review the progress made in the **implementation of the outcomes of the major UN conferences and summits and to assess its** ~3(1 hRp://wwwun.org-,< impact on the achievement of the goals and targets. It proscribed a multi-year program to increase the predictability of ECOSOC work, thereby facilitating contributions from its functional and regional commissions, but also ensuring

Textstelle (Originalquellen)

at the highest possible political, diplomatic or expert ¹⁰² level, including, when appropriate, the ministerial level" (para. 18). ¹⁰³ 103 "Our goal is the effective **implementation of the outcomes of the major UN conferences and summits, in** ¹⁰³ particular the Millennium Declaration" ECOSOC provides us with a mechanism to that end: a central role ¹⁰³ in the oversight and coordination of UN work in the economic,

- 61 The economic and social council of ..., 2005, S. #P52#Plausible

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Then the Secretary- General commissioned the Millennium Project in 2002 to develop a concrete action plan for the world to achieve the MDGs and then, in 2005, the Secretary-General presented the report Achieving the internationally agreed development goals, including those contained in the Millennium Declaration to ECOSOC, The lack of clarity and potential for duplication were significant. The established process furthermore provided a constant temptation of renegotiating existing commitments instead of focusing on their implementation. In 2005, most of the major conferences had undergone liplus five" or

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the Beijing Declaration and Platform for Action and the outcome of the¹²⁴ twenty-third special session of the General Assembly is an essential¹²⁴ contribution to achieving the internationally agreed development goals,¹²⁴ including those contained in the Millennium Declaration, and we resolve to¹²⁴ promote gender equality and eliminate pervasive gender discrimination by:¹²⁴ (a) Eliminating gender inequalities in primary and secondary education by¹²⁴ the earliest possible

- 62 UN-HABITAT: Women's equal rights to..., 2006, S. #P57#direction.#A#

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Japan and US), or really a monitoring of member states policies and their impact (G77). The US and Japan opposed any _ The following is an annual agenda item of the General Assembly: Integrated and coordinated implementation of **and follow up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**". Under **this agenda item, member states** shall assess the implementation of the action plans and to provide necessary guidance for further implementation. idea of enforcement mechanism, as well as recommendations for **follow up** on review. Developing countries were keen to

Textstelle (Originalquellen)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields **Follow-up** to the outcome of the Millennium Summit In larger freedom: towards development, security and human rights for all Report of the Secretary-General

- 30 UN General Assembly: In larger free..., 2005, S. 59

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understanding of the MDGs at the beginning of the Outcome Document, to then only refer to the MDGs in the remainder of the document. The explicatory paragraph reads as follows: "We strongly reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit which are described as the Millennium Development Goals ..." (A/60/L.17).²⁴² This language clearly excludes any understanding that would subsume targets and indicators under the heading of MDGs. This weakened therefore the accountability framework and, above all, closed maneuver room for future secretariat action in this field. The US obtained the

242 In the remainder of the Outcome Document the following language is used: "We strongly reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit which are described as the Millennium Development Goals ..." (A/60/L.17).²⁴² This language clearly excludes any understanding that would subsume targets and indicators under the heading of MDGs. This weakened therefore the accountability framework and, above all, closed maneuver room for future secretariat action in this field. The US obtained the

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Combat HIV/AIDS, malaria and other diseases Goal 7 Ensure environmental sustainability Goal 8 Develop a Global Partnership for Development
ing unequivocally that We strongly reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits " (para. 17). This means that all the internationally agreed development goals and objectives have

UN was also shaped by humanitarian and development concerns. At the 2000 Millennium Summit, governments made a series of pledges concerning development that the UN Secretariat codified as the Millennium Development Goals (MDGs) EU members led the way in committing to these, although their performance in implementing their commitments has been extremely mixed. Meanwhile, a number of European

- 63 The United Nations Development Agenda, 2007, S. 8
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 13

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also opposed by the US and Japan; the EU, CANZ with Mexico were willing to accept this. Given this trend, member states did not create a UN ODA monitoring capacity, but "developed countries [are called upon] to ensure that information on their efforts to increase the volume of Official Development Aid is made available to the relevant United Nations intergovernmental bodies, including through making best use of sources such as the OECD DAC" (A/60/265). Importantly, the DAC source is only one venue for the data collection. Some experts interpreted this as a first step towards a UN monitoring mechanism - a slight change with minimal additional monitoring delegation entailed. More generally, the US sought to weaken the 0,7 percent

²⁴⁵ Interviews with two experts by the author in New York in March 2007

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third session of the General Assembly; 31. Calls upon developed countries to ensure that information on their efforts to increase the volume of official development assistance is made available to the relevant United Nations intergovernmental bodies; 7 32. Emphasizes that increasing financial contributions to the United Nations development system is key to achieving the internationally agreed development goals, including the Millennium Development Goals,

- ³⁵ Triennial comprehensive policy review..., 2008, S. 6

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percent target the US* Australia and Canada refrained from doing so. Under US pressure, the 2005 summit Outcome Document reflects a weakening in comparison to the Monterrey language. It reads as follows: "We welcome the increased resources that will become available as a result of the establishment of timetables for many developed countries ... and urge those developed countries that have not yet done so to make concrete efforts in this regard in accordance with their commitments" (A/Res 60/I: §23b). The last five words have been added in comparison to the Monterrey language. These five words undermine the Official Development Aid target as member states are only urged to make concrete efforts in accordance with their commitments - hence

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of GNP for ODA by 2010 as well as, pursuant to the BPoA, 0.15 per cent to 0.20 per cent for the least developed countries no later than 2010, and urge those developed countries that have not yet done so to make concrete efforts in this regard in accordance with their commitments. a Investment: underscored the need to sustain sufficient and stable private financial flows to developing countries and countries with economies in transition.

- 64 Governance for the Future - UN-OHRLS, 2006, S. 160

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so called Jackson report after its main author.²⁵⁰ recommended to centralize the budgets of all specialized agencies and to imbue ECOSOC with effective control. But Robert Jackson was aware that "That battle was fought out when I was at Lake Success²⁵¹ in the early days and the supporters of the sectoral approach won the day" (Luck 2003; 20). He recognized that it was unrealistic to expect agreement on such centralization, even if desirable. Furthermore, the report argued that the problem was not the mandate or even the structure of ECOSOC, but rather that most funds and programs were based on voluntary funding - undermining ECOSOC's authority over the Executive Boards. The Gardner report in 1952 proposed a range of interagency mechanisms and intersectoral analysis, mostly focusing

250 Sir Robert G. A. Jackson, former high-ranking international civil servant from Australia.

251 Lake Success, Long Island, was the meeting place for the third meeting of ECOSOC in 1946. September 11

Textstelle (Originalquellen)

budgets of all of the Specialized Agencies and bring them under effective coordinated control in ECOSOC. Then you really would see opposition to change! That battle was fought out when I was at Lake Success in the early days and the supporters of the sectoral approach won the day."⁵² Moreover, the UN system had become "a disproportionately old and bureaucratic organization," plagued with a pervasive sense of "negativism."⁵³ Based on his consultations, Sir Robert had concluded

- 4 UN Reform advocate - Peace Palace L..., 2003, S. 20

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nicely wrapped. While the G77 proposal would have slightly rightened the imbalance of the status quo by favoring ECOSOC over the boards, given donor overrepresentation on the Executive Boards, 252 A/RES/ 33*53 (XXIX) asked the Secretary- General to appoint 3 group of experts, with Professor Richard N, Gardner of Columbia University as its rapporteur. The EU proposal would have exacerbated existing imbalances by further strengthening the secretariat. Proposals concerned both implementation and monitoring authority for two principals. ECOSOC members are elected agents of the General Assembly and at the same time principals for the Executive Boards. The Executive Boards are in rum ECOSOC agents and principals for the funds and programs. The Chief Executives Board for Coordination is a third agent; its principals are the UN funds and programs. Giving the CEB real

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tinker with the United Nations is only magnified by its ² high visibility, symbolic aura, and broad agenda. ² The Impulse for Reform ² 1 ¹⁹⁷⁴ 1974 the General Assembly (resolution 3343 (XXIX)) asked the Secretary- ¹⁹⁷⁴ General to appoint a group of experts to prepare "a study containing proposals ¹⁹⁷⁴ on structural changes within the United Nations system so as to make it fully ¹⁹⁷⁴ capable of dealing with problems of international economic co-operation in a comprehensive manner." With Professor Richard N. Gardner

- 4 UN Reform advocate - Peace Palace L..., 2003, S. #P78#Questions 73 74

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throughout the 1980s and 1990% increasingly influencing **developing countries** ' social and societal choices via their adjustment programs and conditionally in their aid programs (Woods 2006). This increased the need for coordination with UN funds and programs, which led **to the creation in 1998 of a** half-day dialogue between ECOSOC, the heads **of the** Bietton Woods Institutions and the WTO about current economic and social questions. A second element complements this "dialogue**": an annual high-level policy dialogue with international financial

Textstelle (Originalquellen)

on the pay-list of the World Bank and IMF are more inclined to vote according to the preferences of the G7. **Developing countries** receive aid **from UN funds and programs**, which are largely financed by the OECD countries. We should expect that developing countries are more likely to align their positions with those **of the**

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 10

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These formats are in line with ECOSOC's mandate to coordinate with the specialized agencies through consultations and recommendations. The High-Level Panel accepted this status quo, arguing that it "It would not, however, be realistic to aim for the Economic and Social Council to ... direct the programmes of the specialized agencies or the international financial institutions" (HLP 2004: §274). But the G77 does not accept this status quo as a given and at least rhetorically claims for the UN to establish effective control over specialized agencies via a renegotiation of their relationship agreements. In 2005, the G77 more precisely proposed that the UN/ECOSOC

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Social Council to one of coordination. The fragmentation of the United Nations funds, programmes and agencies makes this a difficult proposition in the best of times. It would not, however, be realistic to aim for the Economic and Social Council to become the centre of the world's decision-making on matters of trade and finance, or to direct the programmes of the specialized agencies or the international financial institutions. 275. And yet the United Nations does have potential assets

- 27 Transmittal letter dated 1 December..., 2004, S. 68

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because of the concerted pushing from some individual influential countries inside the G77: "Member states, besides adding a biannual thematic discussion between ECOSOC and the Bretton Woods institutions, decided that ECOSOC " should undertake a regular and periodic review and assessment of international economic and development policies and their impact on development (A/Re&6i 16). It is not yet clear how this will be implemented, but it could mean a review and assessment of BWI policies by ECOSOC Increase Member States7 Roie in UN Humanitarian Work A final coordination aspect concerned the UN's humanitarian aid work (Issue 13), be tt refugee support or responses to famines via the World Food Program. Member states had largely strengthened the secretariats' response to complex emergencies and natural disasters throughout the 1990s.²⁵⁷ In 1998, member states decided to dedicate a special segment of the ECOSOC substantive session to Humanitarian Affairs, which does nonetheless not have direct influence on the work of the central coordination element in the secretariat (Office for the Coordination of Humanitarian Affairs, OCHA) or the spending of the UN's Central Emergency Revolving Fund. With the Tsunami recovery efforts in December 2004, the importance of coordination of worldwide disaster relief efforts became more urgent in order to improve their overall impact." Kofi Annan suggested that ECOSOC "should convene timely meetings, as required, to assess threats to development such as famines, epidemics and major natural disasters, and to promote coordinated responses to them" (In Larger Freedom 2005: §177), But if ECOSOC members wished to hold a special session on a particular humanitarian disaster, the ECOSOC Rules of Procedure already provided for rather light rules: member states could call for special sessions based upon a simple majority decision of ECOSOC.

257 In December 1991, member states created the high level position of Emergency Relief Coredirectfor tERCK

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standards. To achieve this: The European Council and Commission should prepare an annual report on human rights at the UN, offering an analysis of EU policies and their impact on voting patterns and coalition building at the UN. It should contain statistics and analysis enabling the European Parliament and national parliaments in the EU to

the Council. 177. Third, there is a need to address economic and social challenges, threats and crises as and when they occur. To this end, the Council should convene timely meetings, as required, to assess threats to development, such as famines, epidemics and major natural disasters, and to promote coordinated responses to them. 178. Fourth, there is a need to systematically monitor and deal with the economic and social dimensions of conflicts. The Economic and Social Council has tried to

- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.
- 30 UN General Assembly: In larger free..., 2005, S. 44

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debt relief. On the 11* of June, the G8 finance ministers under UK leadership reached agreement to write off 40 Billion US dollars debt owed by IS Highly Indebted Foot Countries to the World Bank, the International Monetary Fund and the African Development Fund. Twenty more countries, with an additional 15 Billion US dollars in debt, would be eligible for debt relief if they met targets on fighting corruption and continued to fulfill structural adjustment condinonajtry.²⁶¹ Despite this deal, African countries still owed over 200 Billion US

261 IMF finally earned eai its debi Gsscdbtkss m JanHry rckasii ?J Billtor US Hk World

Textstelle (Originalquellen)

and Immunization (GAVI) made total commitments of approximately US\$ 1 billion in 2003 and 2004. In June 2005, G8 finance ministers announced a broad-based deal on debt relief under which the World Bank, the International Monetary Fund and the African Development Fund will immediately write off all of the money owed to them by 18 countries approximately US\$ 40 billion (6). Such commitment raises expectations that additional public resources will

- 65 Tough Choices: Investing in Health ..., 2005, S. 27

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accountability mechanism for the implementation of the Millennium Development Goals via a new **Annual Ministerial Review** and a **Development Cooperation Forum**, which has the potential of shifting attention back to the UN in the field of **aid effectiveness, increasing the UN's normative leverage**. The alterations are minimal, though, and entail only slight additional decision-making authority. Agreements largely rested on cross-regional alliances, and compromises between Southern and Western countries. The gentlemen's agreement seems to be that Western actors pretend willingness to reform and developing countries push a radical agenda, both being aware that the status quo will mainly be maintained. This allows each side to avoid confronting difficult issue: The G77

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by transforming the existing format into a newly designed "**Annual Ministerial Review**". Furthermore, a "**Development Cooperation Forum**" was created with the purpose of increasing the normative leverage **of the UN in the field of aid effectiveness**. The relevant groups and actors in this case were the G77 and China, the EU, CANZ, the US, Japan, Russia and Mexico. The status quo

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 23

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ultimately unsuccessful because of resented financial aid dependencies and donors' and recipient countries' unwillingness to lose control over aid flows. Next to these substantive obstacles to change and reform, the US linked the negotiations over **management reform to the 2006/07 budget which derailed** the process. The US threatened to withhold its **dues if reforms were not deep enough**. **US Ambassador to the UN John Bolton introduced the so-called 'spending cap'** during the budget negotiations **at the end of 2005 in order to increase the pressure for developing countries to accept reforms.**²⁷¹ **After a polarized Fifth Committee vote turned** into a show of strength for the G77, and **intense negotiations in June**, minor reforms were adopted **and the budget cap lifted on the 30th of June, the last possible** day. Change and even reform occurred whenever asymmetries were not going to be touched upon, or at least not reinforced, and when compromises depended not on ideological struggles but rather on intellectual debate about devising

271 In the beginning, the US incised on a short period of approved budget -3 ninths-, after which new budget

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secretariat services. Another reform strand addressed the oversight and accountability of the UN. The main proposals in this field aimed at creating an independent oversight **mechanism**. **The US linked the negotiations over management reforms to the 2006/07 budget**. **The US threatened to withhold payments if reforms were not deep enough**. US ambassador Bolton introduced the spending cap during the budget negotiations at the end of 2005 in order to increase the pressure for developing countries to accept

well as European institutional mechanisms for cooperation with Africa or Latin America. Europe has so much potential leverage that the notoriously hostile former US Ambassador **to the UN John Bolton** was convinced he faced a European agenda aimed at "making UN institutions into replicas of the deadening Brussels bureaucracies . . . devoted to decreasing the authority of nation-

linked the negotiations over management reforms to the 2006/07 budget. The US threatened to withhold payments if reforms were not deep enough. US ambassador Bolton introduced **the spending cap during the budget negotiations at the end of 2005 in order to increase the pressure for developing countries to accept** reforms in the field of secretariat management. Polarization flared up towards the end of June when the spending cap needed to be lifted **and the**

when the spending cap needed to be lifted and the US actually linked it to the pace of management reforms. After **intense negotiations in June some reforms were adopted and the budget cap lifted on** the last possible day. The independence of the oversight body was strengthened and an International Advisory Committee on Oversight created. The flexibility of the SG

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 24
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 24

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in history to pledge not to act on member states" instructions. This secretariat served as blueprint for the UN. Article 97 postulates that the Secretariat shall comprise a Secretary-General and "such staff as the Organization may require" and that in the performance of their duties they "shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action, which might reflect on their position as international officials responsible only to the Organization. Each member state undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities" (UN Charter: Article 100). The Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council, with the P5 since 1946 having de facto veto power over her nomination (see Chapter 3). The Secretary-General then appoints staff with paramount consideration" to "the necessity of securing the highest standards of efficiency, competence, and integrity". Furthermore, "due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible". (Article 101) From the beginning, the P5 limited her liberty in selecting staff; They had reached an agreement on nominating the second highest-ranking officials in the UN secretariat the Under Secretary-Generals (USGs) and Assistant Secretary-Generals (ASGs) (Gordenker 2005: 14). This left little

272 The UN Charter created the secretariat as one of the principal organs (Article 7). just as the Security Council

Textstelle (Originalquellen)

opinions of the Court on legal questions arising within the scope of their activities. CHAPTER XV THE SECRETARIAT Article 97 The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of

his opinion may threaten the maintenance of international peace and security. Article 100 1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. 2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities. Article 101 1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly. 2. Appropriate staffs shall be permanently assigned to the members of the Economic and Social Council, and participates in the election of the Judges of the International Court. The Secretary-General of the Organization is appointed by the General Assembly upon the recommendation of the Security Council, and the staff is appointed by the Secretary-General under regulations established by the Assembly. In every case, the composition of a body is intimately related

form a part of the Secretariat. 3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. CHAPTER XVI MISCELLANEOUS PROVISIONS Article 102 1. Every treaty and every international agreement entered into by any Member of the United Nations

- 8 Charter of the United Nations, 1945, S.
- 10 The General Assembly of the United Nations, 1960, S. 157
- 8 Charter of the United Nations, 1945, S.

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the background providing "sophisticated advice"- than the American, where the administration is led by strong political figures (Gordenker 2005: 6), The UN Charter follows the League of Nations model and nominates the Secretary-General as the "chief administrative officer of the Organization" (Article 97) and not as chief political officer. Nonetheless, the Charter assigns the Secretary-General also an explicitly political mandate: "to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security" (Article 99). The UN Charter hence provides for all: the secretariat is to carry out intergovernmental bodies' decisions, but not take any instructions from individual member states, the Secretary-General should bring issues to the attention of the Security Council, but be the chief administrator, too. This inherent political tension has been illustrated by the image of a slave serving two masters: she must balance a "two-tier constituency" - the 191 UN member states as well as the principles and ideals of the UN Charter (C Smith 2006: 94). The secretariat's functions are thus broad. It services the inter-governmental decision-making process, for example by providing translation²⁷⁶ but also with specialized and substantive reporting, such as statistical data on economic development

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Cuéllar (Peru) 1982-1991 Boutros Boutros-Ghali (Egypt) 1992-1996 Kofi Annan (Ghana) 1997-2006 Ban Ki-moon (South Korea) 2007- Some functions of the Secretary-General The UN Charter describes the Secretary-General as the "chief administrative officer" of the Organization, who shall act in the capacity and perform "functions as are entrusted" to him or her by the General Assembly, Security Council, Economic and

respects the Charter makes it clear that the Secretary-General is to be more than simply an administrator. First, he is given the specific authority to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. It has been generally held that this implies also the right of the Secretary-General to use the resources of his

- 66 Everything you always wanted to know..., 2007, S. 22
- 10 The General Assembly of the United Nations, 1960, S. 16

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broadly three areas, which are presented in detail below, starting with the ambitious goal of finding mechanisms for prioritizing and streamlining the UN's activities, followed by attempts at strengthening the UN's oversight and accountability independence **to end with member states'** initiatives to improve the UN's delivery on the ground, focusing on die management of funds **and programs**. Improve Intergovernmental Decision-Making: Prioritize UN activities One goal of the 2005 process was to refocus and center the

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food and other secretariat scandals, to commission the Secretary General to write a report on possible management reforms, as well as to accept an outside evaluation **of the UN oversight and** accountability mechanism. Finally, a high-level panel on "system-wide coherence" was established, aiming at restructuring the relations between the many agencies **and programs** as well

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 24

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mandatory in their duration until modified or abrogated by member states. Also, the GA, ECOSOC and the SC often adopt mandates on the same issue. This led to an "overlapping, uncoordinated and inconsistent architecture for implementing mandates, in which the whole may be less than the sum of the parts".²⁷⁸ Up to 2005, mandates were only formally reviewed through the biennial budgetary process. No review process existed for taking such decisions without budgetary considerations at the forefront, and member states' tendency to reintroduce and adopt the same resolution year after year led

278 One consequence- wss a bwd ns sse ir as qT rcpam reaesid frois ibe s& eisist ("Mandating arsl

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interrelated mandates is generally confusing, redundant and wasteful. An unwieldy and duplicative architecture for implementation The proliferation of mandates has in some cases led to overlapping, uncoordinated and inconsistent architecture for implementing mandates, in which the whole may be less than the sum of the parts. Little guidance is provided on what to do with older mandates that address the same issues, which therefore linger on over the years. Gap between

- 46 Mandating and delivering: analysis ..., 2006, S. 2

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of the exercise and the handling of politically sensitive issues. They did so by insisting on a narrow interpretation of the 2005 summit Outcome Document which stated that **member states** shall "review all mandates older than five years originating from resolutions of the General Assembly and other organs" (A/Res'60/i). The G77 argued that only those mandates older than five years and not having been renewed by member states could be reviewed. As member states have the habit of re-introducing the exact same resolution, mandates are usually renewed every two

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Nations so that it responds to the contemporary requirements of **Member States**". To that end, they called on States Members of the United Nations to "review all mandates older than five years originating from resolutions of the General Assembly and other organs".¹ To facilitate that review, they asked the Secretary-General to provide analysis and recommendations. The present report provides a framework for consideration by the Member States,

- 46 Mandating and delivering: analysis ..., 2006, S. 8

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issue as they are represented mainly by the EU presidency, which is still carried out by small and large countries equally.²⁸⁶ For the EU it becomes less important to have necessarily all its members around the table (some might even be happy not to have to send a delegate and to leave the job to the presidency) as EU member states speak increasingly with one voice in the Fifth Committee, it is therefore not clear that the EU, the US and Japan were willing to accept smaller groups for the benefit of a more effective decision-making process or for the sake of maintaining and even increasing their control.

286 The position of small EU member states under the new scheme of the ... observe.

Textstelle (Originalquellen)

representative. With increasing EU funding to the UN and EU cooperation in the Fifth Committee, it becomes less and less relevant for EU member states to have necessarily all its members around the table (some might even be happy not to have to send a delegate and to leave the job to the presidency). A smaller group is likely to increase the proportional power of the EU and thereby the control of the EU over the budget. The EU (and

of supporting it, did then no longer allow the EU to play a broker role. CONCLUSION Much of the EU-UN literature recommends the EU to speak increasingly with one voice, to coordinate its policies better and to punch according to its weight (Ortega 2005b, Laatikainen and Smith 2006). Martin Ortega concludes an EUIIS paper collection with the

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 28
- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 29

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expenditures requires the approval of the General Assembly (A/62/563/ADD.1). The UN Financial Regulations and Rules further stipulate that **no transfer between appropriation** budget sections (sections detailed in Annex 4) may be made without authorization by the **General Assembly (Regulation 5.6)**.²⁸⁷ **This prohibits for example transfer from** the development chapeau to security and peace related tasks²⁸⁸ and leaves little room for maneuver for the Secretary-General in order to re-allocate posts, much less than for example for the head **of the European Commission**.²⁸⁹ Reportedly, the formal budgetary discretion **of the Secretary-General** has remained unchanged for more than 30 years. The ability **of the Secretary-General**

287 Financial Regulations and Rules of the United Nations Secretary-General' bulletin 2003.

288 Under Rule 105.1. the Under-Secretary-General for Management ...

289 The Commission on Economic and Social Affairs ... (E/CN.4/Subs.1/2003/12/Add.1)

Textstelle (Originalquellen)

unliquidated obligations shall be cancelled and the remaining balance of any appropriations retained will be surrendered. Transfers between appropriations Regulation 5.6. **No transfer between appropriation sections may be made without authorization by the General Assembly**. Rule 105.1 The Under-Secretary-General for Management shall obtain the approval **of the** Advisory Committee in order to transfer credits between programme budget appropriations in

- 51 United Nations Financial Regulation..., 2003, S. 18

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greater fluidity, member states agreed in 2003 to grant the Secretary-General, on an experimental basis, the ability to move up to 50 posts across the organization within the biennium "to meet the evolving needs of the Organization" (A/Res 58/270). The SG first asked, in vain, department heads on a voluntary basis to give up "extra" posts, and then required every division unit over 500 people to give two posts, each over 150 one. The Department for Economic and Social Affairs took two posts from the Africa division, which led to enormous pressure from the G77. Given this background, in 2005, Kofi Annan suggested to increase Secretary-General (SG) flexibility, among others by delegating to the SG the authority to move a certain percentage of the

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GA stopped the 50-posit experiment.²⁹³ While the outcome is hence rather meagre, the G77 at least accepted the principle of flexibility. The EU being isolated, it had to give in and accept the compromise found between Japan and the G77. Overall the issue was largely dominated by a united G77 opposition, favored by existing secretariat asymmetry, but also by differences among the donors about the correct level of freedom of the SG. Increase Autonomy for the Secretary-General by Creating a Deputy-Secretary Responsible

293 A/C.5-60L.8? (A/ÜBSbüZfi : anal Tcsefoaiixi).

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deal with the G77, while the EU was still insisting on much larger leeway for the SG. In the end, the EU had to give in and accept the compromise found between Japan and the G77. Regarding the EU's position on reform of the budgetary decision-making structure, European member states, when acting together, need only one representative. With increasing EU

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 28

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Deputy following consultations with member states.²⁹⁵ However, even if the SG could delegate tasks to her deputy²⁹⁶, the SG remained responsible vis-a-vis member states. Delegation would happen "without prejudice to the mandate of the Secretary-General as provided by the Charter of the United Nations"; e.g. the SG remained the Chief Administrative Officer. Next to the Deputy, the USG for management continued to exist. This Under Secretary-General however, is at the same level as the other USGs and ASGs she is supposed to manage. Hence, in the status quo, the mandate of the Deputy SG was limited and lines of responsibility between her and the USG for management not clearly delineated. Uess than ten years later, Kofi

295 In 1997 the General Assembly also approved c-f lie csfenKS**5 iag nssks asd s ss tbes. Uar " Secjot

296 Including-: in assist the Se eiaryv-Gener J in managing &c opezaisssfs ef tse Screeorui; ip fsr lis:

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on 4 November 1997 to the open-ended informal consultations of the General * Consequently, resolution 52/12 of 12 November 1997 becomes resolution 52/12 A. FT3(3) without prejudice to the mandate of the Secretary-General as provided by the Charter of the United Nations and, in accordance with the existing system of decision-making, with responsibilities delegated by the Secretary-General, including the following: (a) To assist the Secretary-General

- 67 Renewing the United Nations: a prog..., 1998, S. #P2#resolution 52/12 A. #KO

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factor of G77 opposition. Increase Funding Reliability The Secretary-General's authority to successfully manage the UN also depends on stable and reliable resources (Issue 5). While the Charter provides that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly" (Article 17), this mandatory contribution has not always translated into actual payment. Withheld dues and unstable financing patterns largely impede on the Secretary -Generars management capacities. In contrast to conventional wisdom, the Soviet Union started the use of the "financial whip", refusing to

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called for a series of steps to make the ¹⁹⁷⁴ Who Implements? Coordination and Management 23 ¹ 1) The General Assembly should consider and approve the budget of the ¹ Organization. ² 2) The expenses of the Organization shall be borne by the Members as ² apportioned by the General Assembly. ² Article 18(2) lists "budgeting questions" as among those "important questions" requiring "a two-thirds majority of the members present and voting." The ² skeletal nature of these provisions

- 4 UN Reform advocate - Peace Palace L..., 2003, S. #P78#Questions 73 74

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at once authorize repaying most of the collected arrears (Baehr & Gordenker 2005: 59). But payment morale was already deteriorating again afterwards. Article 19 of the UN Charter therefore stipulated that a member "shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years".³⁰² So far, this legal punishment has never been applied and in 2005, member states had to decide about the introduction of interests on arrears in order to improve payment morale. Paying or withholding assessed dues is a means of control, accepting additional strings would

302 No General Assembly decision is necessary for the withdrawal of a member's vote if it fails to pay its dues. "may ...

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the members present and voting. Article 19 A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the

- 8 Charter of the United Nations, 1945, S.

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system (A/Rcs/eo.).³⁰⁷ Hie external evaluation was undertaken by Priccwaferhcusc Cooper,³⁰⁸ "consultants selected through an international competitive process" (A 60 883). The report came in five volumes, and recommended, among others, a comprehensive implementation of results-based management, the strengthening of the accountability framework for senior management, the implementation of a framework for managing risk through enterprise-wide risk management and assigning responsibility for internal controls; an oversight framework for imcr-agency programs and twenty-three recommendations regarding OIOS.³⁰⁹ Regarding governance, the report recommended to improve the quality of experts on the Advisory Committee on Administrative and Budgetary Questions (ACABQ), and to establish smaller budgetary decision-making bodies, sub-committees of the Fifth Committee. This last recommendation provoked outrage among the G77 - the General Assembly in April of the same year had already rejected the same proposal. The external review has hence ton undertaken,

307 The Secreary-GESeral established a Sleeieg Cc iusimss of as "esissE pers cs . rpscssbk for ihe

308 hrXp://w_ari,tfrg reform

309 These included , The pnsnpi apcrsriprialmrig e-flhe GsseH Asssly desists eg Mssb LA-\C.

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advice and strengthening the system of oversight. With respect to recommendations regarding the Secretariat, the study proposes a series of interrelated and interdependent recommendations, including: (a) The comprehensive implementation of results-based management; (b) The strengthening of the accountability framework for senior management; (c) The implementation of a framework for managing risk through enterprise-wide risk management and assigning responsibility for internal controls; (d) Twenty-three recommendations regarding OIOS, including: (i) The prompt operationalizing of the General Assembly decision to establish IAAC; (ii) Functional and organizational changes, including: a. The focus

- 68 Implementation of decisions contain..., 2006, S. 60

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the authority of the Secretary-General,³¹⁰ with the budget of OIOS being financed from a separate section in the regular budget submitted by the Secretary-General who shall "take into account the independence of the Office" (AR/s/4&/218BV OIOS's budget, however, depended on the Department fee management which draws up the proposed budget and the UN Controller. OIOS is supposed to control both.'¹³ This potential conflict of interests was at the heart of debate in 2005. US. Japan and CANZ

310 "Operational independence under the ...

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Assembly (not just of the votes cast) instead of regional groups in ECOSOC choosing their representatives- and, "when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto"; finally, a "universal periodic review" of

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 18

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concern to member states, though. In addition to the UNDG, the incoming Secretary-General Kofi Annan established executive committees in the areas of **peace and security, economic and social affairs**, development cooperation and humanitarian affairs. **Despite these and earlier efforts,**³²⁴ the lack of coherence across the system was still preventing the whole from being more than its parts. Previously included; Assistant and Under-Secretary-Generals; now: starting D-1 level. Also, the value of gifts that UN

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human rights were designated "as cutting across each of the four substantive fields of the Secretariat's work programme (**peace and security; economic and social affairs; development cooperation; and humanitarian affairs**)." At the same time, the reform plan maintained that development activities also required a more integrated collaborative approach, and hence, created the UN Development Group (UNDG).

- 69 The UN Human Rights Treaty System: ..., 2001, S. 82

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activities and competition for funding; above all, a clear institutionalization of coherence mechanisms. Member states decided in September 2005 to launch an expert panel³²⁵ to make recommendations for increased system-wide coherence, "including proposals for consideration of Member states for more tightly managed entities in the field of development, humanitarian assistance and the environment" (A/Res/60/I: §169, emphasis added). Merge Number of UN Funds and Programs The interpretation of this summit language proved difficult. A group of 13 donors³²⁶ understood it as a mandate to develop options to merge funds and programs into three agencies: one for development, another for humanitarian affairs and finally one for the environment (Issue 12). The group suggested such a merger, together with a few centers of excellence that should develop norms and be a forum for dialogue on health, energy and agriculture,

325 The 15 member Panel comprised an august round: Co-Chairs were three Prime Ministers: Shaukat Aziz,

326 Belgium, Denmark, Finland, France, Germany, Ireland, Luxembourg, Netherlands, Norway, Sweden, Switzerland,

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Darin bitten sie den Generalsekretär um Erarbeitung konkreter Umsetzungsmodelle: "to launch work to further strengthen the management and coordination of the United Nations operational activities ["] including proposals for consideration of Member States for more tightly managed entities in the field of development, humanitarian assistance and environment" (UN 2005b). Um sich fachlichen Rat zu sichern, hat Annan darauf hin ein hochrangiges Beratungsgremium einberufen, das praxistaugliche Reformvorschläge vorlegen soll ("High-level panel on

authority delegation than the status quo. As in regards to implementation delegation, the G13 was an ad hoc coalition of donors, which advocated the merger of existing funds and programs into three entities, thus highly centralizing existing activities and limiting the current degree of implementation delegation. The G77 and Russia were less inclined towards such centralization, but

- 39 Die Rechtsprechung des Internationa..., 2001, S. 269
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 25

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Generals as suggested by the Panel, the Director-General post was abolished by **Secretary-General** Boutros Boutros-Ghali fourteen years later. Furthermore, the report had in vain proposed the merger of all of the funds **for technical assistance and pre-investment activities -except for those of UNICEF into a new UN Development Authority**. The Gardner report emphasized centralization, not in the hands of governments, but the secretariat. Boutros-Ghali carried out structural changes **of the** secretariat by reducing radically the number of high-level posts, but he otherwise

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of a developing country at least during those years when the post of **Secretary-General** is occupied by a developed country."⁷⁷ The report also advocated the consolidation **of all of the funds for technical assistance and pre-investment activities except for those of UNICEF** into a new UN Development Authority. ⁷⁸ ECOSOC would be responsible for reviewing operational activities **of the** UN system as a whole, and the governing boards of a

- 4 UN Reform advocate - Peace Palace L..., 2003, S.

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operations. The aim is to bring the different UN agencies together to improve their efficiency and effectiveness. Resident Coordinators are funded and managed by UNDP.³²⁹ In 1999, a common instrument to analyze the national development situation and **identify key development issues was established (the Common Country Assessment, CCA)** and, based thereupon, a common strategic framework (the UN Development Assistance Framework, UNDAF). The report of the System-wide Coherence Panel was entitled "Delivering as One": One Program, **One Empowered Leader** and Empowered Team, One Budgetary Framework, and One Office. This was the Panel's vision for the UN's work at country-level. The logic followed the merger question; the "One UN" would limit intervention points for

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the preparation of the PRSP. Part ² Analysis FT3(3) Strategic planning 2.1 Definition of the CCA The CCA is the common instrument of the United Nations system to analyse **the national development situation and identify key development issues** with a focus on the MDGs and the other commitments, goals and targets of the Millennium Declaration and international conferences, summits, conventions and human rights instruments

- 70 COMMON COUNTRY ASSESSMENT and UNITE..., 2006, S. 10

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with authorized spending only for the first **six months**. After this, the "spending cap" would have to be lifted by member states to authorize the spending of the remaining budget. Some inside the EU attempted **to bring the EU to oppose such a compromise, but France lost and the EU moved on to support the modified spending cap. In consequence, the EU was pari of the US deal, and its rhetorical moderation did not help to overshadow its alignment with the US (see also Laatikaincn 2006a: 15). In this** situation, the G77 only had the choice between accepting the spending cap or having a vote with the risk of the EU and the US withholding their dues. Many in the G77 were willing to go for a vote, which they would have won given their numbers, certainly leading to a crisis. The moderates in the group wanted to prevent this and accepted the cap as long as

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enough. Therefore the US introduced a cap on spending budget approval for a maximum of **six months** with further approval conditioned on the pace of management reforms. **Some inside the EU attempted to bring the EU to oppose the spending cap, but France lost and the EU moved on to support the modified spending cap. In consequence, the EU was part of the US deal, and its rhetorical moderation did not help to overshadow its alignment with the US.**¹⁴ Kofi Annan then presented in the spring of 2006 the report Investing in the United Nations that suggested vast management reforms, among which less controversial proposals

- **18** Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 27

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over the last weekend in December 2005. The real show of strength happened when the G77 and China introduced a resolution in April 2006 that foresaw to prevent at least for the near future changing budgetary decision-making and giving the UN Secretary-General strong flexibility. Many interpretations of this April crisis exist. Most agree that it was an orchestrated demonstration of will power of the G77 in order to protect its vision of the UN, of one country one

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the Fifth Committee to smaller subgroups. Polarization was at its highest when the G77 and China co-sponsored a resolution in April 2006 that foreclose further endeavors into changing budgetary decision-making and Secretary-General flexibility. The Fifth Committee adopted this resolution by 108 votes with 50 against and two abstentions. Russia supported the G77/China resolution. OECD countries and potential

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 27

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the Security Council rather than to lighten these. Neither the EU nor the US came up with institutional settings that would ensure a fair share in the governance process for all. Without such institutional settings in place, it amounted to hara-kiri to ask for new governance structures or to proposed increased flexibility in spending for the Secretary- General. The chosen process for advancing the donors' agenda furthermore undermined its goals. The most obvious polarizing policy was the introduction of a UN budgetary spending cap, the

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at increasing control over budgetary processes. The EU, as much as the US, did not come up with institutional mechanisms to ensure adequate accountability standards. Without such institutional settings in place it is hara-kiri to ask for SG flexibility or to propose new governance structures. Secondly, the US proposed spending cap was clearly a strategic decision that inflamed the wider membership and soured

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 29

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enforcement problems will arise. In order to further analyze these results, the status quo, member states' preferences and the outcome were coded so as to allow for spatial analysis, using Bayesian factor analysis to unfold a **two-dimensional policy space for each area. I found two dimensions that dominate conflict in all five reform areas: decision-making authority and implementation and monitoring rights.** The analysis shows that the Western powers, ranging from the US and European countries to the coalition of Canada, Australia and New Zealand, do in general favor higher degrees of authority delegation to the international level than entailed in the status quo. Nonetheless, both the US and Europeans advocate for less delegation to the UN in the economic and social field. The distinction

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individual or collective actors. This means that ³ the size of the actors varies between seven and thirteen participants in each area. For each ³ area, we **use Bayesian factor analysis to unfold a two-dimensional policy space for each area,** ³ in which we locate the positions of the participants, the status quo and the outcome. We apply ³ the approach developed by Quinn (2004) that can iterations from different starting points to ensure convergence. All of these chains ³ reached the same distribution and strongly indicate that convergence has been reached. We ³ **find two dimensions that dominate conflict in all five reform areas: the reform of decision ³ making power and the delegation of implementation and monitoring rights.** ⁶ ⁶ In larger freedom , paragraph 183 ⁶ ⁷The Commission on Human Rights was a

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. #P34#Organization 54: 185-215.#A#

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decision-making authority delegation in areas where the permanent five Security Council members possess the veto. This points out to prior findings from European Union studies that relate the willingness to delegate decision-making authority to the decision-making rules in place and the possibility to veto decisions. The Latin American ad hoc coalition around Chile, Argentina and Brazil was the only actor consistently favoring further authority delegation across all fields and all authority domains. Their sympathy for strengthening decision-making authority of the United Nations in the economic and social fields is the main distinguishing factor from Western powers. This distinction inhibited stronger cooperation between these two

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position and are equally strongly in favor of further authority delegation, both decision-making and implementation. The EU is as willing as the USA and Japan to delegate decision-making authority, e.g. to delegate decisions to smaller membership bodies or third actors, but less so in terms of implementation authority. Mexico, CANZ have similar positions as the

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 23

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better behavior will certainly not resolve this. Strategic thinking in terms of who to include in the process of developing proposals for change will contribute to the chances for success. The EU and US refusal to share power has increasingly negative consequences in times of an emerging new conscience among several powers of the South, such as China, India, Brazil, and South Africa. These countries also perceive the US and the EU to depend today much more on the UN than they do. Surely, they need the UN as a forum to present their new strength, but they do not receive important financial support from the UN and the one issue of major importance to them -trade- is negotiated at the WTO, Their perception is that the US and the EU need the UN in order to legitimize their security policies be it in Afghanistan, Iraq or Congo, or to legitimize their democracy and human rights policies, and the EU its environmental policies.³³³ This perception -be it right or wrong- also contributed to the Southern countries not accepting the financial whip used in 2005. Instead, at their ministerial meeting in May 2006 in Putrajaya, Malaysia, the NAM decided to turn the stick around: they would only agree to start negotiating management reforms if the US and the EU were willing to lift the spending cap. This relates to the degree of "dependence on the overall relationship" addressed by Zartman and Rubin. The stronger one side depends on the overall relationship, the stronger the 'righting*' of power asymmetries in specific cases must be in order to facilitate cooperation. Clear Decision-Making Frameworks Facilitate Reform Evidence three, emanating

333 Without having been asked, many delegates from developing countries interviewed mentioned this

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to the presidency). A smaller group is likely to increase the proportional power of the EU and thereby the control of the EU over the budget. The EU (and US) refusal to share power has increasingly negative consequences in times of an emerging new conscience among several powers of the South. China, India, Brazil, and South Africa know that their power is increasing. They also have the perception that the US and the EU today depend

China, India, Brazil, and South Africa know that their power is increasing. They also have the perception that the US and the EU today depend much more on the UN. Surely, they need the UN as a forum to present their new strength, but they do not receive important financial support from the UN and the one issue of major importance to them trade- is negotiated at the WTO. Their perception is that the US and the EU need the UN in order to legitimize their security policies be it in Afghanistan, Iraq or Congo, or to legitimize their democracy and human rights policies, and the EU its environmental policies.¹⁵ This perception be it right or wrong- also contributed to the Southern countries not accepting the financial whip. To summarize, in the management case, the EU conducted and explicitly supported polarizing policies. To a large extent these were polarizing because of their content: aiming

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 28

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given clear answers to the following questions; who defines the criteria, who monitors them and decides on the eligibility of candidates? Criteria based on the ratification of international human rights conventions had to be discarded when it transpired that they would have excluded the United States. Liechtenstein had already earlier on bet on an empowerment strategy instead. Liechtenstein proposed an institutional mechanism that would give incentives for each region to present more candidates than seats. Liechtenstein and others argued that two-thirds or simple

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not defining the criteria, who would monitor them and decide on eligibility of candidates. Criteria proposed by some NGOs such as ratification of human rights conventions had to be disregarded as they would have excluded the USA and Australia. The lack of transparency by the EU and others sustained the fears of many among the developing countries of yet another body

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 25

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proposed an institutional mechanism that would give incentives for each region to present more candidates than seats. Liechtenstein and others argued that two-thirds or simple majority voting or criteria would not make any difference if there was no actual choice. A "no clean slate" per region policy, e.g. more candidates than slots, found broader support among the wider membership than the criteria approach. The late push for a no clean slate policy and the stalemate over two-thirds election majorities and criteria for membership prevented the outcome to reflect either or. The negotiations in the management area over the membership

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candidates and trust them not to elect human rights violators. Liechtenstein and others had already earlier in the negotiations argued that 2/3 or simple majority voting would not make any difference if there was no choice. Such an institutional setting would have empowered other democratic countries to make real choices over membership. Finally, the EU was challenged based on alleged

and human rights defending countries, among which the EU is in the majority, over the body. In the end, the EU move to ask for no clean slate per region,¹¹ an institutional mechanism to ensure more candidates than slots, found broader support among the wider membership. The basic idea was to give all member states a real choice between candidates and trust them not to elect human rights violators. Liechtenstein and others

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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assigned post, others followed again the **no clean slate** policy. In the end, a mix of both, but mainly the **no clean slate** policy was adopted. The empowerment strategy's objective is to give all member states a **real choice between candidates and trust them not to elect human rights violators or unqualified personnel. This empowers** all countries to make real choices **over membership. The United Nations is a body** where universal membership is one of its main assets. Furthermore, the UN is called upon to address and solve a broad panoply of issues. Establishing human rights criteria in one area might have repercussions in other areas where such criteria diminish the UN's options for addressing global public goods. For example, excluding China from human rights bodies might be a laudable goal, but Chinese participation is essential for

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no clean slate per region,¹¹ an institutional mechanism to ensure more candidates than slots, found broader support among the wider membership. The basic idea was **to give all member states a real choice between candidates and trust them not to elect human rights violators.** Liechtenstein and others had already earlier in the negotiations argued that 2/3 or simple majority voting would not make any difference if there was no choice.

contrast, the EU managed to find ways out of the stalemate when it chose to prefer an institutional setting that would have empowered other democratic **countries to make real choices over membership** instead of imposing its (non-specified) criteria. MANAGEMENT OF THE SECRETARIAT, FUNDS AND PROGRAMS The quest for improving the management of the UN secretariat and

- 18 Brantner, Franziska: /Gowan, Richard: Complex Engagement..., 2009, S. 26

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Textstelle (Prüfdokument) S. 15

Security related matters, New York, 20 July 2006.

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Protection of Human Rights (New York: United Nations). UN (2004) Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase [in the Membership](#) of the Security Council and Other Matters related to the Security Council: General Assembly Official Records (New York: United Nations) UN (2004b) Unleashing Entrepreneurship: Making Business

- 38 (UN)MAKING INTERNATIONAL NORMS: THE..., 2005, S. 35

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Textstelle (Prüfdokument) S. 26

10 Kofi Annan in his statement launching his report "Investing in the [United Nations: For a Stronger Organization Worldwide](#)" on March 7th 2006. primarily understood as "architectural form", a deep organizing principle in international life (Ruggie 1993). Multilateral institutions "coordinate behavior among three or more states on the basis of

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programme; report A/55/253, which outlined the implementation of the HR management reform programme; report A/57/387 (Strengthening of the [United Nations: an agenda for further change](#)); and report A/60/692 ([Investing in the United Nations: for a stronger Organization worldwide](#)). In addition, reforms are steered by the review of the peace operations (A/55/305) and the Millennium Declaration (A/56/326) including the 2005 World Summit Outcome resolution (A/RES/60/1).²² Of further

- 71 The New Human Resources Management ..., 2007, S. 18

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Textstelle (Prüfdokument) S. 27

11 Multilateralism is primarily understood as "architectural form", a deep organizing principle in international life (Ruggie 1993). Multilateral institutions "coordinate behavior among three or more states on the basis of which are 'indivisibility' (as the geographic and functional

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des Völkerrechts und in der Form des Multilateralismus auf die international Gemeinschaft und deren Ordnungsverfahren ausgewirkt, wobei Multilateralismus nach Ruggie eine Institution ist, die "coordinates behavior among three or more states on the basis of generalized principles of conduct: that is, principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of th parties or

- 72 Dimensionen friedlichen Systemwande..., 2004, S. 130

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12 See Mats Berdal (2005: 17): "The tension between power and principle was there at the outset; it should be not as one that can easily be overcome by a simple act of will." ideal type Westphalian state.

Textstelle (Originalquellen)

collective security , its basic premise is that the UN does not, and was never meant to, provide a foolproof or comprehensive system of collective security. The tension between power and principle was there at the outset; it should be treated as a creative tension and not one that can easily be overcome by a simple act of will. To some, the reassertion of basic Charter principles and the realist tone that informs the analysis will no doubt be attributed to a lack of vision, a failure

- 73 Reformingthe United Nationsfor Peac..., 2009, S.

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Textstelle (Prüfdokument) S. 34

16 The [principal-agent problem](#) or agency dilemma treats the difficulties that arise under conditions of [incomplete and asymmetric information when a "principal" hires an "agent"](#). Variable: amount of discretionary authority delegated to

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the Swiss Federal Office of Communication.¹ 1 The [principal agent problem](#) is part of the new institutional economics framework. It focuses on the difficulties [that arise under conditions of incomplete and asymmetric information when a principal hires an agent](#). For a sound introduction see Pratt¹ & Zeckhauser (1985), Arrow (1985), Göbel (2002: 98-128) and Richter & Furubotn¹ (2003). For an application on media organizations see Napoli (1997); a discussion from¹ a marketing perspective can be

- 74 Rimscha, M Björn Rademacher, Patric..., 2008, S. #P20#Verlag: 135-151.

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are partially endogenous to the UN and have constructed their identity over the decades inside the UN. The G77 and the creation of a trade conference within the United Nations (UNCTAD)²⁹ to counterweigh GATT. The G77 also saw a revival over the last few years, after many had predicted its death²⁹ with the end of the Cold War (Voeten 2000). NAM is the child of decolonization and the Cold War; its origins objectives to develop a common power base of "non-aligned" states, neither²⁹ to the Soviet Union or the United States. It continues to rally the developing countries and middle-income

29 One could understand the G77 and NAM as defined by externa! distribution patterns. But the G77 and NAM

29 One could understand the G77 and NAM as defined by externa! distribution patterns. But the G77 and NAM

29 One could understand the G77 and NAM as defined by externa! distribution patterns. But the G77 and NAM

Textstelle (Originalquellen)

often joins the G77 as it seeks to increase its influence within the developing world, the G77 hence becomes G77 and China . The groups active in the United Nations are partially endogenous to the UN and have constructed their identity over the decades inside the UN, such as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is the child of decolonization and the Cold War, its origins are Yugoslav,

as the Group of 77 or CANZ: Canada, Australia and New Zealand. Others are exogenous, such as the European Union or the Organization of the Islamic Conference. NAM is the child of decolonization and the Cold War, its origins are Yugoslav, Egyptian and Indian objectives to develop a common power base of "non-aligned" states, neither to the Soviet Union or the United States.

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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reform areas constituted hence a boundary for the participants' incentives to **vote in favor** or Three Criteria for Reform Issues each of the five reform areas, I then selected reform issues (statistical cases) according

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as determinants of preferences and bargaining power. Data: Collective and Individual Actors and Gathering their Positions The 2005 UN reform splits into five reform areas, each **constituting a boundary for the participants incentives to vote in favor** or against a change of the status quo. In addition to splitting in several areas, another feature of this reform process has been the representation of

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 11

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options. First, the issues had to fall under the reform **definition adopted in this work, e.g. to** of the UN as well as its mandate scope. Controversial issues pertaining to specific policies, for **example in the field of nuclear disarmament, were not** advice

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known opposition from others. For this study we selected those issues for which at least two options beside the status quo existed. Finally, reform issue **characteristics had to fall under the reform definition adopted in** this paper. Controversial issues only pertaining to specific policies, for example precise policy proposals in the field of nuclear disarmament, were not included. A careful process-

at least two options beside the status quo existed. Finally, reform issue characteristics had to fall under the reform definition adopted in this paper. Controversial **issues only pertaining to specific policies, for example precise policy proposals in the field of** nuclear disarmament, were not included. A careful process-tracing and analysis of several negotiation documents then served to spot the relevant actors per reform area. Media

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 13

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49 Smith and Laatikainen's recent volume on the EU at the UN has shown that the EU actually operates together more often than one might expect. However, Jargensen and Laatikainen explain that "The challenge of the UN context for the EU is that while it enjoys competence in some areas across the UN system, for the most part in the political organs of the UN, the EU depends upon the sovereignty of its member states in order to play a role. The UN thus contribute to the gestalt of the EU's split personality, being both actor in its own right and an arena for the expression of member-state interests" (Jorgensen and Laatikainen 2006: 10). For this study, the EU is an actor in terms of 3 coalition, as much as the G77 is or the African group. Russia on ECOSOC and management, and with like-minded countries

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participation in interventions. "barely insist on reform."(Voeten) So in the end, one contributing⁴ factor is a lack of political will to really push the issue through.⁵ 5 Smith and Laatikainen s recent volume on the EU at the UN has shown that the EU actually operates together⁵ more often than one might expect. However, J rgensen and Laatikainen explain that "The challenge of the UN⁵ context for the EU is that while it enjoys competence in some areas across the UN system, for the most part in⁵ the political organs of the UN, the EU depends upon the sovereignty of its member states in order to play a⁵ role. The UN thus contribute to the gestalt of the EU s split personality, being both actor in its own right and an⁵ arena for the expression of member-state interests."(J rgensen and Laatikainen 2006: 10). For this study, the EU⁵ is an actor in terms of a coalition, as much as the G77 is or the African group.^{3 3 3} Max:74³ 594597³ 4³ Unfolding Five Reform Areas³ For the analysis of the 2005 UN reform, we distinguish between the five reform areas and use³ the issue-specific

- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. #P34#Organization 54: 185-215.#A#

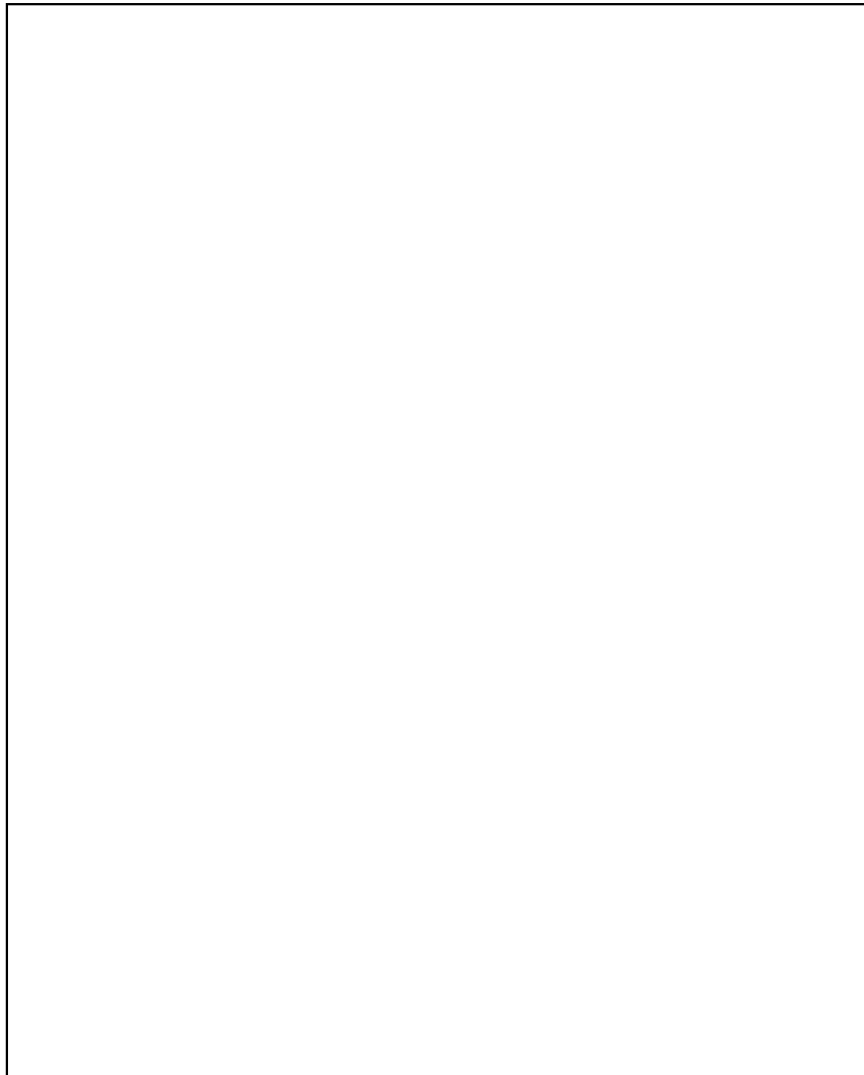
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plotting of residuals enables the data [to be viewed from a standard orientation point](#). [Residual plots show the](#) each x value in the model, the x values are the observations. If assumptions

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- 21 Alzamora, Stella M./u.a.: Experimen..., 2005, S.

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CONSENSUS", African Union, Ext/EX.CL/2 (VET). At the end of February 2005, the Foreign Ministers of 15

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gelähmt ihre Weltorganisation mit ihren Hauptorganen sein wird. Literatur African Union, Executive Council (2005): The Common African Position on the Proposed Reform of the United Nations "The Ezulwini Consensus". Addis Abeba, 7./8. März 2005. Annan, Kofi (1997): Erneuerung der Vereinten Nationen. Ein Reformprogramm. Bericht des Generalsekretärs vom 17. 7. 1997. UN-Dok. A/51/950. Annan, Kofi (2003). Secretary-General Address to the

- 39 Die Rechtsprechung des Internationa..., 2001, S. 54

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102 The resolution invited the Security Council "to consider the measures contained in the annex to the present resolution" and to report back to the General Assembly on "on action it has taken pursuant to its consideration of the present resolution." which is not a member of the Security Council ... may

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on the Use of Electronic Communications in International Contracts;20 2. Adopts the United Nations Convention on the Use of Electronic Communications in International Contracts, which is contained in the annex to the present resolution, and requests the Secretary-General to open it for signature; 3. Calls upon all Governments to consider becoming party to the Convention. 16Ibid., Fifty-sixth Session,

- 75 United Nations Convention on the Us..., 2006, S. 25

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Textstelle (Prüfdokument) S. 141

Article 32: Any member of the United Nations which is not a member of the Security Council if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote. that a decision of the SC needs an affirmative vote of 9 members out

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Article (j) of the Charter and Rules 75 and 76 of the Council's Rules of Procedure. These provisions empower the Council to invite a Member of the United Nations which is not a member of the Council to participate in the Council's deliberations. Such a Member may take part in debate and submit proposals, but does not have the right to vote.

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation, of a state which

- 10 The General Assembly of the United ..., 1960, S. 175
- 8 Charter of the united nations, 1945, S. 8

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of the 15 on procedural matters and that "Decisions of the Security Council on all other matters shall be made by the concurring votes of the permanent members; provided that, in Article 52, a party to a dispute shall abstain from voting." early days, the permanent members agreed that their

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the Security Council shall have one vote. 2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members. 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members ; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a made by an affirmative vote of nine members. 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting. Chapter VII Action with respect to threats to the peace, breaches

- 8 Charter of the united nations, 1945, S.
- 52 Handbuch 8222 Chairing Model United..., 2007, S. 72

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120 Kofi Annan developed on [this recommendation](#) in his first implementation report, proposing to [hire 16 new the UN system](#) in order to fulfill three primary functions: strategic

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Secretariat s ability to provide well-grounded advice to the Security Council. The Secretary-General supported [this recommendation](#) and detailed the structure and functions of EISAS [in his first implementation report, proposing to hire 16 new](#) staff and transfer 37 others to EISAS from elsewhere in [the UN system](#). The staff as proposed would have had three primary functions: strategic planning and

problem, but do not negate it. 47 aG lo b a l fo r e fo r h u m a n r iG h t s ? This is a cause for concern. While the EU has seen its power decline [elsewhere in the UN system](#), it has invested heavily in the Security Council. On a daytoday basis, it does so both by attempting to resolve its own immediate concerns through the

- 76 The Brahimi Report and the Future o..., 2003, S. 38
- 2 Brantner, Franziska: /Gowan, R.: A Global Force for Huma..., 2008, S.

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support, of South Africa (Chairman), Brazil, Guinea-

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hire 16 new staff and transfer 37 others to EISAS from elsewhere in the UN system. The staff as proposed would have had three primary functions: strategic **planning and analysis; information management; and peacebuilding support.**⁴ é The Security Council welcomed this innovation but the Special Committee reacted coolly, arguing to defer implementation and to use "existing res ources" instead, resources that

- 76 The Brahimi Report and the Future o..., 2003, S. 38

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125 The HLP report recommended that "the Security Council, acting under Article 29 of the Charter of the United and Social Council, establish a Peacebuilding Commission" largely with the overall tone of the report. It argued that "recent ¹²⁵ experience has ... shown that the Security Council is the body in the United Nations most capable of organizing HLP 2004: § 247).

125 The HLP report recommended that "the Security Council, acting under Article 29 of the Charter of the United

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to act in a coherent and effective way throughout a whole continuum that runs from early warning through preventive action to post-conflict peacebuilding. We recommend that the Security Council, acting under Article 29 of the Charter of the United Nations and after consultation with the Economic and Social Council, establish a Peacebuilding Commission. 264. The core functions of the Peacebuilding Commission should be to identify countries

Russia, whereas it is in the middle between those countries willing to strengthen UN implementation and the more reluctant states. Economic and social decision-making processes The Economic and Social Council (ECOSOC) is the United Nations principal organ for the formulation of policy guidelines in the economic and social field and for the coordination of

keep critical issues of peace and security off the Security Council's agenda has further undermined confidence in the body's work. 247. Yet recent experience has also shown that the Security Council is the body in the United Nations most capable of organizing action and responding rapidly to new threats. 248. Thus, the challenge for any reform is to increase both the effectiveness and the credibility of the Security

- 27 Transmittal letter dated 1 December..., 2004, S. 65
- 1 Brantner, Franziska: /Junge, Dirk/König, Thomas: Reforma..., 2008, S. 22
- 27 Transmittal letter dated 1 December..., 2004, S. 62

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HLP 2004: § 247). ECOSOC body to a Security Council and General Assembly happened a few days

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may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion. 3. The

depends upon the development of international relations. The other Article of the Charter which has given rise to discussion regarding the Assembly's competence states that "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 recommendations with regard to that dispute or situation unless the

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of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both. 2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion. 3. The

depends upon the development of international relations. The other Article of the Charter which has given rise to discussion regarding the Assembly's competence states that "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 recommendations with regard to that dispute or situation unless the

war während der Gründungsverhandlungen sehr umstritten. Der ursprüngliche Formulierungsvorschlag von Dumbarton Oaks, "being dealt with"⁴⁴², wurde abgeschwächt zu "While the Security Council is exercising ["] the functions assigned to it in the present Charter"⁴⁴³. Fraglich ist zum einen, ob es für die Anwendung der Sperrwirkung des Art. 12 UN- Ch. ausreicht, dass der Sicherheitsrat ein Thema formal auf seiner Tagesordnung

on relevant information provided by the Secretary-General and the High Commissioner for Human Rights. According to Article 12 (1) of the Charter of the United Nations, the General Assembly shall not make any recommendation with regard to a dispute or situation which is being dealt with by the Security Council, unless the Council so requests. This provision also applies to the

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

- 8 Charter of the United Nations, 1945, S.
- 10 The General Assembly of the United Nations, 1960, S. 89
- 77 Machtbegrenzungsmechanismen in Internationalen Beziehungen, 2008, S. 3
- 48 The new human rights council: The functions of the Security Council, 2007, S. 11

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the agenda of the GA. Similarly to the possibility for any country to seize the General Assembly, so ¹³⁰ "any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly" (Article 35) Leone case, under the category of regional countries and relevant

¹³⁰ The General Assembly and the Security Council set their own agenda. In addition, "the General Assembly

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regard to that dispute or situation unless the Security Council so requests. 2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. Article 35 1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly. 2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute

- 10 The General Assembly of the United ..., 1960, S.
- 8 Charter of the united nations, 1945, S. 8

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regional arrangements or agencies for enforcement action under its authority." But such "utilization" does not about funding uTangements.

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the states concerned or by reference from the Security Council. 4. This Article in no way impairs the application of .Articles 34 and 35. Article 53 1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action Under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies

most evident legal problem raised by Annex 1-A is that although Article 53 of the United Nations Charter provides that '[t]he Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority', and although Article I,la of Annex 1-A invites the Security Council to do precisely that, NATO is not a regional organisation¹⁰ designed to undertake peace-enforcement or

- 8 Charter of the united nations, 1945, S. 11
- 78 The role of NATO in the peace agree..., 1996, S.

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159 "The consensus over the unity of civil and political rights and economic, social, and cultural rights was spread of the Cold War. Two separate covenants, one covering civil and political rights and the other economic, social, and cultural rights, were promulgated" (Sengupta 2000). Representative to the United Nations, on Moving

Textstelle (Originalquellen)

goals are largely the same goals. Organizations in this group apply a variety of human rights principles and tools in their development work. Human rights consist of civil and political rights and economic, social, and cultural rights. They make reference to international human rights standards and use some instruments. Examples of this group are DFID, CARE, and ActionAid. Within the same RBA

- 79 Developmentizing human rights: how ..., 2005, S. 290

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Kations human rights machinery, with the aim of assuring effective enjoyment by all of all human rights, civil, rights, including the right to development and to that end, resolve to Human Rights Council. A/RES 60151,

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levels, in the promotion and protection of human rights, Reaffirming the commitment to strengthen the United Nations human rights machinery, with the aim of ensuring effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and to that end, the resolve to create a Human Rights Council, 1. Decides

behalf of the EU), Canada, Guatemala, Portugal, the Netherlands, Switzerland, the UK, and ³³ the USA among others. ³⁴ 34 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; human rights situation in Palestine and other occupied Arab territories; ³⁴ follow-up and implementation of the Vienna Declaration and Programme of Action; and racism, racial ³⁴

- 54 Resolution adopted by the General A..., 2006, S. 2
- 80 Building the new human rights coun..., 2007, S. #P48#System

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Textstelle (Prüfdokument) S. 212

184 "The participation of and consultation with observers ... including national human rights institutions, as well as arrangements, including Economic and Social Council Commission on Human Rights, while ensuring entities" (A.*RES/60 51).

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rules will govern the participation of NGOs at the Council? The General Assembly Resolution that created the Human Rights Council (the Council), provides that "the participation of and consultation with observers " including national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 5 July 1996 and practices observed by the Commission on Human Rights,

consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities; 12. Decides also that the

to participate in regular and special sessions of the Human Rights Council (HRC) . The participation of NGOs in the HRC is based on the arrangements and practices observed by the Commission on Human Rights, pursuant to General Assembly Resolution 60/251 and ECO- SOC Resolution 1996/31 of 25 July 1996. The HRC s rules of procedure are to be found in Resolution 5/1. NGOs in consultative

- 32 Abraham, Meghna (Hrsg.): A new chap..., 2006, S. 91
- 54 Resolution adopted by the General A..., 2006, S. #P4#membership; 4 10.
- 81 The United Nations Human Rights Sys..., 2008, S. 9

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Textstelle (Prüfdokument) S. 229

specialized agencies and to bring them "into relationship with the United Nations." Article 5 of the UN Charter The various specialized agencies, established by intergovernmental agreement and

Textstelle (Originalquellen)

Charter, in Articles 57 and 63, called on ECOSOC to "enter into agreements" with the various specialized agencies, several of which predated the world body, so as to bring them "into relationship with the United Nations." ECOSOC was asked to coordinate their activities "through consultations and recommendations," while Article 64 gave ECOSOC permission to seek reports from the agencies. Nowhere in the

- 4 UN Reform advocate - Peace Palace L..., 2003, S.

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Textstelle (Prüfdokument) S. 253

248 The following section [reites on Taylor \(2000: 106- 134L](#) own policies across the different areas of the UN system also eocmbules to the lack of cahersxe. Often diffssm ministries are responsible for different

Textstelle (Originalquellen)

Tome and Principe 0.001 0.0001 -90% J Senegal 0.005 0.0005 -90% J Sierra Leone 0.001 0.0001 -90% J Solomon Islands 0.001 0.0001 -90% J Somalia 0.001 0.0001 -90% J Sudan 0.008 0.0008 -90% J Tanzania, United Rep. of 0.006 0.0006 -90% J Togo 0.001 0.0001 -90% J Tuvalu 0.001 0.0001 -90% J Uganda 0.006 0.0006 -90% J Vanuatu 0.001 0.0001 -90% J Yemen 0.006 0.0006 -90% J Zambia 0.002 0.0002 -90% J Source: UN General Assembly, Implementation of General Assembly Resolutions 55/235 and 55/236, Report of the Secretary-General, A/58/157, 15 July 2003, Annex IV. *Indicates transitional category.
é Appendix D PEACEKEEPING COSTS, 1998-2004 Table D-1 tracks the total cost of UN peacekeeping, pre- and post-Brahimi Report, by peacekeeping fiscal year,

- 76 The Brahimi Report and the Future o..., 2003, S. 128

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Textstelle (Prüfdokument) S. 292

those of staff members making reports to the Investigations Section, and to regulate due process and fairness for parties concerned." The next paragraph also asked for rules and procedures that would avoid possible abuse Member states had hence sent mixed signals and the 2000 language

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programmes, including decisions, as appropriate, by their legislative bodies; Investigations 16. Stresses that, in respect of the investigation function of the Office of Internal Oversight Services, the Secretary-General shall provide procedures to protect individual rights of staff, including those of staff members making reports to the Investigations Section, and to regulate due process and fairness for all parties concerned; 17. Requests the Secretary-General

- 82 Review of the implementation of Gen..., 2000, S. #P3#appropriate; A/

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Entsprechend der Gesamtwahrscheinlichkeit wird ein Rating der Schwere durch die Ampelfarbe berechnet: grün (bis 19 %) = wenige Indizien unterhalb der Bagatellschwelle; gelb (20 bis 49 %) - deutliche Indizien enthalten, die eine Plagiatsbegutachtung durch den Prüfer notwendig machen; rot (ab 50 %) = Plagiate liegen mit sehr hoher Wahrscheinlichkeit vor, die eine Täuschungsabsicht dokumentieren. Bei publizierten Dissertationen sollte ein offizielles Verfahren zur Prüfung und/oder zum Entzug des Dokortitels eröffnet werden.
- **Anteil Fremdtex te (brutto)**
Anteil aller durch die Software automatisch gefundenen Bestandteile aus anderen Texten am Prüf text (von mindestens 7 Wörtern) in Prozent und Anzahl der Wörter gemessen. Dabei wird noch keine Interpretation auf Plagiatsindizien oder korrekte Übernahmen (z.B. Zitat, Literaturquelle) vorgenommen.
- **Anzahl Fremdtext (netto)**
Anteil aller durch die Software automatisch gefundenen und als Plagiatsindizien interpretierten Bestandteile aus anderen Texten am Prüf text (von mindestens 7 Wörtern) in Prozent und Anzahl der Wörter gemessen.
- **Bauernopfer**
Fehlende Quellenangabe bei einer inhaltlichen oder wörtlichen Textübernahme, wobei die Originalquelle an anderer Stelle des Textes (außerhalb des Absatzes, des Satzes, des Habsatzes oder des Wortes) angegeben wird.
- **Compilation**
Zusammensetzen des Textes als "Patchwork" aus verschiedenen nicht oder unzureichend zitierten Quellen.
- **Eigenplagiat**
Übernahme eines eigenen Textes des Autors ohne oder mit unzureichender Kennzeichnung des Autors. Auch wenn hier nur eigene Texte und Gedanken übernommen werden, handelt es sich um eine Täuschung. Der Prüfer geht davon aus, dass es sich hier um neue Texte und Gedanken des Autors handelt.
- **Einzelplagiatswahrscheinlichkeit**
Grobe Berechnung der Wahrscheinlichkeit des Vorliegens eines Plagiat es des einzelnen Treffers (oder der Treffer) auf einer Seite im Prüfbericht.
- **Gesamtplagiatswahrscheinlichkeit**
Berechnung der Wahrscheinlichkeit des Vorliegens von Plagiaten durch Verknüpfung der Indizienanzahl, des Netto-Fremdtextanteils und der Schwere der

Glossar

- Ghostwritersuche
einzelnen Plagiatsindizien.
Über den statistischen Vergleich der Texte (Stilometrie) wird eine Wahrscheinlichkeit berechnet, ob die Texte von demselben Autor stammen.
- Indizien
Dieser Prüfbericht gibt nur die von der Software automatisch ermittelten Indizien auf eine bestimmte Plagiatsart wieder. Die Feststellung eines Plagiats kann nur durch den Gutachter erfolgen.
- Literaturanalyse
Die im Prüftext enthaltenen Literatureinträge im Literaturverzeichnis werden analysiert: Wird die Quelle im Text zitiert? Handelt es sich um eine wissenschaftliche Quelle? Wie alt sind die Quellen?
- Mischplagiat - eine Quelle
Der Text wird hierbei aus verschiedenen Versatzstücken einer einzigen Quelle zusammengesetzt, also gemischt.
- Mischplagiat - mehrere Quellen
Der Text wird hierbei aus verschiedenen Versatzstücken aus verschiedenen Quellen zusammengesetzt, also gemischt.
- Phrase
Die übernommenen Textstellen stellen allgemeintypische oder fachspezifische Wortkombinationen der deutschen Sprache dar, die viele Autoren üblicherweise verwenden. Solche Übernahmen gelten nicht als Plagiate.
- Plagiat
Übernahme von Leistungen wie Ideen, Daten oder Texten von anderen - ohne vollständige oder ausreichende Angabe der Originalquelle.
- Plagiatsanalyse
Gefundene gleiche Textstellen (= Treffer) werden durch die Software automatisch auf spezifische Plagiatsindizien analysiert.
- Plagiatsuche
Mit Hilfe von Suchmaschinen wird im Internet, in der Nationalbibliothek und im eigenen Dokumentenbestand nach Originalquellen mit gleichen oder ähnlichen Textstellen gesucht. Diese Quellen werden alle vollständig Wort für Wort mit dem Prüftext verglichen. Plagiatsindizien werden für Textstellen ab 7 Wörtern berechnet.

Glossar

- **Plagiatswahrscheinlichkeit**
Grobe Berechnung der Wahrscheinlichkeit des Vorliegens eines Plagiaten auf der Basis der Plagiatsindizien. Die Ampel zeigt drei Ergebnisse an: grün - keine Wahrscheinlichkeit des Vorliegens eines Plagiaten und somit keine weitere Überprüfung notwendig, gelb - mögliches Vorliegen eines Plagiaten und somit eine weitere Überprüfung empfohlen, rot - hohe Wahrscheinlichkeit des Vorliegens eines Plagiaten und somit weitere Überprüfung unbedingt notwendig.
- **Stilometrie**
Texte werden dabei einzeln nach statistischen Kennzahlen (z.B. durchschnittliche Länge der Wörter, Häufigkeit bestimmter Wörter) analysiert. Sind diese Kennzahlen für zwei Texte ähnlich, liegt hier statistisch der gleiche "Stil" und somit mit hoher Sicherheit der selbe Autor vor.
- **Teilplagiat**
Ein Textbestandteil einer Quelle wurde vollständig ohne ausreichende Zitierung kopiert.
- **Textanalyse**
Der einzelne Text wird durch die Software automatisch für sich allein analysiert, z.B. nach statistischen Kennzahlen, benutzter Literatur, Rechtschreibfehlern oder Bestandteilen. Je nach Stand der Softwareentwicklung sind die absoluten Ergebnisse (z.B. Erkennung von Abbildungen, Fußnoten, Tabellen, Zitaten) im einzelnen eingeschränkt aussagefähig. Aufgrund der immer für alle Texte durchgeführten Analysen sind die relativen Unterschiede zwischen den Spalten (z.B. Diplomarbeit vs. Dissertation) uneingeschränkt aussagefähig.
- **Textvergleich**
Jeder Text wird mit anderen älteren Texten vollständig verglichen. Gefundene gleiche Textstellen werden in einem weiteren Schritt z.B. auf Plagiatsindizien hin untersucht.
- **Übersetzungsplagiat**
Nutzung eines fremdsprachigen Textes durch Übersetzung.
- **Verschleierung**
Ein Text wird ohne eindeutige Kennzeichnung (i.d.R. durch Anführungszeichen) Wort für Wort übernommen, aber mit Angabe der Quelle in der Fußnote. Dadurch wird der Prüfer getäuscht, der von einer nur inhaltlichen Übernahme ausgehen muss.
- **Vollplagiat**
Der gesamte Text wird vollständig ohne Zitierung kopiert.

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- Zitat - wörtlich
Übernommener Text wird z.B. mit Anführungszeichen korrekt dargestellt. Dieses wörtliche Zitat darf keine Veränderungen, Ergänzungen oder Auslassungen enthalten. Fehlt für das Zitat nach der Plagiatssuche ein Nachweis in einer Originalquelle, so wird der Treffer als "Zitat-wörtlich-im Text" bezeichnet.
- Zitat - wörtlich - Veränderung
Einzelne Wörter einer korrekt gekennzeichneten wörtlichen Übernahme werden verändert oder weggelassen, ohne dass der Sinn verändert wird. Z.B.: "Unternehmung" wird durch "Unternehmen" ersetzt.
- Zitat - wörtlich - Verdrehung
In dem korrekt gekennzeichneten übernommenen wörtlichen Text wird der Sinn durch Austausch einzelner Wörter deutlich verändert. Beispiel: "überentwickelten" statt "unterentwickelten".
- Zitierungsfehler
Arbeitsbezeichnung für eine wörtliche Textübernahme, die nur als inhaltliche Textübernahme (Paraphrase) gekennzeichnet wird.

