

# LEGISLATIVE AND OTHER OVERSIGHT

## SUBSECTION TABLE OF CONTENTS:

The General Assembly, plus ...

External "expert" bodies

The major defects of UN Secretariat management accountability, management systems, and internal and external oversight units ensure a very weak UN management culture. This culture has proven highly resistant to all attempts to bring it into the 21st (let alone the late 20th) century. The UN has fallen far well behind efforts of all other types of organizations to establish good governance and produce sound results.

The General Assembly, which is supposed to oversee, guide, and reform the dysfunctional UN culture is of little help, because the jumbled UN legislative bodies themselves have great operational and structural difficulties.

One need look no farther back than the autumn of 2003 and Secretary-General Annan himself to confirm the sorry state of UN legislative readiness and efficiency:

"Secretary-General Kofi Annan said Monday that the United Nations must consider sweeping reforms in the wake of the Iraq war and warned that the organization had lost the confidence of many across the globe.

In unusually strong language that reflected strains over the crisis in Baghdad, Annan suggested that the credibility of the Security Council, the General Assembly, and other UN bodies was at stake.

'If they are to regain their authority, they may need radical reform,' Annan said ...

'We can no longer take it for granted that our multilateral institutions are strong enough to cope with all these challenges,' Annan wrote, saying UN members should ask themselves whether the existing structure is 'adequate for the task we have before us.' ...

He also criticized the 191-member General Assembly for lacking priorities, the Security Council for being undemocratic and the UN Trusteeship Council for failing to perform ..."

"UN needs big changes, Annan says," International Herald Tribune, **September 9, 2003**.

While the General Assembly has thus been largely frozen in a time warp, however, parliaments and legislatures in Member States worldwide (and in some other international organizations) have made significant efforts to improve their legislative decision-making, oversight, and processes. They know that they must continue to change in order to keep up with the executive branches of government.

"The latter half of the 20th century saw the increasing dominance of the executive branch of government over the policy process ... More recently, a wave of organizational and procedural reforms ... [have sought to modernize] public administration ... [However,] the law making assemblies which formulate the policies which public administrators are charged with implementing [have remained relatively unscathed]."

An [administrative] exploration of ... the organization of parliaments, the management of their lawmaking functions and the ways in which [they] ... exercise different forms of management over the executive branch is ... [important and was discussed at this conference under] three main themes:

1. Legislative oversight.
  2. The legislative process.
  3. Parliamentary organization and structure: support organization and staff.
- Legislative Oversight.

... *The power to legislate is largely meaningless if the legislature lacks the ability to ensure that public policy is administered in accordance with legislative intent.* Also, and more fundamentally ... [o]nly by monitoring the implementation process, can members of the legislature uncover any statutory defects and act to correct agency misinterpretation or maladministration. In this sense, *oversight exists as an essential corollary to the lawmaking function.*"

Peter Falconer, Colin Smith, and C. William R. Webster, eds., Managing parliaments in the 21st century, EGPA Yearbook, Volume 16, International Institute of Administrative Sciences Monographs, IOS and Ohmsha, Amsterdam, **2001**, pp. 1-2. [emphasis added.]

Very cogent ideas exist for UN legislative reform, as discussed in the following subsection. However, the fact that they all come from the 1994-1996 period leading up to the UN 50th anniversary, with little if any new thinking since, underscores the deeply-entrenched nature of established UN legislative processes. None of the ideas discussed have even come close to being accepted and implemented, let alone be seriously analyzed, but they still remain quite valid and urgent.

## **Useful Sources**

*(Note: informally assembled by IO Watch, roughly ranked from "most useful" on down, and subject to change as new sources are added)*

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