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# The institutional design of the United Nations General Assembly: An effective equalizer?

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## Abstract

Most international organizations are based on the principle of equality of states. Their institutional design grants all member states the same formal rights. Although formally equal, states differ immensely concerning their power capacities and size. Can institutional designs of international organizations mitigate real-world power- and size-related differences between member states, and if so, to which extent? To provide an answer, this article focuses on the United Nations General Assembly, which combines an equalizing institutional design with a large very heterogeneous membership. It shows that the strength of the equalizing effect varies across stages of the policy cycle. It is the weakest in the negotiation stage and the strongest in the final decision-making stage, while institutional design of international organizations has a *de facto* equalizing effect of medium strength in the agenda setting stage. Thus, while power and capacity differences matter, larger powerful states are not systematically better off throughout the entire policy cycle.

## Keywords

agenda setting, institutional design, negotiations, sovereign equality, states, United Nations General Assembly

## Introduction

International organizations (IOs) are often based on the principle of equality of states.<sup>1</sup> The notion of sovereign equality as a building block of international relations is expressed in the one-state, one-vote principle, according to which each state, no matter how large or small it is, carries the same formal weight when it comes to deciding on international

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norms and the same obligations when it comes to complying with international norms. Moreover, states also have the same formal rights in regard to tabling draft norms and making their voices heard during international negotiations.

This article examines whether and how strongly institutional design can indeed work as an equalizer between actors which differ immensely concerning their power-related resources (e.g. economic or financial means as bargaining leverage) and size-related capacities (e.g. economic or financial means as bargaining leverage, staff and experts in ministries, diplomats posted to New York, budgets available, and administrative support).<sup>2</sup> *Can institutional design mitigate power- and size-related capacity differences between IO member states, and if so, to which extent?*

The United Nations General Assembly (UNGA) provides an ideal real-life experiment in this respect, from which we can also draw important insights for the workings of both other international and national institutions based on equality rules, such as parliaments in democracies. On one hand, its institutional setup strongly expresses the principle of equality of members, as every state has the same rights and obligations concerning agenda setting in UNGA negotiations (tabling draft resolutions), participating in the negotiations in UNGA committees and the General Assembly (GA), and voting on the final version of the resolution. On the other hand, the 193 member states are very heterogeneous in power- and size-related capacities. The United States, China, India, Russia, and Mexico all score several times higher in regard to economic and military power, administrative, ideational, staff, and financial capacities, and geographical and population size than states such as Kiribati, Tuvalu, the Central African Republic, Micronesia, Samoa, or Malawi.

Practitioners acknowledge that institutions matter but disagree about the extent to which the equalizing institutional design of the UNGA manages to mitigate the power- and size-related differences between the 193 member states; on one end of the continuum, a diplomat from a small state came to a positive assessment concerning the power of institutional design, stating:

Of course bigger states have more resources, they have more people to cover the issue, they have more researchers and everything. But the beauty of the UN [...] is we still have 'one country – one vote'. So at the end of the day our voice does count as much as others.<sup>3</sup>

At the other end of the continuum, a member of another small state was less optimistic: 'The agreement that we all buy into, the lip service that all states in the UN are equal. If you are the US, you have a great chance to influence a resolution'.<sup>4</sup>

This article sheds light on which assessment is more accurate: rational-choice approaches which assume that ultimately institutional design effects are limited or institutionalist approaches that attribute great power to the institutional design upon the behavior of actors. In order to answer the research question, whether institutional design can mitigate power- and size-related differences between IO member states, and if so, to which extent, and provide insights into the practical consequences of IO institutional design, this article looks at the UNGA, as it is the international arena with the broadest membership and the greatest heterogeneity among the states, while the members are all formally equal. IOs as all other types of political systems need to transform inputs into

outputs.<sup>5</sup> A policy cycle is a useful heuristic that allows to analytically capture how political systems operate in order to transform inputs into outputs. Accordingly, the subsequent section differentiates between three stages in an IO's policy cycle and examines how strongly institutional design can influence state behavior in the agenda setting, the negotiation, and the decision-making stages.<sup>6</sup> The study uses >100 semi-structured and triangulated interviews with national diplomats from large and small, rich and poor countries working in New York and provides empirical insights into the operation of the UNGA. It illustrates that the equalizing effect of IO institutional design is not equally strong throughout the policy process. Most importantly, institutional design that is based on the principle of the sovereign equality of states does indeed have an effect on negotiation dynamics. Yet, the strength of the equalizing effect varies across stages of the UNGA policy cycle. It is the weakest in the negotiation stage and the strongest in the final decision-making stage, while the equalizing effect is of medium strength in the agenda setting stage. While power- and size-related capacity differences matter, larger, more powerful states are not systematically better off in all stages of the policy cycle, and smaller, poorer states are not worse off throughout the policy cycle.

On the basis of these findings, the article concludes with reflections on the implications of the varying extent to which IO institutional design impacts actor conduct for the legitimacy of governance beyond the nation state.

### **The UNGA: institutional design and real-world differences**

The United Nations (UN) was created in 1945 by 51 states in order to maintain international peace, develop and sustain friendly relations among sovereign states, to foster social and humanitarian progress, and to promote human rights.<sup>7</sup> The founding treaty, the Charter of the UN, outlines the basic institutional design. The UNGA, as the core decision-making body of the UN, is one of the UN's six principle organs, next to the Security Council, the Economic and Social Council, the Secretariat, the Trusteeship Council, and the International Court of Justice.

International legal sovereignty, by which states recognize each other as equals on the international level,<sup>8</sup> can be found in the composition of and decision-making mechanisms in IOs.<sup>9</sup> Of the UN's principle organs, the UNGA expresses the principle of international equality of states most strongly. The UNGA is the institutional arena in which the 193 member states decide on resolutions.<sup>10</sup> All states have equal rights concerning participation in agenda setting, negotiation, and decision-making stages of the UNGA's policy cycle. A consensus norm guides the deliberations in all stages, but each state has the right to call for a formal vote in the decision-making stage. When it comes to voting, each state has one vote – irrespective of its size.

There is no shortage of theoretical approaches to negotiations, and they differ in regard to their ontological assumptions about the relationship between institutions and actors.<sup>11</sup> On one end of the continuum, 'old institutionalism' assumes that institutions are constitutive for actor behavior and would, therefore, expect a strong equalizing effect on the actors in the UNGA.<sup>12</sup> On the other end of the continuum, actor-centered approaches, such as rational choice-based game theory, regard actors as ontological priors.<sup>13</sup> Mainstream game theory captures how actors with a given set of preferences maximize

their benefits while minimizing costs.<sup>14</sup> Thus, institutions function as arenas for interaction and have regulative properties, which, depending on the cost–benefit calculations, actors can overpower.

Neo-institutionalism takes a middle ground. Neo-institutionalists assume that institutions structure but do not determine actor behavior, and the equalizing effect of institutional rules can be mediated by actor properties.<sup>15</sup> Actor properties that could mediate the effect of IO institutional design are linked to the size and power differences of the member states. The 193 states vary enormously with respect to their geographical and also population size. The smallest countries have <1 percent of landmass of the largest ones,<sup>16</sup> and a similar picture emerges when looking at economic power.<sup>17</sup> Differences in power-related resources (e.g. economic or financial means as bargaining leverage) and size-related capacities (e.g. economic or financial means as bargaining leverage, staff and experts in ministries, diplomats posted to New York, budgets available, and administrative support) might work against the formal equalizing effect of the UNGA's institutional setup. States with more financial resources can use their larger budgets for experts, attachés, and administrators back home in the Ministry of Foreign Affairs (MFAs) and line ministries and can establish and maintain larger diplomatic missions in New York.<sup>18</sup> As a consequence, such states could be in a better position to influence dynamics and outcomes of international negotiations, especially when they can use their economic power for bargaining purposes (side payments, aid for vote exchanges, etc.).<sup>19</sup>

The above theories put forward three different expectations: old institutionalism presumes that IO institutional design has a strong equalizing effect over all three stages of IO policy cycles of interest in this article (agenda setting, negotiation, and decision making), while rational-choice approaches expect a weak effect over all three stages, and neo-institutionalism contends that the strength of an institutional design's equalizing effect is mediated by actor properties in all three stages.

These expectations are empirically examined in the next section. Since the UNGA is the largest international negotiation arena worldwide with currently 193 member states of various sizes and since its formal rules are based on the equality of states principle, it is the ideal testing ground to shed light on the question whether and to which extent an equalizing institutional design can mitigate real-world size-related differences between states.

## **Examining variation in the equalizing effects of institutional design**

This section differentiates between the three stages of the policy cycle that are crucial in order to transform inputs into outputs in political systems:<sup>20</sup> the agenda setting, the negotiation, and the decision-making stages. On this basis, this section examines how strongly institutional design can influence state behavior. Is it an effective equalizer throughout the IO's policy cycle, does its effectiveness vary across the three stages (agenda setting, negotiation, and decision making), or is it unable to mitigate size- and power-related differences between states?

As in any political system, a policy cycle in an IO encompasses an agenda setting phase, in which a member of the IO tables a draft norm (in case of the UNGA, this is a draft resolution that a state or several states can propose). In the subsequent negotiation

stage, the actors exchange views on the draft and discuss text changes (in case of the UNGA, the negotiations take place formally in one of the six standing committees). Finally, in the decision-making stage, the actors decide whether or not to approve the norm under negotiation (in the UNGA, this takes place in the GA, which operates on the basis of an informal consensus principle, but each state has the right to request a vote, in which case a simple majority suffices to pass a resolution).<sup>21</sup> Since UN resolutions are not legally binding, we do not study the implementation stage as well.

In an IO with strong formal equalizing rules, such as the UNGA, each state has the same formal rights in each stage of the policy cycle. Yet, having equal rights does not automatically lead to an equal usage of these rights by the member states, and it does not automatically lead to dynamics and outcomes of negotiations that reflect the position of each state to an equal extent. Most notably, if only the largest and most powerful states are able to exercise their rights or if they can use their power and capacities to leverage up, negotiation dynamics and outcomes are likely to carry large signs of influence from powerful states.

Thus, to obtain a nuanced picture of the interplay between institutional design and actor behavior, this article analytically distinguishes between *active participation* and *effective participation* of states throughout the stages of the IO policy cycle. A state engages in active participation if a state makes use of its formal rights, for example, in (co-)sponsoring a resolution, voicing a position during the negotiation stage, or pressing a button during the decision-making stage. Active participation is a precondition for effective participation (influence), but being active does not automatically translate into being effective. By contrast, effective participation requires that the state manages to achieve its aim and exert influence over dynamics and/or outcomes of the policy process.

In general, the greater the demand for power-related resources (e.g. economic or financial means as bargaining leverage) and size-related capacities (e.g. economic or financial means as bargaining leverage, staff and experts in ministries, diplomats posted to New York, budgets available, and administrative support) of states to make use formal rights, the less strong is the equalizing effect of institutional design with respect to active participation. Similarly, the more power resources (e.g. economic or financial assets or bargaining chips) can help in exerting influence during a stage of the IO policy cycle, the less strong is the equalizing effect of institutional design with respect to effective participation.

### *The agenda setting stage*

How can size- and power-related differences between UNGA member states influence their prospects for active participation and their prospects for effective participation in this first stage of the policy cycle?

According to chapter VII of the rules of procedure, states or groups of states are responsible for submitting draft resolutions ('sponsoring').<sup>22,23</sup> Thus, in the UNGA just like in other IOs, the formal negotiations on the content of a resolution start after the agenda has been set. Formally, all states are equal in this respect; each has the right to sponsor resolutions. Since resolutions need to pass the majority threshold at the

decision-making stage of the policy cycle, a state usually invites other states to support the resolution from early on.<sup>24,25</sup> In the UNGA, joint sponsorship is the rule and not the exception. Usually, the main sponsor contacts potential supporters before formally tabling a draft resolution for negotiations in the UNGA. Thereby, the cosponsors already discuss the content of the draft resolution.<sup>26</sup> Once these informal consultations are completed, the draft resolution is formally submitted to the UNGA and put on the negotiation agenda.<sup>27</sup>

States that sponsor or cosponsor resolutions are actively using their formal rights (=active participation). Moreover, if states manage to influence the content of a draft resolution in the informal sponsorship discussions, they participate effectively in the agenda setting stage. In order to examine whether the two activities require size- and power-related capacities to different extents, we first discuss the requirements for active participation and afterward look at effective participation. In doing this, this section draws on >100 semi-structured and triangulated interviews with diplomats based in New York, conducted between 2010 and 2012, and additionally refers to empirical insights gained from six in-depth case studies and quantitative work on negotiation participation and voting pattern.<sup>28</sup>

Although all 193 member states have the same formal rights concerning policy initiation, there are differences regarding the *active participation* of states in the policy initiation stage. On the one end of the spectrum, Kiribati, Sao Tome and Principe, Tuvalu, and Vanuatu participated in the agenda setting stage in less than two resolutions per year on average. On the other end of the continuum, Mexico, China, Canada, Germany, France, Italy, Spain, and the UK sponsor more than 10 times as many resolutions.<sup>29,30</sup> This pattern is not surprising. States that are grappling with capacity shortages in the ministries back home, for example, in the form of budgetary constraints, and a limited number of experts, lawyers, and administrators are often either slow in developing national positions and sending instructions with preferences for text changes to their diplomats in New York, or they are not able to cover all UNGA resolutions at all and only formulate national positions selectively. A member of a small under-resourced country reported ‘Of course, you are trying to get instructions for everything and there are issues that are not of such an importance so of course you have to prioritise’,<sup>31</sup> and another colleague corroborated ‘instructions are often time-delayed’,<sup>32</sup> and yet others reported that frequently ‘I have no instructions from my government whatsoever because we are a relatively small player so people say we have more important things to do’.<sup>33</sup> If national diplomats lack knowledge about the national position or at least a governmental decision on whether to support a draft resolution, they can neither initiate a draft resolution themselves nor participate in cosponsor meetings or even sign off as a cosponsor.<sup>34</sup> Yet, if countries with severe capacity shortages have placed a high priority on an issue, they can concentrate their available resources, develop a national position quickly, and send the respective instruction to their mission in New York for cosponsorship or could even become a lead sponsor themselves.<sup>35</sup> For example, the Central African Republic cosponsored a resolution on the prevention of an arms race in outer space in 2014. Compared to the negotiation stage, the capacity requirements for states are more limited in the agenda setting stage, as the number of cosponsor meetings to which they are invited (or which they lead) is

considerably lower than the actual number of resolutions that will be on the formal negotiation agenda for the respective GA session. Thus, when states with size-related capacity limitations concentrate their resources only on the draft resolutions for which they were invited to cosponsor, most of them should be able to become selectively active during UNGA agenda setting as well – especially if the draft resolution ranks high on the national priority list.

Having a national position is an important precondition for effective (i.e. successful) participation in the cosponsor meetings but in itself not sufficient to influence the content of a draft resolution. Apart from being active during in cosponsor consultations and discussions, *effective participation* requires that states either need to have good arguments or bargaining power, especially if they push for text changes outside the win-set of the main sponsor. To make compelling claims, states need good factual, legal, or normative reasons to support their position. In general, richer states tend to have more experts in the ministries back home who can polish the instructions and either provide the New York-based diplomats with good arguments or fly to New York to support them directly.<sup>36</sup> This is of advantage, as ‘you can make a difference if you have good arguments and good expertise so that’s really what you have to focus on’.<sup>37</sup> Thus, expertise (ideational and staff capacities) facilitates effective participation in the agenda setting stage. While in theory, powerful states might be able to use their economic strength to offer side payments and aid-for-vote trades and have, therefore, better prospects to exert influence than poorer states,<sup>38</sup> qualitative evidence suggests that side payments and vote buying does not take place when it comes to (co-)sponsorship in the agenda setting stage.<sup>39</sup> Case study insights show that capacities are important for success for the 193 UNGA member states in the various cosponsor meetings.<sup>40</sup> States that have the capacities to engage in extensive lobbying are in a better position to attract a high number of cosponsors. Thus, if such states are sponsors themselves, they can target a high number of like-minded states and thereby ensure that the draft resolution reflects their own interests very closely. While interview evidence supports the role of ideational and staff capacities for effective participation in the agenda setting stage, military power or economic bargaining does not impact the chances of a state to be influential during cosponsor consultations.

In sum, size- and power-related capacities are not irrelevant but matter only to a limited extent concerning active participation in the agenda setting stage. On one hand, administrative and staff capacities are required for the swift formulation of national positions or at least a decision to support a specific resolution as a cosponsor. On the other hand, the capacity investments of states required to exercise formal rights tend to be moderate, as the number of cosponsor meetings to which a state is invited is lower than the number of UNGA resolutions that will be negotiated in the subsequent negotiation stage. Thus, the equalizing effect of the UNGA’s institutional design is high concerning the active participation of states in the agenda setting stage.

With respect to effective participation in the agenda setting stage, the equalizing effect of institutional design is more limited. Lobbying and persuasion are more effective the more staff and ideational capacities a state possesses. Accordingly, larger and richer countries are in a better position to sponsor resolutions and maintain influence over their content or to turn into an influential cosponsor.



### *The negotiation stage*

After a draft resolution has been tabled, the agenda setting stage is finalized, and the negotiation stage of the policy cycle starts. The negotiation stage ends with the conclusion of all debates over the content of the resolution and is followed by the decision-making stage, in which states either pass a resolution by consensus or vote on it. In the UNGA, resolutions are usually discussed in one of the six standing committees<sup>41</sup> before they move to the GA level for the final discussion and the subsequent decision-making stage.<sup>42</sup> During the negotiations, states can voice national positions and apply various negotiation strategies to influence resolutions or ensure that a resolution has sufficient support to be passed after the negotiation stage ends.<sup>43</sup>

Formally, the institutional design serves as an equalizer with respect to *active participation*: all member states are represented in each committee, and all have the same speaking rights. Yet, this equalizing effect is mediated by size- and power-related differences. Similar to the agenda setting stage, shortages of staff and financial capacities in the capitals and in New York impact the ability of states to participate actively concerning all resolutions on the UNGA agenda.<sup>44</sup> If delegations do not receive information about the national position from their government, the diplomats usually cannot actively participate in the UNGA committees at all: 'we can't act without instruction anyway'.<sup>45,46</sup> If the process of national preference formation and instruction development is slow, the diplomats in New York can only engage in active participation with a delay, which further decreases a country's participation level.<sup>47</sup> Moreover, the workload in the UNGA is higher as >300 resolutions are negotiated each year. Thus, there are usually several negotiations ongoing simultaneously.<sup>48</sup> States with slim missions in New York easily run into severe shortages of staff capacities as they do not have enough diplomats to be physically present for all resolution negotiations.<sup>49</sup> Thus, smaller, poorer states tend to use their formal participation rights in the negotiation stage less frequently and more selectively<sup>50</sup> than larger and better resourced countries. This, in turn, severely delimits the equalizing effect of UNGA institutional design. In line with this, comparative case studies also illustrate that activity levels vary between states: some countries including the US, Germany, France, the UK, India, South Africa, Canada, China, and Egypt are often very vocal, while others such as the Federated States of Micronesia, Andorra, the Seychelles, Papua New Guinea, or Trinidad and Tobago tend to be considerably less active within and outside the UNGA committees.<sup>51</sup>

Looking at the prospects of equal *effective participation* in the negotiation stage, it is notable that the impact of institutional design is stronger. Most importantly, while there are negotiation strategies that are more effective, the more size-related capacities a state possesses (e.g. staff capacities in New York and capitals to engage in lobbying,<sup>52</sup> expertise in the line ministries and missions for effective arguing<sup>53</sup>), the role of power-related resources (e.g. using financial or economic means as side payments) is de facto limited. On one hand, bargaining can happen as larger, richer states can use economic or developmental aid relationships as a leverage to gain support for their position.<sup>54</sup> On the other hand, all negotiations take place in the shadow of the decision-making stage, where each state has one vote and where each state can call for a vote. Everyone knows that 'The small states' vote counts for as much in the UNGA as does the US vote'.<sup>55</sup> Accordingly,

when it comes to passing resolutions numbers matter more than the economic power of a single state. In line with this, a diplomat explained:

The kind of bargaining that goes on is like, you can have this sentence if you let us have this sentence. Sentences over a resolution, that kind of bargaining but certainly no, we'll give you this amount of money if you agree to this policy, definitely not.<sup>56</sup>

As a consequence, states or groups of states are in the best position to effectively use bargaining strategies if they are in a pivotal position, because they have a blocking minority, or if they would call for a vote while the sponsors seek to pass a consensual resolution.<sup>57</sup> In line with this, six case studies and semi-structured interviews revealed that vote buying and power politics are in the repertoire of large and rich states but are in practice only occasionally used to exert influence over UNGA resolutions.<sup>58</sup>

In sum, size-related capacities matter considerably for active participation in the negotiation stage. Exercising formal rights requires considerable capacity investments (e.g. staff in ministries, diplomats in New York, and experts), especially since the number of UNGA resolutions on the negotiation table is very high. Often, the size of the mission in New York is the eye of the needle as small states frequently encounter situations where they have insufficient numbers of diplomats to prepare for and attend all meetings. Thus, in regard to active participation in the negotiation stage, the UNGA's institutional design has de facto only a limited equalizing effect.

Compared to active participation, the equalizing effect of institutional design is stronger in practice with respect to effective participation in the negotiation stage. Since negotiations take place under the shadow of a potential vote under equal weight conditions in the UNGA, there are only few negotiation strategies that are more effective in line with the more power a state possesses, and these strategies are rarely used. However, due to the role of staff and ideational capacities (e.g. legal or technical expertise) for the effectiveness of lobbying and persuasion strategies, compared to smaller and poorer states, diplomats from larger and richer countries are in a better position to exert influence.

### *The decision-making stage*

Once all discussions on the content of a resolution are concluded, the decision-making stage starts at the GA level. Here, resolutions can be passed by consensus (which is the informal norm) or by simple majority (which is the formal rule). The latter requires an explicit request of at least one UNGA member state. When it comes to voting, each state has one vote and can formally choose between yes, no, or abstaining<sup>59</sup> or not press a button at all (which is counted as absence<sup>60</sup>).

Although sometimes states vote at the end of committee negotiations and repeat that vote on the GA level later on,<sup>61</sup> the formally counting vote to pass a resolution is only the latter one. Thus, compared to the preceding negotiation stage, capacity requirements for *active participation* in the decision-making stage (voting or agreeing to consensus) are more limited. In terms of staff, it requires only one diplomat per state to be present in order to cast a vote. For very small states, such as Kiribati, with no mission in New York at all or with one person missions, such as the Central African Republic, Guinea-Bissau,

Nauru, or Somalia, attending GA voting can be a challenge. By contrast, states with diplomatic missions in New York should be in a better position to send at least one diplomat to the GA, not in the least since the specialized committee meetings are often concluded before the various resolutions move to the GA level. However, since other IOs also have their headquarters in New York (e.g. the Security Council, UNICEF), there is still a possibility of simultaneous meetings and accompanying shortages of staff leading to a decrease in active participation. Moreover, being present at the GA meeting is only part of the story. To actively participate in the decision-making stage, national diplomats also need to know whether they should request a vote or should support a consensus and – if a resolution is voted on – they need to know how they should vote on the final text of a resolution. States with MFAs that suffer from severe shortages in administrative capacities might be unable to cover all UNGA resolutions although they have gained additional 2–3 months to form a position compared with the agenda setting stage.<sup>62</sup> Thus, although each state has an equal number of votes in the UNGA regardless of its size or economic prosperity, states do not always participate in the decision-making stage.<sup>63</sup>

The equalizing effect of institutional design in regard to *effective participation* is the strongest when considering decision making. In this stage of the policy cycle, each state has one vote and has the right to vote as it pleases. Power- or size-related capacities are not linked to whether a state is on the winning side, succeeding in passing/preventing a resolution in line with one's preference, or losing side, failing to pass a resolution that one favors or failing to prevent a resolution which one objects. In the UNGA, there is no weighted voting. Instead, equal voting power is ensured through the one-state, one-vote principle. While there is a large body of research on vote buying inquiring into whether large donors offer development aid (ODA) in exchange for voting support in the UNGA,<sup>64</sup> the extent of vote buying is overall rather limited.<sup>65</sup> Mainly when an ODA donor state is singled out during UNGA voting or when a resolution is politically very salient and important does a state have strong incentives to seek voting support. Yet, looking at repeated resolutions over time, it is remarkable that there is little evidence that vote shifts of smaller development aid recipients toward their primary donor is indeed rewarded by increases in ODA<sup>66</sup> or that shifts away from principal donors is penalized by subsequent ODA reductions.<sup>67,68</sup> Instead of being bought off, aid recipients sometimes support larger states based on loyalty or do so to request side payments in exchange for voting support but do so primarily in instances in which they have no national preferences themselves.<sup>69</sup> For example, a diplomat reported:

small states' vote counts for as much as the UNGA as does the US vote. They are aware that they can wring all sorts of concessions from larger member states. Like why do Micronesia form part of the 'Coalition of the Willing' for Iraq and vote in favour of US positions in relation to Israeli position. The assumption is that it is at the behest of the US and that they are getting something in return for it. The fact that they have voting power completely disproportionate to their population that power gives them an incentive to be present and to make the most of the bargaining power that they have.<sup>70</sup>

In the final stage of the policy cycle, the equalizing effect of the UNGA's institutional design is the strongest. Size-related capacities matter for active participation but only to

a limited extent. Compared to the negotiation stage, only limited capacity investments are required to exercise formal rights and either cast a vote in the GA or agree to consensus.

Moreover, effective participation in the decision-making stage is strongly influenced by an equalizing effect of UNGA institutional design due to the one-state, one-vote principle. It is not the case that powerful states distort the ability of smaller, poorer states to vote as they please as they are not systematically buying voting support in exchange for ODA payments.

## Conclusion

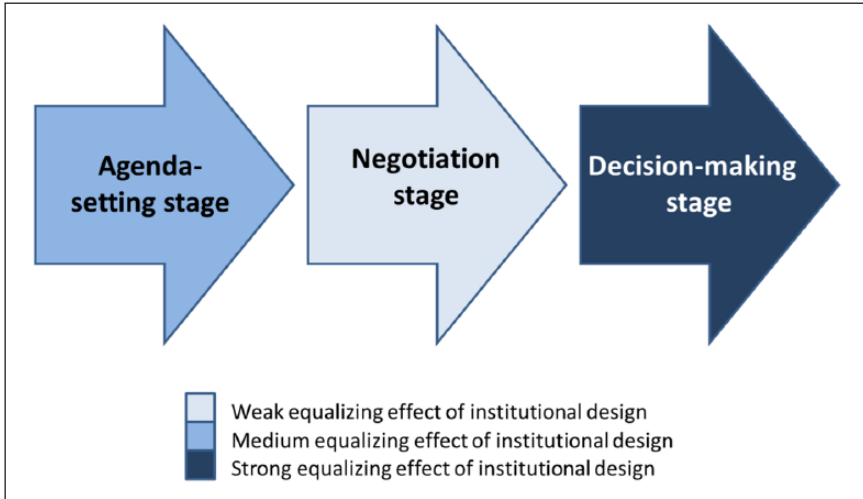
A majority of IOs are based on the notion of sovereign equality according to which all member states have equal participation rights in the IO's policy cycle.<sup>71</sup> The UNGA, as the institution with the largest membership of currently 193 states, is no different. Yet, while the UNGA is institutionally designed as being an equalizer between the states, states differ immensely with respect to their power-related resources (e.g. economic or financial means as bargaining leverage) and size-related capacities (e.g. economic or financial means as bargaining leverage, staff and experts in ministries, diplomats posted to New York, budgets available, and administrative support). In this sense, the UNGA is a hard test case for the effectiveness of equalizing design.

Can institutional design mitigate power- and size-related capacity differences between IO member states, and if so, to which extent? In a nutshell, the answer is contingent upon the stages in the policy cycle and the type of state participation.

The equalizing effect of the UNGA's institutional design is the strongest concerning both active and effective participation in the decision-making stage. Here, power- and size-related capacity differences between states matter the least and hardly inhibit small and poor countries from attending voting sessions and pressing the button they like, as well as hardly allowing large and powerful countries to leverage up through attending more voting sessions or through influencing third states on how to vote.

In the agenda setting stage, the effect of equalizing institutional design is very strong with respect to active participation but somewhat more limited concerning effective participation. The capacity demands for attending sponsorship meetings are limited, not in the least due to the limited number of resolutions a state is invited to support from early on. Hence, the fact that larger, richer and better resourced states can develop national positions swiftly and for a broader range of UNGA resolutions does not lead to very strong activity bias. However, states belonging to the latter group have more capacities to effectively negotiate in the sponsorship meetings to influence the draft UNGA resolution already before it is formally tabled in the negotiation stage.

Finally, the equalizing effect is the weakest in regard to active participation in the negotiation stage, followed by effective participation in negotiations. Due to the immense capacity requirements for attending negotiations for the whole range of UNGA resolutions on the negotiation table and for using negotiation strategies to exert influence on the content of the resolutions, larger, powerful, and well-resourced states can be more active and more influential during negotiations than their smaller counterparts.



**Figure 1.** The varying strength of equalizing institutional design.

In sum, power- and size-related capacity differences between states have the greatest effect during ongoing negotiations and the weakest effect during the decision-making stage (cf. Figure 1). While smaller, poorer, and less well-resourced states can be almost as active and as effective in casting their votes during the decision-making stage as the larger and more powerful countries, smaller states grappling with capacity limitations cannot be as vocal and as influential during negotiations as bigger, more powerful states. Accordingly, the equalizing effect is the strongest at the end of the policy cycle (decision making) in the UNGA and the weakest in the middle stage (negotiations), while the first stage (agenda setting) is in between.

Thus, both practitioners quoted in the introduction were accurate, although with respect to different stages of the UNGA policy cycle (the first positive one relating to decision making and the second to negotiations). By contrast, neither old institutionalism, with its expectation that IO institutional design has a strong equalizing effect over all stages of the policy cycle, nor rational-choice approaches, with the expectation of weak effects over all stages, capture the real-world interplay between institutions and actors. Neo-institutionalism is more accurate, as the strength of an institutional design's equalizing effect is indeed dependent on actor properties. As this article has illustrated, the strength of institutional design is mediated strongly by capacity requirements for active and effective participation, which vary over policy cycle stages.

These findings have bearings for legitimacy of governance beyond the nation state. Institutional rules and procedures are an important source of legitimacy.<sup>72</sup> Institutions that structure actor behavior and indeed mitigate real-world power and capacity differences between formal equals create positive implications for the legitimacy of the IO and its policy outcomes. In a large heterogeneous IO, such as the UNGA, the Human Rights Council (HRC), the World Trade Organization (WTO), or the Conference on Disarmament (CD), the extent to which institutional design effectively operates as an equalizer between

states of varying size, power, and capacity varies across stages. On one hand, the negotiation stage reduces the UNGA's prospects of benefitting from procedural legitimacy. On the other hand, the equalizing effect of the institutional design is the strongest in the final decision-making stage of the UNGA in which decisions between pass and fail are taken with respect to resolutions. Thus, the UNGA's institutional setup ultimately prevents that power and size differences prevail, which, in turn, contributes positively to the institution's procedural legitimacy.

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## Notes

1. For example, the United Nations General Assembly (UNGA), the Conference on Disarmament, the World Trade Organization, the Human Rights Council, the UN Convention on the Law of the Sea to name but a few are all based on the one-state, one-vote principle. Exceptions to this rule are rare and include the International Monetary Fund as well as the World Bank (Eric Posner and Alan O. Sykes, *Voting Rules in International Organizations* (Chicago, IL: University of Chicago Law School – Public Law and Legal Theory Working Papers, 2014)).
2. Kevin Davis and Angelina Fisher (eds), *Governance by Indicators: Global Power through Classification and Rankings* (Oxford: Oxford University Press, 2012).
3. Interview #4, 28 September 2010.
4. Interview #96, 12 April 2011.
5. David Easton, 'An Approach to the Analysis of Political Systems', *World Politics*, 9(3), 1957, pp. 383–400; David Easton, *A Framework for Political Analysis* (Englewood Cliffs, NJ: Prentice Hall, 1965); David Easton, *A Systems Analysis of Political Life* (New York: John Wiley & Sons, 1965).
6. The implementation stage is not subject to this study, as UNGA resolutions are not legally binding to the states.
7. Sir Gladwyn Jebb, 'The Role of the United Nations', *International Organization*, 6(4), 1952, pp. 509–20; Franz Cede, 'Historical Introduction', in Franz Cede and Lilly Sucharipa-Behrmann (eds) *The United Nations: Law and Practice* (The Hague: Kluwer Academic Publishers, 2001), pp. 3–10; Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations* (Cambridge: Westview Press, 2011).
8. Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).
9. Robert E. Goodin (ed.), *The Theory of Institutional Design* (Cambridge: Cambridge University Press, 1995); Barbara Koremons, Charles Lipson and Duncan Snidal, 'The Rational Design of International Institutions', *International Organization*, 55(4), 2001, pp. 761–99.
10. Robert O. Keohane, 'Institutionalization in the United Nations General Assembly', *International Organization*, 23(4), 1969, pp. 859–96; Stephen Holloway, 'Forty Years of United Nations General Assembly Voting', *Canadian Journal of Political Science*, 23, 1990, pp. 279–96; Stanley Meisler, *United Nations: The First Fifty Years* (New York: Atlantic Monthly Press, 1995); Sven Bernhard Gareis and Johannes Varwick, *The United Nations: An Introduction* (Basingstoke: Palgrave Macmillan, 2005).
11. For example, Guy B. Peters, *Institutional Theory in Political Science: The 'New Institutionalism'* (London; New York: Printer, 1999).

12. Walter Bagehot, *The English Constitution* (London: Fontana Library, 1962 [1872]); Karl Loewenstein, *Political Power and the Government Process* (Chicago, IL: Chicago University Press, 1957).
13. Luca Lambertini, *Game Theory in the Social Sciences* (London: Routledge, 2011).
14. Duncan Snidal, 'Coordination versus Prisoners' Dilemma: Implications for International Cooperation and Regimes', *American Political Science Review*, 79(4), 1985, pp. 923–42; Joseph M. Grieco, 'Realist Theory and the Problem of International Cooperation: Analysis with an Amended Prisoner's Dilemma', *Journal of Politics*, 50(3), 1988, pp. 600–24.
15. James G. March and Johan P. Olsen, 'The New Institutionalism: Organizational Factors in Political Life', *American Political Science Review*, 78(3), 1984, pp. 734–49; Ronald L. Jepperson, 'Institutions, Institutional Effects and Institutionalism', in Walter W. Powell and Paul J. Di Maggio (eds) *The New Institutionalism in Organizational Analysis* (Chicago, IL: The University of Chicago Press, 1991), pp. 143–63; Bart Kerremans, 'Do Institutions Make a Difference? Non-Institutionalism, Neo-Institutionalism, and the Logic of Common Decision-Making in the European Union', *Governance: An International Journal of Policy and Administration*, 9(2), 1996, pp. 217–40; Ellen Immergut, 'The Theoretical Core of the New Institutionalism', *Politics & Society*, 26, 1998, pp. 5–34; Peters, *Institutional Theory in Political Science*.
16. The five largest states are Russia (17,098,242 km<sup>2</sup>), Canada (9,984,670 km<sup>2</sup>), the United States (9,826,675 km<sup>2</sup>), China (9,596,961 km<sup>2</sup>), and Brazil (8,514,877 km<sup>2</sup>). By contrast, the five smallest UN members are Nauru (21 km<sup>2</sup>), Tuvalu (26 km<sup>2</sup>), San Marino (61 km<sup>2</sup>), Lichtenstein (160 km<sup>2</sup>), and Saint Kitts and Nevis (261 km<sup>2</sup>). CIA factbook, available at: <https://www.cia.gov/library/publications/the-world-factbook> (accessed April 2016).
17. A glance at the top and bottom five countries' gross domestic product (GDP) illustrates the massive differences in economic power between countries (most recent data on GDP in current billion US dollar covers the year 2014). World Bank, available at: <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> (accessed April 2016): Compare Tuvalu (0.038), Kiribati (0.167), Marshall Islands (0.187), Palau (0.251), Micronesia, Federal States (0.318) with United Kingdom (2,988,893), Germany (3,868,291), Japan (4,601,461), China (10,354,831), and the United States (17,419).
18. Diana Panke, *Unequal Actors in Equalising Institutions: Negotiations in the United Nations General Assembly* (Basingstoke: Palgrave Macmillan, 2013).
19. For example, Stephen D. Krasner, 'Power Politics, Institutions, and Transnational Relations', in Thomas Risse-Kappen (ed.) *Bringing Transnational Relations Back in: Non-State Actors, Domestic Structures and International Institutions* (Cambridge: Cambridge University Press, 1995, pp. 257–79); Jonas Tallberg, 'Bargaining Power in the European Council', *Journal of Common Market Studies*, 46(3), 2008, pp. 685–708; I. William Zartman and Jeffrey Z. Rubin (eds), *Power and Negotiation* (Ann Arbor, MI: University of Michigan Press, 2009).
20. Easton, 'An Approach to the Analysis of Political Systems'; Easton, *A Framework for Political Analysis*; Easton, *A Systems Analysis of Political Life*.
21. Exceptions to this rule are listed in Article 18 and require a 2/3 majority.
22. United Nations General Assembly, 'Rules of Procedure'(available at: <http://www.un.org/en/ga/about/ropga/>).
23. Sponsor is when you sign up to the resolution at the initial stage, at the time of submission to the first committee. Co-sponsorship is when you sign the resolution after its submission to the committee. In practice there is not much difference. (Interview #72, 24 March 2011)
24. Interview #153, 19 January 2012.
25. For example:

Similarly if you dislike some things that are going on in the negotiations you will hold off on the co-sponsorship. And this is where the silly sort of numbers come in, in that the lead sponsor might think well last year I had 42 co-sponsors and this year I am only going to have 35 it is going to send a signal of decreasing support for this resolution so you might do a little more work to get those member states back to the table and back to co-sponsoring. What it is that they need to see? (Interview #37, 7 March 2011)

26. An interviewee reported:

there is a lead sponsor on a resolution and they might first negotiate with co-sponsors [...] they are called informals but there is actually a certain formality to them, believe it or not. The lead sponsor on the resolution, let's suppose it is only an informal for co-sponsors, they will book a meeting room and they will let their co-sponsors know that the meeting is taking place, and it is usually not secretive. Often these meeting are being published in the UN Journal and the journal comes out every day and so we can see, ok negotiations are taking place on this resolution amongst co-sponsors. So if you walk into the room the lead sponsor generally knows who the co-sponsors are and they let it be known the meeting is for co-sponsors only. (Interview #3, 8 September 2010)

27. Interview #37, 7 March 2011.

28. Panke, *Unequal Actors in Equalising Institutions*.

29. Compare Panke, *Unequal Actors in Equalising Institutions*.

30. For example, Germany sponsors annually an average of 23.92, France 23.75, the UK 22.08, Canada 21.75, China 21.67, and Mexico 20.00 resolutions, available at: <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?profile=bib&menu=search#focus>> (accessed 27 February 2016).

31. Interview #48, 9 March 2011.

32. Interview #96, 12 April 2011.

33. Interview #154, 26 January 2012.

34.

First and foremost, human resources in terms of delegates to follow committees and also in terms of, first you have literally bodies and as they say bums on seats, that's the basic. If you don't have, Tuvalu for example, if you don't have someone in the room you have no chance. If I were the ambassador of Tuvalu I wouldn't co-sponsor these things I haven't seen or read. (Interview #105, 19 July 2011)

35. Panke, *Unequal Actors in Equalising Institutions*.

36. Interview #58, 11 March 2011.

37. Interview #159, 15 March 2012.

38. Charles W. Kegley, Jr. and Steven W. Hook, 'U.S. Foreign Aid and U.N. Voting: Did Reagan's Linkage Strategy Buy Defence or Defiance?', *International Studies Quarterly*, 35, 1991, pp. 295–312; Axel Dreher, Peter Nunnenkamp and Rainer Thiele, 'Does US Aid Buy UN General Assembly Votes? A Disaggregated Analysis', *Public Choice*, 136, 2008, pp. 139–64.

39. Interview #161, 16 March 2012.

40. Panke, *Unequal Actors in Equalising Institutions*.

41. Disarmament and International Security Committee (DISEC), Economic and Financial Committee (ECOFIN), Social, Humanitarian and Cultural Committee (SOCHUM), Special Political and Decolonization Committee (SPECPOL), Administrative and Budgetary Committee, as well as the Legal Committee.



42. Chadwick F. Alger, 'Interaction in a Committee of the United Nations General Assembly', *Midwest Journal of Political Science*, 10(4), 1966, pp. 411–47; Spyros Blavoukos and Dimitris Bourantonis, *Chairing Multilateral Negotiations: The Case of the United Nations* (London: Routledge, 2011).
43. Interview #10, 15 November 2010; Interview #59, 11 March 2011.
44. For example, a diplomat reported in response to being asked whether the Ministry of Foreign Affairs (MFA) has enough capacities to develop national positions and send instructions to New York, 'I would say no. In our case, there is only one person back home working on our issues, not even full time' (Interview #66, 16 March 2011).
45. Interview #36, 7 March 2011; similarly Interview #57, 11 March 2011.
46. There are only few exceptions, for example, an official from a capital-based system explained 'In some cases there is, how do you say, leverage for the ambassador, a space of action where he or she can act without instruction' (Interview #102, 27 June 2011).
47. Interview #91, 1 April 2011; Interview #107, 20 July 2011.
48. Interview #4, 7 March 2011; Interview #39, 7 March 2011; Interview #30, 13 December 2010.
49. For example:

One of the main challenges for any small [state, insertion by the author] of the UN is the multiple venues where negotiations are happening, [...] you could simultaneously have three or four or five sets of negotiations going on on different resolutions so it was remarkably difficult for any delegation, but particularly for smaller delegations that simply don't have the sufficient number of people. (Interview #10, 15 November 2010)

50. 'If you are a smaller mission so you are not speaking up in all the negotiations' (Interview #48, 9 March 2011).
51. Panke, *Unequal Actors in Equalising Institutions*; Joseph R. Harbert, 'The Behavior of the Ministries in the United Nations, 1971-1972', *International Organization*, 30(1), 1976, pp. 109–27.
52. Since 'the most effective lobbying tended to be face to face' (Interview #105, 19 July 2011), it requires a lot of staff capacities in the missions in New York.
53. For example, 'Having good arguments, having arguments that draw on previous language, so otherwise good technical knowledge helps' (Interview #10, 15 November 2010; similarly Interview #94, 6 April 2011).
54. Yet, this happens only in a few exceptional cases, not in the least as aid-for-negotiation support exchanges

requires pretty good coordination internally [between different line ministries of the donor state and also between the line ministries and the mission in New York, insertion by the author], and most of the times those who are responsible for the development aid are not the ones who are responsible for negotiating at the UN. (Interview# 158, 6 March 2012)

55. Interview #9, 4 November 2010.
56. Interview #71, 22 March 2011.
57. Moreover, 'In certain other cases, if the resolution is carried by vote, it may be extremely important for the country that is voting the resolution to have a greater number of yes votes this year than last' (Interview #27, 6 December 2010). On the role of groups in the UNGA, compare Panke, *Unequal Actors in Equalising Institutions*.
58. Panke, *Unequal Actors in Equalising Institutions*.

59. United Nations General Assembly, 'Rules of Procedure', (available at: <http://www.un.org/en/ga/about/ropga>).
60. Diana Panke, 'Absenteeism in the General Assembly of the United Nations. Why Some Member States Do Hardly Vote', *International Politics*, 51(6), 2014, pp. 729–49.
61. 'The first vote is normally taken within the committee and then the same vote is repeated in the plenary of the General Assembly' (Interview #29, 10 December 2010).
62. In the absence of national positions, a diplomat reported that he 'cannot do anything without instructions' (Interview #57, 11 March 2011).
63. In the 64th General Assembly (GA) session, for example, Timor-Leste, Gabon, Vanuatu, Rwanda, Chad, Nauru, Tuvalu, the Central African Republic, Seychelles, Kiribati, as well as Sao Tome and Principe did not participate in >50 percent of the voting occasions. Uganda, the Democratic Republic of the Congo, Saint Kitts and Nevis, Gambia, Sierra Leone, Equatorial Guinea, and Ethiopia did not participate in >25 percent of all voting possibilities. Most states cast their votes frequently, and a total of 54 states did not miss a single vote (including Australia, Brazil, Chile, Estonia, France, India, and Ireland; compare Panke, *Unequal Actors in Equalising Institutions*).
64. For example, Kul B. Rai, 'Foreign Aid and Voting in the UN General Assembly, 1967-1976', *Journal of Peace Research*, 17(3), 1980, pp. 269–77; Kegley and Hook, 'U.S. Foreign Aid and U.N. Voting'; Soo Yeon Kim and Bruce Russett, 'The New Politics of Voting Alignments in the United Nations General Assembly', *International Organization*, 50(4), 1996, pp. 629–52; T.Y. Wang, 'U.S. Foreign Aid and UN Voting: An Analysis of Important Issues', *International Studies Quarterly*, 42(1), 1999, pp. 199–210; Jonathan R. Strand and John P. Tuman, 'Foreign Aid and Voting Behavior in an International Organization: The Case of Japan and the International Whaling Commission', *Foreign Policy Analysis*, 8(4), 2012, pp. 409–30; Alastair Smith, 'Leader Turnover, Institutions, and Voting at the UN General Assembly', *Journal of Conflict Resolution*, 16, 2014, pp. 1–24; Michaela Mattes, Brett Ashley Leeds and Carroll Royce, 'Leadership Turnover and Foreign Policy Change: Societal Interests, Domestic Institutions, and Voting in the United Nations', *International Studies Quarterly*, 59, 2015, pp. 28–90.
65. Samuel Brazys and Diana Panke, 'Why do states change positions in the United Nations General Assembly?', *International Political Science Review*. Epub ahead of print 17 November 2015. DOI: 10.1177/0192512115616540.
66. For example, 'There is a clear disconnect between development aid or development assistance and the actual voting pattern or support of developing countries, so this political [...] linkage has never been made' (Interview #155, 15 February 2012). Another member from a very small, poor state responded to the question whether it has ever happened that development aid has been increased in exchange for voting support in the UNGA answered 'Never, it's never happened' (Interview #161, 16 March 2012, similar Interview #160, 15 March 2012). Similar to ODA recipients, donors also claim that they are not engaging in vote buying. For example, 'You might be disappointed if some bilateral aid partner opposed you on a certain issue, you might be disappointed but that's where it ends. We certainly, nationally have untied aid and yeah' (Interview #105, 9 July 11). Similarly, 'At the UN it doesn't really work that you give aid and then you buy votes for something you like' (Interview #159, 15 March 2012).
67. Brazys and Panke, 'Why do states change positions in the United Nations General Assembly?'.
68. While most interviewees have not experienced or observed vote buying, there are few exceptions. For example, a diplomat reported:

if another state comes and says, 'well if you vote for me, then you will get so much in development aid, blah blah blah'. Unfortunately, the arm twisting that is ongoing at high political

negotiations are not very nice and are not very honourable and are not very principled either, but that is the reality, that is the reality that smaller, least developed countries are facing. (Interview #119, 23 September 2011)

69. Brazys and Panke, 'Why do states change positions in the United Nations General Assembly?'
70. Interview #9, 4 November 2010.
71. Posner and Sykes, *Voting Rules in International Organizations*.
72. Niklas Luhmann, *Legitimation durch Verfahren*, vol. 2 (Darmstadt: Luchterhand, 1975); Thomas M. Franck, *The Power of Legitimacy among Nations* (Oxford: Oxford University Press, 1990); Ian Hurd, 'Legitimacy and Authority in International Politics', *International Organization*, 53(2), 1999, pp. 379–408; Mark Juergensmeyer and Richard Falk, *Legality and Legitimacy in Global Affairs* (Oxford: Oxford University Press, 2012).

### Author biography

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