

Reforming the UN for the 21st Century

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What is wrong with the UN and why does it need fixing?

Thank you Donald Prentice and UNA Edinburgh for inviting me to speak today at the royal overseas club. The title of today's talk, 'Reforming the UN for the 21st Century,' suggests in itself that there is something wrong with the UN which needs reforming and fixing. It is fair to say that the UN does a lot of things which are right which one can be proud of like its peacekeeping operations, formation of the Universal Declaration of Human Rights, the International Criminal Court, the Kyoto Protocol and so on. At the same time, there are moments of powerlessness when the UN is dysfunctional, crippled and cannot resolve situations in Darfur, the war in Iraq, Afghanistan and conflict in middle east.

No institution is perfect. The UN was established immediately after the worst war in history. Its role model, the League of Nations, failed because nations were reluctant to give up sovereignty; although all co-operative efforts entail some diminution of the power to exercise self-interest. This was explicitly recognized in the Charter of the United Nations. The 51 nations that signed the Charter stated in the preamble

"We the peoples of the United Nations (are) determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...".

(Preamble to the Charter of the United Nations)

In a world that has become ever more complex those ideals have been forgotten. In recent years some major powers, released from the paralysis of the cold war, have embarked on their own campaign of military aggression, ignoring their own promises and the intentions of those who framed the Charter. On recent occasions leading members of the UN Security Council, which is the body charged with maintaining peace and security, have gone to war without the support of a UN resolution. As the Former UN Secretary General, Kofi Annan, said in a speech in 2003,

"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..." Up to now, he said, if nations wanted to use force they needed the unique legitimacy provided by the UN. "Some say this understanding is now longer tenable, since an armed attack with weapons of mass destruction could be launched at any time".

He followed his 2003 statement with a report 'In Larger Freedom (April 2005). He was adamant that on the use of force the UN must seek a consensus on when and how force can be used to defend international peace and security. According to the then Deputy Secretary-General Mark Malloch Brown, "The kernel of the crisis of UN is rooted in the failure of Security Council reform, the Iraq war, and how the organisation was established - all of these things in the context of a major redistribution of power in the world and political economy."

Today we will be looking at broad areas of UN reforms by which its legitimacy can be restored. They are:

- International security and peacekeeping reforms
- Institutional reforms (especially of the Security Council and the General Assembly)

We will at the same time examine how these reforms can be put into practice for making a UN an effective organisation fit for the 21st century.

International security and peacekeeping reforms

Today, we are going to deliberate on how can we have a more effective UN which can run global security and its peacekeeping operations in a more efficient way? How can it also work towards a more peaceful world? After all UN was created

"...to save succeeding generations from the scourge of war which in our lifetime has brought untold sorrow to mankind." (Preamble to the Charter of the United Nations)

One wonders why long running conflicts are not resolved in different parts of the world—Africa, Europe and Middle –East. The hurdles in peacekeeping lie in the slow progress made by Security Council. The decisions by the Security Council are blocked by veto power countries. The progress in Darfur is blocked by China as Sudan is one of its major suppliers of oil and China wants to protect its financial interests. All efforts to give independence to Kosovo were vetoed by Russia as Serbia is a major business and strategic partner. USA, while pretending to find solution to middle-East crisis, have blocked progress in the Israeli-Palestine issue, because of strong Jewish lobby in America. Moreover, it is arming Israel with the latest high tech weapons, which in turn has increased violence and bloodshed in the area. It is a shame and tragic that governments always find ways to delay effective international action while pursuing their narrow agenda.

We will discuss current global security threats, rise of military spending, wars which hinder peacekeeping operations and will explore how the United Nation can be strengthened to effectively deal with increasing international peace and security challenges.

Current Global Security Threats

Global security can be broadly defined in three categories – global, human and collective. Global security focuses on the security of territory and governments. Human security is concerned with the preservation of life and its safety in the changing world. The concept of collective security forms the bedrock of the United Nations charter and has served the international community for several decades.

Security doesn't come from multiplying weapons. History has already proven this too many times. Security comes from remedying injustice, easing shortages and creating opportunities. We need the creation of a multi-polar world of balance without imperialistic hegemony.

At present the world security is threatened by

- The deteriorating situation in Iraq and Afghanistan
- Current tensions with nuclear proliferation issues with Iran and North Korea
- Human rights abuses in Darfur, Burma and other places
- Averting the looming climate change crisis.
- Global militarisation

Wars, Weapons and Military Spending

There are civil wars like in Democratic Republic of Congo (DRC), wars between states as Iran-Iraq, tribal wars like in Rwanda, environmental wars like in Darfur and the Middle East, and international wars for resources and combating terrorism as in Iraq and Afghanistan.

The stock of nuclear arsenal (around 27000 nuclear weapons possessed by nine countries) is a constant risk and cause of tension between countries as is evident in US and Iran stand off. So are conventional weapons (around 600 million hand guns and rifles in circulation today) leading to violence, unrest and wars? Security Council should work on nuclear weapons convention as outlined in the 13 point plan of the 2000 Non-Proliferation Treaty (NPT) Review conference; with the aim of securing general and complete disarmament.

Owing to rising violence and wars, the military spending continues to rise. In 2006, \$1.3 trillion is the amount spent by the military including the manufacturing of weapons and financing wars. The USA was responsible for 41% of that total. The Bush government has recently requested \$644 billion for the military spending in the fiscal year of 2008 for the war on Iraq and Afghanistan. India, China and countries in Middle East among others continue to increase their military budgets raising fear of war to be a strong possibility. It is estimated that Africa alone loses an estimated \$18 billion per year due to wars, civil wars and insurgencies. Many companies thrive off conflict whether they are supplying military hardware to armed forces or running mercenary armies on behalf of combatant states.

Conflict and Environment

In future there will be conflicts which were not thought of before like energy security, scarcity of water, and food shortages. The conflict in Darfur is a prime example which has claimed hundreds of thousands of lives and left millions homeless.

Armed conflict can be the cause of environmental degradation, for example in the Democratic Republic Congo; people are coerced into marginal ecological areas where overuse and mismanagement of land leads to soil erosion. The current issue of climate change has caused increasing floods or desertification that can lead to conflict over space and resources, perpetuating poverty and vulnerability. The problem of environmental refugees is becoming increasingly more relevant, and could lead to disputes over land and natural resources, overcrowding and environmental degradation.

Peacekeeping Operations

Peacekeeping institution is not mention in the UN's original charter. Dag Hammarskjold, UN secretary general seized the opportunity of the Suez Crisis created by Britain and France's invasion of Egypt in 1956 to persuade governments to create peacekeeping forces.

At present, the worsening world situation is being dealt by UN peace keeping operations by spending billions of dollars. Do you know that at any given time there are 70 conflicts raging around the world? At the same time there are UN peacekeeping missions in 18 countries deploying 120,000 peacekeeping personnel from 119 countries. These are engaged in trying to keep peace on four continents. From Sri Lanka

to Afghanistan, Sudan to Colombia, ordinary civilians bear the brunt of violence. In war 90% of the casualties are women and children.

A report by United Nations Development Programme (UNDP), says that armed violence costs Guatemala more than \$ 2.4 billion a year in keeping public security and health care. It is the same scenario in other countries where water supplies, hospitals and bridges are destroyed by war and have to be rebuilt after the war is over.

In few countries like Kashmir, Cyprus, and Congo UN peacekeepers are keeping the peace for over 40 years. The conflicts started by grandfathers are being fought by their grandchildren. If only people were able to forget the past, let go of hatred, we would be living in a different world.

The reforms of peacekeeping should include more emphasis on:

- Using preventative diplomacy against the surge of war
- Working on bringing peace as a human right to all peoples
- Continuing the work on general and complete disarmament, including nuclear weapons and conventional weapons, and
- Promoting a culture of peace, reconciliation and non-violence as a vision of future peacekeeping
- Dealing with violations of human rights as a precondition for peacekeeping
- Convening a World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction

Institutional reforms (Security Council and General Assembly)

Some of the essential reforms needed to deal with the five permanent members and their excessive power.

1. Widen the membership of the Security Council to make it more representative.
2. Tackle the veto – which puts all major reforms under the control of the existing permanent members.
3. Change the way in which the SC orders military action in order to control the process.
4. Work for General Assembly regaining its powers and develop the 'responsibility to protect', a concept supported by the discussions at the UN General Assembly in September 2005.

UN Security Council has subsidiary bodies for maintaining international peace and security. These are: Peace Building Commission, Sanctions Committee, Counter-Terrorism Committee, 1540 Committee, UN Compensation Commission, International Criminal Tribunal for Yugoslavia and Rwanda and UN Monitoring, Verification and Inspection Committee.

The primary responsibility placed upon the Security Council for the maintenance of international peace and security is thus matched by the authority that is given to it and that can be exercised to reduce the risk of WMD, whether in the hands of the five permanent members or other members of the United Nations, or non-state actors. This broad authority also raises some questions. It makes the Council legislator, judge and enforcer. All 191 UN member states could become obliged to act in accordance with injunctions that could

be decided by as few as nine Council members. Is the Council sufficiently representative of the world to carry such responsibility, or does the composition need to be improved? Do new rules, or at least practices, need to be developed to ensure adequate consultation between the members of the organisation that will be bound by decisions, and the members of the Security Council that will take the decisions?

Before UN reform has made the Security Council more representative of the UN membership, it is especially important that binding decisions should be preceded by effective consultation to ensure that they are supported by the membership of the UN and will be accepted and respected.

Eliminate Big-Power Aggression

In addition to the reassertion of the primacy of international law under the Charter there are also many other pressing questions to be answered by the international community before the UN can regain its place as the fountain-head of peace and security in the world.

Other topics include the dominant position of the five permanent members, no longer the sole major powers in the world; the re-emergence of Germany and Japan since the end of the war; and the coming development of states such as India and Brazil who are changing the line-up of world powers. We also require the restatement of international law and the return to the proper functioning of the UN Security Council as the sole arbiter of the right to go to war. Finally, it is essential to stabilise the membership of the Council.

One of the tasks must be to see that the Council properly represents those powers that are economically able to assist the Secretary General in carrying out his (or her) functions in maintaining world peace and security. Such stability must also include a regional balance of permanent or semi-permanent members as it does already with its two-year rotating membership. There can be no place for a council which has three permanent members from Europe while South America and Africa have none.

Towards a new Security Council with a balanced and representative membership

Sixty years after the birth of the United Nations, UN reform is high on the international political agenda. One of the most controversial issues, if not the single most sensitive one, concerns the structure and practice of the Security Council as the primary actor regarding international peace and security. Indeed, criticism of the Council's lack of representativeness and transparency has not diminished in recent years, despite a shift towards more openness. On the contrary, as the Council has become ever more active, criticism has increased correspondingly.

The High Level Panel asserted that "no change to the composition of the Security Council should itself be regarded as permanent or unchallengeable in the future". They proposed a review of the composition of the Council in 2020. This is too far ahead; urgent reforms are wanted now. The two indicative recommendations for the reform of the membership were initiated by the Panel.

Size - Adding just nine new members to the current 15 would not nearly match the growth of the total UN membership since the last change. In proposal 'A' the panel recommended only three new 2-year members; in 'B' only one. This is quite inadequate and undemocratic.

Balance - Adding more new permanent members to the existing numbers would not address the need to recognize the claims of states permanently excluded.

'Shorthand' tenancies are best. The alternative proposal for new longer-term elected membership would enable a more equitable regional balance. The apparent arbitrary proposal of Germany, Japan, India and Brazil suggested by some has antagonised their neighbours (Argentina, China, Pakistan) without establishing a regional balance.

The General Assembly – regaining its powers and claiming new responsibilities

The Charter makes it clear that the General Assembly of all member states is the primary UN body. Article 15 says that "the Assembly shall receive and consider annual and special reports from the Security Council...and from the other Organs of the United Nations".

The chief limitation on its powers comes from Article 12 which lays down that when the Security Council is exercising its functions in dealing with matters of peace and security the Assembly shall refrain from making any recommendations. While this is a necessary condition it should be modified by a new rule which should be mutually agreed by both institutions.

In cases such as the management of relations with Iraq, which began after the invasion of Kuwait in 1990 and have no sign of ending till now, the General Assembly has been virtually silenced. It must be possible for an interregnum to be agreed between them so that the stewardship of the Security Council can be investigated and if necessary challenged.

Instead the powers of the General Assembly should be enhanced so that it can play a vital role debating and deciding important international issues. At present, each autumn, it is faced with a daunting agenda and same resolutions year after year are put forward for discussion. The GA has ongoing 9,000 or so mandates, some of which are obsolete and redundant. Unfortunately, this responsibility has not been fulfilled till now. The 62nd General Assembly meeting, this year, deferred 50 items, some of which are controversial, from this year's agenda. These include items such as measures to eliminate international terrorism, UN reforms, measures and proposals for strengthening the UN system, and improving the financial situation of the UN. Basically, all the important things which we are discussing today. The UN's agenda should be streamlined in order to devote more time to pressing threats and challenges facing the world today.

Uniting for Peace

Some resolutions of the General Assembly have great force and are revived in times of crisis. The 'Uniting for Peace' resolution of 1950 has been used to over-ride the monopoly of the Security Council and to some extent the power of the veto. Over half the membership of the Assembly is required to achieve a debate on such a resolution.

Early in 2003, before the Iraq war began in 2003, an attempt was made to hold a debate. Some 59-member states were prepared to call for a meeting, although 96 members would have been required. The war came

too soon for a debate. Another obstacle for many of the smaller members was a demand by the United States that they withhold their support for a vote, warning them of dire consequences in their relations with that country.

What are the origins of the veto?

One of the traditional stumbling blocks has been the existence of the veto power of the Council's permanent members, which enables any one of the so-called P-5 (France, the United Kingdom, the United States, China and Russia) to block any resolution that is not merely procedural in nature. The veto is considered fundamentally unjust by a majority of States and is thought to be the main reason why the Council failed to respond adequately to humanitarian crises such as in Rwanda (1994) and Darfur (2004). It is thus not surprising that most States wish to abolish or restrain the veto. Equally unsurprising is the fact that the P-5, whose concurring votes and ratifications are required for even the smallest amendment of the UN Charter (pursuant to articles 108 and 109) reject any limitation of the veto outright. For this reason, many States have abandoned radical reform proposals and have adopted a pragmatic approach, pleading in particular for voluntary restraint on the veto use. Furthermore, the focus of the discussion seems to have shifted to the question whether the possible enlargement of the number of permanent seats should result in a parallel expansion of the veto or not.

Modifying the Veto

From the beginning the veto has been an anachronism. It has prevented the membership of the General Assembly, now over 190, from making many crucial decisions. The effect of the veto is to destroy its democratic nature.

In its proposals the High Level Panel was strongly against any extension of the veto. They recognized that the veto "had an important function in reassuring the UN's most powerful members that their interests would be safeguarded". While they could see "no practical way of changing the existing members' veto powers" they recognized that it was out of tune in an increasingly democratic age and urged that its use be limited by voluntary action to matters of vital national interests. When we realize that veto powers are reminiscent of a colonial era we must look forward to a time when the national interests of five members are no longer considered more important than those of the other 186!

Making Constitutional Decisions

Constitutional decisions in the General Assembly require not only a two thirds majority of members but the positive votes of each of the permanent members. Their power of veto is exercised across the board in decisions of both the Security Council and the Assembly.

Ever since the Great Powers gave birth to the United Nations, the veto debate has been extremely emotionally charged. Often the debates have resembled those of a squabbling couple, with both parties – the P-5 and other UN Member States – presenting their views and not giving much attention to the validity of the other's arguments. As the veto again turns out to be the decisive issue of Charter reform, it is time for the two sides to get back on speaking terms. Non-Council UN Member States should abandon claims that the veto has become obsolete since the end of the Cold War and recognise that "trying to get rid of the veto is like trying to get rid of politics". These States have to admit that the United Nations cannot function properly without

the support of the world's most powerful States. Therefore, safeguarding the essential interests of the latter States is the necessary price to pay. Moreover, it should be conceded that the Security Council is not the only UN body in need of reform and that occasionally objectionable voting behaviour is not restricted to the P-5 alone.

The permanent members on their side – including possible newcomers – must recognise that their primary responsibilities with regard to international peace and security require them to use the veto with caution, taking account not only of their national interests, but also the interests of the wider international community. More importantly, given the growing importance attached to the concept of 'democracy' in UN circles, the permanent members should make some effort to make the Council not only more representative, but also to make it more democratically accountable. In this regard, the proposals spelled out in this contribution (rejection of the veto in Chapter VI issues, creation of an accountability mechanism and the introduction of an overruling mechanism with regard to large-scale massacres of civilians) would certainly strengthen the legitimacy of a 21st century Security Council. Permanent members should understand that such measures are not a sacrifice on their part, but rather an investment in a better and safer world.

Creating a UN fit for the 21st century

Both models for Security Council expansion contained in the High-Level Panel Report have both advantages and disadvantages. There is agreement, however that the Council should be expanded to increase the representation of developing countries and the chief financial contributors to the UN. There should be a restriction of the Security Council veto so that the veto is applied neither to situations related to genocide nor to the process of appointing the Secretary-General. As a longer-term objective, to seek the restriction of the veto to Chapter VII resolutions and, eventually, its abolition. A stronger role is advocated for the General Assembly in the area of peace and security.

Only by an effort on this scale – a management reform as broad as it is deep – can we create a United Nations Secretariat that is fully equipped to implement all its mandates, using the resources of its Member States wisely and accounting for them fully, and winning the trust of the broader world community. In an age when more and more of the problems facing humanity are global and the world has more and more need for a global institution through which to forge and implement global strategies, it is more than ever necessary for the United Nations to live up to the promise of its Charter – and, above all, to the demands and hopes of present and future generations.

There are other reforms of the UN - eliminating human rights abuses, much needed funding for the UN, gender issues including the empowerment of women, system wide coherence – that are urgently needed to make the UN an effective, transparent and democratic institution.

We have covered a lot of ground today from the role of the UN in international peace and security to reforms of the UN. Let me conclude by saying the United Nations is the most universal world body. The priority in 2009 would be for the United Nations and its agencies to live up to their original mandate, which was to bring all nations of the world together to work for peace and development, based on the principles of justice, human dignity and the well-being of all people.

In conclusion, let me reassert that the future of the UN lies in it as a major contributor of people and ideas. UN should mobilise international civil society and global public opinion to carry forward a vision for a just and fairer world. Its strength is evident from the fact that when the United Nations passes a resolution, it is seen as speaking for humanity as a whole, thus giving it unique legitimacy and support for an action to be taken by a country. 191 member states should embark on a reform agenda for security council which will make UN accountable, transparent and democratic decision making body, an organisation fit for facing challenges and threats of 21st century successfully.

Thank you for listening.

The full version of this speech can be downloaded from:

- VM Centre for Peace www.vmpeace.org
- Action for UN Renewal www.action-for-un-renewal.org.uk

Vijay Mehta is president of VM Centre for Peace, Founding Trustee of Fortune Forum Charity, Chair of Action for UN Renewal, and co-Chair of World Disarmament Campaign. He is an author and global activist for peace, development, human rights and the environment. Some of his notable books are The Fortune Forum Summit: For a Sustainable Future, Arms No More, and The United Nations and Its Future in the 21st Century.

He along with his daughter Renu Mehta founder of Fortune Forum charity (www.fortuneforum.org) held two summits in London in 2006 and 2007. The summits raised over a million pounds for charity and attracted a worldwide audience of 1.3 billion people (one fifth of humanity) including print and media coverage. The keynote speakers for the first and second summit were Bill Clinton, former US President and Al Gore, former US vice-President, and recipient of the Nobel Peace Prize 2007.

Vijay Mehta has appeared in various TV programmes including BBC World, Press TV, Ajtak-24 hour Indian news channel, and Think Peace documentary, Canada, among others. The Independent, Observer and Guardian newspapers, among other journals have written about him. His life is devoted to the service of peace, humanity and our planet.

He has written a book called 'Climate Change 365,' which will be soon available to download free of charge in electronic form from the website www.climatechange365.eu.