

The United Nations: Facing the Challenge of Reforms

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The fiftieth anniversary of the United Nations, celebrated throughout the world in 1995, was not just an occasion for the reaffirmation of the fundamental principles on which this international organization is built; more important than this was the debate about the future of the United Nations and the necessary reforms in its work on the eve of the twenty-first century.

The debate about the United Nations is not limited to the fora of that international organization and its specialized agencies but is also conducted in the media, in the circles of students of international relations, and in the academic circles. There is a broad consensus now about the need to reform the United Nations: this need is accepted by the U.N. Secretariat, by the members of the Security Council and all U.N.'s members, and by outside observers and analysts. The fiftieth anniversary provided an opportunity for stock-taking and for an analysis of the organization's successes and failures. This all the more so as the analyses of the (in)efficiency of the United Nations in recent years increasingly reveal the spirit of the defunct League of Nations, which, despite the high principles embodied in its documents, ingloriously failed.¹

THE IMPACT OF THE WAR ON THE SOIL OF THE FORMER YUGOSLAVIA

The critics of the United Nations point to hypertrophied bureaucracy and paralysis of its main bodies as the chief symptom of its inefficiency, which prevents its prompt and effective reaction in case of crises and threats to world peace.² One example of the organization's inefficiency was the war in the former Yugoslavia, where the United Nations proved unable to fulfil its role in safeguarding the truce and opening the way for the peace process. The Dayton peace agreement was more the result of a strong intervention, mediation and imposition of peace by the United States as the world superpower than of the common will of the world community gathered in the United Nations. The war in the former Yugoslavia and the numerous conflicts in the former Soviet Union showed that the structure and philosophy of the United Nations had not adapted to new forms of conflict in the world in the wake of the disintegration of the Soviet bloc and the disappearance of bipolarity from

the world scene. In this respect, many of the expectations of the new states which won their independence when the cold war ended have failed to materialize.³ The United Nations accepted the new states cautiously and reluctantly into the world family of nations, and then — as in the case of Bosnia-Herzegovina — denied them the right to legitimate defence against aggression. One cannot deny that this was done with the best intentions, to stop the conflict, but such intentions were not accompanied by resolute deeds needed to help one of the new members of the international community. The war in Bosnia-Herzegovina will long be remembered as one of the difficult tests that the United Nations did not pass. The reasons were many and they cannot all be put down to the inefficiency of the Secretariat and of the peace-keeping operation. A great deal of the responsibility lies with the Security Council members and much of the failure was due to the contradictory behaviour of the great powers at different stages of the war in Bosnia-Herzegovina. Along the same lines, the objections of the participants in the peace-keeping operation are also justified: their mandate was indeed ill-defined, its various provisions were contradictory, and the peace-keepers were not allowed to use the military muscle when this was the only way of persuasion and deterrence. A similar thing had happened in Croatia before that: the peace-keepers' main task, to secure the return of the refugees to their homes, was not fulfilled, and in the rebel-held parts of Croatia persecutions and violations of human rights continued unabated.⁴ A similar impression of the United Nations' impotence now emerges in Chechnya, where again a sacrosanct principle of the U.N. Charter is at stake, namely, the principle of self-determination, which was one of the cornerstones of the U.N. founding assembly in San Francisco. According to many analysts, the U.N. should have appeared on the scene as soon as the demand for the implementation of the principle of self-determination was first voiced and there were indications that a conflict might ensue. This is not a question of the priority of Russia's right to territorial integrity, but the fact that one of the key postulates of the international order is being violated in Chechnya. The absence of observers and international monitors in a situation in which human rights were being systematically and constantly violated

goes only to prove that national interests prevailed over the international community's right and duty to intervene in this conflict. Chechnya has been sacrificed to the principle of state sovereignty — a principle that cannot stand above the principle of respect for human rights. This latter principle is universal, and when it is violated the international community is not only entitled but also obliged to intervene. It is obvious that two conflicting interests are involved in such a case and that the consistent implementation of the U.N. Charter would expand the scope of authority of the United Nations to make it similar to that of a "global government", which many advocates of the reform of the United Nations have actually proposed.⁵

ACHIEVEMENTS OF THE UN

But let us examine first the successes and failures of the United Nations. There are four areas in which, in our view, the United Nations has produced notable results:

The first achievement was political decolonization, that is, the attainment of formal independence by many nations in the world's South — the less developed hemisphere. On the other hand, that process, which marked the sixties of this century, was not accompanied by economic decolonization and the attainment of true independence from their former colonial masters. Following the declaration of independence and a brief period of political progress, many former colonies slipped into economic recession and a series of political crises. This resulted in the relativization of the concept of state sovereignty, tempered as it was by the growing economic interdependence in the world and dependence on major manufacturers and large markets.⁶

The second undeniable achievement of the U.N. was recorded in the area of cooperation for development and the adoption of a new philosophy of sustainable human development. In this regard, nobody can ignore the U.N.'s important role in elaborating new concepts and new ideas, particularly in the five world reports on human development prepared by the U.N. Development Programme (UNDP). These reports provide a fundamental premise for the elaboration of economic policies with respect to human rights, which can never be reduced to civil and political rights but must necessarily include also social, economic and cultural rights. In this way, a new vision of development has gained ground throughout the world — a vision that is not merely economic but also humanistic, meaning that development must be in the service of the vital needs of human communities and in the interest of the realization of the "quality of life" in the full sense of the term.⁷

The third area in which the U.N. can claim a success is well-developed multilateral cooperation: the U.N. is the focal point of a constellation of organizations, that is, the system of specialized agencies of the United Nations, including FAO, UNESCO, UNICEF, ILO, and others, which have helped to globalize the struggle for survival.

The fourth achievement of the United Nations is the emergence of non-governmental organizations. Article 71 of the Founding Charter of the United Nations provides for agreements to be concluded between the U.N. Economic and Social Council and non-governmental organizations (NGOs) in order to promote and facilitate the realization of its objectives. The system of international and national non-governmental organizations experienced a boom in the seventies, when the West European model of democracy began to give an increasing role to institutions of civil society, i.e., non-governmental organizations, at the expense of the state. Today, there are over 1,500 NGOs within the U.N. system, which contribute significantly to the work of the world organization and help the United Nations to gradually evolve into the "United People". Non-governmental organizations are today an emergent phenomenon in the international community and an important corrective of one-sided state policies. They exert pressure on national governments to move towards greater democracy and on the international system of states to open up to the "real needs of people". Numerous conferences of non-governmental organizations testify to their commitment and action, including the Cairo Population Conference, the Rio de Janeiro Conference on the Environment, the Vienna Conference on Human Rights, the Copenhagen Conference on Social Development, and last year's Peking Conference on Women. One should not lose sight, also, of NGOs vital role in humanitarian schemes and the development of the concept of humanitarian policy, which has enabled many human communities to survive in the precarious conditions of conflict and war, of which the humanitarian air lift to Sarajevo is just a most recent example.⁸

Without such achievements, progress in the world would be unimaginable, as would also the globalization of basic human values, including democratic progress and government made to the measure of human beings. In contrast to this truly impressive list of achievements, which have changed the picture of our world, there are "black holes" of failure by the international community and its organization — the United Nations.

CRITICISM OF THE UN

The first and worst failure of the United Nations is to be found in the domain of international

security, or conflict prevention and resolution. The U.N. Charter contains very precise provisions in this regard, with specified obligations and competencies, especially in its Chapter VII. This is where we find the greatest weaknesses and limitations of the United Nations. It is true that the U.N. cannot directly intervene in the internal affairs of a member country without its consent, but it can, and must, intervene in other ways, such as by imposing blockades, sanctions, and, ultimately, by using military force. The reform of the U.N. should move in the direction of constraining the rights of individual nations to reject the U.N. intervention in case of a conflict escalating into a civil war or armed conflict of some other kind (ethnic, territorial, etc.). Equally, the reform should be aimed at increasing the prerogatives of the United Nations. The U.N. intervened in the war in former Yugoslavia, for example, with a delay of eight months after the declaration of independence by Slovenia and Croatia, or seven months after the start of the aggression against Croatia. This led to great human suffering and the spread of the war into Bosnia-Herzegovina, transforming the conflict into a protracted and endemic one, with uncertain prospects of a final solution (i.e., pacification and reconciliation).⁹

Another source of the weakness of the United Nations is the failure of its members to respect the organization's basic documents which guide its policy. The documents issued by the Security Council contain not simple recommendations but binding decisions. If the organization decides to use military force, then it should have full control over it, and the member countries should readily place their contingents at its disposal. These contingents should be made up of troops fully trained and equipped not only for peace-keeping but also for peace-enforcement. Such a unified command over peace-keeping and peace-making operations has never been achieved. The bipolar division in the world forced the United Nations to shelve its objectives and to rely, in practice, on Article 106 of the Charter (Transitional Provisions), which stipulates that the five permanent members of the Security Council will assume the responsibility for the maintenance of peace and security. In actual practice, whenever the U.N. resorted to the use of force, it never did so in a way that would mean a consistent implementation of its Charter.¹⁰

The third weakness of the United Nations, as already noted, is its bureaucratism and immobility in decision-making. The outdated structure of the Security Council, which reflects the victorious structure at the end of the Second World War, no longer suits present-day realities in the world. The advocates of the reform have reached a consensus regarding the reform of the Security Council as the

crucial link that might contribute to a greater efficiency and effectiveness of the whole of the United Nations. Differences still remain with respect to the quality of the Council's expansion. One group of countries and experts believe that the reform of the Security Council could be achieved by admitting Germany and Japan (*de facto* great powers in economic terms). Another group holds that the revamped Security Council should include also the most populous countries, such as India, and that a better regional representation should be sought (so that regional leaders, in terms of population size or economic strength, ought to be admitted into the enlarged Security Council).¹¹

The fourth problem, increasingly acute and almost insoluble, is the insolvency of the United Nations Organization. This is due to the failure of some countries to pay their membership contributions to the U.N. Paradoxically, the greatest offender in this respect is the United States, the richest country in the world, thus creating an unjustified impression that it is obstructing the work of the world organization. In fact, this is only its way of criticizing the bureaucracy within the U.N. and expressing its disapproval of the unjustifiably high costs of functioning of the U.N. apparatus and its hypertrophy. The U.N. "debtor crisis" could be solved in other ways: the Secretary General recently proposed "taxing" international flights or the international postal traffic or some other international transactions. This would enhance the autonomy of the U.N. and avoid financial paralysis (which seriously affects the overall performance of the world organization).¹²

It is thanks to the U.N. that a great deal of progress has been made in the world in the recognition and protection of human rights, to which about 140 international agreements in this domain are a fitting testimony. But it is equally true that even for major violations of human rights instruments for a prompt and effective intervention are lacking. Some regional organizations, like the European Union, have been more successful in working out such instruments. Also, we should keep in mind the problem of war crimes and possible creation of a permanent tribunal for war crimes, perhaps along the lines of the International Tribunal for War Crimes in the Former Yugoslavia.¹³

We have listed here only some of the neuralgic points in the functioning of the United Nations. Numerous committees and working bodies have worked out hundreds of proposals designed to improve the efficiency and effectiveness of the organization, including those for the enlargement of the Security Council and "democratization" of the U.N. Many theorists of democratic processes claim that democratic progress cannot be confined to indi-

vidual states, but must make itself felt also within the international community and its organization — the United Nations.

CROATIA AND THE REFORM OF THE UN

All these hot issues that were very much present during the U.N.'s fiftieth anniversary celebrations are of particular interest to the new members, which find themselves in a stage of transition from communism to democracy. They are, naturally, particularly interested in a reform of the United Nations that would increase its effectiveness in preventive diplomacy and peaceful resolution of conflicts, because it is precisely these countries that are torn by many conflicts which turn into cruel wars. Thus, they have felt very strongly the ineffectiveness and obsolescence of the present U.N. mechanism and its unsuitability to the needs of the modern world. For this reason, having in mind the criticism of the U.N. peace operations in the former Yugoslavia, Croatia has proposed a complex reform of the United Nations in the interest of the greater efficiency and effectiveness of its operations. Part of the reform should be the enlargement of the Security Council with the addition of more permanent and non-permanent members.¹⁴ Speaking at the fiftieth anniversary session of the General Assembly, President Tudman said that the time had come to leave the outcome of the Second World War behind us and to accept the new global geopolitical realities that could no longer be hidden by long-held stereotypes. Croatia thus opted for the recognition of the democratic and economic resources of Germany and Japan and their right, on the basis of these criteria, to take permanent seats on the Security Council. But Croatia also proposed a reform of the system of decision-making in the Council: the right of the permanent members to a veto would be abolished or limited by the principle of a double veto. The present situation makes a paralysis of this body possible and limits its decision-making prerogatives, favouring individual national interests at the expense of the collective interests of the Council and the whole world organization. Croatia did not explicitly join the loud and increasingly numerous calls for the expansion of the Security Council with the addition of regional representatives, but it did support the call for a better representation of other geographic and civilizational spheres, particularly the developing part of the world. The global order can no longer be based on the special position of the anti-fascist coalition or the nuclear club, nor on economic or military power. The international order, in Croatia's view, must be based on the real contribution of individual states to the prevention of totalitarianism of any kind and to the non-proliferation of weap-

ons of mass destruction, as well as on their role in global social and economic development, their democratic achievements, and their regional importance.¹⁵

As far as Croatia is concerned, the reform of the United Nations must aim at a democratization of international relations and strengthening of international law, but it must also introduce mechanisms that will make possible a greater effectiveness of the U.N. operation and make it more economical and transparent. That is why Croatia's platform stresses that the U.N. cannot just be a global exchange of political ideas and national interests, nor a mechanical instrument for the control of crisis points. It must be, metaphorically speaking, "a garden in which ideas will grow and develop to enhance general human values, international solidarity and just international order". The Croatian approach to the reform of the U.N. reflects the desire of a new member of the organization to assert itself as an international factor that does not limit itself to the consideration of its own situation determined by the outbreak of a war in the former Yugoslavia. Croatia's approach stems from the bitter experience of a country that paid a high price for the international community's attempt to resolve post-cold war conflicts through mediation. This is the reason why Croatia's position differs somewhat from that of the developing countries: its support for Germany's entry into the Security Council reflects its strategic reliance on the West and advocacy of a new balance of power in the region; it supports an approach to collective security and stability that will be based on the balance of forces and the ability of small countries to defend themselves from aggression when the international community is unwilling, or unable, to help them.

"NEW THINKING" ON THE FUTURE OF THE UN

The debate during the fiftieth session of the General Assembly gave the reform of the U.N. a major impetus. With the disappearance of the cold war bipolarity, the world is no longer what it was before. Hence, the United Nations will have to adapt quickly to the new realities of the present-day world and prepare for the next century. For the newly emergent states, the reform of the United Nations is in the first place an opportunity to establish themselves on the world scene, and their expectations in this regard are considerable. The gap between the developing countries and the already stable democracies is quite wide, and for this reason the reform of the United Nations is a much more complex undertaking for its participants than a mere reorganization or a simple enlargement of the Security Council. The European Parliament has launched its own proposal for the reform, advocat-

ing a restructuring of the U.N. General Assembly and the creation of a second chamber, to be made up of directly elected representatives, similarly to the way the members of the European Parliament are elected. In this way, in addition to the representatives of states, representatives of "people" would also be sitting in the General Assembly. According to some other views, country delegations would need to be tripartite, including a representative of the state, a representative of the "people", and a representative of non-governmental organizations. Such tripartite delegations would also sit on the Security Council, where the veto would be abolished altogether or at least when voting on issues concerning human rights and humanitarian policies.¹⁶ The European proposals envisage also the establishment of a special Council for Human Development. The election of the Security Council would go for confirmation before a forum of non-governmental organizations. The proposal for the appointment of a world ombudsman to protect the human rights of citizens from abuses by their states is also worthy of serious consideration. However, many of these reform projects verge on the utopian visions of the "world government". In contradistinction to such visions, mankind's acute problems and eruptions of local and regional conflicts give a sense of urgency to the reform of the United Nations, whereby small steps towards its greater effectiveness, respecting the realities of the present-day world, could mean more than the ambitious utopias of a "global government", which stand little chance of being realized. As the example of the war in the former Yugoslavia shows, the key question is not only peace-keeping but also peace-enforcement, which means, specifically, that the most urgent reform is the reform of peace operation and prevention and resolution of conflicts in the world. This is where the U.N. needs to eliminate many of its weaknesses to be able to intervene effectively to achieve and promote peace. This should be the first step in the reform of the world organization. The coming twenty-first century will be, according to the forecasts of future students, the time of local and regional conflicts and new forms of domination and aggressive nationalism. Faced with such a prospect, the United Nations now has the last chance to reform itself and face the challenge. Failing this, its crisis could mean the end of the Western civilization.

THE ELECTION OF THE NEW SECRETARY GENERAL

The election of a new Secretary General and the political debate preceding it appeared as to have evolved into a major political conflict between two visions of the further development of the UN to-

wards a more rational, efficient and globally effective international organization. It seemed that the UN were split between a conservative leadership, expressing more or less the opinion and interests of the majority of the developing countries, and the strong push towards bureaucratic rationalization and managerial efficiency - as advocated by the developed Western countries lead by the US as one of the most influential, in fact the most influential country of the world today. In this way, an almost artificial dilemma appeared to obfuscate the real substance of the UN reform movement: the dilemma between the old Secretary General, the office embodied in the personality of the Egyptian Boutros Boutros Ghalli and the Ghanaian Kofi Annan on the other side of the pendulum. Yet this dilemma, solved with the election of Kofi Annan, was but an artificial dilemma reflecting the general mal-use of the organization, rather than a split personality and identity crises of the international organization and an acute confrontation on the global scale.

Yet it is true that two approaches lied behind the criticism of the existing UN Secretariat General and its massive bureaucracy: one, the "conservative", held that the path of reforms is well based and lies on good foundations: therefore the reform should go on, and all major obstacles come from the insolvency problem - and the USA behind it, refusing to pay its dues until an efficient reform of the UN is really under way. Such oversimplification is unavoidable if we want to grasp the real substance of the debate.

On the other hand, the other view - often described as the US View on Reform Measures - pledged for a better focused, leaner, more efficient and cost-effective UN system. To perform its role properly the UN must evolve, in such view, from a fragmented configuration of competing structures into a fully integrated, interactive system. The main targets of such reform project are in the same time the main bodies of the UN, the General Assembly and the Secretariat.

The General Assembly potential as a great world forum for deliberations on issues of global concern has never been realized: the tiresome and time-consuming reiteration of agenda items already thoroughly considered previously or by other bodies has overloaded the Assembly's capacity and forestalled thematic debate on pressing or emerging issues. Means should be found - according to such opinions - to shorten the agenda by half and schedule the use of the time freed up for thematic discussions at appropriate levels. Thus should the inefficiency of the general debate, a stage for soliloquies, self-complacent and self-justifying speeches, be drastically reduced.

On the other hand, measures to rationalize the structure of the UN Secretariat and improve its functioning should be intensified. Repeated efforts to reform the UN have always ended without fully accomplishing their aims. The credibility of the institution and the prospects for continued public and financial support depend upon early, visible and continuing signs of improvement in four areas: restructuring, oversight, personnel and system coordination. After some reductions and consolidations in the Secretariat a few years ago, the proliferation of offices and positions has resumed to some extent - and this is precisely the role of the new Sec-

retary General and the expectations raised by his election. Kofi Annan, as an experienced international civil servant and insider, has all the prerequisites for carrying on such "internal" restructuration and meet the demands of the international community: the process will not be without pains and misunderstandings, and even false ideologizations, as it was manifest in the latest years. But a new wave and vigor, realized in the broad consensus for Mr. Annan's election, will certainly contribute to the reshaping of the international organization and make it more capable to assume a more active role in changing the world. ■

1 One of the most consistent approach to the reform of the UN was made by the Commission on Global Governance, headed by Ingvar Carlsson and Shridath Ramphal, embodied in: *Our Global Neighbourhood: The Report of the Commission on Global Governance*. Oxford: Oxford University Press, 1995, pp. 225-302.

2 Americans are in the fore-front of such criticism. Cf., e.g., *A Global Agenda: Issues Before the 40th General Assembly of the United Nations*, (J. Tessitore and S. Woolfson, eds.). Lanham: University Press of America, 1994. See also J. Holtje, *Divided it Stands: Can the United Nations Work*, (Foreword by Dick Thornburg). Atlanta: Turner Publishing Inc., 1995.

3 A good account of the weakness and strength of the UN peace-operations in former Yugoslavia can be found in S.L. Burg, "The International Community and the Yugoslav Crisis", in: *International Organization and Ethnic Conflict* (Ed. by M.J. Esman and S. Telhami). Ithaca: Cornell University Press, 1995, pp. 235-274.

4 One of the best analysis of the Bosnian War is, in my mind, S. L. Woodward's *Balkan Tragedy: Chaos and Dissolution after the Cold War*. Washington: The Brookings Institution, 1995, especially the chapter on "Stopping the Bosnian War" and the "Dynamic of Disintegration and Nationalist War", pp. 273-332 and 333-373.

5 The war in Chechnya still tends to be underestimated by international analysts and scholars. However, this war is only one of the implications of the overall process of dissolution of multi-national commonwealths, that started after the collapse of Communism with the dissolution of so called "Communist federations": Yugoslavia, Czechoslovakia and the Soviet Union.

6 However, there are many critics of such evaluation. Cf. the chapter "Economic and Social Responsibilities" with contributions by N. Adams, "The UN's Neglected Brief - The advancement of all peoples?"; A. Jamal, "The IMF and World Bank - Managing the Planet's Money" and M. Vander Stichele, "World Trade - Free for Whom, Fair for Whom", in: *Challenges to the United Nations for International Relations*. London: St. Martin's Press, 1994, pp. 26-81.

7 The Agenda for Development can be considered, in this respect, a basic document of the whole mankind, because it signs a turning point in political philosophy as well. Cf. B. Boutros-Ghali, *Building Peace and Development: Report of the Work of the Organization*. New York: United Nations, 1994.

8 Non-governmental organizations are a cornerstone of civil society: authoritarian systems tend to suppress or limit their activities and scope, especially in post-communist

countries. For the essential role of NGO's see: B. Adams, "The People's Organizations and the UN - NGOs in International Civil Society", in: *Challenges to the United Nations: building a safer world*, op. cit., pp. 176-187.

9 Obviously there is a contrast between the old concept of sovereignty, as it was used by the Soviet Union in order to prevent the beneficial influence of world's interdependence as well as to oppose the universality of human rights. The shield of "sovereignty" is often used by small and new countries, seeking to assert their independence and autonomy, but nevertheless it requires a new approach and redefinition. Cf. J.A. Camilleri and J. Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*. London: Edward Elgar Publ., 1993, p. 24 and following; see also *Međunarodni položaj novih evropskih zemalja - The International Position of New European States* (N. Švob Đokić, ed.), Zagreb: Institute for Development and International Relations, 1994, pp. 163-182.

10 On the use of force and problems of its implementation cf.: *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis* (Ed. by W.J. Durch). New York: St. Martin's Press, 1993, pp. 16-76.

11 The enlargement of the Security Council is a hot topic. However, Third World countries argue that it is not only a formal question, but it is interconnected with UN's economic agenda and overall efficiency and credibility. Cf. *Whither the United Nations? A View from the South. Contributions to an Economic Agenda for the Non-Aligned Movement*. Geneva: South Centre, October 1995, pp. 91-106.

12 Third World countries feel outraged by this situation and accuse the developed countries, especially the USA for "double standards" and blockades of the international organizations for reasons of political pressures. See: "Overcoming Financial Insecurity: A Key Challenge for the United Nations", in: *Whither the United Nations? A View from the South...*, op. cit., pp. 47-72.

13 See: K. Tomasevski, "Human Rights - Fundamental Freedoms for All", in: *Challenges to the United Nations: building a safer world*, op. cit., pp. 82-112; Cf.: P.R. Baehr, "Human Rights Organizations and the UN: a Tale of Two Worlds", in: *The United Nations in the New World Order: The World Organizations at Fifty* (Ed. by D. Bourantonis and J. Wiener). New York: St. Martin's Press, 1995, pp. 170-189.

14 *Statement of the President of the Republic of Croatia dr. Franjo Tuđman*, New York, 22 October 1995

15 *Ibid.*, pp. 2-3

16 Cf. A. Papisca, "Crisi di mondiale: L'ONU che verra'", in: *Mosaico di pace, Pax Christi*, vol. 6, 1995, no. 5, pp. 25-27.