

NEW CHALLENGES FACING THE UNITED NATIONS

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ABSTRACT

The UN was constructed on the basis of sovereign nation-states and of the sanctity of the frontiers of each under the Charter. Since the end of the Cold War, the UN suddenly found itself overburdened by the many new tasks, and many optimistic opinions were expressed about the role of UN multilateralism in the new world order

Generally, all efforts aimed at adapting the UN to the changing conditions are called reform. Re-organization of the Secretariat, redefining priorities, re-organization of the inter-governmental mechanism are only some of them. Member states, facing with the problems they cannot handle alone, have directed the organization to take on new responsibilities including responding to refugee flows, preserving human rights, building sustainable development, etc. These tasks can only be undertaken through a global organization such as the UN. Nevertheless, the member states have always been far readier to add mandates or tasks for the U.N. than to terminate existing ones. Attempts to achieve a system-wide reform has been few and modest. The current wave is broader and more ambitious than its predecessors. The work within the secretariat has produced more visible and immediate results, while the member state dialogue is still continuing.

KEYWORDS

United Nations; reform; intra-state conflicts.

1. Introduction

The maintenance of international peace and security is the greatest challenge of the United Nations (UN). It will be judged by how well it fulfills this goal. It is, however, important to remember that the organization was created to maintain peace not only by preventing and resolving military conflict, but also by promoting economic and social progress and development.¹

At its creation, the UN was based on a set of assumptions that were expected to shape the post-war era. Legally, the UN was constructed on the thesis of sovereign nation-states, and of the sanctity of the frontiers of each under the founding Charter. The collective security system was based on the assumption that the grand alliance of the World War II would continue in a joint guardianship of world peace. However, collective security became a hostage of the Cold War. Throughout the Cold War years, the UN was of marginal importance for dealing with the core international issues of war and peace as the rivalry between the United States and the Soviet Union paralyzed the Security Council. In the same way, questions about the organization's efficiency, capabilities, and cost-effectiveness were either ignored or considered of little significance. While the UN has indeed saved lives, resolved conflicts, eradicated diseases, and promoted democracy, its failures have been widely reported and contributed to the perception of an inefficient organization. UN did have some achievements during this period, but it did not play the role that its founders anticipated.

At the beginning of the 1990s, a new stage of world politics emerged. Since the end of the Cold War, the UN has enjoyed a burst of unaccustomed influence. It suddenly found itself overburdened by the many new tasks which governments have given to it. Many people expressed optimistic opinions about the role of UN multilateralism in the new world order.² UN is no longer ignored and or neglected.

¹Roger A. Coate, *The Future of the United Nations, US Policy and the Future of the UN*, New York, The Twentieth Century Fund Press, 1994, p. 5.

²Adriaan Bos, 'United Nations Sanctions as a Tool of Peaceful Settlement of Disputes,' *International Law as a Language for International Relations*, New York, United Nations, 1996, p. 443.

Evaluations of the organization now relate mainly to what it does, tries to do, or should do, as an operating agency in the field.

The efforts of adapting UN system to the changing realities of the international politics and making the UN a more efficient organization dates back to the earliest years of the organization.³ UN has been trying to respond many changes it had gone through since its foundation without making any amendment in the Charter. These developments range from the Cold War to decolonization process and social and economic rights resulting from it, from a more widespread recognition of the human rights to the international action with the purpose of protecting common values. Some of these prevented the UN from functioning as planned by the Charter, and others required it to assume new responsibilities.

Generally, all efforts aimed at adapting the UN to the changing conditions are called reform. Re-organization of the Secretariat, redefining priorities, re-organization of the inter-governmental mechanism are only some of them.⁴ Some think that only change must be achieved is that making the UN more efficient and this effort does not require an amendment in the Charter. On the other hand, developing countries believe that other issues, like membership of the principle organs and committees and reorganization of the relationship between the UN and specialized agencies, must be included in the reform process.

2. New Roles for the United Nations

The structures of the UN cannot be examined in isolation from the functions which the UN is expected to carry out. States are turning

³For a brief history of it, see Gene M. Lyons, 'Competing Visions: Proposals for UN Reform,' in C. F. Alger, G.M. Lyons, and J. E Trent (eds.), *The United Nations System: The Policies of Member States*, New York, United Nations University Press, 1995, pp. 41-85.

⁴M. Bertrand, 'The Historical Development of Efforts to Reform the United Nations,' in A. Roberts and B. Kingsbury (eds.), *United Nations, Divided World: The United Nations' Roles in International Relations*, second edition, Oxford, Clarendon Press, 1993, p. 420.

increasingly to the UN to solve problems. The United Nations has found itself thrust into the role of world policeman after 1990. It played a vital role in the settlement or management of regional conflicts like Iran-Iraq war, occupation of Afghanistan, problems of Cambodia, Cyprus and Western Sahara.

The increased attention paid to the strengths and limitations of the UN has been mostly a direct result of the increased utilization of the organization and the rapidly rising expectations regarding its role in world affairs. Member states, that faced with the problems they cannot handle alone, have directed the organization to take on new responsibilities, including responding to refugee flows, preserving human rights, building sustainable development, etc. These tasks can only be undertaken through a global organization such as the UN.

For the first time in its history, on 31 January 1992, the Security Council met at the level of heads of government to decide the responsibility of the Security Council in future in the maintenance of international peace and security. The Council invited the Secretary-General Boutros-Ghali to prepare a report that would recommend ways to enhance the 'capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.' The UN Secretariat added post-conflict peace-building to this trio of high-priority topics. Secretary-General Ghali defined five interconnected roles that he hope the UN would play in the post-Cold War international politics in his *An Agenda for Peace* (1992): a) Preventive diplomacy; b) Peace enforcement; c) Peacemaking; d) Peacekeeping; e) Post-conflict peacebuilding.

Although intra-state conflicts are not new, they were held in check by the dynamics of the Cold War. Besides, these new internal wars are somehow different from the wars we have traditionally thought of as civil conflicts: They seem less principled in political terms, less focused on the attainment of some political ideal. They seem more vicious and uncontrolled in their conduct.⁵ They have one significant effect: massive trans-boundary refugee flows. Secondly, the scope and number of humanitarian crises are increasing due to intra-

⁵Donald M. Snow, *Uncivil Wars: International Security and the New Internal Conflicts*, Boulder, London, Lynne Rienner, p.1.

state conflict, population growth, natural disasters, famine, and disease. Third issue that must be cited is arms control and disarmament. Permanent Five is responsible for some 85 per cent of the arms trade.⁶

According to the critics, especially the UN have not adapted sufficiently to these changes. Common security system was established against inter-state conflicts. One of the most dramatic differences between the post-Cold War world and the Cold War international system is in the pattern of violence that has been developing. There has not been a major cross-border war between states since Iraq's invasion of Kuwait in 1990.

International community was ill-prepared to deal with intra-state conflict and is more inclined to manage conflicts than to prevent them. There were no permanent mechanism of preventive diplomacy that identifies places, where crises may occur. The UN Security Council, NATO and OSCE are the organizations currently responding to intra-state conflicts. Despite the widespread belief that the end of the Cold War would enable the UN to function effectively, its record so far has not supported this belief. The UN nation-building project in Somalia produced a fiasco. Its attempt to manage a civil war in Bosnia was scarcely better.⁷ Security Council is crippled by its own problems. Its composition is not representative of the real world of today. Peace-keeping operations proved to be wrong means to prevent conflicts since it was designed to separate combatants by mutual agreements, not to make peace in conflicts where a ceasefire has yet to be negotiated.

In order to meet the challenges already faced by many peace-keeping forces like UNTAC, UNAVEM II, UNPROFOR, UNOSOM I and II, UNAMIR, and UNMIH, the UN has to develop new practices that go beyond the traditional peace-keeping mold. The consent of the parties cannot be assumed in the mentioned operations; the military

⁶*Beyond Reform, The United Nations in a New Era*, The Stanley Foundations's 32nd United Nations of the Next Decade Conference, Switzerland, June 8-13, 1997, p.18.

⁷T. G. Carpenter, 'The Mirage of Global Collective Security,' in T. G. Carpenter (ed.), *Delusions of Grandeur: The United Nations and Global Intervention*, Wahington D.C., Cato Institute, 1997, p.14.

effectiveness required and the dangers faced go far beyond the parameters of traditionally lightly armed peace-keepers. Moreover, these operations suggest the magnitude of the new demands on the UN for services that threatened to overwhelm troop contributors.⁸ That kind of operations means new responsibilities for the UN peace-keeping. The Cambodian operation amounted to the UN's taking over all the important civilian administration of the country. The UN registered most of the nation for the first democratic election in the country's history. Nevertheless, while the UN operation in Cambodia was able to monitor and enforce a cease-fire, repatriate significant numbers of refugees, and hold national elections, it was less successful in creating new governing institutions in that country⁹. Same can be said for Bosnia-Herzegovina and East Timor. Generally speaking, the UN has had rather limited success in dealing with ethnic, religious and nationalist conflicts.

The UN intervention in Somalia provides another example of the challenges that the UN confronts. The efforts of the UN to separate warring clans and to build new civil institutions have illuminated the organization's weaknesses in this area. Examples of the former Yugoslavia and Somalia illustrate a significant challenge facing the organization. Thus, the UN and the Permanent Five must redefine the role of the major powers in UN peacekeeping operations. But, the leaders of the major powers are reluctant to allow the emergence of an independent UN military capability. They argue that the organization should become more effective in dealing with international security problems, thus relieving states of that task. On the other hand, making the UN more effective requires yielding power to the organization, or providing substantial resources to it. The leaders of the less-powerful states are similarly reluctant to support UN intervention in the fear that this would lead to a propensity for the UN to intervene in domestic affairs. From an American point of view, a broad expansion of responsibilities is a big mistake for two reasons: 1) poor management, bad organization, and corruption that plague the U.N. system; and 2) the U.N. has trouble with the far easier tasks it already handles, such

⁸T. G. Weiss, D. P. Forsythe and F. Coate, *The United Nations and Changing World Politics*, Boulder, Colorado, Westview Press, 1994, p.78.

⁹Coate, *The Future of the United Nations*, p.7.

as economic development assistance to the Third World.¹⁰ This ambivalence is the most fundamental constraint on the effectiveness of the international security system.

The most crucial consequence of this ambivalence is a lack of consensus concerning the types of situations in which it is legitimate for the organization to intervene. The two long-standing parameters defining the limits on UN intervention have been pierced in recent years. The first one is the very nature of UN peacekeeping operations. UN peacekeeping is no longer confined to cooperative situations in which previously warring parties have agreed to a peace. The second one is the distinction between international and civil conflicts. The UN attempt to oust military government of Haiti is perhaps the clearest example of this change, but the peace-keeping operations in Cambodia, Mozambique, and Somalia also have far less to do with international than with civil conflict.

On the heels of the Kosovo and East Timor experiences, there was a serious debate going on regarding the limits of a sovereign government flagrantly and systematically violating human rights. The Secretary-General himself offered a framework for this debate in an address to the General Assembly on 20 September 1999. He argued;¹¹ a) The State is now widely understood to be the servant of its people, and not *vice versa*; b) Individual sovereignty (the fundamental freedoms enshrined in the Charter) has been enhanced *vis-à-vis* the sovereignty of States; and c) The international community cannot sit idly by while gross and systematic violations of human rights with grave humanitarian consequences are taking place. Thus, the Secretary-General appealed for humanitarian interventions in situations like Sierra Leone, Angola, Rwanda, Kosovo and East Timor. But, it is not the Secretary-General who has the authority to decide whether to intervene or not; it is the Security Council.

¹⁰A. J. Cowin, 'Expanding United Nations' Peacekeeping Role Poses Risk for America,' *The Background*, No. 917, 13 October 1992, p. 2.

¹¹U.N.Doc. SG/SM/7136, GA/9596, 20 September 1999.

3. The Constraints on UN's Effectiveness

Problems concerning the decision-making bodies

Over the fifty-year history of U.N., the Charter has been amended on three occasions. All of them involved expanding a principal body. Articles 23, 27 and 61 were amended on 17 December 1963. A further amendment to Article 61 was adopted on 20 December 1971. With these amendments, membership of the Security Council was expanded from eleven to fifteen; and that of ECOSOC from eighteen to twenty-seven, and then to fifty-four.

Member states have always been far readier to add mandates or tasks for the U.N. than to terminate existing ones. Attempts to achieve a system-wide reform has been few and modest. The current wave is broader and more ambitious than its predecessors. The work within the secretariat has produced more visible and immediate results, while the member state dialogue is still continuing.

It is clear that there needs to be substantial reform within the UN to enable it to address contemporary global security. The nature of UN decision-making must be reformed to make it compatible with present realities. This includes rejuvenating the Security Council, strengthening the Office of Preventive Diplomacy, as well as the position of the High Commissioner for Human Rights.

Discussions on UN reform are centered around four major areas: The Secretariat, the structures of the major bodies, enhancement of collective security capabilities, and finances. One of the issues being debated permanently is the nature of the reform. On one side, there are those who view the call for reform as a pretext to downsize the Organization and diminish its role; on the other side, there are those who accept the notion of improving efficiency as an essential ingredient of effectiveness and relevance. A series of measures is required to prepare the international community to be more effective in conflict prevention. Central to this is the reform of the UN's decision-making

processes and the development of mechanisms that would enable the Organization specifically to address conflicts in a preventive manner.¹²

General Assembly insists on treating the reform process as its own business. Every member state has been asked to submit its views on the future composition of the Security Council, its roles in relation to the General Assembly, and the question of veto. These discussions have not led to any major reforms up to this point, and they may never do so unless determined efforts are made to bring about real reforms of the organization. There is a deep-rooted resistance to change within the UN itself, and there is little consensus among member states beyond a feeling that change and modernization is needed to enable the UN to meet new challenges.

While drawing the basic principles of the UN in 1945, the most basic goal that the founding fathers had in their mind was maintenance of international peace and security. It is the first goal of the UN declared in the paragraph 1 of the Article 1. The mechanism and authority that is necessary to fulfil this goal were drawn in the Chapter VII of the Charter.

Charter distinguished among three supplementary security systems:¹³ a) A common security system, contained in Chapter VI on the pacific settlement of disputes and Chapter VII on 'Action with respect to threats to the peace, breaches to the peace and acts of aggression'; b) Regional arrangements or agencies in Chapter VIII; c) Right of individual or collective self-defense, expressed in Article 51.

Security Council assumes the primary responsibility in maintaining international peace and security (Article 27). It determines whether a situation constitutes a threat to peace, breach of peace or aggression (Article 39) and decides whether to apply coercive measures against the delinquent state. Whenever the Security Council decides to

¹²K. Rupesinghe, 'Coping with Internal Conflicts: Teaching the Elephant to Dance,' in Chadwick F. Alger (ed.), *The Future of the United Nations System: Potential for the Twenty-first Century*, Tokyo, UN University Press, 1998, p. 171.

¹³H. G. Brauch, C. Mesjasz, and B. Möller, 'Controlling Weapons in the Quest for Peace: Non offensive Defence, Arms Control, Disarmament, and Conversion,' in Alger (ed.), *The Future of the United Nations System*, p. 17.

apply coercive measures against a state, all other states have to comply with its decision.

Nevertheless, the Security Council in the past has determined the occurrence of one of the situations mentioned in Article 39 on very few occasions. It never determined the occurrence of an act of aggression. It did not make this determination even when Iraq invaded Kuwait. The main reason for this has been the negative subjective meaning this word has. While the determination of the breach of peace and act of aggression must involve at least two states, a civil war or human rights abuses would provide enough basis for the determination of a threat to the peace.

UN had to face many criticism even when it was founded in 1945; but it was clear from the very beginning that two most important problem about the Security Council was to be Permanent Five's right to veto and failure to set up the mechanism anticipated by the Chapter VII of the Charter. Consequently, the Security Council made relatively little use of its authority under Chapter VII. Only in one case, Korea, did the Council take action in 1950 until the end of the Cold War.

UN has tried to address these problems in several ways. Strengthening the role of the regional organizations and General Assembly, establishing peace-keeping forces and Security Council's authorization to use force against the breaching state by another state or coalition of states are the results of the UN's effort to find a way out of the Cold War and bloc politics. Nevertheless, only the peace-keeping forces proved to be a successful means on some occasions; others were insufficient.

On the political level, member states are addressing a deeper series of reform questions. The five Working Groups of the General Assembly are considering the composition and working methods of the Security Council; financing and assessment; the functioning of the General Assembly and the Secretariat, the budgeting process, and the UN's relationship to civil society; the content and structure of the organization's work on development questions; and issues raised in the Secretary-General's *An Agenda for Peace*.

Little has changed, however, in discussions, of reform of the Security Council. In his 1993 annual report to the General Assembly, Secretary-General Boutros-Ghali declared optimistically that: 'The question of the Security Council's membership structure is of crucial importance, and I look forward to the issue being resolved by the time of the 50th Anniversary of the Organization'.¹⁴ That anniversary is long past and the issue is no closer to resolution. Progress towards expansion has been stymied by the obvious questions: Who would be added from the South to balance the presence of Germany and Japan and what would be the eventual veto arrangements for new permanent or semi-permanent members?

Thanks to the dramatic changes that the international system had gone through at the beginning of the 1990's, the Council was able to authorize the use of force against Iraq. It would have been possible to return to the task of concluding Article 43 agreements. Nevertheless, some have argued it is unnecessary or even undesirable, since the Gulf Crisis has demonstrated that the UN can counter aggression effectively without Article 43 agreements in place. This view has prevailed. There has been no effort to conclude Article 43 agreements. It was even argued that this is unnecessary, or even undesirable, because the Gulf crisis has demonstrated that the UN can counter aggression effectively without Article 43 agreements.¹⁵

But Security Council reform is not the only topic related to adapting the inter-governmental machinery to changing circumstances. The decision-making process in the ECOSOC has been criticized for different reasons, including the difficulties of reaching consensus among 54 member countries. ECOSOC has been in a state of permanent crisis for decades. It has been proposed either to reduce the number of its members, or to enlarge it to include all member states; to suppress the Second and Third Committees of the General Assembly; and to create an 'Economic Security Council' of a very limited membership.¹⁶ Even the General Assembly itself needs a reform. This

¹⁴*Report on the Work of the Organization, A/48/1*, September 1993.

¹⁵John Murphy, 'Force and Arms,' in O. Schachter and C. C. Joyner (eds.), *United Nations Legal Order*, Vol. I, Cambridge, Cambridge University Press, 1995, p. 292.

¹⁶Bertrand, 'The Historical Development of Efforts to Reform the UN,' p. 430.

body is the maximum decision-maker according to the Charter, and indeed, it fulfills important functions. But, in practice, it takes a back seat to the Security Council on the momentous issues. Besides, it is difficult to reconcile the need for consensus-building among 188 members and to take decisions in an efficient manner.

Problems concerning the Secretariat

The UN Secretariat is constraint by severe management problems. For many, the UN signifies a large and inefficient bureaucracy, complemented by an equally inefficient decision-making process which involves 188 member governments. It has not done well in adapting to the changing world globalization, high technology, and modern telecommunications. It has difficulty managing human resources. UN has to improve the effectiveness of its management, the quality of its staff, and the efficiency of its administration. There is a lack of coordination in the UN system. There are many overlapping and competing agencies, committees, and programs that have proliferated over the years.

Another serious constraint is the lack of adequate financing. All UN system relies on assessed contributions from member states, although the method of apportionment varies. According to the Charter, it is the General Assembly's responsibility to determine assessments, as the General Assembly is the principal organ which is charged with the power to approve the budget. Voluntary contributions are the second primary source of funds. They provide an increasing portion of the total sources of funds. Major donors however, can use voluntary contributions to reward some programs and penalize others.

It is said that the United Nations simply spends too much money. The UN spends about 10 billion dollars each year. This is a very small sum compared to most government budgets. Nevertheless, the most pressing and important financial issue facing the UN is the failure of many states, most importantly the United States, to pay their legally binding obligations to the organization. In 1996, Senator Jesse Helms said that The U.S. government should withhold all payments to the United Nations until the new secretary-general demonstrates a

commitment to reform; demand that the United Nations undergo a comprehensive audit and eliminate all programs and agencies that do not meet stringent criteria in terms of mission, organization, and performance; withhold all payments to the United Nations until such a comprehensive audit has been completed; announce that the United States will unilaterally reduce its contribution to the United Nations by 50 percent once current arrearages are paid in full; and pass legislation that prohibits the participation of U.S. troops in UN military operations.¹⁷

Amazingly, U.S. contributions to the U.N. system amount to a mere 1/1000 of the federal budget and peacekeeping payments are less than 1/700 of U.S. defense spending. In that case, it is hard to believe that saving money is the heart of the matter.¹⁸ The Kassebaum Amendment of 1985 to the Foreign Relations Act mandated a reduction of U.S. contributions to 20 per cent if weighted voting on budgetary matters was not introduced. When peacekeeping expenses were at their height, the US Congress decided to reduce its assessed share from over 31 per cent to 25 per cent. Similarly, many member states have not paid their full dues and have cut their donations to the UN's voluntary funds.

While the UN is being called on to play an increased role in meeting the challenges faced by the international community, it is deprived of a secure and adequate financing. At the end of the September 1999, members owed the UN 2.51 billion dollars, of which the US alone owed 1.63 billion.¹⁹

These two problems are age-old problems from which the UN has been suffering. Problems arising from the inefficiency of the Secretariat has been one of the primary concerns of Secretary-General Kofi Annan since his election to this post. In June 1997, Secretary-General Kofi Annan announced his proposal under the title "Renewing the United Nations: A Program for Reform". The proposal contained

¹⁷J. Helmes, 'Saving the United Nations,' *Foreign Affairs*, September/October 1996, p. 3-7.

¹⁸Edward C. Luck, 'Reforming the UN,' *The UN and Global Intervention Conference*, Cato Institute, Washington D.C., 22 October 1996, p. 14.

¹⁹[<http://www.un.org/facts/finance.htm>], 6.12.1999.

some organizational changes: Mergers of departments in the economic area, human rights, humanitarian assistance; re-shuffling of programs; staff reductions (around 10 per cent); enhanced efficiency on the part of the Organization; a more participatory, cabinet-style management; bringing all UN funds and programs related to development operations under a UN Development Group; and the creation of the post of Deputy Secretary-General.

Financial crisis is a household word for everybody who has been interested in the UN since its very early days. Nevertheless, it is the Reagan Administration in the US that tried to use United States' financial contribution to the organization as a weapon with the purpose of obtaining the results that the US wanted. Efforts to reform the UN have highlighted the question of what the member states actually want from the UN system. The world body's dramatic expansion demands a thorough review of U.N. goals and priorities.

4. Conclusion

The end of the Cold War has placed the US and its Western allies in an unusual leadership position. With their consent and political support, the UN is theoretically able to play a growing role in maintaining international peace and security. Nevertheless, the end of the East-West struggle has also removed the lid and permitted the explosion of civil wars. Two key components of any UN involvement in these conflicts are the Secretary-General's missions of good offices and the establishment of peace-keeping operations.

Can UN perform a far more ambitious role as orchestrator of the peace? The answer is complex. The political and secretarial mechanisms of the UN need reform; and this need is recognized by every party. Still, we cannot forget that '...the assistance of the world organization is being sought as never before in its history'.²⁰ There is also an evolving structure of *ad hoc* cooperation among the Security Council, the Secretary-General, the General Assembly, peace-keeping operations, and various UN agencies.

²⁰Report of the Secretary-General on the Work of the Organization, UN Doc. A/44/1, September 1989.