

THE NEED TO STRENGTHEN THE UNITED NATIONS

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To better understand the subject of the need to strengthen the United Nations, one must address the purposes of the United Nations and its objectives as the founding Members had envisioned it in 1945.

The preamble of the UN Charter read: “We the peoples of the UN who after suffering from the scourge of war, (in fact two world wars), reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of both men and women as well as nations large and small.” The founding members pledged to practise tolerance, live together in peace, maintain international peace and security and employ international machinery for the promotion of economic and social advancement of all peoples. Thus, in San Francisco, the representatives of member states agreed to create an organization to be known as the United Nations.

What are the achievements of the UN system since 1945? From a positive outlook, the UN has developed a large network of mechanisms and structures with a view to preventing conflicts and facilitating assistance to its Members States. During the 1960s and the 1970s, standard setting in human rights, international humanitarian law as well as principles of protection for refugees, were enacted and further developed during the subsequent decades. The UN was called upon to deal with the internally displaced, irregular migration and trafficking, and the containment of national and regional conflicts as well as disarmament issues and the regulations of deterrence of nuclear armament.

Humanitarian actions, such as those conducted by the UN High Commissioner for Refugees, have increased in an unprecedented manner not only for people crossing the national borders, but also for those who are internally displaced due to internal instability and tribal wars. There is arguably no other organisation in the world that could come to their assistance in such a structured manner, and of course, the non-state actors such as the NGOs, prove to be essential partners to this effort.

Furthermore, the UN has expanded its activities, throughout its Agencies in the areas of security, migration, health, labour, food, intellectual property, telecommunications, meteorology, world trade and financing. Under this large umbrella, it would appear that most issues regarding regulations in the area of assistance, promotion, protection and prevention of conflicts have been addressed by Member States, thus strengthening the overall envisaged purpose of the Organisation.

On the other hand, since the establishment of the United Nations, the maintenance of global peace and security remains far from being fully realised. Conventional wars have continued to erupt throughout the century leaving behind millions of victims who were indisputably intended to be included as apart of the preamble to the UN Charter under the banner of: “We the People”.

The decolonisation process and the melting down of the ‘iron curtain’ in 1989, so rightfully defined by Churchill, undoubtedly enlarged the international community, thus greatly influencing the structure and the composition of the UN.

Due to this rapid enlargement, the immobilisation of Security Council decision-making in response to emerging conflicts was evident. The UN system, which was largely paralysed as an effective decision maker during the East-West conflict, was expected to function in a more consensual manner to prevent and to deter international conflicts and massive human rights violations.

By the end of the Cold War the voting patterns of Member States began to change, particularly at the Security Council and the Commission of Human Rights. The UN system then appeared to be strengthened under the evidence of some kind of corrosion of the doctrine of sovereignty as contemplated in Article 2.7 of the UN Charter. The Security Council felt the legitimate backing for its action vis à vis internal interference in human rights matters that were considered to be a prerogative of the domestic jurisdiction of some governments, only to bounce back recently.

It might be recalled that as a consequence of this political climate the Security Council took a bold step in 1993 when it decided to establish, under Chapter VII of its Charter the first ad-hoc International Criminal Tribunal for the former Yugoslavia and

subsequently for Rwanda so as to assign individual responsibility and accountability to those who were found to be responsible for acts contrary to the international humanitarian law and human rights.

It should not be forgotten that the War Crimes Commissions for the former Yugoslavia and Rwanda paved the way for the establishment of the two above mentioned ad-hoc Criminal Tribunals which sit today in The Hague and Arusha, respectably.

Subsequently, the UN established an International Criminal Tribunal, which entered into force in July 2002 with the ratification of 60 Member States. It is true, that the main actors of the Organization are missing, but the structure is there to be put in motion and be strengthened by additional ratifications.

Today, the institutions of the UN system are under great pressure. As stated by Mr William J. Vanden Heuvel in his publication entitled 'The United Nations and Its Enemies' at The Arthur Ross Lecture Series on 30 October 2003, "The UN is a mirror of a very imperfect world, it can only do what its 191 Member States permit them to do".

Political and financial constraints tend to block the actions of the Organisation. The political, are often reflected in the decisions of the Security Council. The veto power, held by the USA, France, China, UK and Russia, prevent significant measures to move forward thereby adversely affecting the actions of the Organisation. Proposals under consideration foresee the enlargement of the Council to include such powers as Japan, Brazil, Germany and India as well as reconsidering the veto power.

The Secretary-General recently announced on the 4th November 2003 that a 16 member group of eminent persons will examine current international threats, provide an analysis of future challenges and recommend the changes necessary to ensure effective joint action within the UN system. This initiative by the Secretary-General aims at providing future views for strengthening the UN system. Among the members of this selective panel are Sadako Ogata, Gro Brundtland, Primakov, Quchen, Nafis Sadik and Brent Scowcroft, all of who are well-placed geopolitical personalities.

As already stated, some of the actions by the UN in the field of human rights and humanitarian actions can be considered and unprecedented. The mechanisms set up by the Commission on Human Rights to enact human rights observance have shown their effectiveness, in particular throughout the democratisation process of Latin America. There is no doubt that today human rights are considered in the agenda of most countries. Therefore, the preamble to the UN Charter that begins with “We the peoples” has begun to surface in political discussions.

Finally, the weakness of the financial contribution by member states to the UN Organization must be addressed. Any decision taken by the Organs of the UN must be backed by sufficient material contributions from member states otherwise the resolutions reflect the lack of commitment by member states to effectively implement their decisions.