

THE NEED TO STRENGTHEN THE UNITED NATIONS

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13 November, 2003

As a result of multiple changes in the political map, a shift in military strength and new economic realities since 1945, the United Nations (UN) is confronted at the beginning of the twenty-first century with a new political dynamic and balance of power.

Since the end of the Cold War, and with the enlargement of the organization by the creation of new member states, its membership increased in the last 15 years by 30 percent. The UN, as a structure, had to adapt to absorb these newcomers and further, it had to respond to confrontations and unprecedented movements of population mostly in the southern hemisphere.

We must acknowledge that there is no other organization at the universal level, such as the UN, capable of dealing with such matters as peace and security, refugees, health, world trade, intellectual property, education, labour and human rights.

Faced with these realities, the Secretary General launched an appeal to the international community and stressed the need to reform the organization to respond effectively to the challenges. But reform is not easy to attain and the international community has no time to wait for the new structure to be put in place. Time is running out. Immediate enforcement mechanisms must be put in motion, in accordance with the UN Charter, to put an end to the existing conflicts, to prevent others from emerging, to set up the basis for economic and social development, to enforce the rule of law and above all, the observance of human rights.

How can the UN be strengthened? First, we need to recall the initial aims and principles of the UN. In the second part, it is important to address and recognize the UN's successes and strengths since its creation. The third section analyses the various new challenges and today's evolving world, in order to finally attempt to see what needs to be adapted and strengthened within the UN so it can play a central role in the twenty-first century.

Purposes and principles

One needs to remind oneself of the purposes of the UN and its principles as envisioned in 1945 by the founding members, as they continue to be the guidelines and backbone of the organization.

The first words of the preamble of the Charter read:

“We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small.”

The member states pledged to practise tolerance, to live together in peace, to maintain international peace and security, and to employ the international machinery for the promotion of the economic and social advancement of all peoples.

Thus, on June 26, 1945, the representatives in San Francisco agreed to create an international organization to be known as the United Nations which, without any doubt, continues to strive towards the maintenance of international peace and security and towards the development of friendly relations among nations, large and small, based on the respect for equal rights and self-determination by promoting and encouraging human rights and fundamental freedoms. Its aim is also to set the adequate foundations for international economic, social and political stability.

UN successes and strengths

How much has the UN system achieved since 1945?

If we take a positive outlook, the UN has certainly developed a large network of mechanisms and structures with a view to preventing conflicts and facilitating assistance to its member states through preventive diplomacy, peacekeeping and fact-finding missions. During the 1960s and the 1970s, standard-setting in human rights as well as principles of protection for refugees were enacted and further developed during the subsequent decades. The UN was called to deal with the internally displaced persons, irregular migration and trafficking, and the containment of national

and regional conflicts as well as disarmament issues and the regulation of nuclear armament. On many occasions, its member states have also been called on to make their armed forces available for missions of peacekeeping and its specialized agencies, responsible for social and economic order, have steadily grown and increased their activities.

Humanitarian actions, such as those conducted by the UN High Commissioner for Refugees (UNHCR), have increased in an unprecedented manner not only for people crossing national borders but also for those displaced within a country. It is well known that the UN Refugee Convention of 1951, supplemented and strengthened by the 1967 Protocol relating to the status of refugees, gives legal authority to the international community, through the UNHCR, to protect and assist those who have crossed the borders of a state. These people receive emergency shelter, food, medical care and rehabilitation assistance. Ultimately, the aim is for these people to be able to return safely back home. At present, the UNHCR looks after hundreds of thousands of refugees around the world. No other international organization has a comparable authority and structure to intervene on behalf of these persons across all continents. It must be acknowledged that non-state actors, such as NGOs, have proven to be essential partners to the UN in this effort.

As far as the internally displaced peoples (IDPs) are concerned, they represent an even more vulnerable group. Today, they are considered to be the largest population at risk in the world. When the UNHCR receives a mandate from the UN General Assembly, it can step in to assist those, who, within their own territory, have had to abandon everything, homes and villages, from fear of persecution. However, there is no automatic mandate of the UN to intervene on behalf of IDPs. A number of measures have nevertheless been undertaken to attempt to improve the terrible lot of this group of people.

In 1994, the UN designated an Emergency Relief Coordinator as a “focal point” for assistance and protection, however with no effective operational force. Also, the Commission on Human Rights appointed a Special Representative of the Secretary General to deal with this matter and this person reports on an annual basis to the Commission and to the General Assembly.

Furthermore, a body of Guiding Principles on Internal Displacements has been produced which addresses the specific needs of internally displaced persons worldwide. These principles identify rights and guarantees relevant to the protection

and assistance during displacement as well as during return, resettlement and reintegration. They provide guidance to: the Representative of the Secretary General, member states when faced with the phenomenon of internal displacement, all other authorities, groups or persons in their relations with IDPs and NGOs when they deal with this matter.

The UN has expanded its activities, throughout its specialized agencies, in the areas of education, health, labour, food, intellectual property, telecommunications, meteorology, world trade and financing. Under this large umbrella, it would appear that most issues regarding assistance, promotion, protection and prevention of conflicts have been addressed and put in place by member states, thus strengthening the overall envisaged purpose of the organisation. However, the reality shows otherwise.

Ongoing and new challenges

Contagious diseases, degradation of the environment, massive starvation and illiteracy continue to inflict terrible suffering on a large part of the world population and expand across borders. Who can deal with such global matters but the UN? No country can assume such a responsibility alone.

In the field of internal displacement, the UN has yet to prove its effectiveness. At present, approximately 30 million people are considered to be internally displaced. Needless to say that beyond the obvious humanitarian and human rights aspects, internal displacement also raises severe problems for the international and political order. Internal displacement sparks and ignites massive refugee flows, which, in many situations, may require international armed intervention. The conflict in Sudan, Afghanistan, the Ivory Coast, Rwanda, Colombia, East Timor, Guatemala, Liberia, Congo, Burundi and the former Yugoslavia have displaced millions over a relatively short period of time. These conflicts inflicted untold misery and destroyed the environment.

As mentioned above, the UNHCR is largely involved in this issue of IDPs, as well as the following organizations – the International Organization for Migration, UNICEF, WFP and the ICRC. However, it would be useful if a new organization were to be established to assist this particular group. Unfortunately, financial and

jurisdictional questions prevent its creation, as well as the issue of state sovereignty, which remains a major stumbling block.

Other concerns, such as the maintenance of world peace and security, as well as the concept of “collective security”, continue to be brought into question. Conventional wars and internal conflicts have continued to erupt in most continents throughout the last century. Also, the manufacturing of nuclear and chemical weapons has never ceased to proliferate. There is a growing concern that these weapons be in the possession of terrorist groups.

Looking at the 1960s, the UN was particularly present in Africa and Asia and participated in the painful period of decolonisation, but, unfortunately, this process left behind thousands of victims. Those victims, as well as all the new ones since, believed they were part of the banner of the UN Charter “We the peoples”.

We cannot end the discussion without addressing the weakness of the financial contribution of member states to the UN organization. Any decision taken by the organs of the UN must be backed by material commitments; otherwise resolution cannot be fully effective.

Today: an urgent need to strengthen the UN

The decolonisation period in the 1960s and 1970s, and the melting down of the “iron curtain”, so rightfully defined by Churchill, undoubtedly enlarged the international community, thus greatly influencing the structure and the composition of the UN.

Due to the rapid enlargement of the Organization in 1989, the UN faced an unprecedented challenge. Rapid and effective responses were required when internal and regional conflicts paved the way to “ethnic cleansing” and genocide such as in the former Yugoslavia and Rwanda.

Prior to 1989, the UN’s system was largely paralysed as an effective decision maker. Therefore, it was believed that the disappearance of the East-West conflict would enable the UN, through the Security Council, to work in a more consensual manner to address the questions of peace and security so as to prevent and deter national and international confrontations and massive human rights violations.

Indeed, at the end of the Cold War, the voting patterns of member states began to change, particularly in 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 a legitimate backing for undertaking actions *vis-à-vis* internal interferences in human rights matters, actions that had been considered, until then, the prerogative of the domestic jurisdiction of governments. However, political realities and issues of national interest bounced back, and the doctrine of state sovereignty remains as strong.

During the so called “consensual period”, the political climate at the Security Council enabled the UN to take 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 international humanitarian law and human rights. Today, these tribunals are operational and sit at the Hague and Arusha, respectively.

The enforcement provisions of the statutes of the tribunals become legally binding to all member states, thus confirming legitimacy to the tribunals created under Chapter VII of the Charter. In fact, a new judicial organ was born under the UN with the aim to prevent and deter future violations of international humanitarian law and human rights by assigning individual responsibility to those who planned and perpetuated acts against the universal and international established norms. We cannot leave this subject without making reference to the Treaty of Rome that provided for the recently established UN International Criminal Court, which entered into force in July 2002, with the ratification of 60 member states. It is true that some important actors of the organization are still missing but the statute of the tribunal and its composition are here to serve and to be strengthened by additional ratifications by member states.

Today, the institutions of the UN system are under great pressure. As stated by William J. van den Heuvel in a recent publication, “the UN is a mirror of a very imperfect world, it can only do what its 191 Member States permit it to do” (van den Heuvel, 2003).

Political and financial constraints tend to block the UN’s actions. Political actions are often reflected in the decisions of the Security Council. The veto power, however, held by the USA, France, China, the UK and Russia, prevents significant measures to move forward, thereby adversely affecting the actions of the UN.

Proposals under consideration foresee enlargement of the Council to include such powers as Japan, Brazil, Germany and India as well as reconsideration of the veto power.

On November 4, 2003, the UN Secretary General announced the composition of a 16-member group of eminent persons who would be mandated to examine current international threats, to provide an analysis of future challenges and to recommend necessary changes within the UN system in order to ensure a truly effective joint action. The principal aim of this group is to provide future views for strengthening the UN system. Among the members of this panel are Mrs. Sadako Ogata, Mrs. Gro Brundtland, Yevgeni Primakov, Quchen Nafis Sadik, and Brent Scowcroft. It is evident that the Secretary General sought eminent and well-placed geopolitical personalities to advise him on the ways and means that could enhance and strengthen the UN system.

Conclusion

As already stated, some of the actions undertaken by the UN in the field of human rights and humanitarian actions can be considered 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, we can conclude that the preamble of the UN Charter that begins with "We the peoples" has begun to surface in political discussions. But nothing will be achieved without the political will of the member states, with the indispensable assistance of the UN to legitimise their actions.