Should the UN be reformed. How?

Reform of the United Nations is a much debated subject constantly on the UN agenda. This essay argues that UN reform is necessary in order to strengthen the UN's effectiveness as a multilateral organization, bring more transparency to the institution and enhance its credibility. The main focus is on the reform of the Security Council (SC), as this is the most powerful UN institution with the most potential for bringing change. However, by further investigating the existing problems of the SC, it becomes clear that in fact the implementation of reform is extremely complex and widely contested. A Liberal Idealist view will be taken below, seeing a realistic opportunity for change and improvement (Gareis&Varwick, 2005: 213). Nevertheless, considering valid Realist arguments that the permanent five SC members are further likely to decelerate SC reform (ibid.) seeing it is against their own interests, the process of SC reform and thus, of the whole UN system can only happen gradually. This essay also briefly discusses other areas in need of reform such as UN financing and the General Assembly (GA).

The UN was set up with the principal aim of maintaining world peace and security (Article 1.1; Cassese, 2005: 320). However, it has been more successful in areas seen as less significant by its founding fathers in 1945, such as diminishing colonialism and promoting human rights, than in maintaining peace and security and settling disputes likely to endanger peace (ibid: 323). The UN is in need of reform to realign its goals with its activities (Luck, 2004: 361). The world of 1945 was very different from the world in the 21st century. Many of the structures and processes of the UN reflect a bygone era – changes that have happened in the last 65 years must be taken into consideration. Not only has the UN increased its number of member states from 51 to 192 in 2006 (Taylor&Curtis, 2008: 314), but also, new global issues have arisen since 1945 (Brand, 2005: 160), such as the lack of natural resources, the rapid population increase, environmental issues, climate change, weapons of mass destruction, and new internal conflicts representing a threat to peace (Gareis&Varwick, 2005: 215). Furthermore, some of the UN's structures have shown great inefficiencies, ranging from the incapability of the UN to make states pay their membership fees (Global Policy Forum1, 2010), to terrible peacekeeping failures (Open Democracy, 2006) and the inability of the SC to act in order to prevent the genocide in Rwanda (BBC News, 2004). Yet, there is sharp disagreement on which aspects should be reformed (Global Policy Forum2, 2010). Many smaller states are in favour of a more effective multilateral organization, however, the most powerful governments, are generally opposed to strengthening the institution and use their power to stop any significant change (ibid.). Making changes to the UN's complex structure and processes has proved extremely difficult, especially when it comes to 'constitutional changes', amendments of the UN Charter, (Gareis&Varwick, 2005: 213) of which there have so far only been three (Weiss, 2009: 160).

Quoting the former Secretary-General Kofi Annan in 2005, "No reform of the UN would be complete without reform of the Security Council" (Annan, 2005). The SC is the UN's main executive body with the primary responsibility of maintaining international peace and security (Article 24) and the necessity of SC reform is widely agreed upon (Gareis&Varwick, 2005: 225). It does not reflect today's distribution of military and economic power, nor a geographical balance (Taylor&Curtis, 2008: 317). Much rather, it still consists of the five permanent members – China, France, Russia, the UK and the US – and the ten non-permanent members, elected by the GA every two years, thus, reflecting a Realist hierarchy within the UN system (ibid: 315). In spite of rapid growth during the decolonization process and increasing pressures for SC expansion (Luck, 2006: 113), strong cases for permanent membership of major member states powers, such as Germany and Japan, as well as of developing countries, such as South Africa, India, Egypt and Nigeria, have been unsuccessful so far. (Taylor&Curtis, 2008: 317). Furthermore, the veto granted to the five permanent members that can disable SC decisions, makes it extremely difficult to reform

Should the UN be reformed. How?

Written by Nicola-Ann Hardwick

(Weiss, 2009: 162). During the Cold War the envisioned collective security system failed, due to the East-West-division (Cassese, 2005: 323) and the UN's deep financial and constitutional crisis, as several countries refused to pay for peacekeeping operations such as in Congo (Luck, 2004: 367). In 1965, the Council was enlarged from the initial six non-permanent members to ten, remaining the only SC enlargement process within its history (ibid.) After the Cold War, there was a greater surge for reform; thus, in 1993; the General Assembly's Open-Ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council and Other Matters Related to the Security Council was established (ibid: 115). It has addressed veto and voting procedures but has so far proven to be more effective in improving accountability and transparency (ibid.). In 1997, Razali Ismail, the President of the GA in 1996-7, proposed a reform plan to the Working Group, including enlargement and working methods, which was unsuccessful (ibid: 116). A further attempt at SC reform by Kofi Annan was the creation of a high-level Panel on Threats, Challenges and Change (HLP) (ibid: 117). However, despite all of the efforts of the last 20 years, the SC has not seen great change.

While there are arguments that an expansion of the SC would make it more representative of the 192 UN members, in fact most members would still remain unaffected by SC enlargement even if it were to allow seats for developing countries such as South Africa, India, Egypt, Brazil or Nigeria (Luck, 2006: 122). Furthermore, it would be very difficult to justify which states were awarded seats and which not. Japan, for instance, is the second biggest financial contributor to the UN but has still not been awarded a seat (ibid: 120). Perhaps the SC should be represented by blocs, such as the European Union, instead of a British, a French and a potential German seat (Taylor&Curtis, 2008: 317). Further blocs could represent other regions not yet in the SC, such as Mercosur or the African Union. However, the P-5 are likely to continue to oppose expansion. Furthermore, if the SC were to have even more members, it would probably make it even harder to achieve agreement. In order to make the SC more capable of change, it would also be necessary to abolish the veto. The P-5 could voluntarily restrain their veto powers and restrict them to matters of humanitarian intervention, for instance, but this is again, unlikely to happen (Weiss, 2009: 165). Another possibility is for coalitions of states to seek moral approval outside the SC, as did the Kosovo Commission when NATO intervened in Kosovo, arguing that the intervention may be 'illegal' without SC authorization but still 'legitimate' on ethical grounds (ibid.). Alternatively, the veto can be by-passed by adopting "the General Assembly in Emergency Special Session under the 'Uniting for Peace' procedure" (ibid.). However, this process has its limits, as a 2/3 majority is necessary in the GA, its resolutions are not legally binding and many countries are reluctant to act without SC authorization (ibid). Furthermore, the SC's working methods must be improved, especially concerning transparency and reporting measures, as well as repetitive speeches during sessions (Luck, 2006: 122-126). This is essential to the enhance the SC's performance and it would also have a more immediate impact for many countries than an SC enlargement, as the working methods address how the members outside the SC are "represented", while enlargement would affect relatively few (ibid.). A key issue for the SC is engagement with the US (Weiss, 2009: 167-168). While, the US was crucial in creating the UN (ibid.), it has also greatly diminished the SC's credibility, as in its unauthorized military action in Iraq and its interest in unilateral rather than multilateral power (Glennon, 2009: 150). Cooperation of shared interests should be highlighted, such as Resolution 1368 condemning terrorism and the spread of infectious diseases such as (HIV/AIDS, Ebola virus, SARS) (Weiss, 2009: 167). While Realists such as Glennon argue that a successful SC reform is unlikely (2009: 159), it is vital for the SC to act in order to keep and improve the general acceptance of its authority and legitimacy (Gareis&Varwick, 2005: 225).

Of course there are many more areas in need of reform. The following paragraph offers an overview of some of the most popular reform topics. It can be said that the UN has a lot to do but too little money, as it is in a permanent financial crisis due to the unwillingness of many members to pay their contributions on time (ibid: 221-222). Thus, in August 2003, only 98 members had made their full payments and in March 2004, 24 countries had still not paid (ibid.). Possible solutions to reform UN finances are a 'reserve fund' or even a 'world tax' (ibid.). As long as the UN's budget remains tightly constrained, it cannot be effective (Global Policy Forum, 2010). GA reform is another important issue, as it is usually only on the sidelines of mainstream debates and can only make non-binding recommendations (Gareis&Varwick, 2005: 225-226). There have been suggestions to make it resemble a bicameral parliamentary assembly and thus act as a 'World Parliament'; whether this is likely, however, is questionable (ibid.) The Economic and Social Council has been criticized, as it has become overshadowed by institutions such as the IMF and the World Bank, which are lacking democratic processes, transparency, and accountability (Global Policy Forum3, 2010). Thus, there have been suggestions to replace ECOSOC with a smaller and more effective "Social

Should the UN be reformed. How?

Written by Nicola-Ann Hardwick

and Economic Security Council" (ibid.). Furthermore, a reform of international law should be considered (Gareis&Varwick, 2005: 233-234). While the vast number of international law treaties affecting international trade, economics and human rights has proved very effective, laws prohibiting the use of force have been less so, as states primarily still follow their own interests, such as the forceful regime change in Iraq by the US-led coalition (ibid.). In 2000, the Brahimi Report proposed wide reforms for Peacekeeping, as in recent years peacekeeping missions have often failed (Gareis&Varwick, 2005: 227-228), as in Rwanda. Its demands for the Department of Peacekeeping Operations include to constitute more necessary personnel and structural preconditions for complex missions, as well as tangible results from member states (ibid). In 2008, Secretary-General Ban Ki-moon further outlined needs for improvement in areas such as the environment, public health and human security (UN News Centre, 2008).

In conclusion, as numerous UN failures have shown, reform of the UN, and of SC in particular, is essential for the UN to make more effective decisions and act under great stress. Several largely unsuccessful SC reform efforts have shown, however, that SC reform is extremely difficult to implement, mainly due to the Big Five's veto. Furthermore, there is the question of which aspects to reform. SC enlargement, though bringing the advantage of representing regions that so far have had no permanent seat, might only further decrease the SC's decision-making ability. Restraining the veto power would make a big difference but is unlikely to be agreed to by the permanent members. There is also the issue of great powers, especially the US, by-passing SC regulations, in order to act in their own interests. Change in SC working methods is probably the most likely reform in the near future and has already shown some success. Improving the SC's openness and transparency is definitely a start. This essay has also demonstrated that many more areas need to be reformed in order to make the UN more effective, such as UN finance. All in all, while change must and will happen if the UN does not want to lose its global role, there seems to be no immediate solution to SC reform; it is likely to remain a slow process.

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Should the UN be reformed. How?

Written by Nicola-Ann Hardwick

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Date written: March 2010