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AUSTRALIA AND UN REFORM



INTRODUCTION

UN reform is like the weather - everyone talks about it but nothing is ever accomplished. The first UN Association seminar I ever attended – in 1966 – was on reforming UN peacekeeping operations and almost 40 years later I am still attending seminars where many of the same basic issues are being discussed. Therefore, I am not very optimistic that the current spate of UN reform proposals will get very far.

This chapter reviews some of the ideas on UN reform in circulation, especially among non-governmental organizations. Amending the UN Charter is a very difficult process. There has not been any substantive amendment to the document since it was created in 1945. Therefore I distinguish between "micro" amendments (which could be implemented today if there were the political will) and "macro" amendments (which require an amendment to the UN Charter). The extent of the micro amendments shows how far governments could go in making the UN Charter more effective without having to amend it - and, by implication, how reluctant they are to make full use of the current document. The chapter ends with some comments on why UN reform has been so unsuccessful.



MICRO REFORMS

The UN was not designed to fail. The people who drew up the UN Charter in 1945 really did think that they were producing a workable document. Winston Churchill, one of the UN's architects, referred to the war they had just fought as the "Unnecessary War" because it "could easily have been prevented if the League of Nations had been used with courage and loyalty by the associated nations". The architects did not want to want to repeat the same errors. But that generation, scarred by two world wars, has long since passed from the political scene, and the current generation is more concerned with furthering national interests rather than expanding the UN.

Therefore, before speculating on ways of “reforming” the current document, attention ought to be given to seeing how the current document can be better implemented. “Micro reforms” could be implemented immediately – if there were the political will to do so. Here are some examples of how the UN could be made more effective today.

✓ UN Finances

All member states should pay their subscriptions on time. The sums are not large. The total UN system spends about US\$12 billion each year. Therefore the appalling record of most countries paying late (Australia is always on time) can only be explained as a political action because their contributions are not onerous.

A variation on the proposal that all members should pay their subscriptions on time is that all aspiring members of the Security Council should have paid their contributions to the UN budget (this would knock out most of the current membership - including the US and Russia).

More generally, there should be more money for the UN system. For example, many people die from diseases that could be prevented - if there were more money for health care services. Ironically, developed countries such as Australia are now providing - as a percentage of their gross national product - less foreign aid than they were two decades ago. The UN foreign aid target for developed countries is 0.7 of the gross national product

– Australia is giving less than half of that target. As countries have become richer, so they have become meaner.

✓ UN Finances

More women should be appointed to senior positions. The senior level of the UN traditionally had none or only a few women. This was similar to the lack of women as heads of national delegations to the UN. However, just as some countries are now making more of an effort to ensure equal opportunity at the head of delegation level, so the UN's own employment practices could reflect that same determination. The UN Secretary-General has little leverage over countries (such as in the slow payment of their dues) but the Secretary-General does have much greater scope for action in employing women in the Secretariat's senior level. Some progress has been made of late but much more could be done.

✓ UN Finances

"Peacekeeping" is not referred to in the UN Charter. It has been an ad hoc measure that the UN devised to cope with the Cold War's freezing of the procedure that is laid down in the Charter.

Generals always prepare to fight the last war - and diplomats design methods to avoid having to fight the last war. The ghost of Hitler (who had died only two months before the 1945 San Francisco conference which finalised the UN Charter) underpins the original vision for the Security Council. If, the reasoning went, enough countries had worked together in the League of Nations, then Hitler would have been deterred from his aggressive foreign policy. Consequently, the League's successor, the UN, was given - on paper - immense power.

All UN member-nations agree to be bound by Security Council resolutions (the only part of the UN system with such power) and all member-nations "shall hold immediately available" defence forces to be deployed as required by the Security Council (Article 45). A Military Staff Committee was created, drawn from the representatives of the Chiefs of Staff of the five permanent members (US, USSR/ Russia, UK, France and China), to co-ordinate the military operations.

Because of the Cold War, this elaborate system was never used. Instead, there evolved an ad hoc system of peacekeeping for intervention in disputes where the two super powers agreed not to intervene if the other also agreed not to intervene. Instead of the five permanent members (P5) controlling the UN's military work, peacekeeping almost always avoided any involvement of the P5 (the British Army has been involved in the UN force in Cyprus because it was already stationed there when the communal fighting broke out). The bulk of the peacekeeping operations were, until recently, also financed by non-P5 nations.

The ending of the Cold War saw a great increase in the UN's peacekeeping work. The UN is now mounting more peacekeeping operations than at any other time in its history. But the UN Charter's elaborate Military Staff Committee system is still not being used in the way it was designed to be. Meanwhile, there is a sense of combat fatigue. Governments are reluctant to commit troops to UN operations in case they get killed. The US, for example, has gone from the Cold War to cold feet. It is highly selective as to where it commits its troops. It is, for example, most reluctant to commit troops to any operation in Africa (as was seen by the delay in getting involved in the Liberian operation in 2003).

Therefore, to assist with the implementation of the UN Charter, there could be a standing force drawn from the defence forces of countries around the world, to be ready for instant deployment. The UN could create a training centre for senior military officers who are on stand-by for UN operations; the centre would help standardize procedures and equipment, and provide training in conflict resolution techniques. The perpetual problem of financing operations

could be addressed by governments paying for UN operations out of their defence budget rather than their foreign affairs one (since the former are always much larger than the latter).

Additionally, there could be greater recourse to arbitration and mediation as a way of settling disputes. Also, greater resources devoted to human development could reduce some of the causes of conflict: prevention is better than peacekeeping.

✓ **Jurisdiction of the International Court of Justice**

The International Court of Justice (ICJ) is the world's main legal body. But attendance at it is not compulsory. Only about a third of the UN's membership accept its jurisdiction. The obvious reform is that all countries should accept the ICJ's jurisdiction and to make greater use of it in the settlement of their international disputes.

✓ **UN Secretariat**

The Secretary-General could be appointed for only one, seven-year term. The present arrangement is for the person to have five-year terms, with the understanding that only two terms will be served. There is a temptation to use the end of the first term as an election campaign to get re-appointed. One term in office would remove that need and perhaps make the office-holder a little more independent.

The UN Secretariat could be a truly international civil service. UN staff promise not to take instructions from their national governments but there is a temptation to maintain close links with their governments.

Similarly, national governments ought not to use the UN as a dumping ground to reward retired politicians or relatives of the ruling households who need a job - or whom the government would prefer to have out of the country. Recruitment should be on merit; it generally is at the lower levels but not necessarily at the senior level.

To sum up, all these micro reforms could be implemented this day if there were the political will. The list indicates that - contrary to some of the assumptions of the UN reform debate - the problems with the UN lie less in the UN Charter itself, and more with national governments not being willing to honour their current obligations.

✓ **THE DIFFICULTY OF AMENDING THE UN CHARTER**

It is very difficult to amend the UN Charter. According to Article 108, amendments have to be adopted by a vote of two thirds of the General Assembly and ratified in accordance with their respective constitutional processes - including the Permanent 5 (US, Russia, UK, France and China). This latter provision provides a blocking veto - including a possible veto on any proposal to change the veto.

There are also political problems. According to Article 109, there was to be a review conference of the UN Charter no later than 1955 but this could not be held because of the Cold War. It has never taken place, and there is at present little governmental support for it to do so.

Since 1945, the only changes have been to the number of member-nations on UN bodies; these changes have arisen because of the increase in the UN's overall membership. For example, the UN Security Council's membership was increased in 1965 from 11 to 15.

✓ **MACRO AMENDMENTS**

Macro amendments require a change to the UN Charter. This list is not in any order of priority; it is simply based on the UN's "principal organs".

✓ **The Security Council**

The UN Security Council is designed to meet day or night to handle threats to international peace and security. Its core consists of the Permanent 5 (P5), which were the Allied leaders in World War II. The other 10 countries serve two-year terms and are elected via the UN's caucus system to maintain a representative balance of the world.

Ideas for reforming the Security Council focus on its composition and the veto power.

The Permanent 5 are no longer necessarily the world's main countries as they were in 1945. The UK and France are the most obvious members to be dropped. Germany and Japan (ironically the two big losers of World War II) are the obvious candidates to join the Security Council. Germany wants permanent membership on the Security Council because this would reflect its economic strength. It was said of the UK in the early 1960s, that it had lost an empire but not yet found a new role. It can be said of Germany that it has regained its unity but it has yet to find a new role. Being on the Security Council would give (Germany evidently hopes) a clear sense of direction. Japan has given the UN similar signals. Japan is increasing its financial contributions to UN operations. There is an element now of taxation without (permanent)

representation. (The Australian Government supports Japan's permanent membership of the Security Council).

An alternative approach to reforming the Security Council would be to break the nexus between the P5 and the veto power. The P5 would remain permanently on the Security Council but the veto power would be abolished entirely. The P5 would not have to worry about an election every two years - and the cost of retaining their permanent membership would be the surrender of the veto.

Another proposal is to increase the Security Council's overall size. 24 is a common suggestion (since it would give each country the chance to chair the Council for one month during the two-cycle of Security Council membership).

The chances of any immediate major Security Council reform are slim, if only because the P5 states could use their veto power to block reform. For example, the UK and France would not support their being replaced by Germany and Japan.

✓ **The General Assembly**

The General Assembly is the world's main political forum. It meets for about the last four months of each year, with all UN member-nations (now 191) present. It adopts non-binding resolutions that indicate how the world's governments think on particular issues.

The main debate on reforming the General Assembly has been generated among non-governmental organizations (NGOs), especially the Campaign for a More Democratic United Nations (CAMDUN). The UK Medical Association for the Prevention of War (now part of UK MEDACT) first proposed in 1982 that Article 22 of the UN Charter be amended to create a subsidiary body for the General Assembly. The new body would have an advisory status and would represent the views of NGOs. Representation would be based on the size of national population.

Another NGO urging UN reform is the New York-based Centre for War/Peace Studies, headed by Richard Hudson. Hudson has pioneered the Binding Triad proposal. The General Assembly each year adopts hundreds of non-binding resolutions. Hudson has proposed a shift in power, so that the General Assembly could adopt binding resolutions (thereby absorbing some of the Security Council's power). This would require a change to the present one state/ one vote system to a system reflecting global population and economic realities. For a resolution to be binding, it would need to get two-thirds of the votes in three tiers of voting: of all the members present (a continuation of the present system), of the world's most populated states (thereby favouring the Third World and reflecting the majority of the world's people), and of the world's richest states (which would favour the developed countries and reflect today's economic reality).

Far fewer resolutions would be adopted under this system but any resolution that did make it would obviously reflect today's global realities of governments, people and economic power.

✓ **The Trusteeship Council**

The Allied and Associated Powers at the end of World War I decided that they would not - as was usual for military victors - divide up the territory of the vanquished between themselves as a reward for winning the war. Instead, it was agreed that the colonies would become Mandates, to be put on the road to independence. The policy was continued after World War II, with the Mandates becoming Trust Territories. Each territory was looked after by a country that was a member of the League/ UN, and that country reported to the League/ UN on the progress made in preparing the territory for independence. For example, Australia took over the German colony of New Guinea in 1914 and administered it alongside the Australian colony of Papua until 1975, when the new country of Papua New Guinea was created (and duly entered the UN).

All the Trust Territories are now independent. The Trusteeship Council has therefore effectively worked itself out of a job. But the Trusteeship Council cannot be abolished because that would require an amendment to the UN Charter.

The Council structure could be retained, with its focus now as either an Environmental Council or as a Council for the World's approximately 300 million Indigenous Peoples (in either event giving more prominence to matters that were not high on the international agenda in 1945).

✓ **Economic and Social Council**

The Economic and Social Council (ECOSOC) has 54 member-countries elected for three-year terms. ECOSOC initiates reports and makes recommendations to the General Assembly, UN member-nations and specialized agencies on economic, social and cultural matters. There are 16 autonomous specialized agencies, such as the UN Development Programme (UNDP) and World Health Organization (WHO). There are also the big financial agencies of the World Bank and the International Monetary Fund. Additionally, there are subsidiary bodies such as UN Fund for Children (UNICEF) and the UN Environment Programme (UNEP).

Unfortunately, ECOSOC has never been able to serve effectively as a world policy forum for economic, social, and related questions. Over the years, the ECOSOC machinery became extremely complicated. Today, about 40 bodies are reporting directly to the Council. Since many of these bodies have their own subsidiaries, the total number of experts and inter-governmental

committees in the economic and social field is close to 200. Therefore, ECOSOC is too large and cumbersome.

There is also the larger problem of how can the Specialized Agencies and functional commissions be more tightly controlled by ECOSOC or the Secretary-General. The UN is a decentralized organization. Specialized agencies have their own agendas. The General Assembly, Security Council and Secretary-General may attract the daily media coverage but - until the recent increase in peacekeeping operations - at least 80 per cent of the UN's work is conducted through specialized agencies. Each agency has its own governing board. The governing boards are then linked back to different government departments at the national level. Each agency has its own membership. Thus each country may choose which specialized agencies to join. Each agency has its own method of operating and its own objectives. This means that some agencies overlap in the field, with resulting confusion. There ought to be a tighter system of centralized control but this would not be politically acceptable to governments.

✓ **THE UN AS AN INSTRUMENT OF NATIONAL POLICY**

There is a gulf between people who would like to see a more effective UN and most (if not all) national governments. Many of the ideas on UN reform (such as those listed above) are based on developing the UN as the major international co-ordinator of world policy. The assumption is that if only the UN could be given more resources etc then it could tackle world problems in a neutral, disinterested way and so benefit all of humankind.

But governments have a different expectation of the UN. It is for them simply another tool by which they conduct their competing foreign policies. The UN is not so much a location for settling world problems – as for fighting them. Therefore, their proposals for UN reform are motivated by a desire to further their own national policy – and not necessarily to create a more effective UN. Indeed, in so far as a more effective UN could be developed, then it would further erode some of the national sovereignty of governments and so would be resisted by them.

Therefore, although I have long been involved in various campaigns for UN reform, I have no illusions about our chances of being successful in the near future. The lesson of history is that major tragedies bring on major international reforms (such as the creation of the League and UN following each world war). One wonders what tragedy the national governments need to have to convince them to resume work seriously for a more effective UN.

Keith Suter

NOTES

1. The UN now has its own UN Reform website: www.un.org/reform.
2. The UN Secretary-General has established yet another reform initiative (with former Australian foreign minister Gareth Evans as a member of the review team). This initiative has been welcomed by the Australian Government, see: Minister for Foreign Affairs Media Release "UN Secretary-General's High Level Panel on Reform", November 5 2003, www.foreignminister.gov.au/releases/2003/fa136_03.htm
3. For further information, see: Keith Suter "Reforming the United Nations" in Ramesh Thakur (Editor) Past Imperfect, Future Uncertain: The
4. United Nations at Fifty, London: Macmillan, 1998, pp 189-204.
5. Winston Churchill to Lord Robert Cecil, quoted in: Philip Noel-Baker The First World Disarmament Conference 1932-1933, Oxford: Pergamon, 1979, p 6.
6. See: Prime Minister of Australia: "Joint Statement with Prime Minister Koizumi: Australia-Japan Creative Partnership", May 1 2002, para 3 www.pm.gov.au/news/media_releases/2002/media_release1623.htm
7. See: Frank Barnaby (Editor) Building a More Democratic United Nations, London: Frank Cass, 1991.