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It could be argued that almost all issues at the United Nations are unsolved. However, that seems to me to be too pessimistic. In the wider sense, one of the principal accomplishments is no doubt the enormous extension of the network of international (formal or less formal) agreements which transpose national sovereignty at least in part to international organs. No reliable statistic exists of this gradual development of the international realm. Yet it is a reality, but not one which should be shouted too much from the rooftops, lest the nationalists of this world get alarmed and start some 'wild' action. The UN system continues to evolve in response to the developing needs of the international community and the changing views of its members.

1 IS THE UNITED NATIONS CHARTER STILL USABLE; SHOULD IT BE AMENDED?

To some the fact that the UN Charter is virtually unamended since it was adopted at San Francisco, is a problem. I belong to those who believe that amendments to the Charter should be kept to the strict minimum, if only because of the lengthy and complicated procedure prescribed in the Charter itself and because the Charter could in almost all situations be interpreted and thus make possible what was generally agreed. This has been typically the case with peace operations, old and new style. The UN Emergency Force of 1956 (UNEF 1, created in the wake of the Suez crisis of 1956) was established by the General Assembly, under the 'Uniting-for-Peace' – procedure which had been conceived by the Western powers after 'Korea' to permit action in case of an anticipated or existing stalemate in the Security Council.

Of course, the expansion of the membership of e.g. the Security Council is an 'unsolved problem'. The argument has been heard that countries like Germany, Japan, Nigeria, Brazil and perhaps India or Pakistan or Indonesia should become permanent members. In the case of Germany and Japan it has been conspicuous that in the past both were

reluctant to participate in peacekeeping or peace-making operations, making them less ideal candidates for permanent Security Council membership. However, in both countries the laws have been or are being changed. As far as Africa and Latin America are concerned, regional rivalries will make it quite difficult to agree on any country as a permanent member. The veto now spelled out in the UN Charter for the permanent members of the Security Council is outdated. To abolish it requires, under article 108 of the Charter, not only a two-thirds majority of the UN member-states, but also the agreement of the five current veto-holders individually. Obviously any effort to modify the veto provision will run into great difficulties. Much more promising will be to agree, more or less informally, on the circumstances in which the veto would not be used. Procedural decisions are already (article 27, para 2 of the Charter) excluded from the veto. One possible way to limit the use of the veto could be to agree that, unless the direct interests, narrowly interpreted, of at least three of the five veto-holders are involved, the veto could not be applied.

A distinct question is whether France and the United Kingdom should remain separate members of the Security Council, or at some point be replaced by the European Union. For the moment, suggestions in this direction have met with disdainful rejection by the two countries. Only when the European Union has a real common foreign policy, as envisaged under the Maastricht Treaty, is there a chance that France and the UK will give up their separate membership.

A frequently heard idea which would require amendment of the UN Charter is the constitution of some sort of peoples' assembly. Regularly (with the presumed decline of the 'nation-state') one hears suggestions that the 'peoples', so prominently mentioned in the preamble of the Charter, should be directly associated with United Nations decision making. However, if one thinks this idea through, one can only conclude that UN decision making

¹ This article is partly based on the author's presentation, *The Evolving United Nations: Principles and Realities*, John Holmes

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would be seriously delayed by the constitution of a peoples' assembly. Presumably, such an assembly would have to approve all or certain (the more important) categories of resolutions of the General Assembly. It is easy to see that this would lead to great delays. Also, it may be questioned whether a *de facto* veto of the peoples' assembly over decisions of the General Assembly is really a good thing. Even assuming that the considerable difficulties in selecting delegates to a peoples' assembly could be overcome (which is doubtful, in democratic countries, while in dictatorially governed countries the peoples' delegates would in fact be government delegates), it will be difficult to formulate the powers of such an assembly with precision. Suppose, the peoples' assembly rejects certain decisions of the General Assembly, how does one overcome the stalemate? My conclusion is that there is a simpler, already existing way to associate the 'peoples' with UN decision making, i.e. through more intensive involvement of non-governmental organizations. Non-governmental organizations play increasingly important roles in UN decision making. This has been obvious for a long time in human rights affairs, where organizations like Amnesty International act as fact-finders for the UN. But also in commodity negotiations under the auspices of UNCTAD, in UNICEF and UNFPA financing of projects and in numerous other UN fields non-governmental organizations are – with varying degrees of intensity – playing substantive roles. These roles should be increased.

2 DEMOCRACY, HUMAN RIGHTS, PEACE OPERATIONS AND THE CHANGING INTERPRETATION OF ARTICLE 2, PARA 7 OF THE UN CHARTER

Although this is not spelled out explicitly in the UN Charter, it can be said that the ideal of democracy runs vigorously through the UN Charter and is reflected in the way the Charter has been interpreted and implemented. UN activities in the field of decolonization are one expression of pursuing the ideal of democracy. Dag Hammarskjöld noted some 40 years ago: 'Democracy could be used as a challenge, not as an expression of a completed task'. The present Secretary-General, Boutros Boutros-Ghali stressed on January 12, 1995, in a statement to the Swedish parliament, that 'democracy creates the stability necessary for peace'. Involvement of the UN in assisting the creation of democracy is reflected in the relatively new Electoral Assistance

Division of the Secretariat, in the activities of the Secretariat's Department of Development Support and Management in so far as related to the creation of good governance in the public sector, and in numerous projects financed under UNDP auspices (and for that matter through the financing activities of the World Bank).

In the case of Haiti, the United Nations directly intervened to uphold the result of democratically organized elections, i.e. the return of the elected president and the abdication of the government which has usurped powers. The precedent created by that case may be far-reaching. Previously, in the case of Namibia, the United Nations played an indispensable role in 'accompanying' the country in the transition from colonial status to full independence. While few would disagree with the concept of democracy as a major UN objective, at the same time we witness the decline of the powers of the nation-state, in some cases leading to the virtual disappearance of any central government power, accompanied by unchecked violations of human rights. It is far from clear how the United Nations can restore democracy under such very difficult circumstances.

The international community generally has evolved towards a new interpretation of article 2, para 7 of the UN Charter. That provision forbids the UN to intervene in 'matters which are essentially within the domestic jurisdiction of any state', without, however, prejudicing enforcement measures under chapter VII (dealing with aggression and maintaining the peace) of the UN Charter. Faced with situations like former Yugoslavia and Somalia, it was logical that the UN intervened in specific situations involving massive violations of basic human rights, even without consent of the government of the 'host country'.

The changing situation as to what the UN can or should do, is well reflected in the rapidly evolving role in the field of UN peacekeeping, including conflict prevention and peace enforcement. Ever since the Security Council one-day summit meeting of January 31, 1992 and Boutros-Ghali's pathbreaking report *An Agenda for Peace*, peace operations have been in the forefront of debate (among both politicians and in academia) and the subject of practical action. Boutros-Ghali has indeed 'filled the gap' by putting constructive ideas before the Security Council. His most recent effort can be

found in the **Supplement to an Agenda: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations** (document S/1995/1, January 3, 1995). The paper stresses that the UN secretariat is now well organized to provide early warning of impending conflicts, but that the obstacle tends to be reluctance of one or another of the parties to accept UN help. The report points out that the Security Council has developed the tendency to 'micro-manage' peace-keeping operations. The distinction between overall political direction (belonging to the Security Council), executive command (the Secretary-General) and command in the field, has tended to become more fluid. The Secretary-General makes a plea for a rapid reaction force, which he calls the Security Council's strategic reserve for deployment when there is an emergency need for peace-keeping troops. On this crucial question the Security Council, in an agreed presidential statement of February 22, 1995, has politely suggested that the first priority should be 'further enhancement of the existing stand-by arrangements ...'. The council invited reflections on this matter, with some results.² It remains obvious that the entire field of peace operations is under constant review. One thing stands out: massive violations of basic human rights are less and less tolerated. However, the action to be taken in each case raises serious, sometimes overwhelming problems. The international community is grappling with each human rights crisis *ad hoc*, and so far no general solution has proved possible. The lack of any 'standard operating procedures' in connection with massive human rights violations is of course also related to the geographic and political position of the perpetrator: the cases of Russia (Chechenya), former Yugoslavia, and Haiti are illustrative in this connection.

3 THE UNITED NATIONS ROLE IN THE ECONOMIC AND SOCIAL FIELD

Chapters IX and X of the UN Charter contain an elaborate set of provisions on international economic and social cooperation and on the powers of the Economic and Social Council, one of the principal organs of the United Nations. The origin of these provisions must, of course, be sought in the experiences of the Great Depression, when the lack of international machinery and the prevalence

of autarchic national measures had disastrous consequences. In its early years the ECOSOC was something of a success story. Important reports came out under its auspices. e.g. on full employment and on the financing of the needs of less developed countries. The initiation in the late 1940s of United Nations technical assistance to less developed countries took place under ECOSOC auspices. Gradually however the efficacy and the reputation of ECOSOC declined, under the combined effect of a number of circumstances:

a) The sessions of ECOSOC had a tendency to become 'long-winded' with speechmaking prevailing over efficient decision making. The sessions also became longer (a summer session in Geneva of 5 weeks!) and 'bureaucratic';

b) Less developed countries preferred to do business in the Second (economic and financial) or Third (social and humanitarian) Committee of the UN General Assembly where they were all full members. The membership of ECOSOC was increased from the original 18 to the present 54, with ample opportunity for participation by non-members in matters of interest to them. Yet the preference for the General Assembly prevailed.

c) In accordance with the principle, popular in UN circles: 'if you cannot solve a problem, create another organization', new organizations were established for trade, i.e. UNCTAD (UN Conference on Trade and Development, in fact a semi-permanent organization, established in 1964) and for industry (UNIDO, UN Industrial Development Organization, originally organized in 1966 as part of the UN, but transformed into a specialized agency in 1986). UNCTAD and UNIDO have their own 'governing organs'. Nominally, they reported to ECOSOC, but in practice ECOSOC exercised (almost) no influence over their policies.

d) The UN specialized agencies, according to the Charter, are to be brought into relationship with the UN (article 57) through agreements with ECOSOC (article 63). Such agreements were duly concluded, but in practice the specialized agencies act in full independence, (i.e. independent from ECOSOC), and feel subordinate only to their own governing organs. This is especially so for the Bretton Woods

² e.g. a Netherlands 'non-paper' on a rapidly deployable all-volunteer 'fire-brigade' (document A/49/886 and S/1995/276 of 10 April 1995).

organizations, the World Bank and the International Monetary Fund, but in fact also so for the other agencies. The Bank and Fund, of course, have their own 'weighted vote' decision making procedures which presumably encourage their separateness. In the old days the Secretary-General of the UN was requested to address the annual governors' meeting, but this habit has ceased a long time ago. If reports are correct, the UN Secretary-General was not invited to attend the 50th anniversary meetings of the Bank and Fund in Madrid in the autumn of 1994. There was one UN secretariat representative in Madrid who had been invited to a panel discussion but was later 'disinvited'! However, officially there appear to be no complaints on the UN side regarding relations with the Bretton Woods organizations or the specialized agencies generally: on March 6, 1995, during the World Summit on Social Development in Copenhagen, in reply to a question by a journalist, Secretary-General Boutros-Ghali stated: 'I want to assure you that the cooperation is perfect between the United Nations and the different agencies, and, in particular between the UN and the Bretton Woods institutions'.³

On balance one can say that the provision of article 63, para 2, according to which ECOSOC may coordinate the activities of the specialized agencies, has remained (but for exceptions) a dead letter. The same goes for article 17, para 3 of the Charter which entitles the General Assembly to examine the administrative budgets of the specialized agencies. Only under exceptional circumstances will the specialized agencies submit themselves to be 'coordinated' by a UN organ. This has happened for example in former Yugoslavia. Here the UN High Commissioner for Refugees coordinates activities in the humanitarian field with full cooperation of specialized agencies and organs like WHO, WFP, UNICEF.

An interesting new case is the World Trade Organization, the successor organization to GATT, which started its activities in 1995. Its statute provides for cooperation with the Bretton Woods organizations, but is silent on its relations with the UN. Yet it is the 'successor' of the never-established International Trade Organization (of 1948), which was supposed to be a specialized agency in the field of finance and trade. In the longer term it

would be obviously useful if the WTO would become a UN specialised agency. This would also facilitate certain tasks deriving from UN actions, e.g. determining (in accordance with the UN Charter) the damage which third countries may have suffered from UN sanctions imposed by the Security Council.

e) UN member states have shown a distinct preference for organizing large 'world' conferences (often called 'summits'). Recent examples are UNCED (UN Conference on Environment and Development, Rio de Janeiro 1992), the World Conference on Human Rights (Vienna 1993), the UN Conference on Population and Development (Cairo 1994) and the UN Conference on Social Development, usually called the 'Social Summit' (Copenhagen 1995). Each conference is obviously very costly, with media attention an important factor. The alternative of a head-of-government meeting of the General Assembly (let alone ECOSOC) is not considered. A one-day UNICEF head-of-government or state meeting in the General Assembly hall in 1989, resulting in a constructive plan of action, was an exception. In some cases the summit serves the useful purpose of finalizing and confirming previously negotiated international agreements. This was typically the case for UNCED, which delivered three important conventions. Other world conferences, e.g. the Social Summit, have produced very long, non-committing documents (in spite of the use of word commitment, as is done in the final act of the Social Summit). Some of the summit conferences have created new international machinery, e.g. UNCED which established a UN Commission on Sustainable Development, because the existing UNEP (UN Environment Programme) was not considered capable of assuming additional tasks. As a result of all this the position of ECOSOC was further weakened.

f) Western countries have created their own top body in the economic field, i.e. the Group of Seven (main industrialized countries), to which the seven members have (undemocratically) appointed themselves. In practice the G7 has not succeeded in coordinating the world economy, partly because economic and financial problems, e.g. sudden massive capital flows, are more and more outside the power of national governments. There is some talk of democratizing the G7, e.g. by adding

³ Press Release SG/SM/5573 of 7 March 1995.

other countries. Russia has become a *de facto* 8th member. However, it continues to function outside the UN system, although there are occasional contacts with the staffs of the International Monetary Fund or the World Bank, and in the future, hopefully, the WTO.

Recently, ECOSOC has made efforts to 'revitalize' itself. The sessions are now shorter. A so-called 'high-level segment' is a brief (2 or 3-day) meeting where ministers debate some important subject. The proposal to abolish ECOSOC and to create a new **Economic Security Council** keeps popping up, e.g. in the 1994 **Human Development Report** and in the recent **Our Global Neighbourhood** of the Commission on Global Governance (Oxford University Press 1995). However, those who propose this have not made clear how the new council would escape the difficulties which have plagued the existing ECOSOC. One can easily see that the mere drafting of a statute for such a Council would run into serious difficulties. The statute would presumably remain as vague, or uncertain as to its practical impact, as that of ECOSOC! Therefore, a revitalization of the existing ECOSOC, giving it the functions intended for a new economic security council, would be the most sensible solution, and would have the advantage of maintaining a Charter-created principal organ of the United Nations.

4 FINANCING UNITED NATIONS ACTIVITIES

At present the regular budget of the United Nations (and of the specialized agencies) is financed through mandatory assessments, according to a mandatory scale agreed by the membership of each organization. In practice there are large arrears in the payment of these contributions. A large number of activities, e.g. technical and related assistance programmes of UNDP, UNICEF, etc. are financed from 'voluntary contributions'. Peace-keeping operations have in some cases been submitted to a mandatory system (e.g. UNEF 1, to which the Soviet Union refused to contribute), but are now often also paid from voluntary contributions, in

the case of rich countries by troop-contributing governments.

It is not surprising that the idea of supra-national, 'automatic' international⁴ taxation, long considered a subject not ripe for discussion, is receiving more attention. In 1978 UNEP, the UN Environment Programme (advised by a group of experts), proposed to finance an anti-desertification programme for Africa through supra-national taxation. The main powers rejected the idea out of hand. Only a few years later it turned out to be inevitable to spend large amounts of money from 'voluntary' contributions on a minimum of anti-desertification measures. A clear case of 'penny wise, pound foolish'.

Especially for peace operations an agreed international tax would be quite logical. A tax on airline tickets would make sense, since the international air traffic is a direct beneficiary of the absence of armed conflicts. US Nobel-laureate James Tobin has proposed a tax on international capital movements.⁵ Technically there appear to be no major difficulties. The fiftieth anniversary of the UN would be the proper moment to begin action towards such an international tax.

5 CONCLUDING OBSERVATION: CELEBRATION AND EXPECTATIONS AT THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS

There will be, according to a conservative estimate, at least 200 seminars and similar meetings focused on the 50th anniversary. Conflict-solution and peace operations in the widest sense of the word will be the focus of attention. Some of the areas where progress towards constructive action could be initiated have been indicated above. Better fact-finding, both in the political and the economic sphere, should be mentioned here. More foresight could, probably, have avoided the 1994 human rights drama in Rwanda and the early 1995 economic debacle in Mexico. The time may also have come to take a fresh look at the system of specialized

⁴ The only comprehensive analysis of various forms of supranational taxation I am aware of is: E.B. Steinberg and J.A. Yager, **New Means of Financing International Needs**, Washington D.C.: Brookings Institution, 1978. A survey from the point of view of additional funds for developing countries can be found in H.C. Bos, J. Everts & P.M. Wijkman, 'New means of generating future concessional flows', in the report **Aid for Development: The Key Issues**, pp 107-132, published by the Development Committee, World Bank, Washington D.C., 1986.

⁵ See the discussion in *Economic Journal*, March 1995, starting with an article by B. Eichengreen, J. Tobin and C. Wyplosz: 'Two cases for sand in the wheels of international finance'. This article is not focused on international taxation for United Nations or other purposes.

agencies. Could UNCTAD be absorbed into the new World Trade Organization, as has been suggested, and UNIDO into the International Labour Organization? Should the UN concentrate on social problems, leaving economic matters to be specialized

agencies? The answers are not clear and therefore a thorough analytical review of this and other problems would be a logical decision if one wants the 50th anniversary to be more than another occasion for speech-making.
