THE UNITED NATIONS AT 50
PERSPECTIVES ON THE NEED FOR REFORM

*Nikhil Narayanan**
*Saugata Mukherjee**

I. INTRODUCTION

Present day criticisms of the UN seek not just to reprimand the organization's regular detailed workings, but challenge the existence (i.e., the constitutional basis) of the very system. Thus, the question often posed today is not what the UN ought to do, but why the UN ought to be. Further continuance of these attacks will undoubtedly (in due course) undermine the UN in much the same way as was the League of Nations before the Second World War, finally destroying it. Needless to say that in such an eventuality, the waste in experience in global problem solving and rule setting would be infinitely worse than it was with the League of Nations, because of the greater longevity, case experience accumulated and width of problems covered by the UN. Further, the UN is not just a political organization, but a legal, social and economic institution as well.[1] Given the holistic character of the UN's functions and missions, there is hardly anything, which concerns the humankind, that is excluded from its objectives.

There is thus a need to reform the UN to combat such criticisms that are capable of paralyzing and ultimately obliterating the Organization. In suggesting the reforms however, we must neither be swept by the winds of idealism nor be taken in by the pitfalls of reality. The UN is a true reflection of the world as it is, and indeed therefore, reality is an important element in constitutional design and an important corrective in constitutional dreams.[2] Understanding the reality of international relations today starts with acknowledging the fact that the UN merely gathers together the multiplicity of individual states with all their imperfections[3] and thereby constituting a (nearly) true international forum. We might thus infer that if the world is beset with nationalism, the UN will also be. If a North-South divide exists, it would be, but natural, that the General Assembly debates and proceedings should echo the same.

---

1   J. Kasto, *The United Nations: A Global Organization* 2 (1995).

2   *See infra.*

3   *See* E. Luard, *The United Nations: How it Works and What it Does* 4 (1995). Luard points out that it is no use blaming the UN for deficiencies which are those of the world it reflects. The UN is as good or as bad as the nations which compose it.

Then why the criticisms? Probably because the UN is expected not just to be a passive *looking glass*, but a coordinating body for the activities of the various international organizations and a principal actor in the establishment of some sort of global constitutional order. The tendency is thus to hint at reforms that guarantee that the UN remains a valid actor in international relations for building a better world community as opposed to reforms that merely ensure that the UN system conforms to current practices. Be that as it may, we believe that the reforms must be alive to the actualities of international relations (essentially referring to the influences that tend to inspire and induce decision making in and the functioning of the UN system), to ensure that they have a life of their own with an ability to influence the international environment. They must enable the UN to accommodate itself to a changing world order, even inspiring the changes at times, without escaping them. But it is also our opinion that it is not only necessary for the UN to ignore certain claims being made, but also expedient to try and suppress them in the interests of a stable world order.

We believe that the UN no longer suffers from a lack of relevance. On the contrary, it is being asked to intervene in almost any and all of the processes in international relations. A breakdown because of overstretch may be imminent. A more selective approach is required, one that will include "no" as a possible answer in response to the many requests for intervention.[4] Therefore the Organization is to be selective in deciding the global processes that it shall encourage, the ones it shall ignore, and the processes that require suppression. In other words, it is for the Organization to determine the extent of its role in the various power relations in international politics even as it strives to identify the hegemonical forces that influence its very existence and priorities.

This paper attempts to analyze the underlying trends in a rapidly changing global paradigm and their effect on the UN. Thus, the UN is approached from the perspective of these changing global structures. This paper is divided into three parts - the first deals with the need for reform, the second is concerned with the extent of possible reforms, and the last seeks to suggest potentially viable reform proposals.

II. THE INCREASED NEED FOR THE UN IN THE CURRENT SCENARIO

Inspite of the many odd things and mistakes which have weakened its reputation and authority, we opine that what the UN requires is not absolute deconstruction, but reforms and reconstruction. We can afford to be critical without ⁻

---

4   Thus a quantitatively decreased but qualitatively much stronger and more authoritative presence at various trouble spots could be a prudent way to proceed. To do this the UN has to develop, most of all its moral authority. To that end, much hard work, resoluteness and consistency are required from world leaders and the organizations staff, as well as a lot of moral and material support from governments and individuals alike. *See* Georgios Kostakos. *UN Reform: The Post-Cold War World Organization* in D. Bourantonis and another (Eds). *The United Nations in the New World Order* 64 at 74 (1995).

being derogatory. The contention that the prevailing international system remains, at heart, a politically constructed[5] club of states is the starting point of this discussion. This view corresponds closely to Anthony Giddens' interpretation of all complex social institutions as products of structuration processes amongst human beings,[6] and permits a critical perspective upon contemporary realities that avoid the extremes of deconstructionist theory.[7]

The world has grown more intricate and interdependent in the last fifty years. There are certain influences which make the global scenario very different from the one that existed in 1945.[8] Firstly, the genesis and growth of the global capital market has enhanced the ability of money and credit to flow across national boundaries. This flow of transnational finance has resulted in (human) labour migrations of a similar nature, causing transference and juxtaposition of unlike local cultures. Ignored in an economy that is doing well, such intermingling of unlike ethnicities causes great social stress and anxiety in times of recession.

The process of globalisation may be interpreted as one that leads to the strengthening of international peace and security in some sense. It is understood as: nations that increasingly see and do things the same way - economically, politically, socially - are nations that should find it easier to talk together, to build processes and institutions together.[9] Thus globalisation is seen as a homogenization process not free from hegemonical designs. Agreed that absolute sovereignty is no longer possible in this post cold war era, but to prevent violent ethnic (national) conflicts, there must be purposeful measures to provide ethnic/local communities with real opportunities to exert an influence - to determine voluntarily their involvement in the internationalization process.

A reverse trend to the increased global interdependence is the growing control on production and trade of fewer and larger economic entities (TNCs). Far from being contradictory to the concept of *globalisation*, as we understand it today, this trend is both the cause and effect of the globalisation process. Consequently, we are faced with the difficulty of adjusting the developmental programmes in the North to the competitive aspirations of the South, as also concerned about the impact of

---

5   For the original idea of the "social construction of reality", *see* P. Berger and T. Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (1966).

6   Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (1984).

7   On which *see* David Wood (Ed.), Derrida: A Critical Reader (1992); and Chris Norris, Derrida (1987). *Also see* R.J. Barry Jones, *The United Nations and the International Political System* in D. Bourantonis and another (Eds.), *The United Nations in a New World Order* 19 (1995).

8   *See generally*, D. Steele, *The Reform of the United Nations* (1987).

9   From a speech of Senator Gareth Evans, Australian Minister for Foreign Affairs, at the Inter-Parliamentary Conference in September 1993.

this trend on the environment in the developing countries. The strength of the trends leading to environmental degradation are daunting.[10]

It is observed that, in the present world order, few nation states would be blunt enough to declare an open war on another. Indeed nuclear weapons and the experience of the cold war era has made war obsolete as a means of deciding political conflicts. Pretences of collectively preserving international peace and security by states and willingness on their part to condemn (without any hesitation whatsoever) any state that should dare to exhibit undisguised animosity towards a (so-called) peace loving state[11] has, in many ways, limited the capability of national and supranational bodies of intervening effectively (in one sense) in each other's affairs. It must be pointed out that the above is by no means a derivative of conscientious moral behaviour; rather self interested behaviour continues to prevail in a Hobbesian world - although calculations of self interest have been modified substantially by changing institutional conditions and experiences. Indeed the motivations of the US in the Gulf war may be traced to maintaining a regional balance of power, safeguarding of oil supplies and indeed jobs! The strength of the underlying economic trends have been so formidable primarily because of such *incapacitation* or rather altered calculations of international behaviour. We are also thus aware of subtle forms of interstate aggression, economic and financial subversion, terrorism etc. in international relations. Consequently the absence of (conventional) war is by no means synonymous with a peaceful world order.

Secondly, the post cold war era has yielded new challenges in the global order, with problems radically different from those in the cold war era. If the cold war era was characterized by the threat from strong states, the post cold war era is characterized by the disintegration of states,[12] which has prompted many scholars to call this as the *late Westphalian* era in history.[13] In this regard, the UN has a vital role to play in preventing the break up of states, or in ensuring that it is done

---

10. The countries of the North, already industrialized, with relatively high standards of living, have great difficulty in accepting costly pollution control standards. On the other hand, the developing countries trying hard and fast to industrialize, are very reluctant to put any pollution control brakes on their new industries. TNCs are therefore able to transfer polluting industry to developing countries. It is an open question as to whether more environmental degradation is caused by industry seeking to reduce costs in a highly competitive international market or, by the pressures of population growth and poverty. In 1945 the environment was not a major issue; it is now. *See* Steele, *supra* n. 8 at 3-4 (1987).

11. Post cold war conflicts have a new character. For example, in the Gulf war, the fate of the Iraqi aggression against Kuwait was predetermined neither by smart weapons, nor by the professionalism of the generals, but by the unanimity of states opposing Iraq and their determination not to allow Saddam Hussein to benefit from his military action. *See* Leo Voronkov, *International Peace and Security: New Challenges to the UN*, D. Bourantonis and another (Eds.), *The United Nations in the New World Order* 1 at 12   (1995).

12. *See infra.*

13. K. Krause, *The UN in the Post Cold War World: Adaptation, Transformation, Openness or, Obsolescence, 88th Proceedings of ASIL* 273 (1994).

peacefully and in accordance with democratic norms. This envisages a new role of the UN in mediating pre-breakup situations and may even necessitate a revival of the trusteeship system.[14]

Apart from the above, the post cold war era has witnessed the development of global issues, rather than just national concerns. Issues of environmental protection, sustainable development, democratization, and protection of human rights are of great significance. In this regard, the distinction between the domestic sphere and issues of international concern, as being entirely separate, is no longer viable today. The absolutist Austinian conception of sovereignty has changed. A changing world order seems to be reverting to Rousseau's notion of popular sovereignty, where sovereignty is seen as an attribute of the people, as evidenced in the preamble of the Charter with the words 'We the peoples of the United Nations'. This reflects the position that individuals are the ultimate subjects of international law,[15] and that these problems can only be tackled at a global level. Notwithstanding the movement towards a more individualist paradigm, where self determination is seen as an element of choice, the state still remains as the primary player in international politics. Populations remain territorial and subject to the citizenship of a national state. States remain sovereign, not in the sense that they are all powerful or omnicompetent within their territories, but because they police the borders or a territory and to the degree that they are credibly democratic, they are representative of the citizens within those borders.[16]

The UN thus reflects the persisting conflict between genuine human universalism and a narrower statist philosophy in which the interests and sensitivities of states are paramount.[17] All these influences make the problems faced by the UN in 1997 much more difficult than when it commenced its operations in 1945. Note that in view of the above and the following functions that the UN is capable of

---

14 Related to this, is the larger role which peacekeeping will play in international politics. In the light of the breakup of states such as Yugoslavia, Rwanda, and the anarchy in Somalia, peacekeeping has assumed new dimensions. As Boutros Ghali observed in his *Agenda for Peace*, the distinction between peacekeeping and peacemaking has been blurred, and the UN peacekeeping missions will have to do more than merely prevent fighting among rival groups. These missions also have humanitarian objectives of safeguarding human rights, ensuring that aid reaches the needy etc. *See infra.*

15 M. Reisman, *Sovereignty and Human Rights in Contemporary International Law*, 84 *AJIL* 866 (1990).

16 Regulatory regimes, international agencies, common policies sanctioned by treaty, all come into existence because major nation states have agreed to create them and to confer legitimacy on them by pooling sovereignty. Sovereignty is alienable, states cede power to supra-state agencies, but it is not a fixed quantum. In a system of governance in which international agencies and regulatory bodies are already significant and are growing in scope, nations states are crucial agencies of representation. Such a system of governance amounts to a global polity and in it the major nation states are the global actors. For a detailed discussion, see Paul Hirst and Grahame Thompson, *Globalisation and the Future of the Nation State*, 24 *Economy and Society* 408-442 (1995).

17 E. Luard, *A History of the United Nations: The Years of Western Domination* (1982).

performing, the outright abolition of the UN would be tragic and continued self attrition, self defeating. These may be enumerated as: Insuring states against aggression, protecting the individual against abuses of human rights, steadying and regulating the global economy, rectifying global inequalities, preserving the common heritage of all human beings, safeguarding the interests of future generations, promoting appropriate social and economic development, peaceful resolution of interstate disputes.[18]

III. PERSPECTIVES ON THE POTENTIALITIES AND LIMITATIONS OF REFORMS

Feasibility and extent of radical reforms

Both the idealists as well as the realists in international relations are firm in their belief that the UN needs to be reformed. While the former might suggest that in the post cold war era, the hypocrisy and the undemocratic structure of the UN should be reformed, if necessary by departing from the state centric bias of the UN to a structure where the individual is the focus giving emphasis on human rights etc.: realistically, international politics may be viewed as the art of the feasible. Thus, reform, from such an angle, is necessary only to the limited extent of reflecting new global power equations to make the UN more efficient.

Therefore any suggestion for reform of the UN must either be one that is acceptable or more likely, but which shall not change the fundamental problems (like for example, the Dadzie reforms), or one which is radical,[19] where the political stumbling blocks are daunting. There is a tension, as mentioned earlier, in the dynamics of change in world politics, between a state centric and a universalist

---

18. For an elaborate discussion on these functions and responsibilities of the UN, see Steele,   *supra*
   n. 8.

19. There are 3 main perspectives on the extent of reform in the UN:

   The status quo position - This is espoused by the realists. They call for reform only to the limited extent of making the UN more 'efficient', that is to maintain order, and to maintain resources. The problems in the UN according to this view, are due to technical failing which necessitates only minor tinkering rather than structural failing which require sweeping reforms.

   The idealist vanguard position - This school of though views the UN as a vehicle of transformation, freed from the ideological shackles of the cold war. This viewed cold war politics as the obstacle to the UN till the late 1980's, and now that these constraints no longer exist, the UN can grow and change for the better. Its emphasis is on protection of human rights, the democratization process, and the reinterpretation of Article 2(7).

   The radical position - There are radical new schools of thought in international relations, which view international politics as repressive, and see the UN as part of the state centric view, which represses indigenous peoples, women, and ethnic minorities. They question the notion of the sovereign state as the sole player in international law, and question the legitimacy of the state, by raising questions of discrimination, oppression, and violation of human rights at the international level. They envisage reform away from the state centric model. However, though some of their contentions are likely to be taken into account, it is highly improbable that their vision will shape the formulation of a new UN. For a detailed discussion, see generally Krause, *supra* n. 13.

Kantian view. However at the end of the day, it is unlikely that any radical change will be possible. Even though the state centric views of international law are changing, the existing global powers are unlikely to allow the opening of a Pandora's box by diminishing the role of the state in international law. The focus is likely to be on reforms to the limited extent of making the UN more efficient, to adapt to its new role in the post cold war world.[20]

However this does not mean that any reform can afford to ignore the contentions of the idealists and the radicals, in that any reform will necessarily have to accommodate some of the criticisms of the current order, at least to the extent of reorienting the UN to focusing more on protection of human rights, supporting the democratization process etc. Reform, if it is to be effective, should not only be adaptive and incremental, but also have an element of transformation.[21]

Difficulties in the reform process

Let us consider the political hurdles[22] to the reforms, in particular the radical reforms, of the UN system: Firstly, there is the institutionalization of the power of national sovereignty in the UN organization. What this means is that the Charter of the UN places all responsibility on the member states. Thus, the UN fails to escape the conflicts and antagonisms of international relations, let alone resolving them. Consequently one witnessed that even the limited powers of the Security Council to enforce in cases of a breach of security were either paralyzed totally, or severely impaired in the decades of cold war. The veto has also effectively prevented its use. One may also note that resolutions of the General Assembly which are not unanimous are now virtually disregarded. Also, states can vote against resolutions and not sign treaties based on them, or even vote for and still not sign. Treaties are usually signed but they have many legal loopholes. Consequently, accepting treaties is one step, but applying them is another. The argument that the unacceptable alternative is an all powerful supranational body is only valid because states are sovereign, that is to say, they are unlikely to vote for the safeguards which would make a supranational body a valid alternative. The accepted principle of state being the basic unit in international relations is reflected in the UN system in that each member has one vote. There has however, been a

---

20   Reality is an important element in constitutional design and an important corrective in constitutional dreams. The point has special relevance to discussions about changing the United Nations. Reform processes target a few drastic, but unrealistic or essentially marginal changes - that confirm the state centric structure of the charter; while ignoring a range of constitutional options that, though less dramatic, are more feasible and could yield substantial improvements of the organizations functions. See M. Reisman, *Amending the UN Charter: The Art of the Feasible, 88th proceedings of ASIL* 312 (1994).

21   If the UN is not to become an obsolete relic of an old order or be divided in the struggle between the old vision of great power governance, and a nascent vision of a more flexible, consensual governance, the organization must be made open to the evolution in the constitutive principles underlying ideas of world politics. *See supra* n. 4.

22   *See generally,* Steele, *supra* n. 8.

growing disparity between votes and power since 1945 because of the tendency of states with small populations to seek UN membership. The fact is that the new states have on the whole less power and fewer resources than the older ones. The situation has led to proposals for weighted voting in some circles, and ideas of having a two-chamber General Assembly, one chamber composed of states and one elected by the people worldwide, in others.

Secondly, it will be difficult to reform the Charter. The Charter can be amended by two procedures but with similar onerous voting constraints. The first under Article 108 requires a $2/3^{rd}$ majority of the General Assembly and by a vote of any nine members of the Security Council, including all the permanent members. The second under Article 109 allows for a General Conference; any changes recommended by a $2/3^{rd}$ vote of the conference must then be ratified by $2/3^{rd}$ of the member states including all the permanent members of the Security Council. Thus, the permanent members of the Security Council can veto any constitutional change.

Thirdly, the trade off between less Third World influence in the General Assembly for reduced permanent member control over the Security Council is not clear to either block, so neither is willing to sacrifice their prevalent strengths for a more nebulous and long term benefit. Fourthly, it is to be noted that whereas transnational issues tend to be long term (for example natural resource development, environment, human rights etc.) national governments with elections in a few years, or governments with oppositions fomenting rebellion have a shorter time horizon. Even a Secretary General of the UN who seeks a second term cannot afford to alienate key votes if he wishes to be re-elected. Finally, many people and powerful interest groups may take a more localized or conservative view than their governments on global issues. This means that many people would react negatively to a strengthening of the UN and centralized policy direction: the stronger UN might imply the economic decline of their national region or their industry. In a global or world region recession, national interests grow stronger and governments tend to under-represent the views of some of their most powerful interest groups.

If somehow we are capable of overcoming the political obstacles mentioned above, we may find ourselves in a position to recommend reforms that are, in the present context, radical yet with realistic possibilities. Inspite of certain minor reforms[23] that have touched the UN system over the years, the organization

23 The UN has responded to the growth in needs by setting up new agencies. However the problem is that each new agency is relatively short of funds for the role that it has been assigned; programmes are so all embracing that it is difficult to see the priorities and agencies duplicate activities without being able to programme an efficient coordinated effort. Also, the problems assumed by the agencies are nearly always extremely difficult and are the very areas where national state governments and interest groups have allotted the role to the UN because they have failed to find solutions themselves. Most reforms of the UN till date have been in an effort to accommodate the expansions to the system so that reform has tended to be more apparent than real. More far reaching reforms may not have required so many and dispersed additions to the system. There has been only one major effort to actually restructure the system. This took place between 1974 and 1979. The pressure for these reforms, known as the Dadzie reforms, came from

continues to suffer from a) lack of control, b) a perpetual state of financial crisis owing to member countries contributing insignificant sums from their own budgets to the UN budget and a general indiscipline by the broad membership of the UN to making regular payments and correcting arrears of payments, c) politicization of the Secretariat caused by national civil servants, who are deputed to the UN for short term work. Also the Secretariat suffers from many of the defects of large organizations: private empires, time-consuming rules, useless projects and duplication of effort.

It may be significant to note that any reform to the UN system for rendering it more effective and potent shall envisage some diminution of the sovereignty of states. All the same, the world has entered into an era in which all states accept a diminution of sovereignty, in exchange for a part share in the sovereignty of all other states. Thus any meaningful reform to the UN shall be possible only when it is able to successfully take advantage of this attitude of states.

IV. REFORM AND RECONSTRUCTION PROPOSALS

Structural changes

With the weakening of the state in international law, it is likely that non state entities such as NGOs have an important role to play in international law. There has been a shift to recognizing the interests of individuals at the international level. The state is however not displaced as the primary actor in international politics. We believe that no reform in the UN could be directed at this for the simple reason that it would not be accepted; and even if it were accepted, it would not improve the efficiency of the UN. On the other hand, such a measure would probably lead to global anarchy. Indeed nation states are the pivots between an international agency (as the UN) and sub-national activities. They provide the voice of a territorially-bounded population. Also, states ensure that international bodies are accountable and further the decisions of these institutions are backed by the states and enforced

---

the North; they were looking for major improvements in UN efficiency. The timing coincided with the drive for a New International Economic Order and a resurgence of confidence on the part of the South as a result of the rise in oil prices. Unfortunately, the outcome was disappointing. The South had not been offered the bargain for reform they were seeking, which was a major conference on global North/South negotiations.

Apart from the above, reforms fall into three groups: 1) Reforms attempting to accommodate the rising tide of new developing country membership in the form of enlargement of the Security Council, Jackson reforms and attempts to set up SUNFED and IT; 2) Reforms to improve coordination by a) the General Assembly instituting special sessions to deal with urgent political problems and after 1974 using these meetings to discuss major inter sectoral issues; b) instituting a series of worldwide expert conferences with much NGO preparation on inter sectoral issues, starting in 1972 with the Stockholm Conference; c) the Dadzie reforms of 1977; 3) Reforms responding to the blockages in the Security Council and escaping the veto Devices found include a) the Uniting for Peace Resolution, b) the developing countries maintaining a disciplined block vote of nine, and c) the gradual acceptance of non-voting parties to a dispute being present at debates. For a detailed discussion, *see id.*

by domestic laws at the local level. We must concede however that the representative character of these states is problematique and that the UN must endeavour in the democratizing process.

The UN Charter is essentially an organization of states based on *etatism* and can only redistribute power within that framework. Though the post cold war era is threatened by the break up of weak states, realistically there is no alternative to the state as the primary actor in international relations, as explained earlier. Consequently, we are no closer to the elusive concept of a *world government* today, than we were 50 years ago. While the cause for disintegration of nation states, especially in Africa, is explained (on the one hand) by the fact that state boundaries were drawn by the colonial powers and had no bearing on ethnographic factors; it is explained (on the other) by attribution to a deeper cause of loss of a feeling of nationalism. Nationalism, as used to be understood until a couple of decades ago, was explained by the almost paranoic sensitivity of leaders and peoples to any infringements, real or imagined on their newly won independence.[24] With the gradual melting of *nationalist* feelings (whether for good or otherwise), the people are in search of a new identity. But given the central significance of nation states as the key practitioners of the art of governance in an international political society, we believe that the UN has a role to play in the process of redefining boundaries of (present) nation states and the content of their sovereignty.

However this does not mean that there is no place for non state independent entities like NGOs in international relations. Indeed the UN would be considerably weakened without involving them at some level.[25] NGOs are in the unique position of being able to carry out activities in consonance with the objectives of the Charter such as the protection of human rights, without the considerations of 'national interest', which affect states. They should be allowed to participate at some level, influencing decisions taken by states. It would be erroneous to undermine their role in a world civil society. There maybe doubts cast as to the representative character of the NGOs, but then surely the nation states are in no position to voice such apprehension!

Another aspect is that global politics works on a short to medium term basis, whereas the problems facing the UN are ones with long term solutions. This is a problem which has characterized the UN since its inception, and is one that will continue to do so in the future. Much of the debate over the failure of the UN to tackle many of the worlds problem, is as a result of the failure to recognize this reality. There is no panacea for the problems of the world, and the UN is limited by what it can possible do.

---

24. This was the definition of nationalism given in the 1970s by Palmer and Perkins. *See* Palmer and Perkins, *International Relations* 25 (1973).

25. *See* Reisman, *supra* n. 15.

Reform of the Charter

Much of the debate surrounding various proposals for the reform of the UN has focused on reform of the Security Council, [26] which is viewed as an oligopoly of a few powerful states, which directs the UN to act only when it suits their interests. Reform is needed in the Security Council not only to make it act where it is needed, but also to prevent it from acting where not needed.[27] There is no doubting the basic premise that since so much responsibility vests with the Security Council, it cannot be open to everyone and only states powerful (in terms of financial resources) enough to bear its mantle should be part of it. However the real problem is that the current Security Council does not really represent current global power equations. The USA is a declining hegemon which lacks the political will and, of late, the economic resources to undertake its responsibilities properly. Britain and France are at best second rate powers, and Russia is too involved in domestic problems. Therefore, it would make more sense that the Security Council include other states, who are more willing to undertake these responsibilities. But it is most unlikely that the abovementioned states (i.e., the permanent members) would accept the addition of new permanent members with the veto power. However, the position cannot remain as it is and some compromise formula must be reached. Hence, expansion of the permanent members of the Security Council, perhaps without the veto power, would serve to push the Security Council into acting in situations where it has been reluctant to act. As a condition for admitting these new states to the permanent membership, it must be required of them to undertake a condition that they are ready and willing to take concrete action to support Security Council action. Another alternative could be the election of non permanent members to the Security Council for a longer term on similar conditions. It must be remembered that the reforms are not directed to enable in the bringing of states into the global elite of permanent Security Council membership, but to help the UN in the reinterpretation of its role under the new circumstances.[28]

---

26. An overview of the positions of the member states expressed in writing, at the invitation of the Secretary General, or orally during the 48th session of the General Assembly indicates that, "virtually all Member States of the United Nations favour an increase in the membership of the Security Council", as they want "the Security Council to reflect the radical changes in the world and the increase in the Organizations overall membership, in order to make it more representative and democratic." However, views vary widely when it comes to the criteria to be used to revise the Council's composition, its total membership, and the accompanying privileges. *See United Nations News*, PR 14/94, 21 January 1994.

27. Reisman argues that expansion of the permanent members of Security Council, with or without the veto power would be counter productive, as it would dilute the efficiency of the Council. He totally dismisses the contention of India, and Brazil as representatives of the 3rd world, arguing that they lack the enforcement capacity, and similarly rejects Germany and Japan's contention, on the grounds that they are constitutionally prohibited from engaging in military action abroad. *See* Reisman, *supra* n. 20.

28. An *Agenda for Peace* is a good first step towards dealing with the new environment in the area of peace and security by using the potential enshrined in the Charter to a greater extent than before. However, George Kostakos advocates for a further breakthrough, a more bold and imaginative approach. *See supra* n. 4 at 75.

Reform of the General Assembly is perhaps potentially the most important area of reform in the UN. The General Assembly is very inefficiently organized. One suggestion is to discard the plenary committees entirely in favour of smaller, more representative and efficient, functional committees.[29] One of these committees could oversee the budget, and perform a watchdog function in cutting down waste. We realize that NGOs and other local communities are emerging as serious players in international relations. However, they tend to be inadequately reflected in the formal structure of international institutions. Thus, there is an urgent and pressing need to allow NGOs and individuals (representing community interests) to gain membership and participate in the activities of the General Assembly. The concept of a two-chamber General Assembly has already found mention earlier in this article. These NGOs could focus the attention of the committees, acting as 'lobbyists', and push them into acting.[30] Also, it is essential that the membership of these NGOs and individuals, and their role in the decision making process is not at the whim of the respective nation states. Privileges of these NGOs must be accorded procedural protection. One of the most important ways of making the General Assembly perform a more meaningful role, would be to ensure that it plays a more important role in the nebulous international law making process, as its resolutions do not form the basis of international law. Perhaps, as has been suggested, weighted majorities should be required in certain key matters.

Of all the areas which require reform, none is so mismanaged and inefficient as the Secretariat. In this regard appointment, and promotion is done more on the insistence of national lobbies, rather than on considerations of merit. However, it must be borne in mind that the UN is not a large corporation such as GM or IBM. It is a different type of large scale organization. New regulations should be enforced to staff the UN with professions, i.e., persons who have risen to the positions by virtue of their merit, and not mere political clout. This is a prerequisite for any process of 'slimming' that can be done in the UN.

Machinery

With the breakup of weak states, there is no doubt that peacekeeping has assumed the position of perhaps the most important function of the UN. However the classical notions of peacekeeping will no longer suffice, and a new vision is needed. One such attempt was made by Boutros Ghali, in his *Agenda for Peace*[31], where he argued that the distinction between peacekeeping, and peace enforcement had been obliterated, and hence there was a need for the UN to play a more proactive role in making and enforcing the peace. This is sometimes referred to as *second generation peacekeeping.*

---

29. *See* Reisman, *supra* n. 20.

30   *Id.*

31.   Boutros Boutros-Ghali, *An Agenda for Peace: Issues arising from the Report of the Secretary General, Aurora Papers 20* 1 (1993).

The disintegration of weak states is usually due to the fact that they were formed on weak and unreal *nationalist* foundations to begin with. Such states were bound to fall apart with the passage of time. The role of the UN is seen in facilitating a smooth transition of a weak state into smaller states, as peacefully as possible. For this it is highly unrealistic to expect the requirements of Article 39 to be met, as this scenario was not envisaged by the UN at the time of its formulation. However these matters are of international interest, due to the possibility of the spread of dangerous weapons technology, as in the case of the breakup of the former USSR. and the fact that often violence spreads to neighbouring states. There is also the problem of refugees which inevitably arises out of such conflicts. Hence, Article 2(7) should be amended to provide some Charter basis legitimizing such intervention.

The attempts in Somalia and Yugoslavia to promote peacekeeping, with humanitarian objectives, have failed for two reasons: firstly, they were unfocussed in their objectives, and secondly, the global powers were reluctant to get involved Reform should focus on these two problem areas. Humanitarian intervention must be well planned   given clear objectives. and must have the support military. monetary and moral of the member states or else, it should not be embarked upon at all.[32] This involves the answering of three questions prior to a mission: firstly, is there a conflict where the UN should intervene; secondly, is the mission well defined; and lastly, is there international support? If the answer to even one of these questions is in the negative, then harsh as it may seem, the UN should not act.

The next two issues are very contentious to which there are no easy answers. namely, who should pay for these missions, and how to compel member states to contribute troops. Realistically there is only one alternative, the strengthening of Articles 42 and 48 which empower the Security Council to call for member states to contribute troops. The establishment of a permanent UN force is too expensive to be viable. There is also a need for more efficient UN intervention even at the pre-breakup stage, in order to try to reach a political settlement through mediation. Intervention should be at the second stage if necessary.[33] Further, the UN should involve itself at the post conflict stage, to safeguard human rights, and democracy. as in Cambodia. Perhaps this may necessitate the re-establishment of the trusteeship system. Lastly in principle, there is no reason why peacekeeping should always be conducted by the UN. It could be done equally well by other international organizations, or even by an ad hoc group of states, as has been happening in Sinai since 1982.[34]

---

32. T.G. Weiss, *UN Forces in support of Humane Values, 88th Proceedings of ASIL* 330 (1994)

33. S.R. Ratner. *Controlling Breakup of States: Towards a UN Role. 88th proceedings of ASIL.* 76 (1994).

34. M. Tabory, *The Multinational Force and the Observers in the Sinai* (1986).

V. CONCLUSION

The reform of the UN is limited by the prevalent paradigms existing in the global order and the UN organization itself. Though the organization is in need of some radical reforms, the UN can only be reformed within the parameters of its present structure, and the UN is therefore limited by what it is - which is in being neither a state nor a super state. It is an inter-'national' organization. Its purpose is to ensure peace by means that are peaceful, logical and feasible, which obviously compromises on its effectiveness.

It cannot be denied that the UN with all its credentials and composite powers defends the 'quintessential instrument of Victorian authority'[35] - the nation state, and that this system reflects the 'might is right' calculus. However existing patterns of behaviour indicate that reforms will be within this structure, and will not be aimed at reconceptualising the nature of international politics and minimalising the role of the state. But we do see the UN's role in redefining state sovereignty and enabling in an equitable distribution of power and resources in the international civil society. We envisage the UN's role in promoting a statist order that endows non-state actors with sufficient advantages to influence decision making in and the functioning of international politics.

Though in the larger perspective there may be ways of organizing mankind beyond the framework of the nation state, at some time in the distant future, it is not really a conceivable reality today, and the nation state necessarily maintains a greater degree of-stability and amity in the world order. The above is not to say that the nation state is the 'be all and end all' of international relations. Other non governmental entities do have a role to play in pursuing the aims of the Charter. In the past, organizations[36] have been admitted to observer status in the General Assembly in order to cope with the changing political dynamics of the world order. There is no reason as to why certain NGOs should not be allowed to participate in General Assembly debates, within the state centric model. Indeed, they may serve to spur the states into taking action.

The future of the UN is neither in becoming the summit of a pyramidal one-world government, nor in being reduced to a mere forum where national delegations exchange views in a passive manner. Neither the notion of strong national govern-ments nor the thought of concentration of powers in one world government[37] seems to be in consonance with the health and well being of the future world order. As we have endeavoured to emphasize in this article, the right idea seems to be in

---

35. *See* P. Vale, *Engaging the World's Marginalised and Promoting Global Change, 36 Harv Intl. L. J.* 286.

36. For example, the OAS, League of Arab States, Permanent Court of Arbitration, PLO, SWAPO and the International Committee of the Red Cross etc.

37. *See* H.G. Schermers, *International Institutional Law* 2 (1972).

achieving a balance between the two. The central problematique is to construct the appropriate structures and institutions within which the actions of individual actors on the international stage can be coordinated effectively.[38] We concede that a measure of hegemony will exist in the international system and indeed the prime beneficiary of such an international regime is the hegemon itself.[39] The role of the UN is seen in preventing the formation of an extreme hegemony in the world order, which might contribute to the exploitative dominance of the international system by a small number of states. We are not being pessimistic - only cautiously optimistic.

---

38. Students of international relations have long argued that the effective management of a frag-mented international system is not automatic, but not impossible either. The origin of the structures and institutions mentioned here, may be varied. *See in particular* R.O. Keohane, *The Analysis in International Regimes* in V. Ritterberger and another (Eds.), *Regime Theory and International Relations* 23-45 (1993).

39. Great Britain and the group of core industrial economies was able to transmit the greater share of the costs of adjusting to trade imbalances to weaker economies through the operation of the Gold Standard during the later nineteenth century. The United States benefited cosiderably from the liberalization of trade during the era of her economic dominance after the Second World War. In the international political realm, the operation of the UN was dominated by the US and her Western allies during the initial decades of the institution's life *See* Luard, *supra* n. 17.