



The G20 at the Leader's Level

The L20 and UN Reform

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Yozo Yokota, "What is Lacking in the UN Reform Discourse?"

L20 Project Meeting Briefing Note

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1. Introduction

At no time in the UN's sixty-year history have we observed such serious and lively debates over the UN reform issue than today. However, the discussions on UN reform, which are taking place almost everywhere and at all levels seem to be focusing too much on the Security Council reform: How many new Council seats, permanent as well as non-permanent, should be added? Which countries should be selected for the permanent seats? What about the geographical distribution of new seats?

In this sort of UN reform discourse, we tend to indulge in very short-term, national- interest-driven arguments and negotiations. In doing so, we are likely to lose a long-term, global perspective going beyond the interest of a country or a group of countries and basing on the safety, well-being, progress, freedom and good environment for the mankind as a whole.

2. Why Do We Need the UN?

Thus, before getting into the issue of the Security Council reform and other concrete proposal for changes, we should ask a fundamental question: Do we really need the United Nations?

In order to give an answer to this basic question, we have to look at the whole history of humankind and understand where we stand. As the High Level Panel Report analyzes in detail, humankind is facing today a whole range of political, economic, social, cultural and natural threats that endanger not only safety, well-being, progress, freedom and good environment for humankind but the very existence of whole humankind is at stake. This trend has taken place mainly as a result of scientific and technological advancement and consequent phenomenon of globalization. Proliferation of weapons of mass-destruction, international terrorism, expansion of international organized crimes including drug producers and dealers and pirates, degradation of environment, ethnic and civil wars, spreading of contagious diseases and even some natural disasters are mostly as a result of the expansion of human activities beyond national boundaries and technological and industrial advancement which made mass-scale production, transportation and consumption possible. In short, humankind today faces a downfall of quality of life and perhaps eventual catastrophe.

This dismal picture of the future of the mankind can be turned around to a positive, optimistic picture. That is, as a result of the scientific and technological development, we may be able to secure safety, well-being, progress, freedom and good environment to every person on earth living now and to live in the future. However, in order to avoid our future going downhill to disaster and, instead, achieve a positive future, there is one condition to be met, i.e., the existence of a global structure to formulate a common policy for a safe, secure, rich, free and environmentally comfortable world and implement such policy. No nation, even the United States, the only super-power, can formulate and implement such policy for the good of humankind. This is the reason why we

need a structure that covers the whole world and the whole humankind. No one can deny today that the UN, with all its limitations and faults, is the only possible mechanism available for mankind to entrust this vital role.

3. Is the UN Today Capable to Save Humankind from Dangers?

As the High Level Panel Report and the subsequent Report of the Secretary-General correctly point out, the UN that was created sixty years ago reflecting the reality of 1945 is no more adequate to deal with various new types of threats such as ethnic and internal conflicts and large-scale-terrorist attacks.

One reason is that the UN was created to cope with inter-State conflicts whereas today's threats are much broader and include those coming from non-State actors such as internal armed groups, organized criminals and international non-governmental religious fundamentalist groups. They take advantage of advanced technologies such as computer, modern means of transportation and communication and sophisticated weapons.

Secondly, the UN membership has been more than tripled but the Security Council, the most powerful organ of the UN, has been enlarged by just 36%. In other words, the SC has become unrepresentative and ineffective and therefore has lost credibility and legitimacy. For instance, the present permanent members of the Security Council, the US, UK, France, Russia and China, represented about 75 % of the power and population in 1945 but today represent only 35%. This means that any SC decision supported by the P5 today lacks meaningful backing to enforce it politically and economically.

Thirdly, in today's complex and inter-dependent world, any political and security issue cannot be isolated from related economic, social, and cultural issues. For example, modern type of terrorism is not just a security issue but religious (fundamentalism), economic (poverty) and social (human rights and humanitarian concern) issues. The UN structure based on the assumptions of functionalism is no more capable of addressing today's threats that are multi-faceted and trans-border.

4. How to Approach the UN Reform Discourse?

As a result of the two important UN reform papers and certain Governments initiatives, there seems to be unprecedented momentum being built for a large-scale reform of the United Nations. This situation is generally welcome because, as described above, the world is faced with a wide range of serious threats that can only be adequately addressed through the various UN mechanisms, but, due to inadequacy of its power structure, functions and procedures, the United Nations is not capable to cope with such threats and therefore it was felt that reform is urgently needed. However, too much attention has been paid to the Security Council reform and the question of which countries should be chosen for new permanent seats.

The Secretary-General's paper as well as the High Level Panel Report rightly proposes several other points for UN reform including: (a) strengthening of the General Assembly; (b) creation of a Peacebuilding Commission and Peacebuilding Support Office; (c) reform of the Commission on Human Rights or creation of a Human Rights Council; (d) reform of the Economic and Social Council including the establishment of a Committee on the Social and Economic Aspects of Security Threats; (e) better use of the regional and sub-regional organizations by the SC; (f) deletion of the "enemy clauses"; and (g) abolishment of the Military Staff Committee. However, they are mostly independent, isolated reform proposals and there seems to be no coherence or underlying principles to bind them together as a package of UN reform.

I would therefore argue that the UN reform discourse should begin by a broad historical understanding of the global issues, then followed by the role of the UN to address these issues, and finally the concrete UN reform proposals. Let me describe briefly my thought in the following sections.

5. UN Reform in a Broad, Historical Perspective

As already discussed, we may summarize the historical background for UN reform in the following manner.

- (a) As a result of scientific and technological advancement, the humankind is standing at a vital crossroad in history. One way leads us to a downhill towards catastrophe by conflicts, armed race, proliferation of weapons of mass-destruction, degradation of human environment, spreading of contagious diseases, population increase and acts of organized criminals and pirates. The other way takes us to an uphill towards a world with safe, secure, rich, healthy, free and culturally fulfilling life for everyone.
- (b) Only through the globally based UN system that humankind will be able to avoid the catastrophic scenario and take the paradisiac course.
- (c) The present UN structure, functions and procedures are not adequate for the UN to perform this historic, vital role for humankind. The problem is that the UN at present lacks basic elements of “global governance”, i.e., democracy, transparency, efficiency, effectiveness, fairness and accountability.

6. What Are Lacking in the UN Reform Agenda?

Now, we have come to discuss “What are lacking in the UN reform agenda?”.

First of all, it is clear that the debate over the Security Council reform up to now has focused too much on the technicality of its size and composition. More important point from the global and historical perspective is how to make the UN more democratic, transparent, efficient, effective, fair and accountable. Keeping this basic policy in mind, let me suggest the following new agenda for the UN reform discourse.

- (a) The Security Council meeting should be held as open as possible to make it more transparent and accountable.
- (b) The size of the reformed SC should be large enough to be more representative and democratic, but at the same time, small enough to be more efficient. The currently discussed 24 or 25 members seems to be acceptable from this point of view.
- (c) The veto power, which has caused many difficulties in the whole history of the UN and therefore the target of criticism should be restricted to certain issues only such as the decisions under Chapter VII of the Charter. There is a good reason to allow veto to permanent members of the SC. The SC decision on economic or military sanction under Chapter VII requires a strong support of the major powers in order to make it workable. The major power unanimity requirement of such a decision ensures this. The big question today is whether P5 represent such overwhelming power to make the SC decision effective and workable. Recent difficulties faced by the SC deliberations on Congo, Sudan and Timor-Leste reveal that the joint support of P5 is not enough to provide needed human and financial resources. We may add at this point that, by adding the currently proposed candidates for permanent seats in the SC, i.e., Japan, Germany, India and Brazil and two African nations, the SC will be able to restore the 70% power backing of all the SC decisions. This means more effective SC and UN.
- (d) More responsibility should be borne by the old as well as new permanent members of the SC in accordance with the level of their privileges in terms of human and financial contributions.
- (e) As a part of the General Assembly reform, creation of a World Parliament should be seriously considered. Such Parliament would be established as a subsidiary organ of the GA. This means that it can relatively easily realized if the two-thirds majority of the members of the UN have the political will because no Charter amendment is required. It will be composed of several hundreds elected representatives of the peoples of the UN member States more or less reflecting the size of the populations. Its powers would be limited to advisory and recommendatory.

- (f) As a part of the ECOSOC reform, an NGO Forum should be established as a subsidiary organ. It is composed of the representatives of the NGOs with consultative status with the ECOSOC and will function as an advisory board to the ECOSOC. The ECOSOC should also be given stronger decision-making power on matters falling under its mandate.
- (g) The Trusteeship Council should be reformed drastically to become a Council responsible for assisting the so-called failed States to administer and manage adequately.
- (h) In order to establish rule of law firmly in international society, the role of the International Court of Justice should be strengthened. More concretely, as has been suggested in the past, the Secretary-General of the UN should be given a power to request an advisory opinion of the ICJ. This can be realized by one resolution of the GA to this effect.
- (i) Some kind of direct tax system should be established. For example, the UN establish a list of companies registered in the member States which are willing to participate in the UN company taxation system. Any UN procurement would be implemented by giving priority to those companies listed in the system and have fully paid the tax due. The amount of tax would be based on the income tax paid by those companies to their respective Governments.

7. Conclusions

As I have stressed throughout this short paper, the UN reform discourse should not be discussed only from the national interest or regional interest point of view. It should rather take place in the context of making the UN effective, democratic, transparent, efficient, fair and accountable and what reform would make UN more useful for securing human security for all.

In concluding, as a scholar of international law and international relations, I should like to offer my view on the widely debated Security Council reform.

As I have indicated, the SC should be enlarged to twenty-five. Six new permanent members should be added. Such permanent seats should be allocated to Asia (2), Africa (2), Latin America (1) and other regions (1). The choice of the countries for each seat should be made at the General Assembly by a two-thirds majority. The veto issue should be discussed separately: its adequacy, restriction on its use, parallel responsibility, etc. However, the new permanent members should not exercise veto until the whole veto issue is settled. The whole SC power, function, composition and procedure should be reviewed every twenty years.