



The Reform of the United Nations:
Seeking a Sword, Establishing Intense Care and
Global Representation

Oswaldo de Rivero
Ambassador of Peru to UN.



By Oswaldo de Rivero
Ambassador of Peru to UN.

THE REFORM OF THE UNITED NATIONS:

Seeking a Sword, establishing Intense Care and
Global Representation

The United Nations was created to prevent international armed conflicts between Nation States. Today the big problem for the UN is that most of the armed conflicts are not international, but civil wars inside the developing countries.

After the end of the Cold War, more than 33 civil wars broke out in the developing world leaving more than 5 million dead and almost 17 million refugees.

Today the conflicts in the underdeveloped world are domestic infernos, where respect for the most elemental principles of humanity is lost. They are real struggles of national self-destruction characterized by social, ethnic or religious hatred, and as result, the developing countries have become real factories of crimes against humanity.

Despite these cruel conflicts of national self-destruction, the Charter of the United Nations does not allow military intervention to prevent regimes or criminal armed groups committing massive human rights violations or carrying out genocides. The famous article 2, paragraph 7 of the Charter explicitly prohibits any intervention in the domestic affairs of the States members. We must ask ourselves the following question: is it a domestic affair when a State massacres its people? Of course not! A state that destroys the lives of its own people or cannot protect them against massive human right violations by rebels groups loses its sovereignty.

It is evident that the UN Charter ruling on non-interference in domestic affairs is not in accordance with the new global ethics and international law that punish crimes against humanity.



Therefore, this ruling of article 2, paragraph 7, that protects national sovereignty should be interpreted in the light of the new democratic and humanitarian reality of the world. Consequently, the United Nations has the right to intervene militarily in cases of crimes against humanity because the Organization can never abdicate its ethical and political responsibility for protecting humanity.

A legal reform of the Charter that limits national sovereignty in case of crimes against humanity would take many years of negotiation to achieve. It will need the approval of the two-thirds of the United Nations members, including the unanimity of the five members of the Security Council. It is very unlikely that this reform would be approved since an important majority of the members of the United Nations are authoritative regimes that depend on the principle of “non-intervention in their domestic affairs” to justify abuses against their own citizens.

In spite of the prohibition of any intervention in domestic affairs in order not to abdicate its ethical role as the protector of human rights, the Organization was obliged to carry out rather weak “humanitarian interventions” where the Blue Helmets, instead of participating militarily to protect civilians and disarm the rival bands, just ensured access to humanitarian assistance. They only provided humanitarian assistance but did not protect people against massacres. In other words, from a surrealistic viewpoint, they supplied food, medicine and shelter to potential corpses. The failures of the United Nations in Somalia and Bosnia, and even its inaction in the Rwanda genocide, are clear examples of its “lack of a sword” to prevent domestic conflicts in the developing world.

Recently, the limitation of national sovereignty has been demonstrated by the Organization. In fact, the Security Council has approved small military interventions to prevent crimes against humanity in Sierra Leone, Liberia, the Democratic Republic of Congo, Cote d’Ivoire and Haiti, where UN peacekeeping forces are authorized to use their arms to protect civilians. In addition, the United Nations has legitimized post facto the major unilateral military intervention of NATO in Kosovo.



The time is now ripe to undertake a reform to consolidate this practice of military intervention to defend human rights. This could be achieved if the five permanent members of the Security Council with the right to veto agree, as a “Code of Conduct” not to use their veto in the case of military interventions to prevent crimes against humanity. In others words, not to use their veto in cases of massive violations of human rights, genocides and systematic ethnic cleansings.

As a counterpart to this “Code of Conduct” the United Nations Secretary-General should request military intervention at the request of the High Commissioner for Human Rights, regional organizations or a large group of member states. The idea is that the permanent members of the Council would cooperate by not using their veto, against military interventions that could save thousands of human lives, when the international community demands it.

It is probable that one or more members of the Security Council would not follow the behavior Code of Conduct not vetoing interventions to prevent crimes against humanity, and would therefore paralyze the action of the Council. In that extreme case, a “coalition” of democratic nations of the General Assembly should demand that the Security Council reconsider this attitude; and if the impasse persists, then, the coalition of democratic nations should intervene militarily at the side of the Security Council. The ethical-political justification, behind this collective action of democratic nations that make up the General Assembly, is that it is not acceptable to abandon their obligation as human rights protectors and accept these dreadful crimes against humanity just because the Security Council is paralyzed due to an anti-humanitarian veto that is against the Code of Conduct of its permanent members.

Today military interventions to prevent crimes against humanity are frequently delayed not only due lengthy debates in the Security Council, but because when they are approved, the deployment of military forces can take up to three months. It is difficult to prevent crimes against humanity with this type of system. If we want the United Nations to become an organization with a real sword that can be used quickly, it is necessary to set up a permanent military force of Blue Helmets. Without this permanent military force, the United Nations loses valuable time to save lives, as in the case of the Organization's terrible inaction in the ethnic cleansing in Bosnia and



the genocide in Rwanda, and as it happens nowadays with its delayed and weak interventions in Africa.

So far the constitution of this permanent force: the Blue Helmets is complex due to the fact that democratic developed countries, which are the only ones with the economic and military capacity to set up global operations that are in opposition to crimes against humanity, are reluctant to participate in a United Nations permanent military force. As a matter of fact, any individual of the wealthy countries of the west who is used to the instant gratification of a society based on consumption would not accept to die or let his fellow-citizens die in barbarian territories, in incomprehensible wars, which in his opinion do not affect his security and prosperity. In consequence, democratic governments of the great western powers, have an obsessive fear of sending armed contingents abroad to suffer great losses and later, to be punished at the time of elections. Almost every mayor staff, before intervening with troops in a civil conflict, tries to estimate a non-loss of soldiers. If the estimation of losses is higher than zero, they just do not intervene.****

Given that it is practically certain that the United Nations will no be strengthened and provide with military capacity to quell domestic conflicts, the only way to compensate for this shortcoming would be to establish a preventive system of intensive economic care for poor countries showing symptoms of non viability in their economies and threatened with disintegration of their social fabric and with the outbreak of a war of national self-depredation because of dependence of raw material exports, growing urban population, very low increase of personal income and enormous social exclusion.

These intensive economic care systems should aim to cancel a large part of the threatened country's foreign debt, offer new credits, massively increase family planning assistance, increase food and energy production and the water supply, and implement measures to avoid social disintegration. Equally important, this intensive care should also design a strategy for modernizing the national enterprises, providing greater technological input for production and exports.



These measures would aim to help the economy to become economically viable. Such modernization cannot be achieved through twentieth-century international co-operation methods, including international aid and the adjustment programmes of the IMF and World Bank. The most efficient manner of solving the modernization problem of many non-viable economies would be to grant participation in such an enterprise to the transnational corporations and their vastly experienced managers.

Of course, the transnational corporations' participation in modernizing these economies would have to be approached as a business proposition rather than as an international aid operation. Otherwise, these enterprises would not agree to take part. The most difficult aspect would be to find formulas that would attract their collaboration. They could, for example, participate through a consulting firm to identify which companies with potential global competitive advantages could be encouraged in a given country. Another formula could assign to a transnational consortium the task of developing a programme for modernizing one given industry in exchange for a part of the returns when the enterprise began to turn a profit. Still another possibility would be to give such a consortium a percentage for the efficient management of one services sector. It might also be agreed to pay the consortium a percentage of the new exports that are created under its supervision. There are many formulas that might be tried, while always keeping in mind the requirement that the economy should begin to modernize and that income levels and the employment rate should show a substantial improvement.

The transnational corporations have not yet envisaged this matter as a future business possibility, and perhaps they will take some time to realize its potential, since they are still enjoying the best possible circumstances, with a worldwide free market devoid of any global responsibility. The majority of transnational corporations see very clearly that world power today has an economic and a technological dimension that favors their businesses without obliging them to bear any international economic, social or environmental responsibilities. Moreover, in view of the present process of global liberalization, many transnationals believe that they will have sufficient markets in the future. In China and India alone, there are nearly 300 million potential consumers, that is



to say, a market almost like those of the United States. A scarcity of global markets in the short run thus does not seem to worry the transnationals.

Nevertheless, if social exclusion and unemployment continue to beset the world, by the second decade of the twenty-first century, only 2 billion of the nearly 8 billion inhabitants of the planet will have high enough income levels to be customers of the transnational corporations. Their clientele will then be only a small global class made up of a major sector of the population of the northern hemisphere, in addition to the small social groups that have high incomes in the poor countries. Perhaps then, faced with this market limitation, capitalism's ability to adapt will lead many transnational executives to realize that the quest for profits is not incompatible with participation through business in international intensive care projects aimed at modernizing the non-viable economies and creating global clients.

Another important problem for the United Nations is its lack of global representation. In other words, the Organization is exclusively constituted by Nation States and represents less and less the real structure of the international community that nowadays is also composed by non-governmental agents, such as transnational companies and organizations of civil society, worldwide. For instance, at present, the big debate between the two views of globalization -one carried out by transnational companies and the other by organizations of the civil society- is being performed outside the United Nations.

The United Nations cannot continue to be a diplomatic forum for speeches, discussions and negotiations between government representatives that have no real power to change global economic and environmental trends. The reality is that the majority of the United Nations Member States are quasi-developing Nation States with less real power than the transnational companies and with less global projection than many big organizations of civil society.

For example, how can the environment be protected if there are not even consultations in the UN, either with civil society, that denounce a case of pollution, or the company that causes pollution and also the company that has the technology against that pollution? How we can talk



in the UN about investment and modernization of underdeveloped economies without contacting concrete possible foreign investors?

Representation in the UN must be expanded to include transnationals companies and civil society to look for answers to ecological and economic problems. Only then, will the United Nations be a mirror of the real world and all the actors involved in the globalization process will accept its decisions.

Even though the greatest challenges of this century for the United Nations are its “lack of a sword” and its lack of global representation, the Organization’s present efforts at reform ignore these two challenges. For ten years, the Organization has concentrated on whether or not to increase the number of permanent members with the right to veto at the Security Council; or whether to eliminate or restrict the veto.

In other words, after ten years of discussions there is no agreement on giving the veto to powers of second category such as Germany, Japan, Brazil, India or South Africa; and neither is there an agreement for the elimination or restriction of the veto. It is strange that after ten years of discussions about reform, the two greatest challenges that the United Nations will face in the XXI century, which are its lack of a sword to prevent crimes against humanity and its lack of global representation, due to the non inclusion of civil society and transnational companies, have not even been considered

In fact, an increase in the number of permanent members with the right to veto would not guarantee that the Organization would be more efficient in intervening against crimes against humanity. If it is difficult to obtain military interventions with five permanent members with the right to veto, it will be much more difficult to achieve them with nine or ten members. On the other hand, the elimination of the veto or a very extensive restriction of it would make the United Nations a metaphysical Organization far from any *realpolitik*, as inefficient as the Society of Nations, where the big powers would act unilaterally instead of being submitted to the interests of a majority constituted by powers of second category and underdeveloped countries.



Neither the increase in the number of members of the Security Council or other bodies at the United Nations would solve the problem of its lack of global representation. The United Nations does not need bodies with more States, but it does need the presence of transnational companies and organizations from the civil society for realistic negotiations on global economic and environmental problems.

Today, the reform of the United Nations should be focused on overcoming the two greatest challenges that the Organization is facing in the XXI century, which are its “lack of a sword” to deal with the proliferation of crimes against humanity and the lack of global representation due to the non participation of the civil society and the transnational companies in the decision making of the UN. If the United Nations is not reformed to meet these major challenges, it will run the risk of becoming an organization that is globally irrelevant in the decades to come.

New York, July 2004