

# TEN THEORETICAL CLUES TO UNDERSTANDING UNITED NATIONS REFORM

*Petru Dumitriu*

## A summary in tweets

- The concept of United Nations (UN) reform should not be determined by existing limitations and obstacles, but mainly by the anticipation of future challenges.
- Any reform is inescapably dependent on the will and readiness of states to uphold international institutions for global governance.
- Recognising the irreplaceable role of the UN means accepting multilateralism as the fundamental backbone of international cooperation.
- Nothing of the characteristics of our contemporary reality challenges the legitimate role of the UN as a factor of influence on globalisation.
- Multilateral diplomacy is called to respond to an environment in which pressures from within and without states erode the capabilities of governments.
- A substantive direction of reform should be the emphasis on mobilising and catalysing a new generation of partnerships.
- Built to function on the basis of sovereignty, the UN has a hard time steering changes that are brought about by the decline of the nation-state.
- A progressive codification of a normative framework for democratic conduct and support for democratisation processes may be the key to other transformations.
- Economic globalisation cannot be left at the mercy of 'invisible hands', be they transnational companies, or narrow interest groups.
- Delivering global public goods can be a robust option for specifying the scope of global governance and a benchmark for any reformative efforts.
- UN represents the maximum of power allowed to an organisation of global competence: What is necessary is not an institutional surplus, but extra functionality.
- Reforming the working concepts of the UN constitutes a credible alternative to reforming institutions and mechanisms.

'Reform' is a very fashionable term. No respectable statesman or head of an organisation would speak about their leadership intentions without a generous use of the notion. Yet, with the word reform on everyone's lips and for over-extended periods, the concept takes many shapes and sometimes the various meanings attached to it can even be contradictory.

The same goes for the United Nations (UN), where the reform flag has been flying for decades. Lacking a

definition, all member states give their own definition to the notion of reform and measure their willingness to implement it accordingly.

It is from this perspective that some purely theoretical assumptions might be useful to help the observer understand the claims made about UN reform, at best, if not to add to their confusion.

## 1. Relevance of the current mandate

If the aspiration of the reform is for the UN to play a more significant role in the context of globalisation, the organisation should do more than permanently improve its functioning mechanisms. While this is indeed a first basic condition for reform, it is not sufficient.

The second way to serve the purpose is to reflect the comprehensive phenomena which portray contemporary globalisation in its current forms. For globalisation is, I dare say, the third fundamental change of the context in which the scope and objectives of a reform of the UN needs to be redefined, coming as it does after decolonisation and the end of the Cold War.

Among the numerous manifestations and consequences triggered by globalisation or conducive to it, I identified two major vectors which undoubtedly make reform necessary: the erosion of national sovereignty and the emergence of new power-holders in global governance.

The importance of these vectors is given by their direct bearing on the original mandate of the organisation. Globalisation is at the origin of the need to reconfigure the international system of values and priorities. At the same time, globalisation offers the means for possible surfacing of new principles and dimensions of global governance. Looking again at the original mandate reminds us that the UN was created to serve the interests of a certain group of states, the victors in the Second World War, among which the Western powers prevailed. Some of them possessed colonies. Since then, the world order has been transformed by universalising participation; by enriching the agenda in such a way as to reflect multiple global links; and by coagulating the forces unfettered by liberalisation,

deregulations, and privatisations. From that angle, UN reform means, on the one hand, bettering the capacity to face traditional threats to international peace and security and, on the other hand, reacting promptly and efficiently to new dangers, some of them directly significant for the very survival of the human species.

The third prerequisite is that the concept of reform not be determined by existing limitations and obstacles, but mainly by the anticipation of future challenges. For example, a new pattern of global development might be inspired by a democratic blueprint, having as a main goal raising the quality of living for all citizens of the world.

As the international partners are not equal, the changes are inescapably dependent on the will and readiness of rich and powerful states to uphold international institutions for global governance. While such readiness can start from the elements of an abstract solidarity, strengthening the platform of common interest and values is essential. By its defining characteristics of universality and legitimacy, the UN has the potential to upgrade its mandate to expectations in the collective efforts to solve contemporary global problems. The organisation has proved the needed capacity to that effect, by developing and adapting its general and specialised means of action over 70 years of work, from mere awareness-raising to the codification of international law.

In other words, some building blocks remain constant in any equation of change. Among them, the nature of the substantive mandate ascribed to the organisation, the political confidence, and the volume of resources entrusted to the UN are vital.

## 2. Limits to power

Recognising the irreplaceable role the UN plays globally means explicitly accepting multilateralism as the fundamental matrix of international cooperation, against a background of globalisation and in view of the existence of common interests of all states, beyond their own national projects. Accepting an enhanced role of the UN should not be seen as signing a blank cheque or issuing the birth certificate of a supranational organisation of global competence. There are limits that should be well-defined, as any confusion may generate unproductive suspicions as well as inhibit decision-making.

The clarity of the rules of the game is all the more useful when the UN's responsibilities in the area of development are at stake. For example, if we deem that economic globalisation has an existence with an objective determination, under the reign of the 'invisible hand', then any form of, *horribile dictu*, UN intervention, would look useless and disturbing. Yet, if we accept that globalisation as a phenomenon is simultaneously an objective manifestation and a deliberate drive, it is quite natural to seek solutions and counterweights in an institutionalised logic.

From that angle, the role of the UN can be conceived as the prescription of a drug in which the dosage of active elements

is essential for effective treatment. Therefore, multilateralism should be intrinsically opposed to aggressive unilateralism and excessive voluntarism. In the same vein, by its very nature, multilateralism will seek to also meet some interests of the most powerful nations, for the simple reason that the latter's inclusion in cooperation schemes is much more productive than confrontation, albeit a tacit one.

The same prescription should set up an optimal relationship between traditional intergovernmentalism seen as a structure operating strictly among governments, and globalism which presupposes effective participation of non-state actors in cooperation schemes.

Finally, if the supranationalism of the UN is limited for the time being to the low level of some Security Council resolutions, a reform inspired by globalisation may inevitably lead to the broadening of its supranational attributes. This expansion should, however, limit itself, by use of a rigorous precaution, to the areas which recommend themselves as manifestations that are explicitly of a trans-boundary nature.

## 3. Legitimacy above all

As is the case for all public institutions, reform offers the UN an opportunity to update and reaffirm the legitimacy of its mandate. This pre-requisite does not work in crisis situations only, but also in qualifying, in general, the sense of all its activities. While the UN reform means change, in generic terms, its directions should not only be feasible and useful, but legitimate as well. For example, member states cannot keep avoiding a clear-cut response to queries about the need of a UN role in promoting certain economic or development policies. Once it has established areas for legal action, the organisation can envisage the means to achieve its goals. What is important is that the source of legitimacy be recognised by all member states. Their will and consensus give the measure of the impact on reality, and they are all the more necessary when development goals are at stake.

The whole UN architecture, as it looks today, is based at its origin on cultural affinities, a shared historic experience, and some similar political traditions, which united the first drafters of the UN Charter. Yet, what was acceptable for the respective states is not necessarily considered alike by others. Therefore – and I need to emphasise – legitimacy will depend, to a considerable extent, on the capacity of the UN to reinforce universal values acceptable and beneficial

to all societies, irrespective of their geographical position and cultural heritage.

Legitimacy is not just a theoretical construct. The UN is the only intergovernmental organisation with a universal mandate, which deals with both peace and security, on the one hand, and economic and social issues, including human rights, on the other. This gives the organisation a unique leeway to generate a vision about the world, with the expectation to harmonise the two categories of issues. Indeed, nothing of the characteristics of our contemporary reality challenges the legitimate role of the UN as a factor of influence on the manifestations of globalisation. On the contrary, globalisation can stimulate a new profile of concerted action, based on multilateralism, democracy, solidarity, and dialogue. Despite all its imperfections and shortcomings, the UN system is the only institution able to attempt to manage the complex phenomenon of globalisation.

Globalisation has brought us to a turning point. We cannot take for granted that the possible result of the influence of the era of globalisation would be the recognition of an enhanced UN legitimacy. In this light, a proactive stand implies the need for a responsible and

unambiguous positioning in the whole existing system of global governance.

The strengthening of the legitimate and irremovable role of the UN in handling global affairs is indeed desirable. As interaction among various other protagonists increases, it becomes obvious that multilateral organisations are necessary to keep together a framework in which all new relationships develop in an orderly and coherent manner.

## 4. New partnerships

The need for more governance at the global level poses new problems for all non-state entities, which go beyond the usual scenarios of rise and fall. Many such entities have acquired considerable international stature and have a brand name and a constituency of their own. Taken together and assisted by the advance of information and communication technologies, they are a real force in international relations. The UN cannot but strengthen its credibility and influence, if it fosters the best conditions for partnerships with such forces.

The past practice of international cooperation does not offer sufficient solutions for adjustments to the current transnational paradigms and to the great diversity of non-state protagonists. The world's reality is more complex than ever and implies a more emphatic recognition of the reciprocity of common interests and concerns. This pre-supposes that all participants will engage in trade-offs of principles and ideas, learn from one another, exchange resources, and adapt their roles in accordance with the dynamics of globalisation. This new dimension of global awareness is unavoidable in any reformative strategy.

Therefore the traditional conceptualisation of the structure of, and processes in international relations should

Yet, this hypothesis does not materialise spontaneously or mechanically. It needs a conscientious process of structuring and assuming responsibilities. If we fail to do so, prolonged ambiguities and hesitations may lead to unwanted denouement: weakening the UN's role, or dispersing the protagonists, or fragmenting the expected reaction to the challenges of globalisation ... or a bit of all.

be revisited. Multilateral diplomacy is called to respond to an environment in which pressures from within and without states erode the capabilities of governments in many respects. At the same time, given the planetary dimension of most issues on the UN agenda, this call does not mean that the organisation should be attributed exclusive responsibilities for each issue and all together.

Indeed, the opportunities for interaction between inter-governmental multilateral institutions, transnational companies, and global social movements are increasingly numerous. Yet, the exchanges among them in fact make the preservation and exercise of the autonomy of protagonists more difficult. They also require valorisation of their comparative advantages with respect to resources, access to knowledge and expertise, as well as legitimacy.

And so exists the imperative of marshalling strategies in which all parties add a combination of resources in services of common projects. In the absence of such projects, neither can objectives be achieved, nor conflicts settled. Briefly, a substantive direction of reform would be an emphasis in mobilising and catalysing a new generation of partnerships.

## 5. Development and democracy

While the UN is built to function on the basis of the principle of sovereignty, it has a hard time steering member states towards changes which are stirred precisely by a theory of the decline of the nation-state. Consequently, its reform requires a thorough clarification of its potential, in relation to which realistic goals, adequate resources, and rigorous criteria of evaluation can be set up. Such effort should also clarify the areas in which, in this era of globalisation, the job description of the world organisation is unchallenged and its action is the best available option.

As mentioned earlier, the impact of the organisation is proportional to the amount of will and political energy invested

in it. Among member states, some expect more benefits, others are expected to offer more resources. Those who give more and those who take more should be equally satisfied. For example, in the area of development, despite failures and shortcomings, the most critical impediment in the implementation of policies does not come from a defective institutional configuration of the UN, but from the conflicting representations of member states of what reform means.

There are at least two political options on whose assumptions reformative scenarios can be built simultaneously. The classic one is to strengthen the means available to the

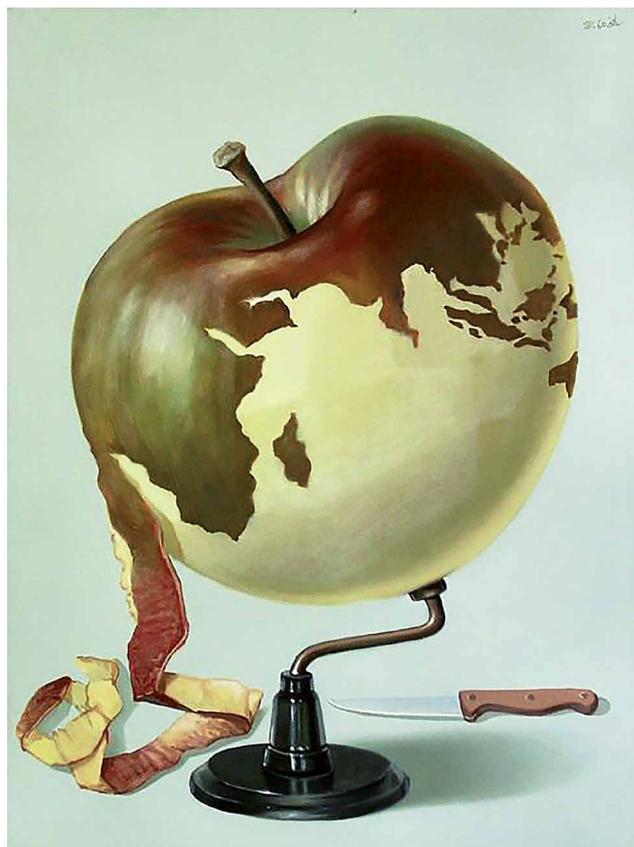
UN to stimulate a global effective cooperation conducive to a situation in which decent basic needs, both economic and social, of the vast majority of the world population are met to a greater extent. The values underlying such scenario are the solidarity and the consciousness of a common destiny.

A bolder scenario is to give to the organisation tools to promote, tacitly, Western democratic values, those which lead to a wellbeing enjoyed by most social categories, and to political and social stability, values that also contribute to integration based on democracy, respect for human rights, and the rule of law.

Promoting democratic governance in member states is a realistic and permanent mandate of the UN. There is already clear support of the majority of big contributors to the budget in this respect. Of course, this should be done by non-violent, peaceful, and diplomatic means. The UN has indeed the legitimacy and the competence to contribute to democratic processes globally.

Indeed, democracy is not an objective explicitly stipulated in the Charter. However, a progressive codification of a normative framework for democratic conduct, as well as support for democratisation processes, may galvanise a direction of the reform which can be the key to other profound transformations.

Yet such an exercise will be superficial and unconvincing if it is limited to the level of empty forms of democratic institutions and merely nominal civil and political rights. Democratisation should be accompanied by extensive



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support given to the under-developed South in order to reach a condition of human dignity, based on equality of chance and access to economic resources and to knowledge.

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## 7. Multilateralism and 'invisible hands'

Empowering the UN to exert more influence in handling the manifestations of globalisation is a direction *per se* for a reformative drive. Certainly the difficulties of doing so cannot be underestimated because, at the international level, there is no equivalent of the decision-making leverage available at the national level. The UN is called to fill the vacuum left by the lack of an institution with enough authority to mend the deficiencies of the current international system. But to do so, the UN system needs to be supported with trust and resources.

If the justified concerns about the social and political consequences of globalisation are not tackled in a profound manner, one that is different from the convenient references to the benefits of non-intervention and deregulation, developing countries and other actors will be increasingly unwilling to accept prescriptions promoting the current model of development.

The excesses and marginalising effects of globalisation are real. Their impact on global equilibriums transcends the faculty of objective assessment by governments, taken individually, or by international financial institutions. Very often, the latter cannot overcome their tendency to plea *pro domo* for the preservation of their policies and control.

Partial solutions are not sufficient. Polarisation leads to instability and conflicts. What is needed is an integrative perspective and simultaneous tackling of all those consequences. Only the UN can have such approach in a comprehensive and impartial manner, by use of its comparative advantages: universal vocation (geographic and thematic) and global legitimacy.

In other words, managing economic globalisation cannot be left to the mercy of 'invisible hands', limited either to their private forms, i.e., transnational companies, or their undemocratic forms, represented by small groups of states or narrow groups of interests. The main vulnerable element of the current version of global capitalism is the exclusion of some social categories and countries from the benefits of economic growth.

Without a serious political and intellectual opposition, global capitalism cannot contradict itself. Consequently it is not stimulated to accept a global social contract. The reform of the UN system should favour those directions and institutional developments that allow a democratic debate in which development strategies are anchored in the respect of law and the soft norms of international justice.

## 8. Deliverance of global public goods

The UN has been almost permanently undergoing moments or processes of reform. Even so, the organisation has not exhausted its possibilities to adapt to new challenges. Reformative attempts, as complete or unfinished as they may have been, will remain always insufficient and only partially motivated.

Full motivation and comprehensive reform cannot be achieved without clarifying two essential pre-requisites. The first is to assess if there is enough will to determine profound institutional changes. The second is to agree on the nature of the global institutions which are needed by the world in the era of globalisation. The very credibility and efficiency of the organisation depend on the precise definition of its viable functions and its limits.

For example, delivering global public goods can be a robust option for specifying the scope of global governance. If such a concept takes clear shape and is accepted unambiguously by the international community, then delivering global public goods could well be a benchmark for any reformative efforts.

There are enough reasons to justify normative or institutional action for that purpose. National law applies to individuals and companies registered in their territories. As a result

of globalisation, the economic space goes beyond the geographic one. One cannot say the same about institutions and regulations. For example, for a company it may be strictly impossible to exploit child labour in its country of origin. Yet, the same company can do exactly that in a foreign country that has more permissive legislation or less rule of law.

One of the specificities of contemporary globalisation is that the decline in the power of national governments is not followed by a proportionate increase in international cooperation. The result is that domestic governance is more and more dependent on external factors, while global governance remains insufficient.

Bringing to the fore the concept of global public goods represents a mission statement that is more user friendly for the national interest than, say, the recognition of the expiration of the old principles of national sovereignty and non-interference in internal affairs.

Entrusting the UN fully and explicitly with such role and giving it the necessary legal means, financial resources, and political trust to carry it out, is a necessary step which, in the long term, will produce positive consequences and incentives for all states.

## 9. Constitutional reform

The idea of a new 'global constitution', albeit useful theoretically, should not necessarily be the core stake of reformative visions. Betting excessively on such a direction would trigger a perilous dissatisfaction in the event of failure and divert energies from more feasible goals in the shorter term. The UN represents admittedly the maximum of power the international community can allow to an organisation of global competence, at this historic juncture. Therefore, what is necessary is perhaps not an institutional surplus, but extra functionality.

The goals stated in the UN Charter are certainly comprehensive enough and sufficient as a legal basis. So are the existing rules of procedure on the functions and competences of various UN organs. Yet, this observation does not imply that the working methods they entail are the only and exclusive alternatives. They can be complemented by others, as a means of permanent adaptation to the dynamics of reality and in view of accumulated experience. The UN has proved to be an entity which, in terms of institutional resources at least, is equipped to keep up with the responsibility entrusted to it, including with respect to the constitutional dimension.

However, there is one major shortcoming that could be solved by way of constitutional changes, which comes from a different interpretation of the current legal framework: the lack of an organic synthesis between economic and social issues on the one hand, and security issues on the other, with respect to the mandate and the means for action, as well as the nature of decisions taken (obligatory or just policy recommendations). Certainly, a more compact approach would require redefining the common interest of mankind, so that the UN could aim at an efficient focus on global issues.

A reform heading to a new role of the UN in development would be welcome, but not sufficient. If we deem, and many do, that the power wielded by the International Monetary Fund or the World Trade Organization over the world's economy, on which the UN has no bearing, is part of the problem, then the UN Charter is not the only Constitution that needs changes. The UN reform must be harmonised with a possible reform of Bretton Woods institutions.

## 10. Reform by concepts

Despite apparently insurmountable difficulties, a constitutional reform cannot be ruled out *ad infinitum*. Sooner or later a slight revision of the Charter, as painful as it may be, will make its way as an ultimate expression of the UN reform. While waiting for that auspicious moment, a reform both profound and with a substantial impact can be achieved by operating with innovative concepts.

Indeed, in time, institutions can transform the concepts that have guided their own existence. Moreover, very often the concepts can bypass institutional developments *per se*. It is what has happened and will happen in the normal dynamics of the UN evolution.

The first such conceptual innovation was the peace-keeping operations which became effective in early years of the organisation, without any specific basis in the language of the Charter. Concepts like human development, human security, responsibility to protect, and others, came to change the basic philosophy of the UN represented by mere development (seen as quantitative economic growth), security (seen as a state's security and *raison d'État*), or the untouchable principle of non-interference in the internal affairs of a sovereign state. The new concepts represent a necessary response to the need to go deeper into evaluating

the results of the governance, while bringing to the fore pluralism of benchmarks and criteria of assessment.

Such contributions have a reformative direction as powerful as one triggered by possible radical transformations of the UN structures and working mechanisms. They offer new directions and subtle means of action, and sometimes they can change the very substance of some overarching UN goals.

Reforming the concepts constitutes a credible alternative to reforming the forms. It creates and operationalises ground-breaking ideas that can change the world without changing the Charter or the current intergovernmental structure of power. Such strategy of reform is within the existing authority of the organisation, on the one hand, and of the member states, on the other. Seen from this perspective, restructuring institutions and mechanisms can become a mere subordinate process.

Focusing on the content and on the goals of the organisation is the key for a meaningful collective reform, rather than yielding before the stumbling blocks of institutional inertia. This assertion is all the more valid when there are more and more individual member states to please, compared to the existing situation at the time of the UN's foundation.

## Conclusion

These reflections are not intended to suggest a recipe for a good and comprehensive reform of the UN. They are meant to provide a minimum set of clues indicating the background against which such reform may take place. Otherwise, there are occasionally spirited debates and pugnacious 'breaking news' about new waves of UN reform. These clues aspire to bringing a bit of light to the antechamber of occasional talks on reform and the untampered expectations they trigger.

The defence of individual interests is a normal fact of life in any quest for reform in an intergovernmental organisation of 193 members. No one expects all of them to have the same credo about the UN and how it should change to better serve the world and provide global goods.

Some governments may believe that reform means reducing their own share of the assessed contributions. Others see accession to the status of permanent member of the Security Council as the ultimate expression of a real reform. Some members want the organisation to be tougher on promoting human rights, while others see it as being too intrusive in internal affairs. Some want the UN to be the bulwark against liberalism and nasty 'invisible hands', others preach about not interfering in the blessed action of the free market. The accountants want budget cuts; the project managers want more resources.

The UN is the place where governments should make their arguments and try to find a way to deal with those differences. To do that, it should indeed 'talk', something that its detractors find unbearable.

A judgment in good faith of the UN's performance should take into account the specific circumstances under which the organisation works, against which one should approach the concept of reform. In the eyes of the beholders, reform



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can indeed mean anything and its contrary. Making an honest effort to understand the organisation beyond clichés, misrepresentations, or mere ignorance, is a minimum responsibility not only of decision-makers, but also of opinion-makers.

I would venture to say that the entire history of the UN is a one of continuous efforts to adapt to the dynamic changes in the world, and to the unclear member states' representations of what reform means and how it can be done. In 72 years of existence, the UN was often asked to 'do more with less'. Isn't that a possible definition of reform?



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