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A Review of the Reform of the United Nations

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RESUMEN

Despite the fact that the United Nations has been exponentially losing credibility, it would be unfair not to acknowledge that organization has fairly contributed to tackle development related issues through some of its specialized agencies. However, colossal failures have been vividly exposed, and consequently contributed to the growing perception that the organization has become inefficient and overbearingly undemocratic. Now, the question is why. Countless academics and diplomats have made several efforts to figure it out, but sadly academia hasn't been able to be persuasive enough, and the international community has failed to take action. For these reasons, this paper will analyze the main challenges the United Nations is currently facing, as well the ongoing efforts for a reform to make it more efficient given the contemporary changing worldwide conflicts and the new challenges it faces.

ABSTRACT

The world is slowly turning into a global village and borders that once stood between cultures now serve as bridges for the enjoyment of diversity between people of different races and ethnicities. This paper will analyze the current crisis the United Nations is facing at this particular moment to examine main limitations for reform in order to become more transparent, accountable and democratic. For this purpose I will analyze the main events that led to the birth, evolution and current state of the United Nations. . Then, I will examine the current issues the organization is facing today, by pointing out the main obstacles that contribute to its current undemocratic and ineffective perceived status. I will also describe the main initiatives that have been introduced to restructure the UN, as well as the main causes it has failed to be reformed. Finally, I will explore the feasibility of current proposals for reform along with the incorporation of new international actors and concerns.

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INTRODUCTION

Secretary General Ban Ki-moon is neither the first nor the last SG to call for a reform the United Nations system. Nevertheless, his efforts to call for substantial reform are as questionable as his reputation as a true world leader. This may be attributed to his lack of charisma especially compared to his predecessor, Kofi Anan, who was has been considered as one of the most cherished and active Secretary Generals of the organization, not only by states, but also active civil society members. Nevertheless, these calls for action are limited by the lack of any type of significant agreement. This makes me question what lies behind the incapacity to take action to improve the organizations structural and practical issues.

Despite the fact that the United Nations has been losing credibility over time, it would be unfair not to acknowledge that organization has fairly contributed to tackle development related issues through some of its specialized agencies. Yet, colossal failures have been exposed, contributing to the growing perception that the UN has become inefficient and overbearingly undemocratic. Now, the question is why. To answer this question, countless academics and diplomats have made several efforts to figure it out. Academia hasn't been able to be persuasive enough, and the international community has failed to reach a common agreement for reform.

For this reason, I will analyze of the role of perception and misperception among states and other key players with differing world-views to understand the main concerns surrounding the United Nations and the role of international institutions. "Perceptions of the World and of other actors diverge from reality in patterns that we can detect and for reasons that we can understand." (Jervis, 1976, p.3) This

phenomena is explained by the concept of word-view which analyses the human need to search for a sense truth to guide individual or group actions to provide a meaning to human existence, as well as the rules to govern human relations. (Vidal, 2008, p.3) As a consequence of this pursuit, differing and competing world-views act according to their own construction of how the world ought to function within and out their environments. The research for knowledge is ideally pursued "to account for patterns of interaction and to improve our general understanding of international relations." (Jervis, 1973, p.3) The connotation of perception/misperception is crucial to analyze the various possible, and unreachable changes to construct a more functional global organization with the ability able to tackle the world's biggest "shortcomings" through cooperation. For these reasons, this paper will analyze the main challenges the United Nations is currently facing and the ongoing efforts for reform to make it more efficient and accountable to find solutions for contemporary changing worldwide conflicts and the new challenges it faces. In doing so, I will seek to explain why; despite the infinite proposals for improvement no substantial reform has been undertaken.

For this purpose, I will examine the main events that led to the birth, evolution and current state of the United Nations. To identify the organizations' current issues and possible solutions, I will divide my analysis, into four complementary sections. First, I will make a historical recount by analyzing the evolution of international institutions and the two main outcomes that led to the birth of the organization: the Treaty of Westphalia and the UN's failing predecessor, the League of Nations. Then, I will examine the current issues the organization is facing today, by pointing out the main obstacles that contribute to its current undemocratic and ineffective perceived status. After identifying those barriers, I will describe the main initiatives that have

been introduced to restructure the UN, as it will attempt to analyze its main causes of failure. Conclusively, the last and most challenging section, will explore the feasibility of current proposals for reform along with the incorporation of new international actors and concerns.

I. HISTORICAL BACKGROUND

The United Nations is the most perceptible representation of a multinational organization. However, nation-state sovereign ambitions and power inequalities among actors are the organizations main antagonists, due to differences, misperceptions and lack of tolerance among their own member-states. According to the theory of Historical Institutionalism, the United Nations is the product of a long history of efforts constructed by sovereign states to prevent future conflict and promote international peace and security through its member- states 'cooperation through negotiation. (Vigje, 2012, p.157) This chapter will deepen this statement by analyzing how international institutions have evolved over time, then examining the influence of the Treaty of Westphalia and it predecessor, the League of Nations, and finally recounting the creation of the United Nations.

The Origins of Sovereignty and Interest-based Interstate Cooperation

The historical evolution of the international system, as complex as it is, is the key to understand how sovereign states perform throughout international institutions. Therefore, it is essential to understand the roots of cooperation by investigating the sources and nature of international cooperation and how institutional change has taken place over time. (Keohane, 1988, p.380) Institutions are shaped by the constructed interpretation of what the world ought to be and the rules that guide their entire

existence and coexistence. (Adger, 1998, p.3). By these means, formal or informal

cooperation and coordination, as well as the processes of collective action, are

performed in and through associations. According to Institutional Realism

cooperation is a tool for interaction among competing world-views (Vigje, 2012,

p.157) has been shaped by the pursuit of national defense and the search for power

inside a global anarchical system, where no rules are formally generated to prevent

states from harming each other.

Holding to the argument that anarchy, best known as the absence of universal

governance and legitimacy (Bull, 2001, p.3), states make efforts to exert power over

other territories, arguably to protect themselves. Consequently, institutional power is

perceived as an important instrument for the provision of a reasonable conceptual

staring point for examining power in global governance. (Malone, 2003, p.58) Hence,

the necessity to start building interstate alliances became evident with the spread of

inevitable wars resulting from hostility between competing national state interests.

(Powell, 1994, p.330) Thus, in the absence of a global rule-imposing establishment,

anarchy could be perceived as the first existing universal institution itself, since it

stipulated the means in which states cooperated and competed against each other

(Mearsheimer, 1994, p.7) in an "informal" tacit basis. Hereby, I will examine the

influences that led to the creation and evolution of the United Nation, paying special

attention to the Treaty of Westphalia and it predecessor, the failing League of

Nations.

The Treaty of Westphalia and How it all Began

A review of the 1648 Treaty of Westphalia is relevant to the study of the

United Nations for three main reasons. (1) It secularized international politics by

divorcing it from any particular religious footing, anchoring it instead on the tenets of national interest and reasons of state coercion. (2) It promoted sovereignty, the legal doctrine that no higher authority stands above the state, except that to which the state voluntarily assents. (3) It accepted a conception of international society based on the legal equality of states. (Vaughan, 2011, pp. 5-6) To put this into words, The Treaty of Westphalia pursued to promote and international society by recognizing the existent need to foster a necessary tool to protect states from fearing each other. The resulting consequence was that all recognized nation-states owned the same rights and duties in order to be treated as equals. However, the conceptualization of Westphalian sovereignty desecrated as external factors kept influencing and determines domestic authority structures. Therefore, the basis for state cooperation was guided by the notion that "sovereignty could be compromised through intervention as well as through invitation, when a state voluntarily subjects internal authority structures to external constraints." (Raymond, 2005, p.858) In others words, the treaty pursued to prevent outside interference, as well as to avoid states to intervene in sovereign matters outside their own legal geographical boundaries. It also abolished the medieval system of centralized religious authority, which was substituted with a decentralized system of sovereign entities. (Raymond, 2005, p.858) The results of the treaty seemingly symbolized the institutionalization of sovereign statehood, the birth of international law, which led to the development of nation- states foreign policy strategies, interdependence and multilateralism.

This new conceptualization of sovereignty and multilateralism encouraged states to compromise their own sovereignty "through intervention as well as through invitation, when a state voluntarily subjects internal authority structures to external constraints." (Raymond, 2005, p.858) Historical institutionalism, however, explains

how developments for change aren't necessarily a path for that pursuit because the chances of inefficiency are "unintended or 'vicious' outcomes." (Vigje, 2012 p. 155) In order words, the Treaty Westphalia conformed a new space for state competition and new power struggles, as nation-states consistently violated the Treaty through conventions, contracting, coercion, and imposition. (Hawtin, 2012, p.5) Despite the fact that the Westphalian settlement closed the era of religious wars in Europe, the fact is that the continental system began shifted into an era multipolarity, which was characterized by an unsteady system of very short-term alliances. (Hall, 2000) Consequently, "Westphalia became a landmark in political history because it introduced a new framework within which international relations could operate." (Farid, 2000) However, the Westphalian Order legitimized state sovereignty to the point that it remains an essential factor for the study of global interstate cooperation, regardless of its clear ineffectiveness.

The League of Nations

Despite the ongoing efforts to construct a binding structure to promote peace and security among sovereign nations since the agreement of the Treaty of Westphalia, there was a lack of trust among nations that lead to several geopolitical power excerpting wars. Hence, in reaction to the increasing violence that was being spread across Europe, "former United States President Woodrow as part of his Fourteen Points Plan (Wilson, 1919) for an equitable peace in Europe, which intended to provide security to all nation states that became members if the League of Nations. The idea behind the creation of the League was to get rid of four fatal flaws of the "Old European Diplomacy" through the accomplishment of the following measures:

In place of competing monarchical empires, of which the Hapsburg Empire was perhaps the most notorious, the principle of national self-determination would create a world of Independent nation states, free of outside interference; the secret diplomacy of the old order would be replaced by the open discussion and resolution of disputes; the military alliance blocs would be replaced by a system of collective guarantees of security; and agreed disarmament would prevent the recurrence of the kind of arms race that had racked up international tensions in the pre-war decade. (Townshend, 2011)

The Covenant of the League of Nations comprises the first part of the Treaty of Versailles, which established the mandates of the world's first intergovernmental organization dedicated to peace and security was approved by the commission on the League of Nations on 28 April 1919. (Goodrich, 1947) However, the League proved soon to be incapable to trigger cooperation. Two of the main causes of its demise are how the United States ironically never became a member due to the opposition from the United States senate to the Treaty of Versailles (Magstadt and Shotten, 1984, p.574) and the harsh impositions stated under the Leagues' constitution, the Treaty of Versailles, against Germany after the end of World War tool that promote nationalist sentiment in Germany, resulting as main cause for the break out of World War II. (Novisti, 2014) Both examples are enough support to acknowledge that the League wasn't able to impose any influence over sovereign policymaking.

The Birth of the United Nations

The irony behind the League lies on its debasing failure to achieve its main goals centered in the objectives to prevent incoming wars ended up being one of the main causes of the outbreak of WII. Nevertheless, it's interesting to contemplate the decisions that were made after the end of the war. The founders of the United Nations intended to mend the main defects that concluded in the failure of the League. However, many of the states that were considered "universal key players" were

fundamentally concerned about the necessity to built institutional collaboration in order to avoid the spread of increasingly devastating wars. What they learned from history was that international institutions have the ability to serve as a fundamental tool for promoting peace and the security, interstate cooperation and transnational consensus through negotiation. As the allies finally started to foresee the end of WWII, they knew they had to reestablish a new world order. However, they unforgivingly rejected the idea of restoring the brain-dead League of Nations, instead, they decided to move forward by to establishing a new organization: the United Nations. The UN came officially into existence on 24 October 1945 once The Charter of the United Nations was ratified by China, France, the Soviet Union, the United Kingdom, the United States, as permanent members of the UN Security Council, and by other signatories (Basic Facts About the United Nations, 2001, pp. xvi-xvi), which became permanent member-states of the UN General Assembly, the only entirely democratic UN organ. Besides the UNSC and the UNGA, the United Nations is also composed by the Economic and Social Council (ECOSOC), the Secretariat, the International Court of Justice and the Trusteeship Council, which suspended its operations on November 1, 1994 with the independence of Palau, the UN's last remaining Trust Territory. (Basic Facts About the United Nations, 2001, pp. xvi-xvi). Subsidiary bodies, programs and funds, an advisory subsidiary body and related organizations, additionally compose the UN system. (See Appendix I) The structure of this new version of a global institution advertised to offer a much stronger position to the established great powers through the United Nations Security Council. A significant cause for its successful creation was, perhaps, that the United States did not back away, as it did with the League of Nations. (Townshend, 2011) In fact, the

United States seized the opportunity of becoming its major contributor and practically its major benefactor.

The UN Charter's preamble defines the organ's role to save "succeeding generations from the scourge of war, which twice brought untold sorrow to mankind". (Charter of the United Nations) Some of its main objectives sound extremely similar to the ones planned by the League, as stated by Charles Freeman "alliances often survive in form long after they have died in substance. Less frequently, new purposes arise to revive and redirect them." (Freeman, 1997, p.35) In practical terms, despite the fact that the organization succeeded in becoming and remaining as the only international negotiation arena for sovereign states, in practice a considerable number of member states consider the organization as obsolete and undemocratic. One of the primary reasons for this is the fact that the United Nations and its charter was molded by the winners of World War II, the United States and China. The state that took the biggest piece of cake was the United States. Instead of facing the devastating consequences of the war, it was exponentially developing economic and militarily power, while other countries resources were declining. The US was unarguably in a position of relative advantage that steered the execution of a "strategic aid" tool, better known as the Marshall Plan in which the US offered to reconstruct Europe's devastating sequels after the end of the war. Consequently, Western Europe was able to recover swiftly and effectively. Hence, the Marshall Plan served a much higher purpose than financial altruism. It operated as a tactical tool to gain allies in order to counter the Soviets Unions' communist ideological influence. The creation of NATO and the rising global influence through the United Nations are not coincidental. In fact it seems to follow the same pattern that followed the creation of multiple alliances within the context of the Treaty of Westphalia. This makes it easy to assume that similar events

often repeat themselves, but evolve at the same time as new issues require new responses, or as global hegemonic interests require new tool to exert power over other states. The following chapter will seek to explain how this phenomenon by analyzing the main issues that developed over the last six decades in the environment that surrounds the United Nations. For this purpose I will examine the organization main challenges, especially in the UN Charter, the Security Council, the Secretariat and the General Assembly, as well as issues that have developed in the scope of the UN financial situation, the "north-south division", the protection of Human Rights and the relationship between the United Stated and the United Nations. Additionally, I will study some of the main proposals for reform and the main reasons of why the fail to be implemented. Finally I will seek for answers regarding two essential questions: (1) is there still a chance for reform? And (2) what are the main scenarios that uphold the future of the organization?

II.   **The United Nations Today**: **Main Challenges**

Sadly but true, the United Nations has become more irrelevant and un-influential than ever before. Despite the fact that the organization was born with several institutional flaws, there used to be a time when the General Assembly ballots actually meant something. "Newspapers used to report its resolutions on the front page." (The United Nations Today: A Case Study in Failure, 2012) The organizations' increasing fragility is actually caused by the reflection of its own practices, often described as inefficient and highhanded. Consequently, every year UN's lack of credibility and legitimacy has become more evident. Instead of adapting to the specific needs required to tackle incoming global challenges, the United

Nations hasn't been able to move forward, In many occasions the resistance of its own member-states represent some the main obstacles for reform relative position of power have inside the organization. This clash between national and international aspirations have triggered misunderstand and the inability to enhance tools for cooperation.

During the World Economic Forum's 1999 Annual address to the Annual Meetings, Former United Nations Secretary-General Kofi Annan addressed that "the United Nations once dealt only with governments. By now we know that peace and prosperity cannot be achieved without partnerships involving governments, international organizations, the business community, and civil society." (Annan, 1999) Based on this speech, it becomes integral to address that the United Nations needs to enhance cooperation between sovereign states and incoming actors, such as NGO's in order to find doable solutions to incoming challenges that have emerged in the scope of globalization.

Currently, the UN system has become increasingly obsolete due its failure of the to incorporate innovative rules able to cope with reality. (Craig, 2011) In relation to this problematic it is essential to acknowledge that the global arena is constantly evolving in many different of ways. Nonetheless evolving global changes have increasingly molded the role of the United Nations Specialized Agencies. According to this premise, the strong links that have conformed between the UN and civil society representative actors, such as multinational corporations and, other institutionalized civil society member play a key role that needs to be considered to explain the main changes that have led to a the conformation of a new globalized international order. (Mirbagheri, 2000) These elements essential to be considered when analyzing the

main areas of concern that hunts the United Nations credibility and accountability to enforce global decision making. To analyze this concern in more depth, I will describe the main areas of concern that harm the legitimacy of the United Nations as a efficient organization able to respond to incoming global Issues. I will start by analyzing the main concerns surrounding the Security Council.

The Security Council's Lack of Democracy

The United Nations Security Council represents one of the main areas of concern within the entire organization, especially because it remains as the only governing body inside the UN with the power to enforce real decision-making through its binding resolutions. The main problematic relies upon the fact that in 1945 the Charter of the United Nations provided a special status to Security Council members: Five "Permanent Members" and "Non-Permanent Members". (Palne, 1997) Those five permanent members, represented by World War II "Winners" France, the United Kingdom, and the Soviet Union plus the United States and China, enforced their own privilege to veto resolutions that "endangered" their sovereign interests. (The United Nations Today: A Case Study in Failure, 2012) The Non-Permanent Members are the ten others, who serve two-year non-renewable terms, upon election by the General Assembly. Additionally, while other organs are limited to make non binding recommendations, only the Security Council has the power to make decisions that member states are then obligated to implement under the provisions imposer by the UN Charter" (Basic Facts About the United Nations, 2011, p.8) Motionless, members of the United Nations, however, have no choice but to agree, accept and carry out the decisions made by the Security Council. Theoretically speaking, the traditional conception of collective security has become incompatible with the

commanding idea that sovereign national statehood is above everything, hence, above international law.

The latter is closely linked to nationalist paradigms that appoint to the westphalian notion that sovereign statehood is the highest end and tool that motivates global cooperation. Modern realists Henry Kissinger and George Kennan hold on to the fact that national interests are always indispensable for sovereign states' survival. (Schwatzer, 2010) In essence, this means that the obsolete conception of sovereign statehood will always aim to pursue states' particular interests to obtain power. (Schwatzer, 2010) As pointed out by Farid Mirbagheri (2010) "a court without enforcement powers is a mere talking shop." Thus, the multitude of unimplemented UN Security Council resolutions (which ought to be legally binding) has increased legitimacy to of this element of international "collaboration". (Mirbagheri, 2000) Consequently, many UN critics remark a valid concern regarding the practical separation of powers due to the imminent fact that out of the five organs of the UN, only the Security Council has actual authority. (Tucker, 2010) This means that only its five permanent members are able to enforce real decision-making through the usage of their veto power. Correspondingly, the UNSC institutional failure to promote cooperation in the exercise of sovereign authority exercised by its member-states leads to the urgent need to transform its organizational structure for the sake of its own survival.

Ironically, the smallest and less representative organ within the organization is the only one with the legitimate capacity to enforce decision-making, while the UN General Assembly, which represents all 193 members of the United Nations has a

merely symbolic role within the organization. Subsequently, the next section will analyze the main issues within the General Assembly.

The General Assembly's Lack of Authority

Some of the main functions of the General Assembly are to elect the non-permanent members of the Security Council and other bodies such as the ECOSOC, the Human Rights Council, among others; it also formally appoints the Secretary General based on the Security Council's recommendation. (Schwart, 2008, p.23) Unlike the Security Council, the General Assembly was appointed as the representative organ of the UN by the charter. Its recommendations have no binding authority, however, the organ has played a fundamental role in setting standards and codifications of international law. One of the best examples that serve as a proof for this statement is supported by the adoption of the Universal Declaration on Human Rights, which was adopted at the General Assembly with the consent of all of its members. (Swart, 2008) However, the GA's accomplishments have significantly decreased over time by generating division among its participants instead of enhancing cooperation among nation-states with antagonizing interests. As stated by Lydia Swart,

> The reputation of the General Assembly is mostly shaped by opposing priorities and mistrust between member-states, especially between the North and the South; an unwieldy agenda that does not necessarily deal with the most urgent issues on a priority basis; repetitive and lengthy debates; slow decision- making processes; and opaque or recycled resolutions, mostly without mechanisms to ensure, or even assess their implementation. (Swart, 2008, p.23)

Conferring to this argument, the current inefficient state of the UNGA is supported by the realist conception that sovereign states that seek to excerpt their power and influence in a state of anarchy, ironically contradicting the purpose of enhancing interstate cooperation though negotiation. Instead, states mutual mistrust and antagonizing priorities has contributed to the increasing inefficiency of the General Assembly to assure the implementation of its own resolution, harming the increasing need to tackle urgent global issues.

The fact that the UNGA appoints the UN Secretary General under UNSC recommendation expresses the symbolic status of the General Assembly, harming its reputation as a democratic organ able to take action according to its own promises. As numerous delegates have noticed, those repetitive debates and resolutions that are currently considered a hallmark inside the GA are considered one of the fundamental answers to its ineffectiveness. "Ironically, efforts to revitalize the GA have suffered from some of those same problems." (Swart, 2008, p.24) The outcome of these failures to evolve has trapped the UNGA into a vicious cycle that requires, without any doubt, a paradigm shift in order to revitalize itself and its purpose of existence.

As previously mentioned, the UN Security Council has been unqualified to address the organizations, and its members, main concerns due to the lack of interest of its five permanent members to do so. On the other hand, the UN General assembly has been incapable to address those same concerns because of its lack of power to implement legally binding resolutions. Yet, the functions of the secretariat have always been very questionable. The following section will examine the function and the main concerns that enclose the work of the United Nations Secretariat.

The UN Secretariat's Overpowering Bureaucracy

The actual structure of the Secretariat is at actually at heart of the problem regarding the structural chaos that the United Nations is currently facing. Secretary General's enhance their power by building the bureaucracy as a means to counter the authority of member states in managing United Nations programs and operations. (Tucker, 2010) By these means, member states need to exercise their rightful authority to managing the organizations' operations as opposed to allowing the continuation of a bureaucratic structure under the Office of the Secretary General that seeks to undermine UN member-states equal authority. (Gardiner, 2003, p.3) Another important issue that demonstrates how the structure of the UN is enforced by the power of a small portion of its members is supported by the fact that even though the Secretariat is the official administrator of the United Nations, it cannot take any action without approval from the Security Council. (Tucker, 2010) The geographical quota is in practice a tool that serves to ensure that national interests endure to be a legitimate validation for their empowering strategies, both inside and outside the United Nations. In coherence with an inequitable quota system, positions are not always filled based on merit, but rather on nominations or pressure from governments; "a certain number of UN officials must represent its member-states inside the UN's bureaucratic system." (Weiss, 1982, p.301) Therefore, the disparities in terms of representation are gigantic since those states that are unable to considerably contribute to UN budget are barely considered to be part the organization's internal decision-making procedures.

The need to build a reform inside the United Nations Secretariat has become increasingly evident simply because a more coherent system would rely on the successful combination of proposals with efficient implementation. In July 2006, the

General Assembly approved proposals to improve the management operations of the

Secretariat, such as upgrading information technology systems and giving the

Secretary-General some flexibility in spending authority. (United Nations

Management Reforms, 1996, p.1) However, in practice authority is still only excelled

throughout the decisions made by the Security Council.

As I mentioned before, the UN General Assembly's lack of authority has

increased over time, as the decisions made by the organs have become merely

symbolic. Similarly, the role of the Secretariat, and especially of any appointed

Secretary General has the symbolic purpose showing a face that represents the

organization and a voice that provides empty speeches to keep it alive. A vast

majority of those speeches relate to imminent global concern that has increased over

time. Many of these concerns relate to human rights violations, which will be

reviewed in the following section.

Human Rights Related Criticisms

The restraints represented by national sovereignty are possibly easy to

recognize when it comes to UN operations regarding the field of human rights

protection. The defunct Commission on Human Rights (CHR) was created in 1946

and subsequently replaced by the Human Rights Council (HRC) in 2006. (Weiss,

2012, p.38) Some of the main changes represented by this shift include:

> The ratification of international human rights treaties, the reiteration of
> concluding observations of treaty bodies in the Universal Periodic
> Review (UPR) process, the submission of overdue reports to the treaty
> bodies, the issuance of standing invitations to special procedures and
> the establishment, or strengthening, of national human rights
> institutions. (Spohr, p.116)

All those changes mentioned above are pointing into the right path in order to successfully tackle current human rights violations. However, human rights' institutional governance is still lacking authority to tackle the worlds' most atrocious human right violations. The main reason for this is, once more, related the prevalence of states' sovereign interests vis á vis their real commitments towards global governance.

Reforming the United Nations

> So we have already moved well into the discussion of what steps to take to achieve a better-organized and peaceful world in the next hundred years. It has been repeated again and again that the UN cannot become anything more than the world's ever- multifarious governments wish to make it. But in the light of the many common tasks that lie ahead, we must al least to it that the very slowest movers among the nations are not allowed to set much to the future pace. As globalization expands, the question will be answered even more loudly than at present of who is to manage this development and at what means. In the view of the Nobel Committee, that will be a task for the UN, if not in the form of a centralized world government, then at least as the most efficient global instrument that the world so sorely needs.
>
> (Kofi Anan, 2011)

Kofi Annan has been considered to be one of the most active and goal oriented secretary-generals in the UN's history. His view about the United Nations goals have shown to be realistic in the sense of his awareness statements concerning the preliminary issue of the organizations' that require an urgent adaptation to new concerns that have been increasing over time. In accordance to his statement, the raison d'être of the United Nations relies on the belief that the incoming importance of emerging new international actors conformed by different groups of civil society

organizations are a central point of interest for the sake of transforming the United Nations into a more efficient, participatory and law-abiding organization able to promote intentional peace and human welfare. However, confidence in international organizations has been promptly evaporating (Takashi, 1995) and pessimism over its potential for modification have increased, especially due to the fundamental dogma influenced by the constitution of the UN Charter supporting the existence of the UN. This concern has represented one of the principal issues regarding to this problematic.

For this purpose, the fallowing chapter will address the some of main proposals that have been made to improve the main areas of concern that United Nations is facing today. To achieve this end, I will analyze the problematic surrounding the UN by analyzing two specific matters: the inability to transform the UNSC and the changes that have been imposed to improve the protection of Human Rights within the UN system.

Failed Attempts to Reform the UNSC

At some point after the Cold War end was approximating, the international community's most powerful players (the UNSC P-5 members) recognized how the UNSC could serve them as a commanding instrument for global decision-making. As stated by Heikii Potomaki, democratic reforms of the UN Security Council have often been justified in terms of the impulse behind the democratic or egalitarian visual modality of the UN charter. (Patomaki, 2004, p.21) In addition, many factors printed in the Charter of the United Nations has contributed to the overwhelming amount of power the Security Council enjoyed as the only organ able to impose binding resolutions to all 193 members by the five permanent members of the UNSC. So, how can the United Nations be considered democratic, if the fate of the system and its

members is imposed by five states, only because they gained that privilege to shape the constitutional framework since the organization started operating. For this reason it is crucial to acknowledge United Nations Security Council and the United Nations system in general hasn't been able to be transformed into a realizable, democratic decision making organization. Regarding this concern, the proposals to phase out permanent membership and or veto rights over a longer period of time are interesting and not necessarily feasible, as they would require acceptance by their current permanent member-states. (Stedtman, 2007, p.943) In order to revitalize the structure and decision-making procedures of the UNSC, the General Assembly is working to implement a Security Council reform. One of the principal reforms that have been discussed is the enlargement of permanent seats and non-permanent membership. (NGO Liaison Service) Nevertheless, the passing of a resolution that would implement these changes, require the approval of those five members in order to be implemented. Will that happen? The answers to this question remain enigmatic.

An Additional concerning the status of the UNSC lies behind the thought of the unequal representation of member states in addressing urgent global. A fact is that Seventy-three UN member states have never participated on the Council. (Basic Facts About the United Nations, 2011) Unfortunately, the UNSC remains as the only UN body with the power of imposing binding resolutions towards all members of the entire organization of the United Nations. Despite those other bodies' soft power of being able to influence the opinion of the international community as well as the reputation of states, an agreement to transform the Security Council is unlikely due to the P-5 members national interests based on sovereignty and international decision-making power. This fact questions more than anything else that the United Nations is anything but democratic.

Human Rights Reforms

One of the most significant changes needed in the UN system is to its ability to be able to tackle Human Rights violations.

When addressing the future of human rights, Secretary-General Kofi Annan emphasized in his famous report In Larger Freedom – Towards Development, Security and Human Rights for All, of March 2005, that the main challenge facing human rights is moving from an era of legislation to an era of implementation. (Almqwist, 2003, p.13)

Annan's powerful statement about transforming written words into real world-changing actions is a clear sign of how there is an imminent "implementation gap". In 2005 former UN High Commissioner for Human Rights, Louise Arbour, pronounced in her *Plan of Action,* "the enormous existing gap between the main rhetoric of human rights in the corridor of the UN and the dramatic realities that reign on the ground. (Almqwist, 2003, p.14) This issue is strongly related with the antagonism between cooperation-based global interdependence and sovereign national interests.

Human Rights related issues have a strong validity that construct a strong relationship between state and domestic aspirations. The increasing acceptance appointed to the argument that "civilized" states should respect human rights and have some degree of the domestic accountability that is a means to an end (for example, international order) and because it is an end itself. (Barnett, 1995, p.47) Complementing Michael Barnett's statement, awareness regarding human rights related issues are on the top of the list of issues that requires to be addressed regarding he reform of the United Nations for three main reasons. (1) To strengthen

institutional tools to cope with mayor issues related to the preservation of international peace and security issues in harmony with the UN Charters' same goal, therefore empowering decision making procedures can be actively increase through Security Council responses. (2) To acknowledge the fact that civil society is playing an increasing role as an actor in the global arena in and outside inside the United Nations. Thus, it is through civil society driven awareness, the United Nations is promoting and monitoring an increasing amount of human right's related actions. (3) When talking about human rights, change and action; it is possible that the Human Rights Council might be regarded as a much better implementing body than it's predecessor.

In the following chapter I will address the main challenges that await the United Nations reform and the future of the organization in general.

III.   NEW CHALLENGES AHEAD: THE FUTURE ROLE OF THE UNITED NATIONS

One of the main reasons the UN hasn't been abolished despite all the issues the organizations is facing, is because the international community is unequivocally interconnected and the UN is the only existing arena to tackle global solutions. However, the increasing influence of non-state actors appoint to the fact that state-centric configurations (i.e., either states or their creations in intergovernmental organizations, especially those of the UN system) are no longer seen as partaking a natural monopoly over collective efforts to improve international societies main concerns, as states share the governance state with a multitude of other actors. (Weiss, 2012, p.229) Thus, states, civil society organization, and businesses need an

international system to provide physical, economic, and legal security. They need

some form of international police force to deter terrorists and other breakers of the

peace; bodies like the World Trade Organization to head off trade wars; institutions

like those developed at Bretton Woods to assist emerging economies; international

human rights organizations to guarantee individuals' basic freedoms across the globe;

and a myriad of agencies and offices to ensure such basics as telecommunications and

safe air traffic. If the United Nations system did not exist, much of it would have to be

invented. (Kennedy and Russette, 1995)

For this important reason, it is essential to acknowledge the fact that one of the

main components of a possible reform is shifting obsolete paradigms, by

incorporating new ones through the process by which a "way of seeing the world" is

replaced into a new, and more functional one. (Weiss, 2012, p. 238) Raising

awareness among different key decision-makers is essential in order to tackle current

international issues, as well as for transforming the United Nations into a legitimate

global governing institution.

Starting with the UNSC

Due the devastating outcomes caused by the Second World War, the United

Nations' main decisions were legislated by the United Nations Security Council. The

council was conformed by permanent and non-permanent members, hence the veto

power was granted to the five UNSC permanent members, a decision that wasn't

considered undemocratic at the time. Contemporarily, the United Nations'

involvement in enforcement activities has dangerously eroded its reputation and

legitimacy, and therefore its ability to compel states to abide its decision. (Barnett,

1995, p.53) As IL Claude describes: the discussion over global emerging issues and the conventional means to achieve solution-driven goals is positioned in and around the UN, because it is the only institution where it is possible to exercise emerging arrangements in order to obtain a global status of moral standing and legitimacy. Claude clearly points out that any international or political order desperately requires to be legitimized to have any continuing power or to exert this power without the need to use coercion, and as a matter of fact, the UN provides a forum for collective legitimacy, a space where the international order is coroneted. (Barnett, 1997, p.540) "Thus, the challenge for any reform is to increase both the effectiveness and the credibility of the Security Council." (Barnett, 1997, p.645)

According to Barry O'Neill, "in the context of the Security Council, equity does not mean straight equality but representation in proportion to some appropriate index. Much of the current debate over redesigning the Security Council is about what features of a country merit a Council role." (O'neill, 1996, p.219) In practice, the possibility of a reform inside the United Nations entail a complex concern which includes the status of its representation, without undermining a plethora of circumstances that need to be insatiably promoted until a considerable transformation is accomplished. One example is how the five member that enjoy the power to veto, countries different in their preferences and the tool they seek to accomplish them through the UNSC. However, by changing the voting procedure changed to majority rule (Okhawat, 2011) would unlikely solve the obstacles represented by the different interests that are represented by differing worldviews among all its members.

Regarding this matter, it becomes easy to agree with the theory the international system is anarchic by nature, and multilateral diplomacy is an essential

tool that explains how inefficiency is derived by states local interests undermining and de-legitimizing international law.

Restructuring the UN Charter

One of the most essential challenges that the UN is actually facing lies on the effectiveness in the hands of international civil servants.

Amendments to the present Charter shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter,   subject however to any provisions which the General Assembly upon   recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

- Article 108, Charter of the United Nations

For the believers of the legitimate existence of international law, the UN was created based upon the thesis of respect towards sovereign nation-states, and of the sanctity of the borders of each member-state under the founding jurisdiction of the United Nations Charter. (O'Neill, 1996, p. 272) That statement seems to be somehow contradictory since local and international jurisdictions are not always compatible due to the fact that in case of dispute, a state will always pursue its own interests, sometimes at the cost of violating international treaties. In a world, where all nation-states seek to maximize their own interests, the current structure unable to face incoming universal issues if it keeps distancing itself from its own member- states. In

addition, reforms regarding the transformation of the UNSC Council, or the

amendment the UN Charter, are being challenged the same UNSC.

On a more positive side, a fact that can't be denied in that the US Charter is

written in very broad sense, which leaves a lot of space for interpretation, either for

states, individual or international organization. In this sense, the possibility of

transforming the UN Charter might not be executed as a legal amendment, but as

circumstances change, perceptions are transformed as well. The good scenario is that

states adopt the necessary measures to tackle current global issues through a universal

evolving interpretation of the UN Charter.

Empowering the GA and other main UN main bodies

The evolution of the United Nations and international institutions has been

generally alienated by the conception that globalized institutionalism tends to harm

the possibility of approaching consent over ongoing international issues, but some of

these issues are overshadowed by a lack of consent of "what is right or wrong". The

birth of nation states is the perfect example of how individuals unite and separate

themselves at the same by the construction of communities, which are mostly referred

as states. Those communities are especially strongly divided by many different factors

such as religion, political beliefs, culture, and geography, just to mention a few. Jack

Tucker (2012) states, that by establishing a regional influences in the world, member

states of each region can be able to grow inward to produce a more effective world

political system. Accordingly, UN could establish itself as a forum to empower states

to work together more within their regional neighboring states though the formation

of a "UN Provincial Senate" which could possibly benefit the current effectiveness of

the UN system. (Tucker, 2012, p.8) For this reasons, one of the main bodies that is in need to be restructured is the General Assembly.

Today, we are witnessing a transformation of the international system that was formed with the creation of the United Nation. Despite the fact that the UN system managed to survive until today, unlike its predecessor, the League of Nations, which did not get the chance to exist. (Weiss, 2012, p.225) Nonetheless, in the twenty-first century, numerous new incoming global concerns threatening the globe advocate for in favour of building, as soon as possible, more robust intergovernmental institutions with greater scope and resources.

CONCLUSIONS

I have illustrated how the relation among competing states has evolved in time through the construction and preservation of international alliances and how the United Nations has evolved as the main representing organization for global cooperation. In doing so I have addressed my three main areas of analysis: the importance of the historical roots that cultivated to the creation of the United Nations, the main challenges that are currently represented within the organization and the main proposals that have been addressed to reform the organization. Based on this analysis, the following are the main conclusions and based on those recommendations that lead to the notion that states need higher incentives in order to be able to guarantee intergovernmental cooperation.

The main body for global cooperation decision-making is still the United Nations, but sadly, the organization has been decreasing its capacity to take real action to build solutions to emerging global challenges. One of the main reasons for

the UN's lack of capability to take actions concerning global security, increasing

opportunities for development and preventing human rights violations. Those issues

are strongly linked to a standing gap between national interests and global

cooperation. This represents one of the main reasons why, despite the many proposals

that have been put on the table to reform the United Nations system and outcomes,

none of these have been able to be implemented in order to rebuild the UN into a

more accountable global organization with the ability to enforce decisions over

increasing global concerns.

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