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I RIUNIONE PER UN COSTITUENDO  
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DOCUMENTI PER LA  
DISCUSSIONE

SOME REMARKS ON U.N.

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In recent months there has been widespread criticism of the United Nations. While much of this criticism may be unjust, even the strongest supporter of the Organization must admit to a feeling of disappointment at the inability of the UN to function more effectively as a peacekeeping agency.

What has gone wrong? What can be done about it? The following questions are designed to serve as a framework for discussion.

I THE WEAKNESS OF THE UN AS A CONSEQUENCE OF THE WORLD IN WHICH IT OPERATES

A. Problem:

The Middle East, Viet Nam, the Dominican Republic and other conflicts have demonstrated the lack of consensus among the membership on when force may be used consistently with Charter standards. What one group of members calls a "war of national liberation" another group calls "aggression." What some regard as "legitimate self-defense" others condemn as "illegal intervention."

Remedies:

1. Should there be further attempts to elaborate Charter standards concerning the use of force (e.g. through General Assembly resolutions on non-intervention or through work of the Committee on Peaceful and Friendly Relations)?

2. Can improved fact-finding procedures be devised to give the membership "objective" determinations of the "facts" when these are in dispute?

3. How can there be more effective UN efforts at mediation and conciliation in some of the world's long-standing controversies? Why have such efforts been ineffective in the past?

4. Does the remedy lie in more fundamental and long-term efforts at reconciliation of differences through freedom of information, travel, cultural and intellectual exchange? What role might the UN play in stimulating such efforts?

B. Problem:

The Charter prohibits any use of force save in self-defense against an armed attack. Is this a workable rule today, given the nature of modern weaponry, the disparities in power and geography between nations, and the impotence of the UN in peacekeeping and peaceful settlement?

Remedies:

1. In the absence of effective UN peacekeeping and peaceful settlement, must UN members be given greater freedom to resort to force than might appear from a strict interpretation of the Charter? Or does this only raise greater problems?

2. The UN role seems now to be that of blowing the whistle and calling for cease-fires. Is this role a useful one? Or does it encourage a party to a dispute to strike first and establish military superiority? In effect, is the UN merely ratifying ex post facto the results of a trial of strength?

C. Problem:

The deep divisions among the members on basic values complicate the effort to devise agreed procedures for the authorization, management and financing of UN peacekeeping operations.

Remedies:

1. Should the effort to reach agreement on peacekeeping through the Committee of 33 be abandoned as unrealistic for the time being, leaving peacekeeping to be dealt with on a case-by-case basis?

2. Could the following provide a basis for eventual compromise: All UN military action to be authorized by the Security Council, but the veto not to apply except to enforcement action (in other words, peacekeeping of the UNEF type would be authorized by a majority of 9 votes out of 15)?

3. Should the membership accept the position that no peacekeeping can be authorized, managed or financed except on the basis of approval by each of the Permanent Members?

4. Should negotiations be started under Article 43 in an effort to provide arrangements for peacekeeping on the basis of agreement among the Permanent Members? Can this be done without eroding the basis of General Assembly power and the "earmarking" system already underway?

5. Should the General Assembly and the Secretary-General press forward with earmarking, the building of a UN military staff, contingency planning and standard operating procedures, despite the opposition of a significant minority of UN members?

D. Problem:

The UN has been criticized for failing to apply its Charter impartially and for failing to honor its decisions and commitments. Among examples that have been cited are the failure to enforce General Assembly decisions under Article 17 to assess members for peacekeeping operations and the removal of UNEF from the Gaza Strip and Sharm-El-Sheik despite understanding that UNEF would remain until its task had been completed.

Are these valid examples of breach of faith by the UN? If so, have they materially undermined the confidence of members?

Remedies:

1. Should a stronger line in defense of decisions and commitments of the Organization be taken by members? By the Secretariat? Is this realistic when the decisions and "commitments" are not accepted by a significant minority of members?

2. Would the UN be aided by greater concern for the law? Or must we seek "political" rather than "legal" solutions? Is this a false antithesis?

3. Should non-alignment mean abstention from taking sides in any great (or small) power conflict? Or should it mean taking sides on the basis of the Charter and the law regardless of where particular powers stand?

4. Is it realistic to think that members will vote on the "merits" rather than on the basis of bloc affiliations and concern for their bilateral relationships? If it is unrealistic, can the Charter system of peacemaking and peacekeeping work?

5. Is there evidence of a loosening of bloc affiliations in the UN? Is this a hopeful development which should be encouraged?

II THE WEAKNESS OF THE UNITED NATIONS AS A CONSEQUENCE OF DEFICIENCIES IN ITS MEMBERSHIP, CONSTITUTION, AND METHODS OF WORK

A. Problem:

The absence of Communist China is frequently cited as a major source of UN weakness. Is this really the case? Would Chinese Communist membership in the UN facilitate solution of the Viet Nam war? The Middle East crisis? How would it affect the operation of the Security Council? The General Assembly? The Secretariat? How would it affect Chinese Communist behavior?

Remedies:

1. Assuming that the membership of Communist China is desirable, should it precede a Viet Nam settlement or be dealt with as part of such a settlement or as part of a general settlement of Far East questions? Should the 22nd General Assembly establish a committee to study the question of Chinese Communist membership?

2. On which of the following bases should Communist Chinese membership be sought:

- a. Communist China in place of the Republic of China? Would Formosa then be admitted subsequently as a new member?
- b. Membership granted simultaneously to Communist China and the Republic of China (or Formosa) through the "successor-state" formula? What happens to the Security Council seat?
- c. Solution b. coupled with the seating of all divided states - both Germanies, Viet Nams, Koreas?

B. Problem:

The weakness of the UN is ascribed with increasing frequency to the membership explosion and the disproportionate voting power wielded by small and impecunious states. Is this a significant cause of the UN's difficulties?

Remedies:

1. Deny membership or grant only associate (non-voting) membership to "mini-states." Can this be applied retroactively?

2. Admit all states who apply as voting members but alter decision-making procedures through

- a. weighted voting (weighted how?)
- b. dual voting (two majority requirements, e.g., normal majority plus a specified majority of the large and middle powers)
- c. bicameralism (require approval by both the Security Council - by 9 votes out of 15 - and the General Assembly for selected decisions)
- d. use of small committees, composed so as to give greater proportional representation to the large and middle powers than they have in the Assembly as a whole. (To be fully effective, this remedy would have to provide that in certain key areas approval by both the committee and the Assembly would be required.)

3. Have any of these alternatives sufficient chance of approval by the Big 5 and a majority of members to warrant

serious discussion? How can the prospects of such a fundamental constitutional change be enhanced?

C. Problem:

The methods of work of the General Assembly have been criticized as wasteful and ineffective, particularly in the light of the increased membership and the desire of members to read set speeches on almost every question.

Remedies:

1. Could the Assembly operate through committees comprising less than the whole membership? Could the right to vote or to speak be limited in some way to larger countries or to representatives of groups? Or would this simply transfer the problem to the Plenary?

2. Could a time limit be placed on oral statements, with the right granted to place written "extensions of remarks" in the record?

D. Problem:

The Secretary-General has said that the UN should be a place for the reconciliation of differences rather than merely a place where these differences manifest themselves. Judged by this standard the recent record of both the Security Council and the General Assembly has been disappointing.

Remedies:

1. Can productive negotiation be substituted for unproductive debate on contentious political issues through the use of rapporteurs or conciliators? Should resort to such conciliators be mandatory?

2. Is there some useful way we could reconstruct and revive the UN Panel for Mediation and Enquiry?

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