

UN Reform and Its Mandate on International Peace and Security

Bantarto Bandoro*

Ada konsensus bahwa PBB dewasa ini harus mencerminkan perubahan-perubahan mendasar dalam politik dunia dan karena itu Dewan Keamanan PBB harus menyesuaikan diri dengan perubahan-perubahan tersebut. Sejalan dengan perubahan itu, muncul seruan agar Dewan Keamanan PBB memainkan peran yang lebih aktif dalam mengatasi isu-isu keamanan internasional. Ide reformasi PBB muncul karena latar belakang tersebut. Artikel ini berpendapat bahwa semangat reformasi harus memberi inspirasi kepada PBB untuk memperoleh kembali statusnya sebagai organisasi antar pemerintah yang *legitimate* dan yang secara khusus diberi mandat untuk menjaga perdamaian dan keamanan internasional.

The UN needs reform and possesses the full mandate to maintain the world peace. On that, everyone agrees. People, however, disagree sharply on what kind of reform is needed and for what purpose. But people will agree that a succes reform will add more weight to the UN's role and thus

* Penulis adalah Direktur Sarana Ilmiah dan Publikasi, dan *Chief Editor*, *The Indonesian Quarterly* CSIS. Penulis yang lahir di Jakarta pada 1954, memperoleh Sarjana Hukum dari Fakultas Hukum Universitas Indonesia, Master Degree dari *Graduate School of International Relations, International University of Japan*, Niigata, Jepang serta *Summer Course* mengenai *National Security*, Kiel, Jerman. Penulis selain aktif menjadi peneliti, juga aktif menjadi dosen luar biasa dan tamu di berbagai perguruan tinggi di Indonesia dan juga instansi pemerintah lain seperti Sesko AU, AL, Sespati POLRI, dan Sisdilu Departemen Luar Negeri RI. Ia juga pengajar di Program Pasca Sarjana, Studi Hubungan Internasional, FISIP, Universitas Indonesia.

possess stronger and more legitimate mandate on international peace and security.

The issue of UN reform has drawn countries in many parts of the globe to speak out about the urgency for reforming the UN institution. The current major push for such reform came immediately after the UN was seemingly paralysed by the unilateral action of the USA on Iraq. It was clear that the UN Security Council (UNSC) was unable to collectively arrive at common position that the issue of Iraq be solved through UNSC mechanism.

There was a wide spread consensus that the UNSC urgently need to be reformed. Two factors are specifically being mentioned as undermining the Council's legitimacy: its biased composition and the veto-wielding power of its permanent members.¹ The UNSC was indeed divided .

The UNSC was formed after World War II and the winners of such war gave themselves permanent seats with a veto. The membership has been enlarged from 11 to 15, but the permanent members have not changed and nor has the power of veto.

Many countries, however, feel that the current structure of the UNSC is unbalanced. Its reform is one aspect of wider UN reform being considered by a high level panel formed by the Secretary General in 2003.

The question this article addresses is whether the reform would improved the UNSC credibility or change the image of the international community that the UN is geared to protect the specific interest of the US? Another question is whether the changed UN, if it is ever to be realized, would make the UN more comfort in the execution of its mandate?

¹ Marcel H. Van Herpen, "Security Council Reform: How and When?" *In the National Interest*, October 8, 2003.

The drive for reform

The use of the term "reform" is now applied often and far more broadly than the constitutional changes to the UN policy. At the outset of the terms, UN secretaries general routinely initiate so-called reform measures that merely involve personnel changes and management shell games.² The current drive for UN reform is actually pointed at the way the UNSC handle new international security issues. There was a consensus that the UN should reflect the changed in world politics and the UNSC consequently has to adapt itself to such changes. There was strong call for the UNSC to work better and more effectively in handling acute international security issues.

If the USA and the rest of the world seem to be looking at the same UNSC and seeing two very different images, most government can agree on one point: the UNSC need fixing.³

According to Mahathir, the United Nations, *"is today collapsing on its feet ... it is helpless to protect the weak and the poor. It can be ignored, pushed aside, gesticulating feebly as it struggles to be relevant." "Its organs have been cut out, dissected, and reshaped, so that they may perform the way the puppet masters want."*⁴ Brazilian President Lula de Silva, whose country played a leading role in forging the Group of 22 coalitions of developing countries at the WTO meeting, agrees with Mahathir. *"It has become an urgent task,"* he said of U.N. reform. *"The Security Council must be fully empowered to deal with crises and threats to peace. It must be equipped with tools for effective action. It must take into account the emergence in the international scene of developing countries."*⁵

² Kofi A. Annan, *Reviewing the United Nations: A Programme for Reform*, A/51/1950, July 14, 1997.

³ Barbara Crossette, "Fixing the Security Council", *UN Wire*, June 16, 2003.

⁴ Haider, *Inter Press Service*, September 26, 2003.

⁵ Rizvi, "UN Reform, When?".

The question is which part of the UNSC is to be fixed and how the members of the UN should go about it. For decades, experts have been talking in seminars, working groups about how to reform the UNSC. Most of the discussion have revolved around technicalities, namely: how big the UNSC should be to reflect a membership of more than 190 nations, and how many permanent members should be added, whether they should possess vetoes or whether vetoes should be abolished all altogether.

So the question is simply about UNSC membership and the issue of privilege. The most popular concept, originally put forward by Japan, is for the council's membership to be expanded from 15 to 24, with 10 permanent seats and 14 revolving seats that don't carry veto power. One however argued that a Security Council of 21 or 24 members would hardly improve effectiveness.⁶

The UN with its current UNSC structure has in fact been gone into a high gear, ordering one peacekeeping operation after another. It even branched into many areas beyond tradition definition of peace and security.⁷ So what is wrong with that? This is perhaps the kind of question raised by the country (ies) who seem to be unenthusiastic about the UNSC reform business. The first Bush administration had no interest in changing the UNSC. Its motto was "if it ain't broke, don't fix it".⁸

Others, however, contended that the current UNSC seating was the main factor for the UN's inability to cope with new issues of international peace and security. It is against such background that international panel of experts was established to study the issue of UN reform. One of the group of panel has in it. Brent Scowcroft, the former US national security

⁶ Thomas G. The Washington Quarterly, Autumn 2003.

⁷ Weiss, "The Illusion of UN Security Council Reform".

⁸ See Jeffrey Laurenti, "Reforming the United Nations Security Council: Will its Time Ever Come?" Paper presented to the international symposium on *What is Expected of the United Nations Diplomacy Now, Seeking Peace and Prosperity in the 21st Century*, Sponsored by The United Nations University and the Japanese Foreign Ministry, Tokyo, March 17, 2003.

adviser and Yevgeni Primakov, a former Russian prime minister.⁹ This group looks at how the world body should combat security, social and economic threats around the world and part of its brief is reform of the UNSC. An international panel on Threats, Challenges and Changes was also established to determine how the UN can reinvent itself to meet emerging security threats.¹⁰

The fight for permanent seat

The establishment of the panels and the strong drive for reform reflect the degree to which international community is bound to make the UN new. This is the momentum in which countries, jointly or individually, seek for permanent UNSC seat. Potential candidates for permanent seats include: Indonesia, Japan, India, German, Brazil Argentina, all of which have their own arguments.

Indonesia's argument was that moderate Islam must have a voice on the council and Indonesia would be that voice.¹¹ The Indonesian announcement surprised other ASEAN member countries. None of them had mentioned Jakarta's candidacy, although many had endorsed Japan, Germany and India in their bid for the coveted council seats. There was a report that Brazil, Germany, India and Japan launched a united campaign for permanent seats.¹²

Thus, the idea of UN reform has politically dragged countries into exclusive groups, if not opposing camps. For example, India has a strong

⁹ Evelyn Leopold, "UN Security Council reform. In a year or never?" *Daily Times*, October 2, 2004.

¹⁰ Alan Boyd, "India, Japan Still Shooting for Security Council," *Asia Times*, 26 February 2004.

¹¹ Statement made by Indonesia's foreign minister Hassan Wirajuda to the 2004 UN General Assembly. He also said that the UNSC must be reformed so as to make it more democratic in terms of procedure and representation in order to reflect today's geopolitical realities.

¹² Channelnewsasia.com. Date of access 28 September 2004.

backing from UK and France, but faces a concerted Muslim campaign led by bitter foe Pakistan and Islamabad's mentor, Beijing. Japan must overcome East Asia fears of a military resurgence, while Indonesia, though succeeded in its first ever democratic election that solidified its journey from dictatorship to democracy,¹³ will still have to face allegation for human right violations, one that hinders its chances.

As one sees it, it will be a question of how one define eligibility. The Japanese, for example, have the strongest economic claims, but India can point to its population based and historic leadership of the Non-Aligned Movement, while Indonesia points to its moderate Islam base. Does political power serve as the determinate or should seats be allocated on a regional quota system? These are the questions one is unlikely to get the right answer so long as they continue to go for the seats.

The fight by those candidates for a permanent seat in the UNSC is likely to be endless and this seemed to confirmed the fact that such an issue clearly falls within the domain of foreign policy of each potential candidates, meaning that a "mid-term" foreign policy objectives is considered to be accomplished if each can finally secure one seat in a council.

If the issue of reform is assumed to be centered on numbers allowed for UNSC seat, then this is the issue of quantitative a country should avoid. It is just unfortunate that the mounting of the pressure for reform came after the by passing by the US of the UN with regards to the Iraqi issue. There were times when the UNSC proved effective, just as there were times when it didn't. There were also times when the UNSC was highly praised by the permanent five, particularly the USA, for its role in combating new threats to international security. In his transmittal letter to the Secretary General of the UN, Anand Panyarachun, chairman of the High-level Panel on Threats, Challenges and Change, stated clearly that

¹³ Betsy Pisk, "Jakarta seeks permanent UN council seat," *The Strait Times*, October 2, 2004.

the UN has been much more effective in addressing the major threats to peace and security than it is given credit for.¹⁴

Reform, virtually impossible

Reform might be *the* main policy option for certain countries, but such an option is likely to be difficult to be realized. Efforts for reform would inevitably lead to the debate whether there should be changes in the charter and organizational structures. Although Article 109 of the UN Charter reserved the possibility of a General Conference “for the purposes of reviewing the present Charter,” the permanent five preferred setting the bar high for any substantial changes.¹⁵ They communicate their intention to safeguard their basic position in the council. Their political stand is unlikely to change inspite of the current drive for reform.

No one disagree that the current UNSC setting does not reflect the actual distribution of twenty-first century power. What one observes is the fact that the proposed reform has actually never addressed the true imbalances between seats and actual military capacity outside the chamber (UNSC). Instead, the proposed reform centered on the imbalances between the total number of countries in the world and the UNSC membership and to dispute the veto right. Here, we see that the argument for expansion, as has been consistently fought by number of countries, was clearly linked to equity and not to practical impact.

As stated above, the issue of reform has long been on the agenda of the UN. The history of the UN however reflect the fact that the idea of UN reform was not politically and administratively acceptable. The history of reform efforts geares toward making the UNSC more reflective of growing UN membership and of changing world politics since the

¹⁴ See *A more secure world: Our shared responsibility. Report of the Secretary General's High -level Panel on Threats, Challenges and Changes*, United Nations 2004.

¹⁵ See Rosemary Foot, S. Neil McFarlane and Michael Mastanduno, eds, *The United States and Multilateral Organization* (Oxford and New York: Oxford University Press, 2003).

establishment of the organization conveys the slim prospects for meaningful and fundamental change. It is to say that substantive and substantial reform has been virtually impossible.¹⁶

The spirit to reform the UN will stay and it will even be embedded in the future. But this is to ignore the fact that the UN founders deliberately divided member rights and roles by establishing a universal General Assembly with the most general functions and a restricted Security Council with executing authority for maintaining peace and security,¹⁷ meaning that unanimity among the permanent five was a prerequisite for action.

If the reform is politically and procedurally difficult to be achieved, if not totally fail, what would then be the alternative option? Perhaps, adaptations are more likely to preserve and improved UNSC credibility. The process would have to proceed on the bases of common understanding from UNSC member countries of the central challenges for the twenty-first century. Kofi A. Annan himself recognized the need for the UN to adapt to the political and strategic reality of the twenty-first century.¹⁸

If the adaptation is to be successful and gain respect from all members of the UN, the following policy measures are worth taken: (1) new consensus on security, meaning that collective responsibility is indispensable. The permanent five must pledge to react collectively to events; (2) the policy actions by the permanent five must reflect the basic interests of UN member countries; (3) the ability of the council members to identify the internal and external stimuli that are influencing the adaptive behaviors of the permanent five. Here the council is expected to be able to identify (a) the focal stimuli-those most immediately confronting the UN; (b) contextual stimuli-all other stimuli present that are affecting the situation faced by the UN; and (c) residual-those stimuli whose effect on the situation are unclear; (4) the action by the members of

¹⁶ Weiss, "The Illusion of UN Security Council Reform."

¹⁷ Weiss, "The Illusion of UN Security Council Reform."

¹⁸ See *A more secure world*.

the council either adapts to the need of the entire UN members, work to help the entire members adapt to the environment, or adapts the environment to the needs of the UN members .

Policy coordination among the members council is therefore imperative for the adaptation to be seen objective in nature. Not only that, sense of integrity among the council members through share relations, goals, values, knowledge-building and coresponsibility for goal achievement are also important ingredients for adaptation. Thus, the knowledge acquired by the council members is not simply about the environment, but rather about the relationships between the given members and its environment. When the UNSC is adapting itself to its environment, it is assumed that it is gathering knowledge about its environment. Such a process will hopefully lead the UNSC to better handle new international security issues and act as objectively as possible.

The council's adaptation should not be geared to protect the interest of the rich and powerful. Self-help must not rule the adaptation process and mistrust must also be avoided if the UNSC is to gain something substantial from cooperation. Or just let the members of international community set by themselves the objective creteria that can be used to determine whether UNSC is adaptive to the change world politics.

The Changed UN and Its Mandate on International Peace and Security

The members of international community wish to see that the UN adapt itself to the changed international environment. The proposed comprehensive reform is therefore needed to make the UN a new. It is the hope of the international community as well that the successful reform will change the way the UN perceived itself as the only multilateral system with the mandate on world peace and security.

One may assumed that the UN reform has little relevance to its mandate on international peace and security. But if one is to consider the way the UN used to perceived international security, particularly when its perception is greatly influenced by the strategic interests of the US, then the reform is likely to affect the way the UN formulate its mandate. It is

important therefore that the issue of UN reform be linked to its future mandate on international peace and security, meaning that the UN reform should proceed within the spirit of multilateralism.

The core purpose of the United Nations is stated in Article 1.1 of the UN Charter *"to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."*¹⁹ Such UN objectives is considered to be applicable more effectively, if it is pursued within the framework of the UN newness.

Because the United Nations is the only multilateral system with the mandate to maintain international peace and security and its newness will hopefully result in a much better way of handling fresher international peace and security issues, we do need a new UN for several reasons. First, the changed UN is needed because we live in a world that is increasingly interdependent. Therefore, multilateralism need to be strengthened in order to comprehensively address new challenges for peace in the globalization era. Second, the changed UN will provide more effective and indiscriminate law enforcement and guarantees under the principle that all the States are equal before international law. And third, the changed UN is a value shared by all members of the international community. The policy of the new UN will therefore gained respect from the international community. The UN Summit 2000 listed six shared values reflecting the spirit of the Charter that are central in the 21st Century: freedom, equity and solidarity, tolerance, non-violence, respect for nature and shared responsibility.

The 2005 World Summit, held recently in the UN building, was conducted within the spirit of promoting newness to the UN. It addressed, among other issues, the challenges to adequately implement the purpose

¹⁹ See The Charter of the United Nations.

to maintain international peace and security within the actual legal international order and the international dynamics taking place in a globalizing world. Thus, here we see the fact that the dynamics of the globalized world cannot be seen in isolation from the current attempts to reform the UN.

The future mandate of the UN must be viewed not only from the perspective of the newness of the UN, but also from the current evolution of international relations and the consequent shift in the approach to new international security issues.

The role of the UN is likely to increase in the future with the consequences that funds and program must be specifically addressed to new challenges. Meaning that the spirit of the reform should serve as a kind of a guide for the UN in redefining its future role and mandate. The change in UN posture will lead to the redefinition of its mandates in practical terms. Not only that, the newness of the UN will raise the degree of the political awareness among its members that the UN should not be geared to serve the interest of the more powerful members .

Concluding notes:

Linkages between UN Reform and Peace Mission

Scholars of international organizations have long confirmed the utility of UN as an international governmental organization (IGO) in maintaining world peace and security. But others have debated its utility.²⁰ The issue of reform emerged not against the background of the later's view, but because of the need to construct world peace in such a way that it reflects the interests of all members of the international community.

The UN is or can be a central component of world order, provided that it avoids itself being the political arm of the major powers,

²⁰ See for example John Mearsheimer, "The False Promise of International Institutions," *International Security*, 19, No.3 (1995) and Lisa L. Martin and Beth A. Simmons, "Theories and Empirical Studies of International Organization," *International Organization*, 52, No.4 (1998).

particularly the US. Those who advocate reform believe that a new image of the UN will have greater impact on the maintenance of world peace. In other words, the effect of UN as an IGO on international conflict and security depends on the genesis and structure of the UN itself. So, if the UN is committed to change its image, then it should change the reality, one that reflects the perceived inability of the UN to pursue world order on the basis of multilateralism.

The linkages between UN reform and the future of its mandate draw several important lessons (1) despite the injury done to the UN, there is no other organization that can assume global responsibility in the situation the international community is facing today; (2) the mandate of the new UN must prevent the UN itself from being dictated by the interest of the USA; (3) the reform spirit should inspire the UN to gain its status back as a legitimate actor working for peace by peaceful means; (4) the international community prefer their world to be running according to the norms of the UN, not those of the USA; and (5) the UN, particularly the United Nations Security Council, has no magic formula to turn international chaos or turbulences into peace. But the spirit of reform should at least change the behavior of the decision makers in the UN as to how it should address, and handle, multilaterally new international security issues.

