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United Nations Charter Review in 2020 An Urgent Necessity!

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The United Nations Secretary-General, António Guterres, acknowledged when taking his oath of office, on 12 December 2016, that “fear is driving the decisions of many people around the world [...]. It is time to reconstruct relations between people and leaders [...]; time for leaders to listen and show that they care, about their own people and about global stability and solidarity on which we all depend” (Guterres 2016, 2). In 2020, the United Nations (UN) system will be 75 years old, and yet the world seems to be on a precarious precipice overlooking the abyss, despite the existence of this international system which was intended to save succeeding generations from the scourge of war and address global challenges. It is time to genuinely review and examine whether the UN system that we currently have is designed to effectively address the pressing issues which threaten to further fragment global society in a manner that precipitates forces of intolerance and violent extremism.

The world in crisis

The world faces the prospects of a major confrontation in the Middle East, involving the United States of America (USA) and the Islamic Republic of Iran, which could unleash spill-over crises in the region and around the world. In addition, the United Nations High Commissioner for Refugees (UNHCR) has acknowledged that there are now 70 million refugees around the world, which is significantly more than the numbers that were affected during the Second

World War (UNHCR 2019). This is a result of pockets of instability and violent conflict which continue to afflict societies in different regions of the world. There are 100,000 peacekeepers around the world, and far from being a measure of success, this is an indication of the abject failure of the UN system to effectively resolve disputes and sustain peace. More effective peacebuilding processes, which have historically been framed by the UN, should in fact lead to a reduction in the requirement for international peacekeepers and an increase in nationally owned and driven peacebuilding processes. To make matters worse some UN peacekeepers have been exposed as being involved in gender-based violence against children and women, which stigmatises the organisation in the eyes of the victims and survivors that it is supposed to assist (MacLeod 2017). If there is any need for a clear metaphor that the UN has seriously lost its moral compass, it is its failure to directly address the gender-based violations against some of the world's most vulnerable people.

Political ideologies which are based on the exclusion and victimisation of selected groups are on the rise and are threatening to reverse the democratic gains achieved at the end of the 20th century. Specifically, there is a regressive trend in a number of countries to authoritarianism, chauvinistic ethnic nationalism and xenophobia which harks back to a by-gone era of early 20th century fascist regimes, in Europe and Asia, which fuelled war and unleashed untold human suffering. In addition, the environmental damage that humanity has caused to the planet, notably due to global warming and climate change, is triggering

humanitarian catastrophe in different parts of the world, fuelled by hurricanes, cyclones, forest fires and landslides, which have displaced people from their homes and increased the pressure on an already fragile global environment.

The fallacy of UN reform

Albert Einstein, the world-renowned and distinguished theoretical physicist, argued that insanity is attempting to do the same thing over and over again and expecting to obtain a different result each time. In this regard, the UN system has been trying to reform itself over and over again to no avail, and with no tangible difference in the lived experiences of the world's most vulnerable people, whom it is intended to assist. On 14 July 2010, Inga-Britt Ahlenius, the outgoing UN Under-Secretary-General for Office of Internal Oversight Services (OIOS), stated in a leaked internal End-of-Assignment-Report that the UN was “in a process of decline and reduced relevance”. Ahlenius was even more damning when she concluded that the UN seems “to be seen less and less as a relevant partner in the resolution of world problems [...], this is as sad as it is serious” (2010, 50). Commenting on UN reform, she observed that “disintegrated and ill-thought through ‘reforms’ are launched without adequate analysis and with a lack of understanding”. She added that this “translates into a weakening of the overall position of the United Nations, and a reduced relevance of the organisation” (2010, 49). Amongst some of the negative consequences of this drift by the organisation is its reduced “capacity to protect the civilians in conflict and distress.”

The net result of the proposed convoluted system of compromises as far as UN reform is concerned has not, and probably will not, address the deep and structural crisis of international legitimacy that is embedded in the decision-making structures of the universal body. Ahlenius (2010, 48) also concluded that as far as UN reform is concerned “there is no transparency, there is a lack of accountability” and she was emphatic that she did “not see any signs of reform in the organisation”. What this suggests is that it is necessary now to explore other avenues to increasing the effectiveness of the UN system.

The necessity of a UN Charter review process

Since 1992, successive UN Secretaries-General have entered office full of euphoric bluster advocating for the urgency of reform, established their own processes, all of which have faltered and failed to deliver effective outcomes with a troubling consistency. Consequently, it would suggest that the UN system is fragmenting at the seams, and as Guterres himself

concedes that “this organisation is the cornerstone of multilateralism [...]. But the challenges are now surpassing our ability to respond. The United Nations must be ready to change” (Guterres 2016, 2). It is therefore an urgent imperative to engage genuinely with the issue of how to transform the UN system in a manner that will make it more democratic and inclusive in its decision-making. This can be achieved through a long-overdue conference to review the Charter of the United Nations. There should be no sacred cows when it comes to salvaging what is left of humanity's planetary home. Consequently we need to seriously examine opportunities for remaking world institutions through the creation of a new system that will include the aspirations of all global citizens as equal actors on the world stage. This will require as an urgent necessity that the notion of participatory democracy be established at a global level (Archibugi 2000).

Logically, it does not make sense for a combined total of more than five billion people not to have a “permanent” representation on the UN Security Council (UNSC), particularly when more than 80% of the Council's work relates to crisis situations in Africa, the Middle East and South East Asia. This is clearly a case of an international system of governance that has no legitimacy from a global south perspective. This argument can be made even more forcefully by India, which has over a billion people, and Brazil, which is also one of the most populated countries in the world.

The case for a United Nations Parliamentary Assembly

The question for the more than five billion people who are excluded from the decision-making processes that count within the UN system, is whether they should in fact continue to support such an illegitimate system of global governance. The challenge is therefore how to build a coalition of the marginalised and dispossessed, in order to actively lead the campaign to transform the ageing and anachronistic UN system, particularly the Security Council, and replace it with new institutions that seek to deepen global democracy, based on a renewal of the principles of human freedom, solidarity, justice and reconciliation.

Concretely, it is time for a two-thirds majority of the countries within the UN General Assembly to build a coalition of the willing and to trigger Article 109, calling for a review of the UN Charter. Article 109 of the UN Charter cannot be vetoed by the permanent members of the UN Security Council, who are the main beneficiaries of the global status quo and prime instigators of some of the chaos in parts of the world.

The activation of Article 109 is several decades long over-due because the UN Charter calls for the period

review of its continuing relevance and effectiveness. In fact, the members of the General Assembly are in “legal” breach of the stipulations of the UN Charter, which specifically and explicitly calls for a Charter Review Conference ten years after the establishment of the UN, which was launched in 1945. In 1955, there were efforts to launch a Review Conference of the UN Charter, however, this process became stalled. In 2019, there is a strong case to re-launch the campaign to convene a UN Charter Review Conference by 2020.

Drawing upon the principles of human freedom, solidarity, justice and reconciliation which many people and communities around the world have fought, and continue to fight, for, a new global system can be designed around the creation of a UN Parliamentary Assembly with legislative powers and portfolio committees on peace, security, gender equality, environment, refugees and so on. A UN Parliamentary Assembly could be constituted by legislators from all 193 member states of the UN, on the basis of proportional representation, and could also invite other countries and territories that are not members of the UN to join, irrespective of religious or ideological orientation. This would create a global legislative chamber which is manageable in terms of day-to-day operations. The operations of such a new global system could be financed by the taxation of global financial flows, which has already been pro-

Key recommendations

- Governments should create a “Coalition of the Willing” and work through their Permanent Representatives to the UN, in New York, to draft a General Assembly resolution to activate Article 109 of the UN Charter, with input from experts, and launch a process leading to the convening a General Conference on UN Charter Review in 2020. This will contribute towards efforts to create a platform to remould the UN system in a way that increases the participation of countries that were not independent and able to engage in decision-making during the establishment of the UN, on matters that affect them. For example, this could include the establishment of a UN Parliamentary Assembly with legislative powers and committees focusing on key global challenges.
- Civil society actors, educational institutions and governments should convene dialogues in their spheres of influence and raise awareness and build the capacity of global citizens to seriously engage with the urgent necessity to launch a UN Charter Review Process.

posed to address the transnational challenges which are beyond the ability of any single country.

As some countries chose the path of retreating into their cocoon of partisan nationalism, they cannot deny that the era of globalisation is here to stay, and the challenge is to create institutions to be able to respond to international issues before they threaten the survival of humanity. The UN has not completed a Charter Review conference in its 74-year existence, which is staggering given the pace at which technology has evolved. It is absurd that the geo-political evolution of our institutions of global governance has not kept up with the pace of globalisation and the demands of the fourth industrial age. Consequently, think tanks, civil society and academic actors need to actively identify, lobby and mobilise the support of “champion” member states within the General Assembly, who can build a coalition of countries which will take the leadership in charting a new course for humanity in convening a Review Conference of the UN Charter in 2020. They could contribute towards transforming the global system in a way that asserts and affirms human equality.

The pitfalls of UN Charter review

It would be naïve to think that the beneficiaries of the current system, notably the permanent Five (P5) members of the UN Security Council who form a cohort of self-selected elite global governors, will allow change to happen without them undertaking measures to bully and cajole compliance from those seeking change. They will play a divisive and nefarious role behind the scenes to undermine any efforts to effectuate any meaningful change. Many countries clamour to be a part of the “club” at the UNSC, but when they get there they are always ineffectual and relegated to marginal issues because the P5 have effectively “captured” the UN system and utilise it to pursue their own self-interests.

Yet it is unlikely that tinkering with the edges, in the form of so-called UN reform, will generate institutional models that lead to a deepening of global democracy. The current global system is defined by the selective respect for international law and a self-evident democratic deficit. If the status-quo is permitted to persist, this model of elite global governance will not reform itself but merely replicate and reproduce existing forms of exclusivity by co-opting a few more members (Murithi 2003). Consequently, it will be necessary for members of the UN General Assembly representing the 5 billion people who are excluded from being part of the elite global governance cohort, to build a “Coalition of the Willing” and resist efforts to divide them, so as to advance the collective interests of humanity as a whole. The increase in issues of common concern to world citizens at the global level justifies the formation of new arenas for democratic decision-making.

Conclusion

The international liberal order is currently in free-fall, its unravelling has begun, and it threatens to push the world further into the abyss of increasing chaos and catastrophe. The UN system which was created to sustain peace and security and improve the well-being of humanity, has become dysfunctional to the point that maintaining it in its present form is a clear and present danger to the future of human survival. Even though some countries chose the path of retreating into their cocoon of partisan nationalism, the era of globalisation is here to stay. The challenge is to create institutions to be able to respond to international issues before they magnify the already existing crises. A UN Charter Review Conference, ideally convened in 2020, can be triggered by a General Assembly resolution activating Article 109 of the organisation's founding document,

which will create a platform for global deliberation. A key outcome could be the establishment of a United Nations Parliamentary Assembly which can promote inclusive dialogue and decision-making on pursuing effective collective problem-solving with the view to urgently addressing the global challenges.

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References

Ahlenius, Inga-Britt 2010, End of Assignment Report, <http://www.humanrightsvoces.org/assets/attachments/documents/8802reportbrit.pdf>.

Archibugi, Daniele 2000, 'Cosmopolitan Democracy', *New Left Review* 4, July/August: 137-150.

Guterres, António 2016, 'Secretary-General-Designate Remarks to the General Assembly on Taking the Oath of Office', United Nations Headquarters, New York, 12 December.

MacLeod, Andrew 2017, 'The United Nations is Turning a Blind Eye to Child Rape within its Own

Ranks', *Independent*, 27 March 2017, <https://www.independent.co.uk/voices/united-nations-soldiers-paedophilia-un-child-rape-ngo-staff-a7648791.html>.

Murithi, Tim 2003, 'Re-thinking the United Nations System: Prospects for a World Federation of Nations', *International Journal on World Peace*, 20, No. 4, December: 3-28.

United Nations High Commissioner for Refugees 2019, 'Worldwide Displacement tops 70 Million, UN Refugee Chief Urges Greater Solidarity in Response', UNHCR, Geneva, Switzerland, 19 June.

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