

ACADEMIC COUNCIL ON THE UNITED NATIONS SYSTEM

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Individual and institutional membership are open to applicants from all countries.

THE EVOLVING UNITED NATIONS: PRINCIPLES AND REALITIES

by

Johan Kaufmann

The John W. Holmes Memorial Lecture

The Academic Council on the United Nations System
Thomas J. Watson Jr. Institute for International Studies
Brown University, Box 1983
Providence, RI 02912-1983

Telephone: 401/863-1274
Facsimile: 401/863-3808
E-Mail: Melissa_Phillips@brown.edu or
Luke_Franks@brown.edu

Thomas G. Weiss, Ph.D., Executive Director
Melissa Phillips, Program Coordinator
Luke Franks, Program Assistant

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THE JOHN W. HOLMES MEMORIAL LECTURE SERIES

The Academic Council on the United Nations System

inaugurated the John W. Holmes Lecture Series in 1989 in honor of a founding member of the Council. Mr. Holmes had served on the planning committee for the founding conference of ACUNS and the provisional committee in 1987-88. The talk he prepared for the first ACUNS annual meeting in 1988, *Looking Backwards and Forwards*, was the first publication in the Council's series of Reports and Papers.

John W. Holmes joined the Canadian Department of External Affairs in 1943 and participated in the planning of the United Nations. He attended the preparatory commission in 1945 and the first session of the General Assembly, and later served as head of UN Affairs in Ottawa and as Under-Secretary of the Department of External Affairs. In 1960, he left public service for a second career in teaching and scholarship, basing himself at the Canadian Institute of International Affairs and the University of Toronto.



Mr. Holmes brought to the Academic Council a lifetime of experience and reflection on international politics, and the role of the United Nations. He also brought a marvelous mix of idealism and realism; a mix that showed up clearly in the report, *Looking Backwards and Forwards*. In the conclusion, he spoke of the need for reexamining the role of the UN in a way that captures the basic purposes of the Academic Council. "It is an ideal time," he said, "to launch in all our countries that renewed examination of past experience of the UN, to discover on what we can build and where not to venture, how we can use the growing threat to the globe itself to create the will for international self-discipline which is what international institutions are all about."

ABOUT THE AUTHOR

Johan Kaufmann is senior special fellow of the UN Institute for Training and Research (UNITAR), and a member of the Netherlands Council for Development Cooperation. Dr. Kaufmann has served as ambassador of the Netherlands to Japan, to the United Nations in Geneva and New York, and the Organization for Economic Cooperation and Development (OECD). He was professor at the University of Leiden (Cleveringa Chair, 1983-1984), visiting professor at the International University of Japan (1985), and distinguished visiting scholar at the Netherlands Institute for Advanced Studies (1986-1988). He is the author of *UN Decision-Making and Conference Diplomacy*, and is the co-author of *The World in Turmoil: Testing the UN's Capacity and Changing Global Needs: Expanding Roles for the United Nations System* (with Dick Leurdijk and Nico J. Schrijver).

ACRONYMS

ACUNS	Academic Council on the United Nations System
CSCE	Conference on Security and Cooperation in Europe
CSD	Commission on Sustainable Development
EC	European Community
ECOSOC	Economic and Social Council
EU	European Union
FAO	Food and Agricultural Organization
FYRM	Former Yugoslav Republic of Macedonia
G-7	Group of Seven
GATT	General Agreement on Tariffs and Trade
GNP	Gross national product
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICJ	International Court of Justice
ILO	International Labour Organisation
IMF	International Monetary Fund
INCORE	International Programme on Conflict Resolution and Ethnicity
ITO	International Trade Organization
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental Organization
NIEO	New International Economic Order
OECD	Organization for Economic Cooperation and Development
OPEC	Organization of Petroleum Exporting Countries
PCA	Permanent Court of Arbitration
U.K.	United Kingdom
UN	United Nations
UNCED	United Nations Conference on Environment and Development

UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force in the Middle East
UNEP	United Nations Environment Programme
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNPROFOR	United Nations Protection Force in the Former Yugoslavia
UNU	United Nations University
U.S.	United States
WEU	Western European Union
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

THE EVOLVING UNITED NATIONS:

PRINCIPLES AND REALITIES

by

Johan Kaufmann *

INTRODUCTION

"The oak is the king of trees, said Man; exactly, said the pig, from the fruits one knows the tree."¹ This cryptic comment of the Dutch philosopher, Leo Polak, during the unstable period of World War I, may be relevant to the perplexing uncertainties that the world and the United Nations face today. This afternoon I would like to examine some of the concepts enshrined in the United Nations Charter and juxtapose them with realities as they emerge in the present post-Cold War period where history, far from having ended, may well have begun all over again. Yet during the past century, the combined effects of a long series of international pacts and agreements, including the Covenant of the League of Nations and the UN Charter, nurtured hopes that an international order would be able to avoid wars and foster the beginning of good global governance.

As a starting point, I take the first The Hague Peace Conference, held ninety-five years ago at the palace "House in the Woods" in The Hague. It discussed "the most efficacious means to assure to all peoples the blessings of a real and durable peace."² Several covenants later, after the League of Nations Covenant, the Chemical Weapons Protocol of 1925, the Kellogg-Briand Pact of 1928, and the UN Charter, the search for "a real and durable peace" goes on unabated. Indeed, it has been made more difficult by new types of conflict not anticipated by the founding fathers of both the League and the United Nations. Moreover, few if any of the present day statesmen embrace the idealistic confidence of a Cordell Hull or Franklin D. Roosevelt, having been provoked by

the bitter realities of the interwar period, in an international system based on the subordination of the behavior of states to international rules.

John W. Holmes belonged to that rare group of individuals who, at an early stage in their careers, recognized that general concepts and emerging realities could exist on diverging paths. Hence, Holmes emphasized that to understand the practices and purposes of mediation, "the approach must be more interdisciplinary, involving lawyers, sociologists, political scientists, psychologists, and all sorts of people, from family court judges to experts in linguistics."³

If one wants to discuss concepts compared with realities, the question arises: What are realities? Realities can be defined as the combination of the political and negotiating facts of life, which deviate from what an outsider might expect, having read the relevant texts that were solemnly adopted by members of the United Nations. As one astute observer stated, "In complex situations there is likely to be a considerable gap between the real environment of a decision (the world as God or some other omniscient observer sees it) and the environment as the actors perceive it."⁴ "The Fallacy of Misplaced Concreteness," to use Whitehead's still relevant observation, pursues academics, statesmen, and the public at large: Concrete facts deviate from abstract principles.⁵ Political scientists tend to be fond of constructs such as paradigms and parameters that are of limited use in explaining short- and medium-term positionings of governments or other negotiating entities. Legal terminology is also of restricted help in explaining these positionings, since the borderline between hard and soft law tends to be uncertain.⁶ Economic concepts have a generalizing character and therefore often deviate from complex realities. Trickle down, helping the poor, balanced economic and social growth, economic security, sustainable development, and various other concepts that are popular among economists in the past and/or the present, have become "multi-

interpretable," and therefore have also become the subject of whichever specific interpretation happens to be fashionable.⁷

Several of the terms popularly used today, both in academia and in the UN system, are essentially Western in origin. Some believe that the Charter concept of "peace-loving nations" is a sequel to earlier notions of "Christian nations" (pre-World War I) and "civilized nations."⁸

While the League of Nations and the UN represent milestones on the road to the development of international organization, it is useful to recall that "international organization" is a continuing process and that there is an essential difference between international organizations as short-term problem solvers and as agents of longer-term global change.⁹ Things are, of course, more complicated in practice than in theory.

Short-term events, such as forthcoming elections, may make governments disregard what has been solemnly agreed upon in or outside the United Nations. On the other hand, there may be convergence between concepts and realities, between theory and practice. It has been fiercely debated whether and to what extent the post-Cold War decisions of the Security Council, especially in connection with the Iraq-Kuwait conflict, do or do not represent a return to the letter and spirit of the Charter.¹⁰

The Security Council's summit declaration of January 31, 1992, when for the first time in its history the Council met at the level of heads of government, reflected convergence between concepts and realities. That declaration led to Secretary-General Boutros Boutros-Ghali's much quoted report, *An Agenda for Peace*.¹¹

Let me now discuss some of the Charter principles in the light of contemporary developments.

CONFLICT AND PEACE-RELATED ACTIVITIES

The UN Charter system on peace and security, as detailed in Chapters V through VIII, is straightforward. It encourages the "pacific settlement of disputes," but makes possible "action with respect to threats to the peace, breaches of the peace, and acts of aggression." Although the Charter is essentially focused on conflicts between states, the consistent use of the term "parties concerned" indicates that conflicts between entities than other states fall within the procedures established by the Charter. During the Cold War, "peacekeeping old-style" was invented. Although not literally foreseen in the UN Charter, it consisted mainly in the stationing, with the consent of the conflicting parties, of an armed force with the task to oversee a previously agreed upon armistice or ceasefire. Since the end of the Cold War, numerous conflicts of complex character have erupted. Massive civil wars, which are so uncivil that the term "civil war" is rarely used (perhaps an example of the psychology of semantics?), have left the UN confronted with multiple and complex problems that during the Cold War period seemed relatively simple. A great deal of attention is being focused on what is generally referred to as United Nations peacekeeping activities but, in fact, covers a multitude of activities. Most of what is grouped together under peacekeeping is peace- or conflict-related, but not necessarily peacekeeping. It also depends, of course, on the determination as to whether the word "peace" is used in the legal or common-usage sense. Common usage of "peace" probably means "absence of war or conflict," but on the other hand, legal "peace" may exist between two countries who are, in fact, at conflict with one another. The dispute between Greece and the Former Yugoslav Republic of Macedonia (FYRM) is a case in point. It is also currently popular to use the term "second generation" peacekeeping to group together various recent UN peace-related activities.

It would be better to transcend terminological and juridical concepts, and to subdivide peace-related activities in substantive

categories. Let me say a few words on the current vogue of conflict-related research, much of which is provoked by what is rightly or wrongly referred to as "ethnic conflict." The word "conflict" is now the popular term rather than the term "dispute," which is found in Chapter VI of the Charter.¹² Of course, efforts to penetrate the mystery as to why the human mind often seems to prefer conflict rather than peace are not of today. These issues are discussed in a remarkable correspondence between Albert Einstein and Sigmund Freud, and an earlier series of letters by "celebrities" of that epoch. Freud was pessimistic: "... There is no likelihood of our being able to suppress humanity's aggressive tendencies." Einstein was slightly more optimistic: "... The quest for international security involves the unconditional surrender by every nation, in a certain measure, of its liberty of action, its sovereignty." A pessimistic view was also expressed by Salvador de Madariaga: "... Let us not forget that if individual human beings shudder at the idea of cannibalism, those collective human beings we call nations have practised it in the past and would, alas, practise it again tomorrow, would not hesitate to devour each other."¹³ Of course, as was then and is now, pessimists confront optimists. During those pre-World War II years, the pessimists proved to be right. Now we have the peculiar juxtaposition of enormous advances in international cooperation in an increasingly large number of fields—and yet the seemingly contagious eruption of conflicts of all kinds.

Interdisciplinary research of the causes of conflicts, including their psychological and psychiatric aspects, is increasingly undertaken, for example, in the ambitious United Nations University (UNU)/University of Ulster project entitled, the International Programme on Conflict Resolution and Ethnicity (INCORE), and through the Interdisciplinary Research Program on Root Causes of Human Rights Violations of the Center for the Study of Social Conflicts at Leiden University, Leiden, the Netherlands. This trend towards interdisciplinary research would certainly have pleased John W. Holmes.

It is often stressed that the UN Charter made no provision for "peacekeeping" operations. However, the principal purpose of the United Nations is to maintain international peace and security. I agree with the argument that "peacekeeping old-style" is implicitly covered under the provisions of the Charter. This view is compatible with the fact that one of the first traditional peacekeeping operations, the first UN Emergency Force in the Middle East (UNEF I), was established under the United for Peace procedure by the General Assembly, not in the Security Council. The cleavage between the Soviet Union and its allies, and the Western members of the Council, not anticipated (by most) when the Charter was written, specifically caused the origin of this shift of decision-making venue—not any prescription of the UN Charter.

From a substantive point of view it might make sense to distinguish UN conflict- and peace-related activities in succinct categories. Any categorization is bound to be subject to valid criticism.¹⁴ Ideally, one should transcend terminological and juridical concepts, and examine the substantive differences. However, in practice the various categories overlap. I suggest the following distinctions:

Conflict Prevention

Fact-finding and Early Warning

One of the best ways to prevent a conflict is obviously by implementing better fact-finding and improved early warning systems for potential conflicts. The UN and its member states are stumbling along with few systematic efforts to improve these types of procedures. As early as 1899, the first The Hague Peace Conference had established a procedure for commissions of inquiry which proved useful in a number of cases. During Secretary-General Dag Hammarskjöld's term, lists of persons available for fact-finding, conciliation, or mediation were established. Yet this facility was rarely used. Secretary-General Javier Pérez de

Cuellar established a separate department for the research and collection of information. This department was abolished by Secretary-General Boutros Boutros-Ghali, although its functions are presumed to be administered under the auspices of another department. As early as 1962, the Netherlands supported an initiative on better fact-finding.¹⁵ However, no action was taken, inter alia because the Cold War had made the United States and the Soviet Union suspicious of any UN activity in this new field. Fact-finding must, of course, be accompanied by planning, in the sense of foreseeing alternative lines of action and devising contingency plans, including the deployment of military forces. In this field, the Academic Council on the UN System (ACUNS) might initiate some systematic research with the aim of developing a fact-finding framework that would maximize the systematic gathering of information and planning for various contingency situations. The question of how member state, nongovernmental, and UN resources of information and planning can be optimally pooled would comprise an essential part of such research.

Judicial Procedures

Conflicts can, of course, be prevented by early use of judicial and arbitration resources that are readily available. Here in the Peace Palace resides not only the International Court of Justice (ICJ) but also the Permanent Court of Arbitration (PCA) with its International Bureau, which was established in 1899. The PCA can help resolve not only disputes between states, but also between states and private parties. Its rules permit parties to a dispute to obtain a decision from arbitrators of their own choice.

Good Offices/Preventive Peacekeeping

Conflicts can sometimes be avoided by sending good offices missions, either by the Secretary-General or by certain UN

member states. A new technique is "pre-conflict preventive peacekeeping," more precisely the preventive presence of United Nations, regional organizations, nongovernmental organizations, or other representatives or military forces in the area of potential conflict. Examples of this include the FYRM and some of the former Soviet states.

Anti-Escalation-of-Conflict Activities During Hostilities

These might include the:

- dispatch of UN peacekeeping (armistice-promoting and armistice or truce-keeping) forces, for example, the UN Protection Force in the Former Yugoslavia (UNPROFOR);
- dispatch of a mediator or facilitator, with or without the consent of the conflicting parties (and with or without explicit decision of the Security Council);
- intervention in the field of humanitarian assistance, including military protection of emergency and other relief assistance;
- assistance in conforming to the Geneva Conventions on the rights of prisoners of war and civilian populations;
- establishment of "safe havens" designed to protect resident populations, and/or "safe corridors" designed to transport emergency supplies and wounded or other civilians;
- multilateral or bilateral dispute-resolving mechanisms, for example, the conference on the former Yugoslavia under the auspices of the European Union (EU) and the United Nations, and the Kuwait-Iraq Boundary Demarcation Commission; and
- judicial procedures, including those undertaken by the International Court of Justice.

Peace or Armistice Maintenance After the Cessation of Hostilities

This would include the solidifying of the achieved state of conflict termination by negotiations towards a real peace settlement. In practical terms this could involve the:

- presence of UN forces (including forces of regional or other organizations) to supervise and, if necessary, maintain by armed force the armistice or peace. This would include "peacekeeping old-style," such as UNEF I and II, the UN Disengagement Observer Force (UNDOF) between Israel and Syria, and the UN Peacekeeping Force in Cyprus (UNFICYP);
- economic and other assistance to repair war damages, including damaged roads, bridges, hospitals, public buildings, and the removal of land mines; and
- the placing of armaments under UN or International Atomic Energy Agency (IAEA) control.

Peace-Building From a Longer-Term Perspective (Post-Conflict Peace-Building)

- promotion of joint projects and economic integration among the formerly warring parties;
- assistance in political restructuring, including acceptable levels of autonomy for ethnic, religious, or language groups;
- continued fact-finding and early warning activities;
- promotion of sporting and cultural events among the former antagonists;
- promotion of an efficient judicial system, capable of addressing human rights grievances; and
- the assumption of government functions, for example in Cambodia and Somalia. There are interesting early examples

of this in Libya where during 1949-1952, a UN High Commissioner, Mr. A. Pelt, was responsible for interim government functions, pending elections,¹⁶ and in West Iran (formerly Netherlands New Guinea) where the United Nations Temporary Executive Authority was responsible for government from September 1962 until mid-1963.

The evolution of peacekeeping in the widest sense has made clear that the interpretation of Article 2(7) of the UN Charter has drastically changed: The Security Council, and not the state in dispute decides what constitutes a threat to the peace, and this may well be an event formerly considered to be "essentially within the domestic jurisdiction of any state," as it is phrased. The most dramatic application of this changed attitude is in the field of humanitarian operations, with Iraq (protection of the Kurds), the former Yugoslavia (safe havens and other measures to protect the civilian population), and Somalia (intervention for humanitarian purposes), serving as conspicuous examples. As Thomas G. Weiss and Larry Minear have stressed, "Whether the situation is one of anarchy, acquiescence, or resistance, recent international actions put states on notice that major violence against their own populations no longer will be considered exclusively a matter of domestic jurisdiction."¹⁷

I cannot leave the subject of peacekeeping without referring to the issue debated since the early days of the United Nations: Should there be a permanent UN peacekeeping force, readily available in case of need? Article 43 of the Charter mandates that all UN members "make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security." The first UN Secretary-General, Trygve Lie, put forward a proposal for

a permanent force, but no action was taken. Subsequently, each peacekeeping operation was "fabricated" in an ad hoc manner.

This arrangement does not work well, to put it mildly, under extremely disorderly situations such as Somalia, Rwanda, or the former Yugoslavia. Former UN Under-Secretary-General Brian Urquhart has strongly advocated the establishment of a permanent UN Volunteer Force, "under the exclusive authority of the Security Council and under the day-to-day direction of the secretary-general."¹⁸ A careful scrutiny of United Nations records can produce interesting "forgotten" proposals. For example, the United States suggested in the early 1950s, in the context of preparation of the Uniting for Peace Resolution, the "establishment of a security patrol—a peace patrol—to provide immediate and independent observation wherever international conflict might threaten."¹⁹ This proposal would be linked with better fact-finding. The idea of a UN police force has been supported not only by pragmatists like Sir Brian Urquhart, also known as "Mr. UN Peacekeeping," but also by idealists, including the late Nobel Prize laureate Jan Tinbergen. Once the principle of any such force is accepted, in conformity with Article 43(1) and Article 45 of the UN Charter, there should be no major problem in working out the technical modalities. At present, countries such as Canada, Denmark, Norway, and the Netherlands—the "old faithfuls"—have negotiated improved arrangements for making standby forces with specific capabilities available to the United Nations. A recent statement of the president of the Security Council²⁰ reflects progress on this issue by its firm wording: "The Security Council attaches great importance to improving the capacity of the UN to meet the need for rapid deployment and re-inforcement of peacekeeping operations." The same statement also stresses that "as a leading principle peace-keeping operations should be under the operational control of the UN." The subject of peacekeeping in the widest sense is firmly on the UN agenda, and innovating approaches may be expected.

Regional Organizations

A remarkable development has taken place in connection with peacekeeping and the role of regional organizations. At the 1945 San Francisco conference, a vigorous debate ensued on the merits of universalism versus regionalism. The Latin American delegations argued in support of the autonomy of regional action, as foreseen in the, then innovative, Act of Chapultepec. Chapter VIII of the UN Charter represents a compromise between autonomy for regional action and maintenance of the authority of the Security Council, in the shape of required previous authorization of the Council under Article 53 as regards enforcement action.²¹ The upsurge of conflicts since the end of the Cold War has provoked renewed interest in the role of regional organizations. The term "regional" is flexibly interpreted and seems to mean any organization with a nonuniversal membership that is able and willing to undertake peacekeeping tasks. In view of the UN's operational and financial difficulties, Secretary-General Boutros Boutros-Ghali has openly encouraged the involvement of regional organizations in peacekeeping activities in this newer, wider sense. Let me briefly refer to four organizations that are examples of this trend:

European Union

The relationship between the European Union (EU) and the United Nations was once centered on economic subjects—while the European Community (EC), as the EU was called before the Maastricht Treaty, acted on behalf of its members for commercial policy and related matters. Since the end of the Cold War, the EU became involved in political problems such as Cyprus and the former Yugoslavia. In the latter case, the EU sponsored conflict-ending negotiations, initiated in 1991 during the Netherlands presidency of the EC, and subsequently formalized by the London Conference of August 1992. Together with the UN, and since

early 1994 through a contact group in which the U.S. and Russia play important roles, the EU manages these negotiations. The activities of Cyrus Vance and Lord David Owen (Vance-Owen), and later by Lord Owen and Thorvald Stoltenberg (Owen-Stoltenberg), received tremendous attention from the international media. It is important to realize, despite numerous difficulties, that the EU does have a gradually evolving foreign policy, in conformity with the Maastricht Treaty. It is interesting that under Article 15 of that treaty, France and the United Kingdom (U.K.), and any other EU state that is a Security Council member "will concert and keep the other EU members fully informed." Current practice is that the U.K. and France do keep the other EU permanent missions in New York informed. Advance coordination of positions to be taken in the Security Council is difficult, but does take place.

North Atlantic Treaty Organization

Contrary to the EU and other regional organizations, the North Atlantic Treaty Organization (NATO) has no official link with the United Nations. During the Cold War, this was logical—both NATO and the Warsaw Pact wanted to maintain their full autonomy. During the post-Cold War period, however, NATO has become a decisive factor in UN peacekeeping in the former Yugoslavia, especially since the February 1994 UN ultimatum to the Bosnian Serbs and the subsequent shooting down of two Serbian aircraft. In principle, NATO activities fall under the supreme command of the UN Secretary-General, yet operational NATO military activities are decided and controlled by the NATO command.

Western European Union

Under the Maastricht Treaty, the Western European Union (WEU) will act as the defense component of the EU. The WEU

has, since July 1992, assumed the tasks of embargo monitoring and subsequently, embargo enforcement in the Adriatic Sea and on the Danube River. Since the WEU, with which several Central and Eastern European states have established formal relationships, is not well known, it will be rewarding to follow its expanding activities in the field of peacekeeping.²²

Conference on Security and Cooperation in Europe

The Conference on Security and Cooperation in Europe (CSCE), consisting of nearly all European countries, Canada, and the United States has been able, despite its unanimity rule, to show flexibility in its decisions on peacekeeping matters, especially by applying a "consensus-minus-one" procedure for certain delicate decisions. The CSCE is unique among other regional organizations in that it explicitly declared itself a regional organization in the sense of Chapter VIII of the UN Charter.²³ The CSCE has dispatched numerous observer, fact-finding, or conflict-preventing missions, to potential trouble spots such as the former Soviet republics and the Former Yugoslav Republic of Macedonia. Except for its presence in Macedonia, CSCE participation in the former Yugoslavia peace process has been constrained by the fact that the organization suspended Yugoslavia's membership. The Conflict Prevention Centre (Vienna) and the High Commissioner on National Minorities (The Hague) are important instruments available to the CSCE for conflict prevention. The High Commissioner on National Minorities has been active in Letland and Estonia, and in certain of the states formerly part of the Soviet Union.

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

The comprehensive set of provisions found in Chapters IX and X of the UN Charter found its origins in the recommendations to the League of Nations of the Bruce Committee, which

was active just prior to the outbreak of World War II. The Dumbarton Oaks proposals had suggested a fairly modest structure with the Economic and Social Council (ECOSOC) being clearly subordinate to the General Assembly. The pressure of some smaller states at San Francisco led to the creation of ECOSOC as a principal organ, legally on equal par with the Security Council and the General Assembly. Ambiguity remained from its inception, however, since Article 60 of the UN Charter placed ECOSOC under the authority of the General Assembly.

ECOSOC's early years were promising: ministerial participation was frequent; technical assistance to less developed countries was started; and important reports were written under its auspices.²⁴ Yet the advent of the Cold War strongly interfered with ECOSOC. Many Western countries, irritated by a perceived coalition of the Soviet Bloc and certain developing nations, preferred to do business in organizations which they "controlled," including the World Bank, the International Monetary Fund (IMF), and the General Agreement on Tariffs and Trade (GATT). These specialized agencies, which according to the Charter should be coordinated by ECOSOC, stood on their independence.

ECOSOC sessions gradually became long and drawn-out, with speech-making predominating action. Moreover, ECOSOC was sidetracked by the preference and practice of less developed countries to conduct business in the General Assembly, and in newly created General Assembly organs such as UNCTAD, and the increasing tendency to organize global UN conferences on recent or rediscovered issues. Some of these conferences were undoubtedly essential, for example the 1972 UN Conference on the Human Environment held in Stockholm, yet the purpose of others seems less legitimate. The United Nations Environment Programme (UNEP) was established after the 1972 Stockholm conference, with its own governing council. Similarly, the Commission on Sustainable Development (CSD) was created after the 1992 UN Conference on Environment and Development (UNCED), also known as the Earth Summit. Some would agree

that with its broad agenda, the CSD clearly duplicates ECOSOC. Therefore, the Economic and Social Council has lost some of its potential tasks. The rule that governments of UN member states prefer to follow seems to be: If you cannot solve a problem, create a new organization or commission to deal with it. An alternative forum to global conferences could be special sessions of the UN General Assembly. From this procedural point of view, the two special (Sixth and Seventh) sessions of the General Assembly in 1974 and 1975, which focused on a new international economic order, were models of efficiency. Both were brief, each lasting one week, attended by ministers, well organized, and included sufficient opportunity for parties to negotiate behind closed doors. Alas, in terms of substantive content, neither was well prepared. Spurred on by OPEC's initial success in imposing a price cartel for oil, the idea caught on among the Group of 77 that a similar approach could be used to enforce a "New International Economic Order" (NIEO). The documents adopted at the end of both sessions represent a pseudo-consensus—at most constituting "wish lists" of what many developing countries would like to have received. Even the recommendation on the transfer to developing countries of 0.7% of developed countries' gross national product (GNP) as Official Development Assistance (ODA), found in the text adopted at the end of the 1975 special session (originally adopted in 1971 in a resolution related to the strategy for the Second Development Decade), remained largely a dead letter. The subsequent Conference on International Economic Cooperation (CIEC), held in Paris and outside the UN framework, involving eighteen less developed and nine developed countries, produced no real achievements. The issue subsequently reverted to the UN, with plans for a "new round of global negotiations," that similarly remained stillborn. The NIEO suffered from both political and economic misunderstandings. Developed countries tended to see the NIEO as a device which would undo much that had been accomplished since World War II, especially through the organizations which they controlled, such as the IMF, the World Bank,

and the GATT. Less developed countries had initially not realized that delicate economic or financial issues cannot be decided by a majority vote in the General Assembly, but must be carefully negotiated between the principal countries concerned.

Current efforts to revitalize and reorganize ECOSOC have had limited results. The main session of ECOSOC is now divided in segments, of which one "high-level segment" is meant to serve as a debate among ministers. The 1993 high-level segment was characterized by the usual formal speeches and absence of real dialogue. The 1994 session did show a lively debate. It is too early to say whether this experiment can be the nucleus of a revived ECOSOC that would function as an economic security council.

It is, therefore, not surprising that proposals are generated for alternatives to ECOSOC. Dissatisfaction with the undemocratic way in which the Group of Seven (G-7) (Group of seven self-appointed main industrialized countries) endeavors to "manage" the world economy also contributes to new ideas for the management of the world economy. Some of these include:

- The enlargement of the G-7, adding Russia and selected developing countries, strengthening the G-7 with a permanent secretariat, ideally drawn from relevant organizations (such as the IMF, the World Bank, the new World Trade Organization-WTO), and the Organization for Economic Cooperation and Development (OECD). At present, the G-7 continues to suffer from its doubtful legitimacy, its members not having been democratically elected. Its ministers of finance meet periodically and sometimes give the impression of having assumed tasks that belong to the IMF or the World Bank. The division of labor between the G-7 and the relevant multilateral organizations should be clarified, in such a way that the basic tasks of the multilateral organizations are fully recognized and strengthened.

• The creation of a new Economic Security Council. It is difficult to see how this would operate as a UN organ side-by-side such presumably authoritative bodies as the CSD or the governing bodies of the United Nations Development Programme (UNDP) and the UN Children's Fund (UNICEF), and how it would relate to ECOSOC.

• The use of the Security Council for economic matters, patterned somewhat after the European Council of Ministers, which meets in specialized compositions. This idea, which requires a much wider definition of the concept of security than is found in the UN Charter, is highly unpopular in circles of the Security Council, many of whose members feel that the Council has enough on its plate. It may also be undesirable to subject a broad range of economic policy measures to the potential veto of the permanent members of the Council.

My conclusion remains that the "least bad" solution is to continue revitalizing ECOSOC and destroy the self-fulfilling prophecy that "ECOSOC is dead." ECOSOC could create an Executive Committee, comprised perhaps of nineteen members, of whom some would be *de facto* permanent. This Executive Committee would meet as necessary to discuss urgent matters, such as a sudden fall of prices of raw materials. Procedures paralleling those in the Security Council could be devised. For example, the Executive Committee would meet to discuss a situation threatening global economic security.

The main difficulty in the management of the world economy is that while political and military threats to the peace are clearly under the competence of one organ, the Security Council, economic matters are highly and increasingly diffuse in terms of "who decides what." This constraint, which is often not grasped by those arguing for management of the world economy, is perhaps the main reason that economic matters will remain under

fairly vague notions of global governance, with only small and gradual incremental additions to such governance. Global governance is now an accepted concept, contrary to the phrase "world government," which provokes notions of centralized dictatorial action. This situation confirms another pragmatic rule: The explicit, often unpleasant, can be hidden by the implicit, which is palatable.

There appears to be in some quarters a tendency to believe, with the EU in Europe, the North American Free Trade Agreement (NAFTA) in the Western Hemisphere, and several existing or emerging regional organizations in Asia, that the need for global organizations is lessened. This is a misconception, since most problems require both regional, national, and global attention. The probable imminent entry into force of the Law of the Sea Treaty may provide an opportunity to demonstrate that world governance in economic matters is not an empty shell.

HUMAN RIGHTS AND HUMANITARIAN ACTIVITIES

The gross human rights tragedies of World War II led to the prominent mentioning of the purposes and principles of human rights in Article 1 (3) of the UN Charter: "...promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."²⁵ However, the main thrust of the international human rights debate took place later as a result of the efforts of idealists such as Eleanor Roosevelt and René Cassin of France. With the adoption of the Universal Declaration of Human Rights, the covenants on Civil and Political Rights; Economic, Social, and Cultural Rights; and special conventions on issues such as torture, the UN disposes of an impressive array of legal instruments to deal with human rights violations. In particular, I wish to mention the rights of the child, solemnly enshrined in a separate convention. Yet, the widespread exploitation of children in many coun-

tries through forced labor and prostitution in effect nullifies what has been agreed to in these conventions. Thus, in the human rights field we often recognize the following rule (which, fortunately, has many exceptions): Human rights obligations are acceptable as long as they do not clash with perceived economic priorities and "political realities." A slowly emerging discussion on a possible "social clause" in the GATT and/or the International Labour Organisation (ILO) may provoke changes in child labor practices.

The gradual strengthening of procedures under the UN Commission on Human Rights, in particular the appointment of special rapporteurs, assigned by country or by issue, is another positive development in the field of human rights. The employment of these rapporteurs has become generally acceptable by the world community, and especially so for accused countries which are eager to demonstrate their innocence. A fundamental change in the methods of enforcement of human rights standards is no doubt the Security Council's action in several humanitarian distress situations, a subject touched upon earlier in this address. It can be argued that every intervention by or on behalf of the UN for humanitarian purposes is an action to protect human rights. Because compliance with Security Council resolutions is mandatory for all UN members, it is clear that the Council's decisions on humanitarian emergencies introduce an innovative element in UN human rights procedures. A new link between these procedures and the Security Council may be also emerging because of the increasing tendency to put reports of special rapporteurs on human rights matters before the Security Council, sometimes with a personal appearance of the special rapporteur in the Council. This started in August 1992, when special rapporteur Max van der Stoep was asked to elucidate his report on the human rights situation in Iraq before the Security Council. Since certain Security Council members, e.g. China, had refused to give a hearing to van der Stoep as a special rapporteur, he was asked to appear before the Council in an individual capacity—as a person

of interest to the Council, in conformity with its rules of procedure. By November 1992, when the Security Council was reviewing the sanctions regime on Iraq, van der Stoep again came before the Council, this time in his official capacity. Other persons, including Director-General of the IAEA, Hans Blix and Under-Secretary-General for Humanitarian Affairs, Jan Eliasson, were similarly heard by the Council. Later, the special rapporteur for the former Yugoslavia, Tadeusz Mazowiecki, also personally came before the Council. On the other hand, pursuant to a special meeting of the Human Rights Commission held in June 1994, the report of the special rapporteur on Rwanda was sent in writing, through the Secretary-General, to the Security Council.

While a mandatory element can be found in the procedure of the Committee supervising the implementation of the Covenant on Civil and Political Rights, the procedure remains, in general, essentially voluntary in character. The effect of these procedures relies mainly on moral appeals, nonbinding resolutions of the General Assembly, the Human Rights Commission and its subsidiary bodies, and the findings of special rapporteurs. In view of a carefully circumscribed mandate, the appointment of a UN High Commissioner for Human Rights, as recommended by the 1993 Vienna Human Rights Conference, cannot be expected to change this situation fundamentally. My tentative conclusion from this brief discussion is that the time is ripe for the United Nations to consider generalized mandatory procedures, borrowing a leaf, if relevant, from the procedures under the European Human Rights Convention, which provides for judicial decisions, following complaints by individuals, that are binding upon the governments concerned.

THE UNITED NATIONS SYSTEM

Several important anniversaries this year are a reminder, also to ACUNS which tends to concentrate on the United Nations itself, that most of the activities of the UN system take place

within the specialized agencies. The ILO celebrates its seventy-fifth anniversary, the Bretton Woods institutions and the International Civil Aviation Organization (ICAO) each celebrate their fiftieth anniversaries.

Immediately following World War II, the concept of "functionalism" was popular among many scientists and practitioners.²⁶ The UN Charter reflects this concept in Article 57, where reference is made to "the various specialized agencies...in economic, social, cultural, educational, health, and related fields." It is, therefore, not surprising that, in replicating governmental structures, agencies such as the Food and Agricultural Organization (FAO) and the World Health Organization (WHO) were created. At present, these agencies each dispose of powerful lobbies in their member states, where specialized ministries resist periodic onslaughts of ministries of finance to economize on certain activities. Therefore, each specialized agency tends to develop, like nation states, a "sovereign equality" and a "territorial imperative" complex. The specialized agencies argue that they have their own governing organs, which do not wish to be coordinated by ECOSOC, despite the fact that the agreements concluded between each specialized agency and ECOSOC provide for such an arrangement. This tendency negates the explicit proviso in Article 63 of the Charter that ECOSOC "may coordinate the activities of the specialized agencies." Yet, in special or emergency situations such as the Iraq/Kuwait conflict or former Yugoslavia, a surprisingly high degree of coordination becomes possible. The need for a single lead agency to organize coordination of such complex undertakings is recognized by all. For example, the UN High Commissioner for Refugees (UNHCR) acts as the coordinator (and to a considerable extent the executor) for humanitarian relief in the former Yugoslavia, relating both to food and other emergency supplies and to the protection of innocent victims, including internally displaced persons who legally are not refugees. This is an interesting illustration of how an agency, when

forced by circumstances, can assume tasks for which it was not specifically established.

With the advent of nongovernmental organizations (NGOs) in the international community, the entire UN system must continue to demonstrate that it performs a useful job. It must convince its "stake-holders" that they perform certain tasks better than other organizations. The stake-holders are not comprised only of the member governments, but are from all sectors of public and professional life, and benefit from the organization's activities. It might be useful if UN agencies would make systematic periodic evaluations of their "markets and clients," to ensure that they are not producing goods or services for which there is little or no demand. An example of waste might be the various economic surveys produced by the UN, the IMF, the World Bank, the UN Conference on Trade and Development (UNCTAD), the GATT, and the regional commissions, some of which are seen by many as being dated and of questionable use.

Soon a new organization will come into existence—the World Trade Organization (WTO). The WTO would fulfill the tasks originally foreseen for the old International Trade Organization (ITO), based on a charter negotiated at a conference held in Havana, Cuba, in 1948. The WTO statute as presently drafted would categorize it as an organization outside the UN system. It would probably have been more advantageous to make the WTO a UN specialized agency, or at least an agency with a special relation to the UN as has been done in the case of the IAEA. Specialized agency status would give the WTO, as a matter of right, close links with the Bretton Woods institutions and other parts of the UN system. The WTO, as a specialized agency, might undertake certain delicate tasks in the UN system, such as determining the damage suffered by countries as a result of Security Council action under Article 50 of the Charter, a determination that is now made by ad hoc committees of the Security Council.

With the establishment of the WTO and the restoration of the triad (World Bank, the IMF and the WTO), as originally foreseen at the Bretton Woods Conference, the role of the G-7 will inevitably again become a subject of international discussion. As previously mentioned, relations between the three organizations and the G-7 could and should be reexamined. It would be to their advantage if the executive heads of the three agencies would attend all or part of the G-7 meetings, and if the staff of the three organizations would prepare briefing papers on the latest trends in the world economy. This would tend to "objectivize" the proceedings of the G-7. The UN Secretary-General should also, at least when there are specific reasons to do so, participate in G-7 discussions. Gradually and unostentatiously, the G-7 might, therefore, be transformed into a fairly democratically organized outfit more acceptable to the world community than the present, distinctly autocratic set-up.

In conclusion, it should be repeated that expectations for real management of the world economy must be quite modest, given the increasingly intractable character of the international economic system, with, for example, erratic money flows having effects which apparently are beyond "management."

Non-governmental Organizations

In the course of these last fifty years, NGOs or, as they might be more appropriately dubbed, *citizen groups*, have played an increasingly important role;²⁷ they influence virtually all issues before the United Nations, especially in human rights issues and assistance to less developed countries. At the Fiftieth Session of the Human Rights Commission, held in the spring of 1994 in Geneva, a total of eighty-four NGOs were included in the provisional list of attendance. The total number of NGOs having made consultative arrangements with ECOSOC under Article 71 of the UN Charter²⁸ now stands at close to one thousand. Particularly

prominent has been the participation of NGOs at successive world conferences coordinated under UN auspices. They organized parallel conferences that sometimes clashed with the main conference. Given the importance of NGOs, it is not surprising that periodically one hears proposals to create a "people's assembly" that would function side-by-side with the General Assembly in some sort of advisory capacity. However, any attempts to create such an additional body, whether consultative or decision-making, would undoubtedly encounter numerous difficulties. How would countries or organizations select their delegates? Who would determine which organizations could send delegates? If given some sort of decision-making power, would the new body have, in effect, a veto over General Assembly decisions? It is easy to conclude that whatever the answers to these questions, such a new institution would have strong delaying effects on the UN decision-making process, a result that presumably nobody wants.

There is another method to associate the "people" with General Assembly proceedings. For a long time, numerous countries, including Canada, Norway, the Netherlands, and the U.S. have, each in its own way, associated NGOs with delegations to the General Assembly and other organs. The Netherlands includes in its General Assembly delegation members of parliament, and one representative each of the employers, trade unions, overall women's organization, and the youth movement.

Problems of Management

The United Nations system stands or falls not only by the acts of its "stake-holders," but also by the quality of its staff. Yet, Article 101 of the Charter has frequently been disregarded—the prescription that "the paramount consideration in the employment of staff shall be the necessity of securing the highest standards of efficiency, competence and integrity with due regard...to the importance of recruiting staff on as wide a geographical basis as possible." The latter admonishment has led to a quota system,

according to which the number of nationals of one country who are employed by the UN is commensurate with its share in the budget. To their credit, it can be said that the quota system has been less prominent in several specialized agencies. On the other hand, the executive heads of many UN agencies continue to be appointed as part of a political process, with suitability for a particular post being, in most cases, of secondary importance. Pleas for a more objective selection process have been largely ignored.²⁹ Certain high-level posts within the UN system are considered to be reserved for certain countries or geographic regions. For example, the president of the World Bank is traditionally a U.S. citizen, and the managing director of the IMF is usually a Western European. Governments will leave no stone unturned to secure the appointment or election of their candidate(s). It seems high time to initiate procedures to ensure that the best individual available will occupy a UN post, while at the same time the elementary principles of geographic distribution and cultural diversity are simultaneously maintained.

Finance

If one looks at the total system for international cooperation, including the United Nations, its related bodies, specialized agencies, and the increasing numbers of intergovernmental and nongovernmental organizations, there is one problem area that confronts all, namely how to secure sufficient financial resources to execute the tasks which governments transfer to the various organizations.

Assessed budgets meet only a modest part of total expenditures. The Charter assumes, in Article 17, that UN members will pay "the expenses of the organization," a formulation which is meant to cover peace operations, "as apportioned by the General Assembly." Yet, even for these assessed portions of expenditures there are the well-known and considerable backlogs, most notably

the present situation of U.S. arrearages. Many agency and program heads spend a considerable part of their time traveling around the world to convince governments and other potential sources to increase their contributions. The time seems ripe to study seriously the sources of finance that are more systematized than assessed budgets and voluntary contributions.³⁰ In exceptional cases, specialized agencies derive a considerable part of their income from what is tantamount to "international taxation." This is the case for the World Intellectual Property Organization (WIPO), a portion of whose budget is covered by its share in industrial and other rights received by national intellectual property bureaus. Legally, this is a system of fees, voluntarily accepted by those who pay and, therefore, not "taxation." In the future, some type of international tax might become politically acceptable, especially if its proceeds would be used to finance "new-style" peace operations, an objective in which all governments and peoples are presumed to have a deep interest. Many proposals have already been made, including a tax on airline tickets, international trade generally, or trade in arms.

Decision-Making Procedures ³¹

Difficult issues such as those discussed above also raise the issue of decision-making methods in the United Nations. It can be noted that methods of consensus are increasingly replacing or at least complementing more automatic majority vote related procedures. The UN has become an experimental laboratory for new decision-making procedures. If consensus-decision-making is becoming the predominant method, the case for maintaining the veto for the five permanent Security Council members (Perm Five) becomes even weaker than at present. As it now stands, decision-making within the Security Council is virtually impossible without the assent of the Perm Five. Otherwise, many decisions of the Security Council risk remaining if not dead then, at least dormant, letters.

The rules of procedure for specific conferences, including the most recent Law of the Sea Conference, have made consensus the normal type of decision-making. Therefore, it can be speculated that consensus is on the march, and perhaps this is the way it should be. It might be interesting for academicians, or ACUNS itself, to undertake systematic research on negotiating and decision-making procedures, against the background of recent experiences in and outside the United Nations.

CONCLUDING OBSERVATIONS

In 1945, despite the reference to "We, the peoples," states were the constituting entities of the United Nations. We are now told that states are dying, nations are taking over but are hard to define; the concept nation-state is called a thing of the past and that problems must be looked at in terms of clashes between civilizations; and the real distinction lies between zones of peace and zones of turmoil.³² International economic trends, moving towards world and/or regional integration, tend to clash with remaining or newly arising state- or nation-centric political trends. As one astute observer expressed it,

"recent illusions—that international communications, multinational corporations, regional and global administrative and judicial authorities (the European Union, the World Court, a strengthened U.N., and so forth) would put an end to parochial divisions—have been laid to rest. There is no reassuringly convergent relationship between international economic trends and domestic political practices."³³

Given this, it can almost certainly be concluded that the UN must still be treated as an organization of states. However, it is obvious that the automaticity with which any self-proclaimed state, as long as it has a minimum of international support and no opposition from the permanent members of the Security Council, can become an awowedly peace-loving UN member, should be

critically reviewed. Perhaps a good case can be made for a one- or two-year trial membership. Also, the world organization might consider offering incentives to states to federate and apply for joint UN membership.³⁴ Federating members might be given a financial bonus in the form of a discount on their joint membership contribution. Such a joint UN membership of a composite state might also complement a revised UN voting system.³⁵ The aim should be to maintain adequate democracy. A federated or composite state could be given a larger number of votes, related to the number of its constituting parts—but with an established ceiling. It should be stressed that the UN system offers remarkably few incentives towards economic (and political) integration of countries, which by themselves can hardly eke out a minimum economic level. An integrated political/economic approach like the Marshall Plan for Western Europe, which explicitly tied economic aid to economic integration, is difficult to find. Here again some systematic research might demonstrate the benefits of international support for economic and political integration.

Well, there we are. Next year the fiftieth anniversary of the United Nations will be celebrated with all the pomp and ceremony that is unavoidable on such occasions. Numerous reports will be telling the UN what it should or should not do, and how it should be "reformed." The idealists will eulogize, the hard skeptics will find numerous things to criticize, and the pragmatists will suggest a number of gradually possible improvements.

On June 26, 1945, at the conclusion of the San Francisco conference, U.S. President Harry S. Truman said, "The Charter of the United Nations is a solid structure upon which we can build a better world." This pronouncement is still true. Principles and realities can be made to coincide, if only that mysterious entity, political will, is present.

In 1970, John W. Holmes made reference to the "neurosis of independence."³⁶ Some twenty-five years after that wise phrase,

we still seem to be suffering from a large variety of such neuroses of independence. If peace starts in the minds of man, as UNESCO's constitution proclaims, the advantages of interdependence, democracy, and something less than total sovereignty should be more explicitly taught to mankind. Here, both academics and practitioners are charged with a distinct task. Wise approaches to global governance could thus emerge, making the neurosis of independence a thing of the past, which would be a fulfillment of one of John W. Holmes' dreams.

ENDNOTES

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¹ Leo Polak, *Oorlogsphilosophie*, (Amsterdam: Versluys, 1915).

² Edict of Czar Nicholas II convening the Conference, cited in Arthur Eyflinger, *The Peace Palace*, (The Hague: Carnegie Foundation, 1988), p. 24.

³ John W. Holmes, *Looking Backwards and Forwards*, (Hanover: ACUNS Reports and Papers, 1988-1).

⁴ Herbert A. Simon, "Rationality as Process and as Product of Thought," Richard T. Ely Lecture, *American Economic Review*, Vol. 68, no. 2, May 1978.

⁵ Alfred N. Whitehead, *Science and the Modern World*, (Cambridge: Cambridge University Press, 1946), pp. 64-65.

⁶ An excellent overview of half a century of United Nations legal developments can be found in Oscar Schachter, "United Nations Law," *American Journal of International Law*, Vol. 88, no. 1, January 1994.

⁷ For a philosophical analysis of the contrast between theory and realities, see some of the articles in Else M. Barth and Erik C. W. Krabbe, eds., *Logic and Political Culture*, (Amsterdam/New York: North-Holland, 1992). For an in-depth analysis of the way economic views have changed over time, see Hans W. Singer, *Lessons of Post-War Development Experience: 1945-1988*, (Sussex University: Institute of Development Studies, 1989).

⁸ See Bert V. A. Roling, *International Law in an Expanded World*, (Amsterdam: Djambatan, 1960), chapters III and IV.

9 See Inis L. Claude's seminal work, *Swords into Plowshares: The Problems and Progress of International Organization*, third edition, (New York: Random House, 1964). See also Robert W. Cox, "The crisis of world order and the problems of international organization in the 1980s," *International Organization*, Vol. XXXV, no. 2, 1980, p. 374, and Robert W. Cox, *Globalization, Multilateralism, and Democracy*, (Providence: ACUNS Reports and Papers 1992-2).

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11 Boutros Boutros-Ghali, *An Agenda for Peace*, (New York: United Nations, 1992).

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13 An International Series of Open Letters, International Institute of Intellectual Cooperation, League of Nations, 1933, p. 103. *Why War? Open Letters Between Einstein and Freud*, (London: The New Commonwealth, 1934, republished by Diogenes Verlag, Zürich, 1972).

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Press, 1991). See also, *Case Studies in Second Generation United Nations Peacekeeping*, (The Hague: Netherlands Institute of International Relations, "Clingendael," 1994), "New Peacekeeping After the Cold War," *Internationale Spectator*, Vol. 47, November 1993, "Peacekeeping: The Second Generation," *UN Chronicle*, Vol. XXX, no. 3, September 1993, and Alan James, "A Review of U.N. Peacekeeping," *Internationale Spectator*, Vol. 47, November 1993. On economic sanctions, see Nico J. Schrijver, "The Use of Economic Sanctions by the UN Security Council," *Development & Security*, (Groningen: Centre for Development Studies, 1993), no. 39.

15 See Carl W. A. Schurmann, *A Center for International Fact-Finding: A Review and a Proposal*, (New York: Columbia University Occasional Paper, 1963).

16 The UN involvement in Libya has been fully described by the UN Commissioner in Adrian Pelt, *Libyan Independence and the United Nations - A Case of Planned Decolonization*, (New Haven & London: Yale University Press, 1970).

17 Thomas G. Weiss and Larry Minear, eds., *Humanitarianism Across Borders*, (Boulder: Lynne Rienner Publishers, 1993), p. 60.

18 Brian Urquhart, "For a UN Volunteer Military Force," *New York Review of Books*, June 10, 1993, followed by comments in the *New York Review of Books*, June 24 and July 15, 1993. Also Brian Urquhart, "If the United Nations is for Real, Give it a Police Force," *International Herald Tribune*, May 23, 1994.

19 Dean Acheson, *Present at the Creation*, (New York: Norton, 1969), p. 450.

20 S/PRST/1994/22, May 3, 1994.

21 See Benjamin Rivlin, "Regional Arrangements and the UN System for Collective Security and Conflict Resolution: A New Road Ahead?" *International Relations* (London), Vol. XI, no. 2, August 1992. On regional organizations as conceived at the San Francisco Conference, see Ruth B. Russell, *A History of the United Nations Charter*, (Washington, DC: Brookings Institution, 1958), chapter twenty-seven.

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23 This declaration was made at the Helsinki Summit Meeting of July 1992. For a case study on this important decision, see Gajus Scheldema, "CSCF Peacekeeping Operations," *Helsinki Monitor*, Vol. 3, no. 4, 1992.

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25 For a compact summary of UN involvement in human rights, see Peter R. Baehr and Leon Gordenker, *The United Nations in the 1990s*, second ed., (London: MacMillan, 1994), chapter five. The background of human rights discussions in San Francisco is researched in J. Herman Burgers, "The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly*, Volume 14, 1992.

26 See David Mitrany, *A Working Peace System*, (Chicago: Quadrangle Books, 1966) and Inis L. Claude Jr., *Swords into Plowshares*, third ed., (New York: Random House, 1956).

27 See Chadwick F. Alger, "Citizens and the UN System in a Changing World," in Robert W. Cox and Yoshikazu Sakamoto, eds., *Changing Global Structures*, (Tokyo: UNU Press, 1994).

28 Article 71 of the UN Charter reads: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned." Article 71 found its origin in pressures of some forty private U.S. associations which had been allowed to attend the San Francisco conference as "consultants." They were also strong supporters of a U.S. amendment to replace, at the beginning of the Charter, the phrase "High Contracting Parties" with "We the Peoples of the United Nations." This phrase did not immediately receive general support. The Netherlands, for example, pointed out that it possessed "no status in a juridical sense." Interestingly, the Soviet Union and Ukrainian delegates strongly supported it. See Ruth B. Russell, *A History of the United Nations Charter*, op. cit.

29 See Brian Urquhart and Erskine Childers, *A World in Need of Leadership: Tomorrow's United Nations*, Development Dialogue 1990: 1-2, (Uppsala: Dag Hammarskjöld Foundation, 1990). They propose radically changed procedures for selecting the heads of UN agencies and programs.

30 *Financing an Effective United Nations*, Report of the Independent Advisory Group on UN Financing, also known as the Ogata-Volcker report, (New York: Ford Foundation, 1993), contains many important recommendations but has judged current proposals for additional, nongovernmental sources of financing to be neither practical nor desirable. A suggestion by one of its members to make a separate study of new sources has not yet been followed up.

31 On the subject of UN decision-making procedures, see Johan Kaufmann, *United Nations Decision Making*, rev. ed., (Dordrecht: Martinus Nijhoff, 1980), Johan Kaufmann, *Conference Diplomacy*, (Dordrecht: Martinus Nijhoff, 1988), and Johan Kaufmann, ed., *Effective Negotiation, Case Studies in Conference Diplomacy*, (Dordrecht: Martinus Nijhoff, 1989). I have made an effort to take a systematic look at the way negotiations take place in Johan Kaufmann, "Toward an Integral Analysis of International Negotiations," in Frances Maunier-Markhof, ed., *Processes of International Negotiations*, (Boulder: Westview Press, 1989), chapter one.

32 One controversial issue is whether future conflicts are no longer primarily between states, but between "civilizations." A "grand debate" on this question unfolded in *Foreign Affairs*; see Samuel P. Huntington, "The Clash of Civilizations," Vol. 72, no. 3, critical comments by Fouad Ajami and others in Vol. 72, no. 4, and Samuel P. Huntington, "If Not Civilizations, What?" in Vol. 72, no. 4. Two seminal works on nationalism are Ernest Gellner, *Nations and Nationalism*, (Ithaca: Cornell University Press, 1983), and Eric J. Hobsbawm, *Nations and Nationalism Since 1780*, second ed., (Cambridge: Cambridge University Press, 1992). Daniel Patrick Moynihan, *Pandemonium, Ethnicity in International Politics*, (Oxford: Oxford University Press, 1993), looks at the impact of ethnic loyalties. A special issue of *Dialectica*, Summer 1993, "Reconstructing Nations and States," surveys various views. Gudon Gortlieb, *Nation Against State, A New Approach to Ethnic Conflicts and the Decline of Sovereignty*, (New York: Council on Foreign Relations Press, 1993), advocates a "states-plus-nations" approach. Max Singer and Aaron Wildavsky, *The Real World Order - Zones of Peace, Zones of Turmoil*, (Chatham: Chatham House Publishers, 1993), argue that democratic societies are at peace with each other, and propose a "UN Democratic Caucus" to advance the cause of democracy.

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33 Tony Judt, *The New Old Nationalism*, the *New York Review of Books*, May 26, 1994.

34 A similar view has been put forward by Flora Lewis: "Instead of rewarding dwarf statehoods, the system should reward integrative urges into federal and regional bodies... with a form of weighted votes," in "Update the United Nations for a Newfangled World," *International Herald Tribune*, June 11, 1993.

35 There have been many suggestions for changing the one country/one vote system of the UN, which gives the United States and Liechtenstein the same power. Most proposals want to give population size some influence, yet still avoid the will that a coalition of say China, India, and Brazil could impose. See Jan Tinbergen, *Revitalizing the United Nations System*, (Santa Barbara: Nuclear Age Peace Foundation, 1987, Booklet 13).

36 John W. Holmes, *The Better Part of Valour: Essays on Canadian Diplomacy*, (Toronto: McClelland & Stewart, 1970), p. 81.

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