

PANEL II: GLOBAL ATTITUDES ON THE ROLE OF THE UNITED NATIONS IN THE MAINTENANCE AND RESTORATION OF PEACE

*Danilo Türk**

Good morning, ladies and gentlemen. As the Ambassador of Slovenia I can start this short statement by agreeing with Professor Kirgis, who has expressed a number of very valuable ideas and made several very useful proposals. What I propose to do today is not to make a coherent and comprehensive presentation, but rather I will select a few questions which I think are important to be discussed in the United Nations (and Ambassador Sreenivasan of India knows them perhaps much more than I do), and I hope that by selecting those questions and providing a number of hypothetical suggestions, I can help in this discussion.

I think that in any discussion of the role of the United Nations and the maintenance of peace before and after the year 2000, one has to recognize that at present we are in a situation where the optimism of the last few years has evaporated and the surge for new approaches has become very intensive. The withdrawal from Somalia yesterday is a clear demonstration of that, and the speech by the U.N. Secretary-General in Vienna two days ago was marked by a much more realist and less activist tone than what we used to hear before. The press release of that statement the Secretary-General made in Vienna in the context of a Conference on the Future of Peacekeeping is a useful document. I do suggest you get that document later on because it demonstrates the change in the general attitude and the general mood in the United Nations.

Looking at the last few years, one can easily discover that the period of what some people called the "Post Cold War Honeymoon" was a very short one, and the optimism that characterized that period was specific for that period only. It did not give rise to any pragmatic solutions which will help us to manage the United Nations in the future. The reasons why the U.N. was successful in areas and countries like Mozambique, Cambodia, and El Salvador are all country-specific. They have to do with the very long history of conflicts which created situations in which the parties concerned started

* Permanent Representative of Slovenia to the United Nations.

to feel fatigue, and the external factors became much less interested, for various reasons, in continuing their involvement.

All of that created specific circumstances within which United Nations cooperation became possible, meaningful, and effective, and that had created an optimism which had lasted for several years. But now the optimism is gone. One only has to look into situations that followed the optimistic period of the U.N., and particularly the situations of Somalia, Bosnia-Herzegovina, and Croatia.

One can see that in the case of Somalia, the threat to the peace was not very clearly defined. In fact, it was a very innovative approach to the whole notion of a threat to the peace, describing a humanitarian crisis within a country as something that requires Chapter VII action. Furthermore, in Resolution 814, adopted several months later, a very ambitious mandate to restore law and order (a comprehensive regime of law and order within a country), was probably far too much for the United Nations. I think that the lesson of that should be learned.

Similarly, in the case of Bosnia-Herzegovina, the resolutions which were adopted were sometimes too ambitious, and probably not always pursued with the level of seriousness which the language of those resolutions required. For example, Resolution 770, adopted in August 1992, permitted "use of all necessary means to protect humanitarian convoys." This must have been meant seriously by some in August 1992, but not seriously enough by those who had the means to enforce such Security Council language. As you know, the U.N. allowed itself to become a victim of intimidation.

Another element which I think creates a fair amount of skepticism or caution among the United Nations' members at present is a tendency which I could call, somewhat arbitrarily, the "regionalization" of U.N. operations. I think that the operation in Haiti, and in a certain specific way the operation in Rwanda, and certainly very much the operations in the former Soviet Union area, have been characterized by an extraordinarily strong role of a single major power, a permanent member of the Security Council. That may be seen as an emerging pattern which would be quite unfortunate from the standpoint of the United Nations. Of course, I do not see anything as becoming final in this domain. However, I think that the regionalization or pseudo-regionalization which we have seen, particularly in the last year, is a phenomenon which merits caution and careful analysis. Probably in the United Nations membership, the level of caution has increased as a result of those practices.

Starting from here, I could go further into a discussion of what is peace, and how does one recognize a threat to the peace, but because this is a very complicated and difficult discussion I cannot propose an in depth discussion on that subject. I just wish to formulate one question based on the selection of U.N. activities.

Let us take the situation in Cyprus. The situation in Cyprus is not characterized by active armed conflict. It is in some sense a "peaceful" situation. It is characterized by a peacekeeping operation which has been there since about 30 years ago, and the last major armed conflict on that island took place about 20 years ago. Since then, the political tension continued and there was not a political solution. The question is whether this is a situation of peace, or is this something else. For further discussions I would suggest reading the report by the Secretary-General on the Cyprus situation, which was published in May 1994, in which the Secretary-General somewhat angrily listed about six options of what the Security Council could do, including complete withdrawal of all peacekeepers from the island.

He said that since there is no political will by the parties concerned to seek a real political solution, the United Nations should leave the island. That was one of the six options he proposed and the language became somewhat emotional in some parts of that report, which makes it all the more interesting.

The typical thing that happened afterward was that the Security Council did not do anything. The Security Council simply extended the mandate for peacekeeping forces for the next six months, and said that it would come to the political aspects of that question (the question of restoration of peace) at a later date. When that later date will be we do not know.

So this is one of the types of questions which I think has to be proposed for the discussion on the future role of the United Nations. Is the absence of war already a satisfactory result that should be sought by United Nations action? If not, what is the true meaning of peace? Can that question be seen as a universal challenge, relevant in all situations, or something that has to be made situation-specific and can be defined only in a situation-specific way? In other words, is the type of situation that we have seen in Cyprus something of universal relevance, or is it after all a small-island situation which can be isolated from everything else and, therefore, treated on its own merits?

My view is that the question of Cyprus is an important one, and that the lack of ability of the United Nations to contribute meaningfully to the process of peace is a very worrying factor. Of course, I do not have a recipe

for what should be done. Such a recipe can be formulated only after a careful discussion and with proper mobilization of major political forces in the world. But the credibility of the U.N. as an instrument of peace will remain low if it continues to be unable to make a meaningful contribution towards solving such problems as the problem of Cyprus.

Let me proceed from here to a point which I think is often neglected in the discussions on the maintenance of peace at present. The fact that the Security Council was able to agree on many things in the past few years, and that it had a certain degree of success and certain dramatic challenges in some other areas, has produced, among other things, some unfortunate side-effects. The Security Council is seen by many as the only really important organ of the United Nations. I think this perception is very unfortunate.

Slovenia was admitted to the United Nations in May, 1992, and I came to New York in September, 1992. The first letters that I started to receive in my office, which we had just established that month, were coming from various American universities and high schools, and the questions in those letters were very interesting. They were all concentrated on how to make the Security Council more effective, and how to make peacekeeping more efficient; I remember that I once replied to one of those letters by stating that to manage a town or larger area you do not need only a police force, you need much more if you want to have comprehensive management or administration of the area.

The United Nations is in some respects like that. Peace should be preserved by preventive methods, we all agree on that. "Police action" should be an exception rather than a rule. There is a very high level of agreement in the United Nations on the importance of preventive action, but then when it comes to the question of how should the United Nations system work in that regard, things are much more complicated and much less clear.

We agree, for example, that the Secretary-General should have the most prominent role in preventative diplomacy in the technical sense, and there is also a certain level of agreement that other organs such as the General Assembly, the Commission for Human Rights, and others should have certain roles in preventing situations that have the capacity to become a threat to the peace. The problem is that the specifics of how that should be pursued and what should be done are not really discussed today in the United Nations, and this is something that I feel is a very serious shortcoming in the United Nations activity.

We discussed these matters in working groups during the work for the Agenda for Peace for almost a year and it was extremely difficult to come

to an agreement among a large number of members regarding how to develop the non-Security Council forums in the United Nations so as to make their contribution to the maintenance of peace more meaningful.

I think that this problem is still very much present. I would personally like (and my government would like) the General Assembly to use its powers more effectively, particularly the powers under Article 14 of the Charter. That, of course, is only one of the ideas, however, and there is much more potential in the Charter for development of U.N. organs in this function.

Let me now come to some concluding remarks. Professor Kirgis spoke of the proposals of Mediana for the Charter Amendment on Reform in the Security Council. As Ambassador of Slovenia, I can say that these proposals are extremely interesting, and will help us in our discussions in the working group of the General Assembly on reform in the Security Council. There is a working group now, which is meeting fairly regularly (almost once a week), and has very profound discussions on this matter. And let me (without referring to any particular government, or any particular statement made in that working group) make a few comments on some of the proposals made.

First, I think that one should mention in any discussion on the Security Council the fact that the methods of work within the Security Council have been changing recently. There was some modest improvement in the sense that the transparency in the Security Council has increased, and that came about as the result of criticism by the members of the U.N. There are various methods of briefings now which provide the interested delegations with an opportunity to learn more about what is going on in the Security Council. All of this is not yet satisfactory, but it is an improvement and I think that in any beginning of a discussion it should be taken into account.

A conclusion which one could draw from this recent improvement is that there is room for improving the methods of work of the Security Council which do not necessitate a revision of or an amendment to the Charter. How to make the work of the Security Council come closer to the activities of the General Assembly is a question which I think should be addressed, and it does not require a constitutional debate. I think it requires a methodological debate and that is possible.

Let me add just one specific example. The reports of the Security Council to the General Assembly are treated in an extremely formalistic and non-substantive way. I think that there is potential for debate and for a more substantive contribution of the General Assembly to the work of the Security

Council. Of course, the Security Council members and in particular the permanent members do not seem to wish that a substantive and critical debate take place in the General Assembly, but there is a possibility that a methodology of reporting and preparations for a debate in the Assembly could improve the work of the Security Council.

This is the kind of process which I believe has to be put into the picture, in addition to those which are related to the Charter amendment and to the changes in the text of the Charter itself. With respect to the latter, I have to say the distinguished Ambassador of Mediana has proposed a very ambitious plan of amending the Charter. Our impression at present is that ambitious amendments of the Charter are not likely to take place. There is a consensus for expanding the number of members of the Security Council, and this may take place, at least as regards the non-permanent members. Regarding the permanent members, of course the situation is very difficult and the views are very divided. There seems to be a certain amount of support for Germany and Japan to become new permanent members, but then there are many delegations that are very skeptical about that idea.

Let me make just a brief comment on ideas which have emerged in the discussion on the expansion of the Security Council. There are various proposals to develop a new category of members of the United Nations, so-called "semi-permanent members." My feeling is that, right now, most of the members of the United Nations are suspicious about such a development. They feel that adding new categories would further erode the notion of sovereign equality of states, which is central in the Charter and is also very important to a large number of countries. Since we do not know how such an additional category would actually fit into the system, or how far that departure from sovereign equality would go, natural caution prevails and the attitude which is being built toward that question is essentially negative. I may be wrong, but this is how I perceive the current discussion.

The idea of semi-permanent members or long-term members (members with a more frequent right to serve on the Council) has been received with a high degree of suspicion. Of course, weighted voting in the Council is not even discussed at present and I don't see much hope for that, notwithstanding the fact that it makes perfect sense. It is very rational, but we learn every day how little rationality there is in political life in general, and of course the U.N. is no exception.

I place a certain hope on something else regarding which I must say that I agree very much with the Ambassador of Mediana, and that is the use of the veto. It would be very important if the use of the veto could be

regulated and managed, not to the level of complete phasing out, but certainly to reduce use of veto to perhaps only the most important decisions by the Security Council.

I know that the non-aligned movement has brought to the attention of the General Assembly again one of the old General Assembly resolutions of 1948, which attempted to limit the use of the veto. I think that this is a very interesting opening and our delegation of Slovenia would certainly join all those who would work for an appropriate amendment to the rules of procedure of the Security Council. Such an amendment could be based on the recommendation of the General Assembly, with a view to limiting the veto to the most important substantive decisions, and eliminating the veto in certain decisions which are semi-procedural, which have a substantive content but are not of such a nature that would require the consent of the major powers.

Let me mention just the question of preventive deployment of observers—not military personnel, but observers at the request of the Member State. Why should that be allowed to be vetoed? Here, I think that such ideas could be brought before the Assembly, and perhaps an agreement could be reached, but let us not assume that agreements are easy in these matters.

Now, ladies and gentlemen, I did try to make a few points without trying to give a very comprehensive and systematic presentation. These points come from my recent experience in the U.N. which is of course very short, which is only more than two years in these matters. This is not much time, but it is an intensive period in the history of the United Nations, and experience gained in this period of time makes it compelling to comment on the comprehensive and complete presentation made earlier by Professor Kirgis. Thank you very much.

