

Stockholm 1 October 2003

To the Minister of Foreign Affairs of Poland
Mr. Włodzimierz Cimoszewicz

Warsaw, Poland

Many thanks for your letter of 11 July, which reached me just as I returned from New York and my service as Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). I apologize for not having responded earlier. It was not out of any lack of interest for the subject, which you have evoked. On the contrary, after about 40 years' of close contact with and work in the UN system the questions relating to its future do, indeed, engage me. I have been privileged to experience first hand many of the possibilities and also had the opportunity to see many of the problems of the system. When I have not responded earlier it has been solely because my thoughts and time have been and currently remain taken by an effort to write a book about the disarming of Iraq. Some of the serious problems we encountered in the Iraq issue are, indeed, problems of the UN system and they have helped to trigger the current debate about reforms in the system.

Secretary-General Kofi Annan has recently highlighted the need for a re-examination of the role and functioning of the UN. I think he, like many others, felt that the US/UK armed intervention in Iraq without Security Council authorization, indeed against the will of the majority of the Council, was a severe blow to the authority of the organization. Governments are aware that they must now put Humpty Dumpty together again. I understand that you have had the similar feeling even before the Iraq affair and I agree with you.

I understand your letter to mean that you want not essays but rather suggestions and observations that can serve as an inventory of ideas. What serious shortcomings are there and what, if anything can be done about them? Even a cursory examination will show that there is a wide spectrum of

issues, from the broad and fundamental to the limited and procedural. While the basic ones are the most important, the organizational and procedural ones tend to be the less intractable. For progress in both categories of issues the engagement and support of the major powers is needed. I shall list some of both kinds and submit to you the following points:

1. After the end of the cold war and the end of an era of ideological crusades pragmatism now prevails practically everywhere. Theoretically, the world community ought to be in a good position to move on and reach agreements on new rules and mechanisms.
2. It would also seem that this era of rapidly expanding communications enabling people not only to trade on an unprecedented scale but also to learn instantly through world media about the conditions of others – prosperity, wars, earthquakes and other disasters – should help create an intellectual and emotional climate of solidarity, which can be the basis for joint international action. The world should be ripe for a new phase of organizational development.
3. Non-governmental organizations have grown in numbers and in importance. In many cases they transform into practical action the stronger solidarity, which has flown from the increasing proximity between people and often do so without much administrative overhead. In varying degrees they represent the public and they deserve to be heard by the governments and intergovernmental organizations. However, it is important to note also their limitations. Sometimes they are no more than lobbying groups for particular interests and it may be difficult to assess their public support. It has been fashionable to point to NGOs and multinational corporations as eroding the “sovereignty” of states, but the states remain the basic building blocks of the international community.
4. Representative pluralistic democracy and market economy with varying degrees of state intervention and welfare arrangements are almost universally recognized as social ideals and models. Human rights, as defined in UN instruments are, similarly, recognized as universally valid precepts, not rooted in or linked to any particular religion or political system. From such recognition to universal implementation there is evidently a long way and this raises concrete problems for the world community. For instance:
 - a) What is to be done with “*failed*” states? Somalia is an oft mentioned case. Are they to be left to periods of anarchy or should the organized international community engage in

difficult and costly operations to stabilize and reorganize them? Some reasons speak in favour of international action. First, the human solidarity with the people who are unfortunate to live with anarchy. Second, such states may easily be the homes of terrorists, drug traffickers and other criminal elements and thus constitute dangers to their regions or the world. It should probably fall to the UN Security Council or to a relevant regional organization authorized by the UN – the OAU, OAS, OSCE or ASEAN – to take on the responsibility and take the formal decisions. There would be no basis in international law to leave the matters to individual states for unilateral action. Very likely costs rather than legal restrictions will be the inhibiting factor for international action. This includes the risk that the operations might turn out to be longlasting.

- b) A kindred question relates to states, where human rights are violated in extremis, as in the case of *genocide or severe oppression* by a regime. There should be no legal qualms about recognizing a right for the UN Security Council – but not for individual states – to decide in such cases to intervene to restore human rights. Again the most inhibiting factor for international intervention is likely to be the cost in lives and resources.
- c) To prevent situations to develop into failed states or genocide the UN and regional organizations need to increase further their activities in the field that is called “*governance*”. It is based on the recognition that good government can be promoted by assistance, e.g. by the UNDP.

5. In the field of international maintenance of peace and security we are aware of important shortcomings. They need to be discussed. The end of the Cold War led to a de-freezing of cooperation throughout the UN system and this climate has remained. Further, the absence of severe territorial conflicts between great powers and blocks should also facilitate international cooperation. When Poland becomes a member of the European Union, the Oder-Neisse, which once marked the divide between the Communist and the free Europe, becomes an intra-European waterway. Over the Amur river between Russia and China, goods are now traded, not bullets.

6. While the colonial system has been dismantled and every state has been left to manage – or mismanage – its own affairs, conflicts remain in various places about borders from that time and there are states and regions, which have not attained stable shape and structure, and where internal strains remain and conflicts break out. The most serious problems relate to the Middle East, Kashmir and the Korean peninsula. In all three areas the development of nuclear weapons has been a symptom of – and at the same time a contributing factor to – the remaining controversies. To these problematic areas we must add the question of the status of Taiwan. The Security Council has a primary responsibility to the world community to engage in these issues and the solutions it offers will be invested with high legitimacy. However, it would be going too far to claim that the Council is the only multilateral instrument. The regional organizations are other obvious instruments.

7. Some of the most serious problems we face in the 21st century are the traditional ones of *avoiding the use of arms and force* and of settling differences by peaceful means – both within and between states. The continued existence of weapons of mass destruction and the recurrence of international terrorism exacerbate these problems. The UN, especially the *Security Council*, is the major mechanism available to us to tackle these problems. In what way can its functioning be improved?
 - a) Discussion has tended to focus on the *composition of the Council*. It is understandable that some economically important states and states with very large populations demand permanent representation in the Council. It is a historical accident that five states were selected in 1945 for such status. However, rather than being examined from a viewpoint of status the question of permanent membership should be looked at from the viewpoint of functionality. The Council must represent readily available military, political and economic power so that it can act forcefully when needed. It must also adequately represent the peoples of the world so that its decisions have universal legitimacy. Thirdly, it must be of such size that it remains a viable decision making body. The power, which the authors of the Charter had in mind in 1945, was military power. Today, economic power may be as important. For legitimacy of decisions it is

further difficult to ignore that the Council must represent a large part of the population of the world. Agreement on a new composition of the Council is one avenue. In the absence of success on that avenue some improvement might be attained if there was an understanding that *members have the obligation to consult other states in the regions they represent*. This would have the advantage of strengthening the position especially of elected members. They would speak not only for themselves but also with the probable support of a whole group of states.

- b) Discussion has further focused on the *veto power*. It is to be expected that those who now have this power cling to it. It was intended for them to protect their fundamental interests. A decision to use force against one of the permanent members during the Cold War would very likely have meant a serious war. Today it is improbable that any sanctions would be proposed to be directed against any one of the permanent members and that they would need the veto to protect themselves. However, if it proved impossible to eliminate the veto, *it could be limited*. Even today procedural matters are not subject to veto. A possible substantial limitation would be to decisions under Chapter 7.
- c) On the question of the right to use force a new discussion and new common understanding appears needed after the Iraq affair. Article 51 of the Charter *recognizes the right to self-defense*, when an armed attack occurs. If this restrictively stated right is to be in any way extended by a right to preemptive action the conditions need to be defined. In the Iraq affair it was clear that a majority of the Council considered that the conditions did not justify a preemptive armed attack. Yet, it was undertaken with the support of a minority. The conditions, which would appear to be relevant would be two: the presence of a threat of armed action credibly documented and an imminence which does not tolerate delay.
- d) The Security Council has rightly engaged itself in the question of the further spread of *weapons of mass destruction* and declared them a threat to international peace and security. After the end of the Cold War welcome reductions have occurred in the arsenals especially of Russia and the

United States. There has also been much success in obtaining commitments to non-proliferation and in strengthening the safeguards inspection system, which failed to identify Iraq's violation of the NPT. Latin America, Africa, South Pacific and East Asia are today nuclear weapon free zones, while the Indian peninsula, the Middle East and the Korean peninsula remain problem areas and at least two states have violated the commitments they undertook under the NPT. Today the Council would need to renew its engagement in the elimination of weapons of mass destruction. Such elimination cannot aim at only the non-permanent members. To carry moral weight and to be supported by the whole UN the action must include the permanent members and their arsenals. The disarmament process in Geneva has been interrupted at a time when several promising projects were on the table. It has now been stalled for years. It needs to be revived. The prospect for such revival is dependent upon the attitudes of the militarily strongest states.

e) The Security Council may need to have at its disposal on a general and continuing basis a *subsidiary organ* of the kind it has had for the case of Iraq. For nuclear weapons and chemical weapons the IAEA and the OPCW are valid institutions and should be used in their respective fields. However, for biological weapons and for long-range missiles no specialized body exists. It should be examined whether UNMOVIC could be used both to provide the Council analytical input regarding all weapons of mass destruction and long range missiles and to provide, whenever the Council so decides, inspection capability in the fields not covered by the IAEA and OPCW.

f) The question of a small *standing military unit* under the Security Council needs to be revisited. It is obvious that the UN cannot have large armed forces. However, experience seems to show that there are not so few situations in which a rapidly deployable small international force could be the best option. It could be a great political advantage that it would not be associated with any particular state.

8. *The General Assembly* of the United Nations is the most representative intergovernmental organ in the world, a forum open for 191 member states. In the past it has taken the lead in several central

- global issues: decolonialization, human rights, the law of the sea, the North South dialogue and the global environmental issues. It is incomparable and useful as a forum for heads of states and governments but unwieldy for negotiation and joint conclusions. A large number of the members of the UN and of the Assembly are ministates. Hence, while debates can reflect the views of governments around the world it is not certain that conclusions adopted by votes properly reflect world public opinion. Perhaps a UN Charter written today would have created a category of 'associate members' for the ministates that can often not afford to be represented in all the various committees of the Assembly and do not have the capability to prepare themselves for the many issues on which they have to vote. However, it is probably too late to engineer any change in the situation. Rather one might seek to make use of the Assembly for the strength it has: being the forum for issues on which the opinions of all states, big and small are sought, e.g. terrorism and weapons of mass destruction, North-South relations, global environmental issues.
9. A procedural issue rarely discussed but of great practical importance relates to the *chairmanship of intergovernmental bodies*. The skilful and impartial handling of procedures by a chairman can make a tremendous difference to the outcome. The opposite has only too often led to disaster. A practice that is common and convenient for the moment but which may have very negative effects is simple rotation of chairmanship. Thus, the Security Council has a new chairman each month. Not long ago as a result of application of the practice of rotation the Human Rights Commission had a chairperson from Libya. While it appears that the person was quite capable in the function the signal that was sent to the world by the choice of Libya was disastrous. Greater attention should, as a matter of practice, be paid to ensure that chairpersons are acceptable to the whole membership of a body and not only to the geographical group whose turn it may be to propose a chairperson. Alternatively one could abandon rotation and go by qualification alone. A third measure that could be undertaken would be to arrange seminars for chairpersons.
 10. This paper has focused on the UN itself and has not touched upon the many specialized organizations in the UN family. These are, on the whole, well established and mostly well accepted. Like national administrations specialized intergovernmental organizations are sometimes criticized for inefficiency but on the whole the need for them and their functioning are not questioned. Rather they constitute

the indispensable global framework for their national counterparts. What one would wish to see is a greater readiness in the national sphere to make full use of the potential of these mechanisms in matters where a joint international effort may have a greater yield than a number of parallel national measures. It would also be desirable to take more actions and measures on the basis of votes in which the states most concerned have a heavier influence than states with little or no interest. We find that where the traditional principle of equality governs and each member has one vote and where the organizations have attained a very large membership paradoxically the practice has developed to seek decisions by consensus. This may look attractive but can in reality be a way of protecting a minority of members with very large interests from decisions of a majority of states with limited interest. A negative effect of such adoption of the consensus practice is that the requirement may make desirable reforms and action unattainable. Various forms of weighted voting would often be preferable.

Hans Blix
1, Runebergsgatan
11429 Stockholm, Sweden

Ph/Fax + 46 8 678 0139_