

THE UNITED NATIONS AT 70: ACHIEVEMENTS AND CHALLENGES

Lecture given by Mrs. Anuradha Bakshi, Principal Legal Officer, AALCO, at the School of Law, Sharda University, 24 October 2017, at 11.00 AM

At the outset I would like to thank the organizers of Sharda University for providing me with this opportunity to address the students on this 24th of October 2017, when the United Nations is celebrating its 70th Anniversary. It will give me an opportunity to place before you some achievements and challenges that this International Organization faces today.

It was Dag Hammarskjöld, the second UN secretary general, who had it best. The United Nations, he said, “was created not to lead mankind to heaven but to save humanity from hell”.

For most people, reaching 70 allows them to look back on accomplishments and hopefully provides some reprieve from worrying about the future. For the United Nations, there is no such luxury.

Despite having achieved an enviable milestone, the 70th anniversary of the United Nations is coloured by dissatisfaction among Member States and the charge of unmet expectations from various quarters.

This brief lecture cannot separate truth from perception. It aims instead to highlight key elements of the United Nations track record in its main areas of work (**development, peace and security, and human rights**) and to identify challenges to its global authority that it must address to survive another 70 years.

Among these are questions surrounding the future leadership and constitution of the Organization, and its management culture.

Development

During the era of decolonization the United Nations had to support newly independent countries that had been pauperized and misgoverned by colonial powers. The legacy of this trauma produced tyranny, kleptocracy and, most often, disregard for sound administration in several among the first generation of post-independence Governments. The results in many cases were dire.

The modest efforts of the United Nations at programming are not what distinguishes the Organization in the area of development. There are two

exceptions to this. First, highly specialized United Nations entities with both technical expertise and operational depth, such as the United Nations Children’s Fund (UNICEF) and the World Food Programme, are leaders in their areas. Second, in delicate conflict-affected States, the United Nations and the development assistance channeled through its agencies play a vital role.

However, the greatest contributions of the United Nations to development remain arguably at the level of ideas, from the notion of targeting a campaign to end smallpox to the emergence of the concept of human development. A well-conceived attack on the Washington Consensus highlighted the need for social policies and programmes to be given equal weight alongside fiscal and monetary ones, a view now widely shared within the international financial institutions themselves. It resulted in “Adjustment with a Human Face”, a formulation that originated in UNICEF.

The United Nations leadership in the area of ideas—hard-won territory—is at some risk. The sustainable development goals (SDGs) exercise, initiated at the 2012 Rio+20 Conference, has yielded distressingly expansive results, enshrined in a draft list of goals and targets (more a catalogue than a reasoned effort at an achievable plan of action) that Member States were expected to officially adopt at a summit in September 2015. When that happens, parliaments and Governments the world over may be surprised to find themselves committed to up to 169 development targets.

This outcome reflects a pattern of depressingly challenging intergovernmental debates at the United Nations on development. Even as billions have grown out of poverty in Africa and Asia, and as Latin America’s social policy innovations have spread around the world, delegations in New York have mostly articulated political grievances rather than bold ideas. From their debates, one would fail to grasp just how impressive development performance has been across much of the global South in recent years. Nor would one seize the depth of the financial and economic crisis in many industrialized countries since 2008.

A more constructive approach avoiding vapid resolutions, useless speeches and unmanageable processes is called for. If Governments can find within the SDGs bloat a few priorities to pursue, and civil society can be energized as a consequence, it may not be too late.

Peace and Security

Created to save the world “from the scourge of war”, the mere existence of the United Nations has demonstrably helped to avoid nuclear catastrophe. During the 1962 Cuban missile crisis, the most dangerous flashpoint in super-Power relations since the Second World War, the United Nations Security Council served as a shock absorber, inducing restraint in both Moscow and Washington. Largely forgotten today, then Secretary-General U Thant’s behind-the-scenes diplomacy provided both John F. Kennedy, President of the United States, and Nikita Khrushchev, Premier of the Soviet Union, with a ladder that allowed them to climb down from maximalist demands, thus helping to de-escalate the crisis. On other occasions, the United Nations proved a useful forum to help the super-Powers avoid direct confrontation in regional conflicts in which they had competing interests.

With the end of the cold war, the possibilities for the United Nations seemed nearly infinite. Therein lay the seeds of its current discontents. At the behest of an activist Security Council, the United Nations was given tasks for which it was under prepared. In response, it heroically improvised at times, fully succeeding only occasionally. In the euphoria that followed the end of the cold war, the hyperactivity of the Security Council amidst general goodwill and a desire to end conflict generated a great deal of news.

However, the reach of the United Nations Security Council too often exceeded its grasp. The 1995 Srebrenica massacre, resulting in part from the lack of sufficient resources at the United Nations or a realistic strategy in Bosnia, remains a stain on the Organization today. Counter-intuitively, the refusal of the Security Council in 2003 to endorse plans of the United States and the United Kingdom for an invasion of Iraq, while accurately reflecting global public opinion, was unable to prevent these two countries from seeing through their attack. This led to disastrous consequences for Iraq and the region. The United Nations was blamed in the crossfire, rather than admired for the stance of the Security Council, which was forgotten in the muddle. Perhaps contrarily, its reputation has still not fully recovered.

Today, the relevance of the United Nations in international security is increasingly measured by how effective it is in preventing genocide and all-out civil war. The Organization’s failure to devise meaningful responses to the crisis in Syria is thus a serious threat to its overall credibility and should give rise to serious introspection within the Security Council.

Human Rights

The Universal Declaration of Human Rights was a stunning breakthrough when adopted by the United Nations General Assembly in December 1948, vastly more sweeping in scope and ambition than any text before or after. Rather improbably, particularly given the cold war climate, the United Nations was able to agree in 1966 on two groundbreaking treaties addressing key rights in the civil and political, as well as economic and social fields, with each entering into force in 1976 (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights). Meanwhile, treaty-making on specific human rights has multiplied from the prohibition of torture (the United Nations Convention against Torture, 1984) to the elimination of discrimination against women (the Convention on the Elimination of All Forms of Discrimination against Women, 1979).

In an effort to strengthen its support of human rights activity, the United Nations appointed the first High Commissioner for Human Rights in 1994. Several High Commissioners since then have lent a forceful and authoritative voice to global rights advocacy, including the recently-appointed Zeid Ra'ad Zeid Al-Hussein (successor to two exceptional women High Commissioners, Navanethem Pillay and Louise Arbour). Advances in human rights, while often challenged by discouraging developments on the ground, have proved one of the United Nations most signal accomplishments, and former Secretary-General Ban Ki-moon's focus on individual rights, including those of same-sex partners, as well as his activism against the death penalty, may represent his most compelling legacy.

Management

The United Nations is neither better nor worse managed than most large organizations. It faces challenges arising from its global deployment, but so do many global private and public sector organizations.

Quality oversight must be made the priority, rather than micromanagement, as is sometimes the case. This proposition is not fully grasped at the United Nations, even after 70 years of experience. The staff of the United Nations will never attain its full potential unless the Member States can bring themselves to invest more confidence in it.

The United Nations has been most successful when it adopts a pragmatic approach to management, centered on time-honoured "work-around" that allow staff to rise above the straitjacket of rules in order to achieve often excellent results, sometimes

against difficult odds and in difficult local circumstances. Nowhere is this tested more sharply than in the extensive field operations of the United Nations including those of peace missions, frequently deploying to singularly uncompromising terrain. Peacekeeping operations support a force of approximately 120,000 troops—more than twice the size of the Canadian Armed Forces. United Nations Headquarters and staff in the field often need to improvise because necessity and the absence of rules appropriate to every situation require creativity, risk-taking and courage. Happily, none of these qualities is in short supply within the United Nations.

And contrary to widespread perception, United Nations staff remuneration is not particularly generous. However, it is structured in ways that create “golden handcuffs” for many staff members. This may encourage staff to hang on to their jobs much longer than many should or would normally want to, causing some parts of the Organization to congeal dangerously. An overall approach to remuneration based on local cost of living and conditions would seem better suited to our times, and might induce greater staff mobility.

The former Secretary-General Ban Ki-moon, to his credit, had sought to tackle aspects of the staffing problem, notably the reluctance of United Nations staff assigned to comfortable headquarters jobs to move to more challenging positions in the field. That he has been only partially successful after titanic battles suggests how resistant to change the United Nations can be.

Leadership

As Ban Ki-moon’s second term as Secretary-General ended in December 2016, the new Secretary-General **António Guterres will have to look into** Two key sets of relationships which will always require attention. First, the Secretary-General needs to nurture close links with the Member States, which are in charge of the United Nations, but need to trust the Secretary-General to manage and, at times, to lead it. Their trust is not easily earned, and can be quickly lost. Once their support is alienated, it rarely returns fully. Second is the relationship with United Nations staff members. While often derided, many display singular dedication and effectiveness in service to the Organization, for which they are sometimes called upon to take altogether exceptional risks with their personal safety and health, all the while seriously compromising work-life balance. They look to the Secretary-General for leadership but also for support. Secretaries-General have varied in their ability to telegraph empathy for their colleagues, some primarily seeking simply to

be served. This does not work well when calling for significant sacrifices and risk-taking.

A Secretary-General who winds up losing the confidence of staff is unlikely to prosper, while one losing the confidence and respect of Member States can only fail.

Constitutional Change

Caucusing among Member States over the selection process for the Secretary-General, widely seen as overly centered on the Security Council and its members, reflects the growing chasm between them and the membership at large. The balance of power has shifted significantly since 1945, in spite of the wishes of the permanent members to maintain the status quo, characterized by two membership categories, the Permanent Five (the P5) veto-holders and the rest.

The truly powerful need hardly rely on vetoes to assert leadership or even to protect critical interests. Engaged diplomacy usually does the trick, while a veto, often cast in frustration, is merely an easy way out that leads to lasting diplomatic scarring. The United States would have gained much from heeding the majority in the Security Council on Iraq in 2003, foregoing a reckless military adventure that has cost it and others dearly.

If relations among United Nations Member States become much more dysfunctional than they seem at times today, not only will the United Nations no longer be able to do its several essential jobs, but key decisions will simply shift to other multilateral formations. The P-5 and the rest of the membership must face up to the need for constitutional change at the United Nations to reflect the contemporary geostrategic and economic reality. Are they up to it?

While the next Secretary-General will face serious leadership challenges in nourishing the Organization and keeping it agile, the critical determinants of the future for the United Nations remain the Permanent Five, each of which may or may not be willing to face the urgent need for meaningful change.

There are some reasons for optimism on the Organization's anniversary. One area in particular that inspires some optimism is climate change. The process of devising a global approach to the fight against climate change has frustrated many. After the first commitment period of the Kyoto Protocol, which was reasonably successful, support weakened for its binding provisions (to which the United States had never signed on, and which several Member States, including my own, never

credibly honoured). As the price of carbon credits, reflected through the Kyoto-related Clean Development Mechanism, collapsed, drift ensued in the endless climate change negotiations at the United Nations.

However, the mood brightened dramatically when, in late 2014, China and the United States reached a bilateral agreement to offer significant voluntary (versus binding) commitments to curb emissions, without having to rely on vetoes to assert their leadership. This initiative set the negotiations for the United Nations Climate Change Conference, to be held in December 2015 in Paris, on a more hopeful track, with other countries offering commitments throughout that spring.

More such pragmatism, and more widely practiced, would be greatly welcomed by the world's populations.

Thank you for a patient hearing.