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15 MARCH
2021

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Necessity, Proposals & Challenges of UN Reform Amid COVID-19 Pandemic

Dr. Yahia Mousa

Introduction

Since the inception of the United Nations in 1945, there have been calls for reform to be more representative and effective. The organization's successive failures played a major role in pushing forward reform efforts, especially the major tragedies such as the massacres of Rwanda and Bosnia, violations by peacekeepers in the Congo and the corruption scandal in the oil-for-food deal in Iraq as well as the double standards adopted by the United Nations in the Arab-Israeli conflict.

The history of the UN witnessed many proposals and drafts for structural and management reform at different levels, efforts focused primarily on reforming the Security Council with the aim of expansion and increasing the number of permanent seats to become more representative and also to reach more just and transparent mechanisms for decision-making, especially the right of veto. These proposals faced huge obstacles that have hindered the implementation of any of them until today including the adherence of states to the principle of sovereignty and refusal of interference in their domestic affairs, the division between the North and the South at the level of perceptions, widening of the economic and development gap and the natural rejection of the major powers to waive their exceptional features in the system of global governance.

The UN 75th anniversary coincided with a new challenge that had not been witnessed in the past 100 years, the Covid-19 pandemic, which revealed how the UN is fragile and to what extent the global governance system is a failure. Among the most prominent manifestations of failure were the UN Security Council's inability to issue any resolution except after 3 months of declaring the pandemic and the major powers abandoning of their role in leading global governance to confront the epidemic. In addition, the crisis showed the deep problems in the World Health Organization regarding the ability to take urgent decisions, coordination of global efforts, as well as financial insufficiency and lack of transparency.

Voices calling for reform of the UN and its various components have risen again with the epidemic crisis. In addition to the repeated calls for reforming the Security Council, there were multiple

demands for administrative and financial reform of the World Health Organization to confront the coming pandemics as well as amending international law to oblige countries to cooperate with the organization in global public health emergencies.

Background

Since the inception in 1945, trials to reform the UN have been continuous. In 1947 -after two years of signing the UN charter- the US congress called all for mass reforms in UN finance and administration (*Luck, 2003*). Compromise reached in San Francisco with the creation of the organization granted the veto power to the Big Five powers, naturally they made the process of amending the Charter relatively difficult (*Luck, 2003*). According to Article 108, any amendment of the Charter required 2/3 majority vote in the UN General Assembly which must include the permanent five members (*Ogunnoiki, 2018*). Through 75 years, the Charter was modified only 5 times, the SC was enlarged once in 1963 by increasing the nonpermanent members from 6 to 10 seats linked with amendment to increase the required number of SC votes from 7 to 9, the Economic and Social Council enlarged twice in 1965 & 1973, amendment to change the requirements of holding the General Conference of member states for reviewing the charter by 2/3 majority and 9 of SC members in 1965 (*United Nations, Introductory Note*).

Criticism and Manifestations of Failure

The main criticisms of the UN performance are inability to prevent international conflicts and domination of great powers P5 on decision making, with recurrent global challenges such as pandemics, climate change and nuclear proliferation, the UN is criticized for insufficiency in dealing with these crises (*Kirval and Süner, 2017*). In addition, the conclusions and recommendations of the "international law commission meetings" are usually ignored by the governments (*Sands and et al, 2009 cited in Kirval and Süner, 2017*). While the world was looking forward to a more just international order after the end of Cold War and to a more effective role for the UN in settlement of peace, the performance of the UN was dominated by failure, scandals and impotence.

Regarding keeping security and peace which is the main task and reason for existence of UN and its SC, they failed to protect millions of the weakest people all over the world. The genocide of hundreds of thousands of Tutsis in Rwanda in 1994 and massacre of thousands of Muslims at Srebrenica in 1995, killing of 200,000 people in Darfur in the Sudan at the hands of Jan jawed militants supported

by the government, all are shameful episodes that will stain the UN forever (*Gardiner, 2007*). The common factor in all these failures was the delayed, hesitant and insufficient intervention in these intrastate conflicts. The reasons are related to lack of political will, operational inefficiencies and limited resources. For instance, the UN Human Right Council established in 2006 as an evolution of the UN commission on HR, countries with horrific record of HR abusing such as Algeria, China, Cuba, Russia and Saudi Arabia were all elected, lack of criteria of membership open the door for tyrannical regimes to participate and manipulate decisions and recommendations in their favor (*Gardiner, 2007*).

If the inability of the UN to protect HRs represents a case of failure, then the violation of HR by the UN missions' personnel represents a shameful scandal. The second largest UN Peacekeeping mission was to the democratic republic of congo in 1999, acts of barbarism by the UN PK and civilian personnel against vulnerable women and children expecting protection from the blue berets, the crimes involved rape of women and under ages and forced prostitution including inside the refugee camp (*Gardiner, 2007*). William Swing, Annan`s special representative to the Congo said, "We are shocked by it, we are outraged, we are silenced by it, peacekeepers who have been swan to assist those in need particularly those have been victims of sexual violence, instead have caused grievous harm" (*UN New, 2005*). These grave violations have frequently taken place in several countries, including Haiti, Somalia, Central African Republic and Bosnia, highlighting the severe shortcomings of the UN monitoring and accountability mechanisms.

Corruption is another aspect of failure of the UN system, the Oil for Food scandal was the largest in the history of the UN. The program was launched in 1996 to supply Iraq which was under siege by humanitarian aids in exchange for Oil. The program director and procurement manger with other UN officials were involved in receiving bribes and kickbacks from some international companies in exchange for granting supply contracts. In addition, Saddam Hussein was able to gain billions of dollars from the program by oil through kickbacks to the UN officials and companies (*Gardiner, 2007*). It is noteworthy that these violations were discovered only in 2004 after the end of the program and fall of Saddam's regime, where it was blatant example of financial and administrative corruption with absence of transparency and accountability mechanisms in the UN system.

Selectivity and double standards were always charge against the UN since inception. This was mainly related to the veto power of P5 and repercussions of its abuse. Israel-Palestinian conflict is the most

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prominent example. Israel continuing occupation of Palestinians' lands and enforcement of demographic and territorial changes in defiance to UNSC resolutions and provisions of the Fourth Geneva convention (*Ayoob, 2004*). Israel is currently in violation of about 32 SC resolutions since 1968, between 1972 and 2002 the US used veto on 35 drafts condemning Israel (*American-Israeli Cooperative Enterprise*). On the other side, Iraq was expelled by military force from Kuwait under SC resolution that took only a few months to be issued in 1990, where Iraq was under siege and economic sanctions for 12 years then invaded because of challenging UNSC resolutions (*Ayoob, 2004*). The unilateral act of the US in invasion of Iraq in 2003 away from the SC was clear evidence of domination of great powers and weakness of the UN.

Reform Efforts and Proposals

For decades since the inception of the UN, there were dozens of reform attempts and proposals with very modest and highly predictable results (*Luck, 2005*). The two major fields of reforming are structural and management reforms. Structural reform focused on SC as the most important structural organ in the UN, charged with responsibility of keeping international peace and security, imposition of sanctions, approval of use of force in certain conditions, creation of PK missions and admission of new member states (*Ogunnoiki, 2018*). Reform proposals of UNSC were based on two categories, composition of the council often addressed expansion of SC and the decision-making process often reduced to the problem of veto (*Smit and et al, 2004*). The principle of expansion is unproblematic with wide agreement even among P5 members, but there is divergence about the number of seats to be added, whether it should be permanent or not, how regional representation ought to be, which states should occupy these seats and should they have veto or not (*Smit and et al, 2004*).

Rizali plan in 1997 was the first comprehensive reform plan Dr. Ismail Rizali from Malaysia was the president of the UNGA (*Cox, 2009*). The plan proposed that 5 permanent seats to be added, 2 seats for industrial states and 3 for developing states from African, Asia and Latin America without veto power plus 4 nonpermanent seats for a 2 year term for Africa, Asia, Latin America and Eastern Europe which would make the council total seats 24 (*Lewis, 1997*).

The High-Level Panel on Threats, Challenges and Changes was created in 2003 by the SG Kofi Annan to discuss the expansion of SC (*Gardiner and Spring, 2003*). The Panel members represented a report titled "A More Secure World: our shared responsibility" in 2004, which proposed 2 option (*Rothwell,*

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2013). Model A; addition of 6 new permanent seats Africa 2, Asia and Pacific 2, Europe 1 and Americas 1 without veto power, nonpermanent seats will be raised to 13 seats nonrenewable Africa 4, Asia and Pacific 3, Europe 2 and Americas 4 with total seats number of 24, Model B; 11 two years seats nonrenewable Africa 4, Asia & Pacific 3, Europe 2 and America 3 with introducing of new categories named semipermanent seats for 4 years term renewable including 2 seats each from Asia, Africa, Europe and America without veto power with a total number of 24 seats (Cox, 2009). On 2005 Annan released a report titled "In Larger Freedom" based on the recommendations of HLP on the UNSC reforms (Annan, 2005)

The G4 is a group of 4 states "Brazil, Germany, Japan and India" form a lobby supporting each other to have a permanent seat in the SC, they presented their draft proposal to the UNGA in 2005 with expansion of SC from 15 to 25 seats, 4 permanent seats for the G4 plus 2 seats for African countries, all without veto power until the issue is decided by an amendment of the UN Charter, adding 4 nonpermanent seats for Africa, Asia, Eastern Europe and the Caribbean (Krasno, 2006).

Uniting for Consensus is a group of 20 countries opposed to the G4 proposal; they presented a proposal to the UNGA in 2005 (Freiesleben, 2008). They are against any addition of permanent seats but to increase nonpermanent seats to 20 Africa 6, Asia 5, Latin America and Caribbean 4, Western Europe 3 and Eastern Europe 2, the nonpermanent seats are of two-year term renewable (Hoffmann and Ariyork, 2005).

Many other proposals including Ezulwini Consensus in 2005, L 69 group proposal in 2007 and Italian regional model were presented to the UNGA (Ogunnoiki, 2018). Despite general consensus on the principle of expansion of the council, there are many challenges in reconciliation around details. Occupying of the new suggested permanent seats by industrialized countries is opposed by many countries as the former already overrepresented in the council (Smit and et al, 2004). The concept of regional representation is criticized to be something of a fiction and the new added countries with permanent seats will pursue their national interests first and their regional interests -assuming these interests exist- second, so it may be more prudent for all new added seats to be nonpermanent (Smit, 2004).

Regarding reforms of decision-making procedures of the SC particularly the veto problem, the French proposal is the major one (Ogunnoiki, 2018). France as one of the P5 presented a "Code of Conduct

“on the use of veto power; in 2013 the President of France “Francois Holland” proposed that the P5 voluntarily commit not to use veto power in cases of mass crime, reform that wouldn’t require change in the UN charter (*Pangburn and Stein, 2015*).

Other good proposals seem not to be too difficult to be implemented including; self-imposed postponing of use of veto for a specific period of time unless there is supreme emergency which makes use of veto harder in the future, approval of double or triple veto instead of one to abolish a decision, overrule of the veto by unanimous consent 14:1, switching from the veto to a system of qualified majority voting as used in European Union or single majority voting with a degree of enhanced power to P5 and limiting the use of veto to resolutions under chapter V II only (*Smit and et al, 2004*). In addition, there are calls for P5 to be more accountable in the use of veto, more transparent to explain and justify why they used it and closer cooperation between the SC and GA (*Smit and et al, 2004*). The main proposals in that issue were S-5 plane of “Singapore and Switzerland, Costa Rica, Jordan, Liechtenstein,” in 2006 and the accountability, transparency and coherence `` ACT `` formed in 2013 by 22 states (*Ogunnoiki, 2018*).

Ideas and proposals for SC reforms are abundant but there is no sufficient political will to adoptions and commitment (*Smit and et al, 2004*). The P5 will not abandoning their advantages and special powers easily, conflicting interests and lack of consensus even between other UN members participate in stagnation of the reform process. The invasion of Iraq in 2003 by US with neglect of UN was one of the strongest catalysts to move forward on the process of reforming, although this invasion displayed the weakness and fragility of the UN and SC, it made countries more adherent to the reform process to resist hegemony of the new superpowers.

The second major field of reform is management reforms. The UN suffers from deep crises in terms of administrative and financial policies and bureaucratic structure. For the US, management reform is the priority above all other reforms, the report “American interests and UN reform “represented a bipartisan perspective on management reforms focused in establishing independent oversight board to monitor UN activities, system to ensure transparency of all procedures, modern personnel system to evaluate performance, new standard of personnel ethics, protection mechanisms of employees who report misconduct (*United States Institute of Peace, 2005*).

General Challenges of Adequate Reform Process

Reform of the UN is a complex process; the UN is a huge decentralized multifaceted organization must work through negotiation and agreement of the member states (South Centre *GGDP, 2006*). In rapidly changing world with increased polarization and conflicting interests, achieving reconciliation becomes harder and long-term process.

The relationship between globalization and state sovereignty is a major source of tension that affects many areas of reform (South Centre *GGDP, 2006*). In economy, the competition between national states and nonstate actors (civil society and corporations) aggravated by rapid globalization of market economy, open follow of people, goods, information and capital (*Stanley Foundation, 1997 cited in South Centre GGDP, 2006*). The principle of humanitarian intervention and balance between states jurisdiction over their people and remaining responsible to the wider international community, to neighbors affected by its action and not least the responsibility to protect its own people are continuous source of divergence between states (*Evans, 2005*).

The North - South divide and gap in perspectives is another source of tension, mainly arises from different expectations and developmental realities which represented a challenge to the reform process (*South Centre GGDP, 2006*). This tension contributed to the funding crises and future of the SC reform (*The Economist, 1999 cited in South Centre GGDP, 2006*). Eighty percent of the UN budget supplied by the North countries including "US, Japan, 25 EU countries and Canada" (*Dean, 2006*). The tactic of withholding the dues to the UN to paralyze its operation is used by states in time of polarization and conflict, for instance; used by Soviet Union and France in 1960 and by US in 2000 (*Luck, 2003*).

Growing inequality contribute to widening the gap between the North and South which in turn makes the reform process more complicated (*South Centre GGDP, 2006*). Globalization is criticized to work in favor of developed countries and rich people through global markets, and heighten inequality, so the developing countries will never achieve their developmental goals (*South Centre, 2006*).

An unprecedented Crisis of Covid-19

Shortcomings of the UNSC and WHO

The mysterious epidemic that appeared first in the Chinese city of Wuhan in late 2019 has caused about 2 million deaths and 88 million infections (*WHO. Jan 10, 2021*). The SG António Guterres in March 2020 had called the pandemic the most challenging crisis in the history of UN since WWII (*Guterres, 2020*). As some UN senior officials expected the pandemic to result in simultaneous and indiscriminate health, economic, social and governance harm that the world hasn't experienced over the last hundred years (*Turianskyi and et al, 2020*). On 23 March the SG called for immediate ceasefire all over the world and to focus all efforts to save lives (*UN News, Mar 23, 2020*). France and Tunisia supported the SG call in the SC but US President Donald Trump objected to a reference in the resolution wording to WHO which he accused of collusion with China and adopting misleading information from Trump's point of view (*Harding, 2020*). In addition, US and Russia were more concerned about the repercussions of ceasing fire on their operations in Iraq, Afghanistan and Syria, it took over three months to issue the resolution 2532 in July calling for ceasefire which was too late and has already been forgotten and neglected (*Charbonneau, 2020*).

The US has abdicated its role to lead the global efforts against the pandemic and settled with accusing China and WHO, on the other hand, China tried to refute international accusations of responsibility for the outbreak of the pandemic and lack of transparency in sharing information about it but it failed to provide an alternative to lead a global response against the pandemic (*Charbonneau, 2020*). Tensions and conflicting priorities between P5 was the major obstacle restricting the ability of UNSC to adopt an immediate and adequate response to the crisis. A comparison with previous SC response to global health crises HIV/AIDS in 2000 and Ebola in 2014, highlight the aggravated tensions and gap between major powers in the recent crisis, the SC succeeded to issue resolutions in each case declaring that the control of outbreaks requires an urgent action and coordinated international response to the pandemic (*Hatuel-Radoshitzky and Heistein 2020*). The former SG Ban Ki-Moon criticized the UNSC performance in the pandemic mentioned that when Ebola pandemic happened in 2014 – in his term – it took just one day to declare that it was a threat to international peace and security (*Charbonneau, 2020*).

The WHO has been the focus of attention all over the world since the outbreak of the epidemic. It is the only global health organization assigned to promote health, keep the world safe, managing acute health emergencies through early detection, prevention and responding adequately (*WHO, What we do*).

On December 31, 2019, Taiwan sent an e-mail to WHO informing it about cases of a typical pneumonia in Wuhan which refers to the possibility of human-to-human transmission (*Taiwan Centre For Diseases Control, 2020*). WHO ignored the warning and said in Jan 10 that it didn't recommend any specific health measures for travelers to and from Wuhan, even entry screening, refusing reservations on travel or trade with China (*WHO. Twitter. Jan 10, 2020*). On Jan 14, WHO declared that investigations of Chinese authority found no evidence on human-to-human transmission of Corona virus (*WHO. Twitter. Jan 14, 2020*). Only on Jan 30, WHO declared a global public health emergency after the outbreaks in 18 countries (*WHO. Twitter. Jan 30, 2020*). The Director General of the WHO Tedros Adhanom in 4 Feb called not to spread fear and stigma with restriction on travel and trade (*Bashir, 2020*). At the same time Tedros visited China met the Chinese president Xi Jinping and congratulated him for transparency and the extraordinary measures that has been taken to contain the outbreak (*Adhanom, 2020*). Chinese authorities didn't allow the WHO team to visit Wuhan till mid Feb, where 3 out of 12 team members were allowed to visit Wuhan but no one allowed to visit Wuhan institute of virology (*Chellaney, 2020*). At the end, WHO declared Covid-19 pandemic on 11 March (*WHO. March 11, 2020*).

WHO was criticized for relaxed approach to travel restrictions, delay in declaration of the pandemic, disturbed instructions about social distance and use of masks and suspicions of collusion with China (*Turianskyj, 2020*). Based on these critiques, the US suspended its financial contribution to WHO in mid-April 2020, which constituted about 15 % of its budget (*Mason and Holland, 2020*). Not only did the US criticize WHO, but others did as well, including Japan whose Deputy Prime Minister described WHO to be more like Chinese health organization (*Krishnan, 2020*). Tedros who held the office in 2017 with China's support was accused of covering several outbreaks of Ebola in Ethiopia while he served as health minister there (*New York Times, 2017*). Most critiques that had been aroused before declaring of the pandemic focused on failure of early detection and prevention of the pandemic, hesitation about information and instructions, lack of transparency and supposed bias to China.

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Shortcomings here were related to the leadership, bureaucracy and decision making more than to defeats in the international law or low resources.

Two major causes are related to the member states; first, the insufficient funding and subservience to major funding states which dates back to 1970 (*Hameiri, 2020*). The total annual budget is around 5.8 billion USD (WHO, Budget, 2021), while for example the Australian federal health budget for (2019 – 2020) was 120 billion (*Hameiri, 2020*). Eighty percent of the budget is directly controlled by donors through voluntary and project-based funding to meet their preferred objects (*Hameiri, 2020*); certainly this has negatively affected the organization capacity and independency. Second, WHO lacks the necessary power to compel members states to share information around their health system and emergencies as well as it can't oblige countries to specific measures to confront health emergency and pandemics (*Pegram, 2020*). To a large extent WHO was trapped at the mercy of crippling member states and shortage of resources.

The scarcity and lack of credibility of information in addition to inability to impose coordinated response to the epidemic highlighted the limitation of International Health Regulations. For instance, the IHR doesn't provide the WHO with authority to investigate health cases independently, on top of that it required the organization to verify reports from outsources with the relevant state which block this alternative channel (*IHR, Art 9(1), Cited in Gostin, Habibi and Mason. 2020*). IHR duties of international cooperation and assistance are not specific which open doors to the state to evade their international responsibility and undermine WHO governance (*Gostin, Habibi and Mason. 2020*).

The rise of nationalism and abuse of the principle of state sovereignty undermined the global health governance in the pandemic crisis by limiting states actions to national frontiers and neglect adoption of common and shared responsibility (*Gostin, Habibi and Mason. 2020*). On 24 Sep, the SG warned the SC that propagated fragmentation and polarization noticed in 2020 with the 75 anniversaries of the UN similar to that of 100-year ago which led to WWI then WWII, Gutriersh declared clearly "the pandemic is a clear test of international cooperation, a test we have essentially failed" (*Gutriersh, 2020*). The failure of global governance to deal with the pandemic brought the UN reform file to the fore again.

UN Reforms in a Post Covid-19 World

The attitude of great powers towards nationalism, populism and unilateralism obstructs the global response to the catastrophic crisis engulfing the world, reforming of the SC to be more representative, transparent and effective in leading global consensus and cooperation is necessary to the overall success of the UN (*Council on Foreign Relations, 2020*). The crisis has renewed the historical calls and proposals of expansion of the SC, increase in permanent seats, more just and transparent decision-making mechanisms regard to the use of veto power.

The persistent paralysis of the SC which was confirmed by the pandemic drew attention to activation and reform of the wider UN system beyond the SC. The UNGA is suspected to play more critical roles in supporting human protection and pushing for suitable legal methods and judicial proceeding, the major challenge is how to expand the GA role beyond just being a forum for discourse to an important collective security actor (*Jarvis, 2020*).

Ideas and proposals on reforming WHO focused on administrative and financial aspects. Reviewing the mission of the organization to narrow mandate to focus on a small number of activities where it can achieve the best added value and aim to outsource some of its functions to specialized global agencies to implement global health activities while WHO is located in leadership, guidance, technical support and coordination missions (*Negin and Dhillon, 2016*).

Open governance model facilitates inclusion of alternative voices of civil society, public figures, experts and information technology specialists, which will be reflected in the flow of information and better assessment of problems, credibility and transparency of procedures, and to better channel the influence of private donors (*Chaumont, 2020*). The WHO Global Outbreak Alert and Response Network initiative (GORAN) should be advanced to enhance rapid global public health emergency alert and response and promote sharing information and coordination in a global scale (*Dongxiao and Chuanying, 2020*).

The low and conditional budget of WHO is considered a major cause of its failure, with budget less than 6 million US dollars with only 20% as united funding from membership dues while 80% of the budget are restricted to specific projects according to the donor's objectives. Calls for increasing

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united funding from member states are not enough and should be associated by innovative financing mechanisms as to collect higher taxes on global transactions (*Chaumont, 2020*).

Regarding International Health Regulations and international law that oblige governments to report and cooperate with WHO in global health emergencies, WHO has no legal ability to enforce this and rely only on soft power to gain information and cooperation from countries, suggested reforms include sanctions against governments refraining from cooperation intentionally as applied in WTO (*Chaumont, 2020*). On the other hand, and as some countries floated the idea of complains against China for its handling with the pandemic, potential legal actions may increase division and animosity between states which aggravates the fundamental cause of the UN failure (*Poorhashemi, 2020*).

Conclusion

The defects in the system of the United Nations have been evident since its establishment by granting the veto power privilege to the Big Five, and despite the great expansion of membership with the successive waves of decolonization and the evolutions imposed by globalization, this has not been accompanied by appropriate reforms in the structure and mechanisms of the work of the United Nations. The desire of the major powers to preserve their advantages in the global governance system, the invocation of the principle of national sovereignty by many countries for non-compliance with the international law, the increase in the economic and perception gaps between industrialized countries and developing countries were the most prominent obstacles to the reform process.

With the seventy-fifth anniversary of the United Nations, there has been a unique challenge that threatens the failure of the global governance system and perhaps its collapse entirely. The pandemic revealed the extent of division in the international community, absence of leadership, and lack of desire to coordinate efforts to confront the crisis with the rising wave of patriotism and populism. On the other hand, this crisis may advance efforts towards real reforms in the United Nations system, as it has become clear that the fate is shared and that the flood will not exclude anyone.

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