

ANALYSIS

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# THE UNITED NATIONS AND INTERNATIONAL INEQUALITY

BERDAL ARAL





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Translated by  
GÜLGÜN KOZAN KÖSE & HANDAN ÖZ

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**SETA | FOUNDATION FOR POLITICAL, ECONOMIC AND SOCIAL RESEARCH**

Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara TÜRKİYE

Phone:+90 312.551 21 00 | Fax :+90 312.551 21 90

[www.setav.org](http://www.setav.org) | [info@setav.org](mailto:info@setav.org) | [@setavakfi](https://twitter.com/setavakfi)

**SETA | Washington D.C. Office**

1025 Connecticut Avenue, N.W., Suite 1106

Washington, D.C., 20036 USA

Phone: 202-223-9885 | Fax: 202-223-6099

[www.setadc.org](http://www.setadc.org) | [info@setadc.org](mailto:info@setadc.org) | [@setadc](https://twitter.com/setadc)

**SETA | Cairo**

21 Fahmi Street Bab al Luq Abdeen Flat No 19 Cairo EGYPT

Phone: 00202 279 56866 | 00202 279 56985 | [@setakahire](https://twitter.com/setakahire)

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## ABOUT THE AUTHOR

### **Berdal ARAL**

Berdal Aral holds a bachelor degree in International Relations from Ankara University, master's degree in International Law from Kent University. He received his doctoral degree in International Law from the University of Glasgow. He is the author of *Uluslararası Hukukta Meşru Müdafaa Hakkı* and *Üçüncü Sınıf İnsan Hakları Olarak Kolektif Haklar*, and the professor of International Relations at Fatih University, Istanbul.

## ABSTRACT

The United Nations is one of the leading and globally active organizations. The international institution was established in the aftermath of the Second World War to save succeeding generations from the scourge of war, to maintain world peace and to promote cooperation among people. The UN has other purposes such as to develop friendly relations among nations, to promote cooperation, to help nations work together, to resolve economic and social problems and to encourage respect for international law and human rights.

This study examines the organs of the UN and their effectiveness in reaching stated goals. Within this framework, the first part examines the performance of the UN in the area of international peace and security, the structural and legal problems related to the UN, and then suggestions for the restructuring of the UN organs. It is argued in the analysis that the UN is far from playing an effective and consistent role in the globalizing international order and this is the main reason behind decreasing reliability and prestige of the UN in the eyes of the international society. The primary reason for the decreasing prestige of the UN results notably from the structure of the organization. In this regard, it examines in detail that the structure and the historical decisions of the UN Security Council, which consists of five permanent members. It is underlined that the privilege of permanent membership status and veto right granted to five states in the UNSC must be abolished. Relations between Turkey and the UN are addressed in the conclusion with an evaluation of the Turkish sphere of influence at the UN and contributions to it.



**This study examines the organs of the UN and their effectiveness in reaching stated goals.**

## 1. INTRODUCTION

The United Nations (UN) is an international organization founded on October 24, 1945 upon the ratification of the Charter of the United Nations, which was signed on June 26, 1945 in the aftermath of the Second World War by a sufficient number of states. During the Second World War, more than 70 million people died; millions of people became permanently disabled and many cities were devastated. Furthermore, the United States of America (U.S.) dropped atomic bombs on Japan towards the end of the war, thus killing 220,000 Japanese. The victors of the war, notably the U.S. and the United Kingdom (UK) decided to establish an international organization in the aftermath of the Second World War to save succeeding generations from the scourge of war, to maintain world peace and to promote cooperation among people. They called this organization the United Nations. The UN is headquartered in New York and almost all of the states have become member to the organization. The UN has 193 member states as of July 2013. The primary mission of the UN is to maintain international peace and security. In addition, the UN has other purposes such as to develop friendly relations among nations; to pro-

mote cooperation; to help nations work together to resolve economic and social problems; to encourage respect for international law and human rights. In this sense, the UN is an active organization in a wide range of issues on a global scale.

It is noteworthy that fundamental principles included in the Charter of the UN are also binding on states which are not members of the UN. Under the Charter of the UN, for instance, non-member states, just like member states, shall refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any state and they shall not intervene in domestic matters of any state or violate any agreement to which they are parties. The non-member states are also obliged to obey sanction decisions taken by the UN Security Council (UNSC). On the other hand, in the event of a conflict between the obligations of the UN members under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail (the 103<sup>rd</sup> article of the Charter of the UN).

## 2. ORGANS OF THE UN

A number of principal organs were established in order to ensure internal cooperation and render the organization more functional. The principal organs of the United Nations include the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council, the Secretariat and the International Court of Justice.

### 2.1. The Security Council

The Security Council is the most significant organ of the UN. It consists of 15 member states. These include five permanent and 10 non-permanent members. Non-permanent members are elected for a term of two years. There is a limited quota for each continent to have a non-permanent member in the Security Council. Turkey became a non-



permanent member in the Council between 2009 and 2010. Decisions of the Security Council shall be made by an “affirmative vote” of nine members. Moreover, all of the permanent members shall vote in favor in order to make a decision. The privileged permanent members, as winners of the Second World War, granted themselves with the veto power. The permanent members of the Security Council are the U.S., U.K., France, Russia (previously the Union of Soviet Socialist Republics) and the Republic of China. It is impossible to make a decision if any of the permanent members vetoes. This privilege granted to the permanent members of the UNSC indicates that all nations are equal but “some are more equal than others.” This is the fundamental problem of the UN.

The founding document of the UN is the Charter of the United Nations signed in 1945. The fourth paragraph of the second article of this binding document is quite significant. According to this article, all members should refrain from threat or use of force in their international relations. This article, which even bans “the threat of force”, should be considered as a significant step towards the world peace because no charter banning both the war in international relations and any kind of use of military force had ever been signed until that day. The seventh Chapter of the Charter of the UN deals particularly with the “international peace and security.”<sup>1</sup> If any state breaches international peace and security, for instance, if a state occupies the territory of another state or carries out a comprehensive air attack against this state, the UNSC is, at least in theoretically, expected to get involved in the situation. In this sense, the Security Council shall decide what measures shall be taken if

it determines the existence of any threat to the peace, breach of the peace, or act of aggression (Article 39). The Council may call upon the parties concerned to end the aggression (Article 40) and to meet without delay if there is a risk of war (Article 39). If the aggressor refuses to end armed attack and if, for instance, it declares a war against another state and occupies the territory of this state, then the Security Council may decide to impose diplomatic or economic sanctions against this state (Article 41). If the Security Council makes such a decision, all other states whether or not they are a member of the UN shall impose these sanctions. For instance, if the Security Council decides to impose a military embargo on a country, no state is allowed to export the embargoed goods to this country. In August 1990, an embargo was imposed on Iraq in the wake of its invasion of Kuwait. Accordingly, all embassies in Iraq were closed in line with the diplomatic embargo and Iraq was, so to say, isolated. The embargo or sanctions may include measures such as severance of economic and commercial relations, interruption of investments and financial credits. Should the aforementioned sanctions be inadequate to stop the aggressor, the Security Council may take “military enforcement measure” against this country. In such a case, the group of states authorized by the Security Council may resort to military intervention in order to withdraw the aggressor from the territory it has occupied. As a matter of fact, upon Iraq’s invasion of Kuwait, Iraq was first imposed on diplomatic, economic and financial sanctions and four months later military intervention (war) in Iraq took place in line with “compulsory military measure.”

1. The UN can be considered as the successor of the League of Nations (1919) founded in the aftermath of the First World War. The primary objective of this organization was to ensure international peace and security. However, the League of Nations failed to ensure peace because it, on the one hand, lacked a special organ with binding authorities to punish “aggressors” while it, on the other hand, did not include leading international actors such as the U.S. and the Soviet Union (until 1934).

## 2.2. The General Assembly

The General Assembly is based on one of the fundamental cornerstones of international law; “the principle of equality of states” under which the structural composition and decision-mak-

ing mechanism of the assembly abides by. Each state is equal within the General Assembly. Each member state has one vote. The United Nations General Assembly (UNGA) has 193 members all of which are the UN members. According to the Charter of the UN, the General Assembly may discuss any questions or any matters concerning international society including development and hunger issues, disarmament and human rights and may make decisions on any issue by a “majority vote” (Article 10). Contrary to the Security Council, which deals only with international security and peace related issues, the decisions of the UNGA are non-binding. However, the UNGA decisions have a serious political and moral weight. The Human Rights Council, which replaced the former United Nations Commission on Human Rights in 2006, works as the subsidiary organ of the UNGA.

**Adopted by a two-thirds majority of the members, this crucial resolution stipulates that if the UNSC, due to the lack of unanimity of the permanent members, fails to take necessary decisions on any crisis which poses a threat to the international peace and security, the UNGA shall consider the matter within twenty-four hours.**

In line with a UN resolution adopted in 1950, the UNGA is authorized to take action if the UNSC fails to act due to its veto mechanism. When the Korean War broke out after “communist” North Korea attacked “capitalist” South Korea in 1950, the U.S. put the issue on the agenda of the UNSC. At that time, the representative of the Soviet Union was not attending the Council meetings protesting that the communist

China administration (the People’s Republic of China) is not allowed in the Council as the official representative of China. Therefore, the U.S. was able to convince the Council to make decisions to help South Korea. However, when the Soviet Union decided to end this boycott, the U.S. had to resort to the UNGA to mobilize international military forces to the Korea. The majority of the members of the UNGA, in line with the U.S. demand, adopted the Resolution on Uniting for Peace<sup>2</sup> in 1950. Adopted by a two-thirds majority of the members, this crucial resolution stipulates that if the UNSC, due to the lack of unanimity of the permanent members, fails to take necessary decisions on any crisis which poses a threat to the international peace and security, the UNGA shall consider the matter within twenty-four hours. In such a case, the UNGA may “make recommendations” including the intervention in the region of the crisis by a two-thirds majority of the members.

The UNGA, without a doubt, greatly contributed to the promotion of friendly relations among nations for more than six decades. The UNGA and some of its subsidiary commissions (for instance, the Disarmament Commission, the International Law Commission) greatly contributed to the enactment of a high number of significant international conventions.

### **2.3. The Economic and Social Council**

The Economic and Social Council (ECOSOC) consists of 54 representatives of the member states. The Council deals with economic development issues, social issues and human rights. The ECOSOC is responsible for ensuring coordination among specialized agencies of the UN such as IMF, the World Bank and the World Health Organization (WHO) in addition to other responsibilities. Numerous non-governmental

2. Resolution No. 377 on Uniting for Peace, 10-12, November 3, 1950, <http://www.un.org/depts/dhl/landmark/pdf/ares377e.pdf>

organizations participate in the activities of the ECOSOC through consultation. The decisions of the Council are non-binding (the Charter of the UN, Article 62).

#### 2.4. The Trusteeship Council

Founded in order to improve economic, social and political conditions of colonies and to ensure their progressive development towards self-government, the Trusteeship Council has become dysfunctional as almost all of the colonial territories have gained independence.

#### 2.5. The Secretariat

Led by the Secretary General of the UN, Ban Ki-moon, the Secretariat carries out daily routines of the UN and represents the organization.

#### 2.6. The International Court of Justice (ICJ)

The International Court of Justice (ICJ) consists of 15 judges elected by the Security Council and General Assembly on the grounds that they represent the main forms of civilization and principal legal systems of the world (Statute of the International Court of Justice, Article 9). The Statute of the International Court of Justice<sup>3</sup> is the component part of the Charter of the UN adopted on the same day. According to the Statute, only the states which are parties to a dispute can go to the court (Statute of the International Court of Justice<sup>4</sup>, Articles 34 and 36). In other words, individuals, companies or organizations cannot go to the Court. The jurisdiction of the Court is not compulsory; however, the decisions of the Court in “contentious cases” are binding. Countries shall abide by the decision by the Court when they bring a dispute to the Court. If any party to a case fails to abide by the de-

cision of the Court, this situation is brought to the UNSC which then may decide on imposing sanctions against this state if it deems necessary. The organs of the UN and specialized agencies, on the other hand, may also request “advisory opinions” of the Court on questions within the scope of their activities and international legal issues (Statute of the International Court of Justice, Article 65).

### 3. THE PERFORMANCE OF THE UN ON PEACE AND SECURITY

The UN failed to adequately carry out expected functions from its establishment in 1945 to the end of the Cold War at the beginning of 1990s. During this era, the Cold War was triggered by the bipolarity between the capitalist bloc led by the U.S. and the socialist countries led by the Soviet Union. In other words the military, geopolitical and ideological rivalries caused by the East-West conflict, so to speak, prevented the UNSC from taking any action. As a result, when international crises broke out during this period, either these issues were never, or could never be, brought to the Council or the UN members vetoed the resolution when they were brought to the UNSC. For instance, when the U.S. occupied Vietnam between 1965 and 1973, killed three million Vietnamese and committed a war crime, no resolution was adopted by the Council. Similarly, although the U.S. occupied countries such as Dominique (1965), Grenada (1983) and Panama (1989) during the Cold War era and directly or indirectly attacked many Central and Latin American countries, no sanction was imposed against the U.S. by the UNSC owing to veto mechanism. Iraq occupied Iran in 1980; however, the Council remained indifferent to this aggression against this country

3. Statute of the International Court of Justice, June 26, 1945, (United Nations, New York).

4. June 26, 1945, (United Nations, New York). The Statute of the International Court of Justice is the component part of the Charter of the UN adopted on the same day.

which, as it was led by a government of the Islamic Revolution, revolted against the dominant international system. The Soviet Union, on the other hand, occupied Hungary (1956), Czechoslovakia (1968) and Afghanistan (1979) during the Cold War era; however, the UNSC remained indifferent to these aggressions as well. During the Cold War era, Israel occupied and/or carried out military operations against the Palestinians, neighboring Arab countries such as Syria, Lebanon, Jordan and Egypt, and other countries such as Iraq, Tunisia and Uganda yet the Council adopted only a resolution “condemning” the country. The UNSC adopted Resolution No. 242<sup>5</sup> in order to withdraw the Israeli Armed Forces from the territories that Israel occupied during the Six-Day War in 1967. However, the Council has not imposed any sanction on Israel although Israel has not yet obeyed the resolution. In this sense, it is noteworthy that the UNSC was not effective at all in ensuring international peace and security during the Cold War era.

Above all, the UNGA adopted the unjust and unfair resolution 181<sup>6</sup> which requires the division of the Palestinian territories between Arabs and Jews. The UNGA paved the way for the establishment of Israel which seized the territories belonging to another community (Palestinian Arabs). Resolution No. 181 was adopted by the required two-thirds majority vote only after the U.S. imposed a blockade on some of the countries, offered them some opportunities and sometimes “threatened” them. At that time, in other words, at the end of the 1940s, the high majority of the African people and a small part of the Asian people were living under colonial rule. In other words, such a resolution was possible only by the UNGA under the influence of

the Western bloc. Similarly, the UNSC, which tried hard to withdraw Iraq from Kuwait in the aftermath of Iraq’s invasion of Kuwait in 1990, never once lifted a finger when Iraq occupied Iran in 1980.

In the 1990s, the UNSC became much more active than before. This was because the polarization of the Cold War era no longer existed in the new period. During those years, the Soviet Union first began to get closer to the Western countries then not only the socialist system in the country was abolished but also the Soviet Union was dissolved. The Soviet Union was dissolved into 15 republics including in particular the Russian Federation in 1991. The end of the Cold War and the dissolution of the Soviet Union, which favored an anti-capitalist and anti-Western ideology, as a matter of course, removed the obstacles before the UNSC. In fact, it is possible to say that the number of the resolutions that the Council adopts today is higher than before and a high majority of these resolutions are “effective” (These include for instance sanctions, threat of sanctions etc.).

Despite this positive picture, the international society suffered from a significant deadlock since then because the UNSC has been manipulated by the U.S. at every turn. The U.S. together with its allies, UK and France, can easily make the Council adopt a sanction decision against any state which is incompatible with dominant international system. For instance, the UNSC Resolution No. 678, which was adopted in November 1990 in the aftermath of Iraq’s occupation of Kuwait with the American-British initiative and the support of Soviet Union, authorized the coalition led by the U.S. to use military power to withdraw Iraqi army from Kuwait.<sup>7</sup> After a while, in 1992, the UNSC Security Council

5. Resolution 242, November 22, 1967, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/242\(1967\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/242(1967))

6. UN General Assembly Resolution No. 181, November 29, 1947, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/IMG/NR003888.pdf?OpenElement>

7. UN Resolution No. 678, November 29, 1990, Resolutions and Decisions of the Security Council, 1990, *Security Council Official Records*, S/INF/46, p. 27-28.

decided to put partial embargo on Libya including a ban on flights into and out on the grounds that Libya supported international terrorism.<sup>8</sup>

The Security Council invoked a new doctrine called the “Doctrine of Humanitarian Intervention” at the beginning of 1990s. Only drafted by the UNSC and not mentioned in the Charter of the UN, this doctrine allows the Council to make military intervention if grave human right violations or humanitarian catastrophes such as genocide, forced migration, civil war, military coup d’état or risk of hunger take place in any state. After the U.S.-led Coalition Powers forced Iraq to withdraw from Kuwait in 1991, the Peshmerga in the North and the Shite in the South mounted an armed resistance against the Iraqi administration with the U.S. encouragement. This resistance provoked a humanitarian catastrophe in the Northern Iraq. Hundreds of thousands Iraqi Kurds had to flee to Iran and Turkey. Countries including Turkey called on the Security Council to adopt a resolution and the Council then adopted the Resolution No. 688.<sup>9</sup> Underlining that the repression of civilian Iraqi population threatens the peace and security in the region, the Resolution demanded Iraq government to immediately end this repression. Relying on this resolution, the U.S., France and UK launched the Operation Provide Combat in Turkey in order to ensure the safe return of the Kurdish refugees and established a no-fly zone from the 36<sup>th</sup> parallel North to Turkish border.<sup>10</sup> After a while, the “humanitarian” military intervention in Somalia under the leadership of the U.S. had a similar motivation. Accordingly,

Resolution No. 794<sup>11</sup>, which was adopted by the UNSC on December 3, 1992 to stop warlords who block the distribution of medical supplies, clothes and tents destined to prevent hunger and related illnesses and to restore state authority, authorized member states concerned to make military intervention in Somalia.

In the wake of the 9/11 attacks in 2001, the Security Council adopted successive “effective” resolutions which favored American priorities and interests. This provoked criticisms that the Council became a toy in the hands of imperialist powers. The UNSC initially remained silent to the unlawful occupation of Afghanistan by the U.S. and many other countries in cooperation with the U.S. in 2001, but then adopted certain resolutions to show this occupation as “legitimate.”<sup>12</sup> The Security Council adopted a similar attitude towards the occupation of Iraq in March 2003 led by the U.S. and encouraged other states to give military support in order to “ensure stability” in Iraq through resolutions that called occupant forces as “the authority.”<sup>13</sup> Similarly, the Council demanded withdrawal of the Syrian troops from Lebanon where they came in accordance with an international agreement and the disarmament of Hezbollah.<sup>14</sup> As a result, Syria was forced to withdraw from Lebanon in 2005. Furthermore, the U.S., Israel and the European countries, which argue that Iran’s nuclear pro-

8. UN Resolution No. 748, March 31, 1992, Resolutions and Decisions of the Security Council, 1992, *Security Council Official Records*, S/INF/48, p. 52-54.

9. Resolution No. 688, April 5, 1991, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/688\(1991\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/688(1991)) p. 31-32.

10. Resolution No. 688 did not grant such an authority.

11. Resolution No. 794, December 3, 1992, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/794\(1992\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/794(1992))

12. Resolutions adopted immediately after the occupation: Resolution 1378, November 14, 2001, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1378\(2001\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1378(2001)); Resolution 1383, December 6, 2001, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1383\(2001\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1383(2001))

13. Some of the Resolutions that tried to ex post facto show the occupation of Iraq as “legitimate” : Resolution No. 1483, May 22, 2003, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1483\(2003\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1483(2003)) ; Resolution No.1500, August 14, 2003, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1500\(2003\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1500(2003)); Resolution No. 1511, October 16, 2003, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1511\(2003\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1511(2003))

14. Resolution No.1559, September 2, 2004, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N04/498/92/PDF/N0449892.pdf?OpenElement>.

gram aims to produce nuclear weapons, presented the issue as “an international problem” and made the UNSC to adopt resolutions so as to impose increasingly comprehensive military, economic and financial sanctions against Iran since 2006.<sup>15</sup> These resolutions demanded Iran to suspend all enrichment-related activities which are entirely legitimate. Iran, on the other hand, is a party to the Treaty on the Non-Proliferation of Nuclear Weapons signed in 1968<sup>16</sup> and opened its nuclear facilities to international inspection as required by this treaty.<sup>17</sup>

In short, the UNSC lost its credibility to a great extent as it has become a tool of manipulation in the hands of great powers. That the Council remained silent and inefficient to the barbarous attacks of Israel against Lebanon (2006) and Gaza<sup>18</sup> (2008-2009) deepened the disappointment of international society over the Council. Today it is clear that the UNSC is far from meeting the expectations of peoples in Asia and Africa, which represent the majority of the world population, and the Islamic world in particular. That the Security Council has become, so to speak, a toy in the hands of some of the great powers probably damaged the Islam

world the most as also indicated by aforementioned examples.<sup>19</sup>

## 4. UN AND GLOBAL ISSUES OTHER THAN INTERNATIONAL PEACE AND SECURITY

The United Nations assumed a significant role in eliminating colonization and granting independence to colonial communities. Furthermore, it greatly contributed to international recognition of the newly-established states and the economic and social development of these countries in poverty. The UN, through a series of global conferences, has become a leading actor in global issues such as the development of international law, protection of the environment, human rights and development among other basic issues.<sup>20</sup> As economic and social factors have become more and more crucial in international relations, the role of the UNGA in the quest for a fairer international order has increased<sup>21</sup>. For example, the General Assembly has adopted numerous resolutions relating to the arms control and disarmament so far. Nevertheless, all these efforts have failed to resolve or minimize many of the global problems.

In the 21<sup>st</sup> century, the standards of living have globally improved while, on the other hand, disparities in welfare level of countries and social groups within the countries continue to grow.

15. Resolution No. 1737, December 7, 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/681/42/PDF/N0668142.pdf?OpenElement>; Resolution No. 1747, March 24, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/281/40/PDF/N0728140.pdf?OpenElement>; Resolution No. 1803, March 3, 2008, <http://daccessdds.un.org/doc/UNDOC/GEN/N08/257/81/PDF/N0825781.pdf?OpenElement>; Resolution No. 1835, September 27, 2008, <http://daccessdds.un.org/doc/UNDOC/GEN/N08/525/12/PDF/N0852512.pdf?OpenElement>; Resolution No. 1929, June 9, 2010, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1929\(2010\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1929(2010))

16. Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, [http://www.cncan.ro/bd/international/tratat\\_neproliferare\\_eng.pdf#search=Treaty%20on%20NonProliferation,%201968,%20United%20Nations](http://www.cncan.ro/bd/international/tratat_neproliferare_eng.pdf#search=Treaty%20on%20NonProliferation,%201968,%20United%20Nations).

17. Here the inspection is carried out by the International Atomic Energy Agency inspectors.

18. For the UN resolution, which was adopted without intermeddling and after Israel “finished Gaza off” with committing massacres, see: Resolution No. 1860, January 8, 2009, <http://daccessdds.un.org/doc/UNDOC/GEN/N09/204/32/PDF/N0920432.pdf?OpenElement>

19. Here the inspection is carried out by the International Atomic Energy Agency inspectors.

20. “The United Nations in its Second Half-Century”, The Report of the Independent Working Group on the Future of the United Nations, 1995, p. 5, <http://www.library.yale.edu/un/images/un-second-half-century.pdf>

19. As a matter of fact, Russia and China, for instance, stifled all initiatives of the UN Security Council to impose sanctions to end “crimes against humanity” that the Assad regime has been committing against Syrian people since 2011. For a critical study on “effective” UN Security Council Resolutions relating to the Middle Eastern countries in the last century see: Berdal Aral, “An Inquiry into the ‘Effective’ United Nations Security Council Resolutions Relating to the Middle East within the Past Decade”, *Muslim World*, Volume: 102, No: 2, 2012, 225-247.

20. “The United Nations in its Second Half-Century”, The Report of the Independent Working Group on the Future of the United Nations, 1995, p. 5, <http://www.library.yale.edu/un/images/un-second-half-century.pdf>

21. *ibid.*, p. 42.

Indeed, the human race suffers from grave problems today despite the increase in wealth, high number of international institutions, civil society organizations and the repeated democracy and justice discourses. Above all, poverty and unemployment still pose a global problem. The richest 20 percent accounts for three-quarters of the world income while the poorest 40 percent of the world's population accounts for five percent of global income. In developing countries, one in three children has no access to shelter; one in five children has inadequate access to safe water and one in seven children lacks basic sanitation. 1.6 billion people live without electricity. Every day, 22,000 children die due to poverty.<sup>22</sup> Today, a large number of poor countries are unable to pay their external debts. The main reasons lying behind the structural violence in the world are poverty, injustice and socioeconomic problems.<sup>23</sup> It is, therefore, crucial that the UN contributes to countries' struggle against poverty and their efforts to ensure social equity in order to guarantee international human security.<sup>24</sup> As a matter of fact, Article 55 of the Charter of the UN points out that the UN shall promote "higher standards of living, full employment and conditions of economic and social progress and development." As a result, the UN should realize that the current situation is not sustainable and bravely address these problems.

The global armament is another problem that threatens international peace and security. The current nuclear weapons stockpiles notably those of the permanent members of the UNSC pose a significant threat for the future of humanity. The responsible actors of wisdom should accept that preventing proliferation of nuclear weapons will not be enough; therefore, it is nec-

essary to root out the nuclear weapons. Furthermore, global wars and violence will not decline to an acceptable level unless the funds powerful countries allocate to armament decreases. Sadly, the permanent members of the Security Council come first on the list of the countries which allocate the highest funds to armament. These countries are also among the leading arms exporters.<sup>25</sup> For instance, the U.S. military spending in 2012, 685 billion dollars, equals to 40 percent of the total military spending in the world.<sup>26</sup>

### The current nuclear weapons stockpiles notably those of the permanent members of the UNSC pose a significant threat for the future of humanity.

The question is whether these five countries have the "responsibility" to keep their defense expenditures high just because they are permanent members of the UN or their responsibility is to set an example to other countries and reduce their military spending. Indeed, Article 26 of the Charter of the UN gives an answer to this question. Under this article, which is often ignored, the Security Council is responsible for formulating plans for allocating only a small part of the human and economic resources in the world to armaments. It is clear that the Council ignores this crucial responsibility.<sup>27</sup> Therefore it is now a must that the UN discusses in detail the policies of "armament for offensive purposes" of powerful

22. Anup Shah, "Poverty Facts and Stats", <http://www.globalissues.org/article/26/poverty-facts-and-stats> (Last Access: September 18, 2013.)

23. "The United Nations in its Second...", *ibid.*, p. 25.

24. *ibid.*

25. Richard F. Grimmett & Paul K. Kerr, *Conventional Arms Transfers to Developing Nations, 2004-2011*, CRS Report for Congress, August 24, 2012, <http://www.fas.org/sgp/crs/weapons/R42678.pdf> (Last Access: July 16, 2013)

26. SIPRI Yearbook 2013, Armaments, Disarmament and International Security-Summary, <http://www.sipri.org/yearbook/2013/files/SIPRIYB13Summary.pdf> (Last Access: July 16, 2013)

27. "The United Nations in its Second...", *ibid.*, p. 24.

countries, notably the U.S., which have gone far beyond their “defensive” concerns.

Today human race suffers from poverty, unjust treatment and wars; as if all these are not enough, environmental destruction still continues despite the efforts of the UN. Rapid depletion of natural resources in our planet indicates why it is crucial to adopt a sustainable development strategy in harmony with the nature.

## 5. STRUCTURAL AND LEGAL PROBLEMS RELATING TO THE UN

The decreasing reliability and prestige of the UN in the eyes of the international society, because it is far from playing an effective and consistent role in the globalizing international order, results notably from the structure of the organization. The primary reason for the decreasing prestige of the UN and decentralized societies’ anger is, without a doubt, the Security Council. The permanent UNSC members that serve as a privileged “club” and their veto privileges are legally (in terms of the principle of Sovereign Equality of States) and morally unacceptable. When the UN was founded in 1945, the number of the permanent UNSC was ten percent of the total UN members. Although the number of the UN members has increased to 193, in other words quadrupled, the number of the permanent members has remained the same. Today, the ratio of the number of the permanent UNSC members to the number of UN members is less than 3 percent. This indicates that only a few states seize the power in the UN. It is without a doubt worrying that the UNSC enjoys a monopoly in deciding in which crises international peace and security is under threat or deciding which act shall be considered as an act of aggression and what kind of decisions and action plans shall be adopted when acting against these crises. Furthermore, this is an “at-

tack” against the general will of the majority of international society that is excluded from decision-making mechanisms.

The new-found activism of the UNSC at the beginning of the 1990s and that the Council delegated new authorities for itself caused apprehension among UN General Assembly members, particularly ones belonging to the NAM (Non-Aligned Movement), that the Council could venture into territory hitherto within the Assembly’s ambit or that it could carve out new roles for itself.<sup>28</sup> The Council is no longer an organ that only condemns, imposes sanctions or makes decisions to enter into war in extraordinary cases such as armed attack or military intervention that threatens international peace and security. The Council today defines the domestic or international crises with economic, social, human rights and environmental focus within the scope of *human security* as threats to international peace and security. Appeared in the 1990s, this *human security* paradigm without a doubt is a positive step for humanity. However, this period led to considerable disappointments because the UNSC has been far from adopting a consistent and principled attitude towards incidents and crises and because some of the Council members have used the Council as a means to safeguard their own geopolitical and geo-economic interests. Furthermore that the Council continued to delegate itself with the new authorities increased concerns. The Security Council has claimed authority in a wide range of “new” spheres: these include creating the legal and institutional structure for the establishment of states (East Timor, South Sudan); intervention in countries struggling with mass starvation (Somalia); establishing ad hoc international court in order to hear war crimes or crimes against humanity (Rwanda, Former Republics of Yugoslavia) ; carrying out second gen-

28. David Malone, *Decision-Making in the UN Security Council: The Case of Haiti, 1990-1997*, (Oxford, Clarendon Press, 1998), p. 15.



eration peacekeeping operations equipped with political, economic and legal functions that also aim *peace building* (for instance Cambodia, Mozambique, El Salvador, Angola, Somalia, Former Republics of Yugoslavia); humanitarian intervention for preventing grave human rights violations within a country for instance during a civil war (Somalia, Haiti, Libya); referring the perpetrators of the crimes to the International Criminal Court established in the Hague in 2002 in cases when a war crime or crime against humanity in a region in the world is considered to pose a threat to international peace and security<sup>29</sup> (some of the high level authorities of Sudan and Libya under Gaddafi rule).

Above all, there is no provision for appealing the UNSC decisions. In other words, there is not any institution or legal mechanism to leash the Council. As according to the Charter of the UN, only the conflict between states can be brought to the International Court of Justice in contentious cases which have been concluded by a binding court decision, it is impossible to go to the Court regarding the resolutions of the UNSC. This has compelled August Reinisch to criticize the UN to the extent that “There is no justification for recognizing human rights, including access to the courts, without providing any viable remedy against an entity such as the United Nations that is quite capable of violating those rights.”<sup>30</sup> Given that the UNSC acts as an independent court and adopts resolutions punishing a country that it has targeted by accusing that country of committing an illegal act, as it was the case

when a bomb exploded aboard American flight over Scotland in 1988 the UNSC claimed that Libyan agents were responsible for the bombing; it is surprising that the resolutions of the Council are not appealable. As also underlined by N.D. White, in liberal democratic theory, the failure to separate these powers in different organs (executive, judicial and legislative) is seen as a recipe for abuse of power, given that this may lead to one organ making the law, applying the law and enforcing the law.<sup>31</sup> Today, there is an abuse of power at the UNSC.

The Charter of the UN has not envisaged a mechanism that is able to restrain or supervise the UNSC today which has turned into a kind of *Leviathan*.<sup>32</sup> The provision in the 2/7<sup>th</sup> article of the Charter of the UN that the UN shall not be authorized to intervene in matters which are essentially within the domestic jurisdiction of any state (*the principle of non-intervention*) does no longer serve as a shield in the face of the octopus-armed structure of the Council. Therefore, this organ even considered Iran’s nuclear program with civil purposes, which is certainly within the domestic jurisdiction of Iran, as a threat to international peace and security on the grounds of suspicions and imposed a comprehensive embargo on Iran in order to bring the country to its knees. Given that the Council has not put in consistent and righteous performance, it is not certain whether this organ is the guarantor of international peace and security today or it is the biggest obstacle to the ideal of global peace.

The Security Council, indeed, has a power of appreciation not easily subject to control when it

29. According to the 13th article of the Rome Statute of the International Criminal Court, in cases in which “crimes against humanity” or “war crimes” threatening international peace and security have been committed, the Security Council is authorized to refer perpetrators of the crime to the International Criminal Court (Rome Statute of the International Criminal Court, July 17, 1998) [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)).

30. August Reinisch, “Developing Human Rights and Humanitarian Law Accountability of the Security Council for the Imposition of Economic Sanctions”, *The American Journal of International Law*, Volume: 95, No: 4, October 2001, 851-872, p. 867.

31. N. D. White, “On the Brink of Lawlessness: The State of Collective Security Law”, Hilaire McCoubrey Memorial Lecture, University of Hull, May 15, 2002, p. 6.

32. Leviathan is a sea monster referenced in the Old Testament. In time, the term Leviathan has been used in order to describe an unrestrainable powerful state in political science. It was Thomas Hobbes who first used this term in this meaning in 17th century. This term is also used today for other non-state actors who seize uncontrolled excessive power.

comes to deciding whether or not a situation can be categorized as a threat to the peace.<sup>33</sup>

For instance the Council may adopt opposite positions in two different cases of peace violation that can be defined as “armed attack” or in general “aggression.” As a matter of fact, the Council held an urgent meeting when Iraq occupied Kuwait on August 2, 1990 and successively adopted “effective” resolutions under the Chapter VII of the Charter of the UN in order to end this occupation claiming that this armed aggression threatens international peace and security. However, the Council remained silent for about a month when Israel attacked Lebanon on July 12, 2006 and adopted Resolution No: 1701<sup>34</sup> where the Council even avoided clearly condemning the aggression of Israel. The Council also remained silent to Ethiopia’s occupation of Somalia in 2006. As the Charter of the UN bestows the Council with a considerable power of appreciation, there is not any provision that forces the Council to adopt the same position in two similar cases.

Council preferred to remain “silent” rather than intervening in a high majority of the crisis regions where mass murders were committed in the 1990s and the 2000s under “the right of humanitarian intervention” or did not intervene in time. This was the case in particular for Muslim communities and/or Africans who were victims of ethnic slaughters. The Council remained indifferent to the Rwanda genocide (1994: 800,000 people were killed); to Bosnia genocide (until 1995) (1992-1995: at least 150,000 people were killed); to ethnic cleansing and state terror in Chechnya (1994-96; 1999-2009: at least 15,000 people were killed); to the state terror in Algeria which cost ten thousands of civilian lives in the aftermath of the military coup d’état in 1991 (1991-2002: at least 100,000 people were killed) and to the successive massacres committed by the state, which declared war against its own people, against people who took to the streets demanding democracy in 2011 in Syria (2011: at least 110,000 people were killed).

The Council refused to intervene in these crisis regions on the grounds that these were “civil wars” and did not take action when grave human rights violations (massacre, injuring, torture, rape, threat among others) against civilians were committed by states and/or paramilitary groups while it could have intervened within the scope of “right of humanitarian intervention.” With the help of European members of the UNSC and the U.S. in the second half of 1990, the Council successively adopted resolutions which resulted in the independence of the East Timor in 2002. The Council did not show such zeal for saving the Palestine from Israel’s occupation or for returning Azerbaijan territories

**The Security Council, indeed, has a power of appreciation not easily subject to control when it comes to deciding whether or not a situation can be categorized as a threat to the peace.**

It is possible to see inconsistent and unprincipled attitude of the UNSC in almost all of the cases in which it is involved. For instance, the

33. Mariano J. Aznar-Gómez, “A Decade of Human Rights Protection by the UN Security Council: A Sketch of Deregulation?”, *The European Journal of International Law*, Volume: 13, No: 1, 2002, 223-241, p. 23.

34. UN SC Resolution 1701 on Israel/Lebanon: UN SC Resolution No. 1701, August 11, 2006, SC/8808, <http://www.un.org/News/Press/docs/2006/sc8808.doc.htm>.

under Armenian occupation to Azerbaijan.<sup>35</sup> As a result, the international society concludes that the Council safeguards national interests and geopolitical concerns of the permanent members of the Council to a great extent when adopting policies on crisis regions and legal conclusions do not have an effective role against it.

Such a broad assessment of what can be understood as “threat to peace” allows the Council to approach each particular case with different attitudes, leaving room for an *ad hoc* approach in each particular case. Issues of double standards, different involvement depending on the case and secrecy in prior consultations before action (or in action) in the Security Council threaten the legitimacy of the UN executive organ, undermining its authority in public opinion.<sup>36</sup> For this very reason, countries on which the UNSC imposed military or economic-financial sanctions were always either small and weak countries (e.g.: Sudan, Libya) or countries which had issues with the Western world notably the U.S. (e.g.: Iran). Sanctions are used increasingly by the Security Council as a means to discipline “unruly” regimes.<sup>37</sup> It is a desperate situation that there are strong evidence indicating the use of economic pressure and bribery with the purpose to induce certain decisions by the UN Security council in order to impose economic sanctions on a number of countries in the 1990s.<sup>38</sup> These kind of illegal operations that some of the permanent

members are involved in, not only violate the Charter of the UN but also ruin the principle of the sovereignty of states. Given that the UNSC is sometimes manipulated by permanent members for their own interests while it is supposed to represent the common concerns of international society, it is not easy to argue that the Council is working for “international society.”

In the wake of the Cold War, the Western bloc established a global order that enabled them to sustain their dominance over developing countries and their privileges through a growing network of international institutions and mechanisms. The UNSC is, without a doubt, a significant part of this network. According to B.S. Chimni, “the UN is also the medium through which the Western power bloc exercises a global monopoly over the legitimate use of force. The post-Cold War period has been the emergence of a globalized Western state conglomerate.”<sup>39</sup> This indicates why the Council has not authorized any significant sanctions or military intervention against Western interests although the problems in decision-making process were overcome since the beginning of the 1990s.<sup>40</sup>

The current international legal order is unable to keep up with the post-Westphalia order where nation-states are weakened both theoretically and practically. In this newly forming international order, it is seen that both sovereignty and the territoriality on which it is dependent, have seriously been degraded. The principle of non-intervention in the internal affairs of states was softened out of concern for human rights; the right to democratic governance was brought to the agenda of international law; new non-state actors emerged; the number of the supra-national organizations increased and the distinction between international law and domestic law

35. The UN Security Council did not take an “effective” step rather than “condemning” the seizure of the district and displacement of hundreds of thousands of Azerbaijanis in related resolutions: Res. No. 822, April 30, 1993, p.70-71; Res. No. 853, July 29, 1993, p. 71; Res. No. 874, October 14, 1993, p. 72-73; Res. No. 884, November 12, 1993, p. 73-74, Resolutions and Decisions of the SC, 1993, *SC Official Records, S/INF/49*.

36. Aznar-Gómez, *ibid.*, p. 234.

37. Hans Köchler, “Ethical Aspects of Sanctions in International Law: The Practice of the Sanctions Policy and Human Rights”, I.P.O. Research Papers, Vienna, 1994, <http://i-p-o.org/sanctp.htm>

38. Erskine Childers, “The Demand for Equity and Equality: The North-South Divide in the United Nations”, Hans Köchler (der.), *The United Nations and International Democracy: The Quest for UN Reform*, (Jamahir Society for Culture and Philosophy, Vienna, 1995), 17-36, p. 32.

39. B. S. Chimni, “International Institutions Today: An Imperial Global State in the Making”, *European Journal of International Law*, Volume: 15, No: 1, 1-37, p. 16.

40. *ibid.*

became much more ambiguous. However, the current organization of the UN is based on the nation-state system (where powerful states in particular and their national will come to the forefront) as if aforementioned developments have never taken place. Therefore, the current global governance crisis is not something that the Westphalian world order is capable of overcoming. The “war against terror” led by the U.S. which changed global priorities with the new problems and contradictions it has caused since September 11, 2001, has deepened this governance crisis. The overwhelming majority of the international society:

“We are conscious of the historical moment that seems to include a crisis of global governance beyond the capacities of a world of sovereign states. In such a setting, the global war on terrorism has been understood as a new hegemonic project to assert dominance over the South while keeping the world economy tilted to favour the North. One reason for efforts at dominance may be to control resources, but other motives, including partisan national interests, also play a role. The world order alternatives to global hegemony at this stage seem to be some combination of changing geopolitical power balance, forms of regionalism, global civic activism (as giving rise to a global civil society), and normative commitments to counter-hegemonic readings of human rights, ecological sustainability and the global rule of law, especially with respect to the use of force.”<sup>41</sup>

All these indicate the need to reorganize the UN, one of the cornerstones of the current international system for global peace, welfare and justice.

## 6. RECOMMENDATIONS FOR THE RESTRUCTURING OF THE UN SECURITY COUNCIL

In the light of the aforementioned discussions, it is possible to sum up the problems related to the UN Security Council (UNSC) under the following headings:

1. Permanent membership status and veto right granted to five states comply with neither justice nor fairness;
2. Four of the permanent members of the Security Council belong to the group of the Western states; a testimony of how distant the UNSC is from the principle of democratic representation. In fact, it should be noted that the total population living in the Western countries is one fourth of the world population at the most.
3. The Security Council has transformed into a platform “used” by some of the global hegemonies, by the United States in particular, as a means of imperial motives and national interests.
4. The Security Council draft resolutions are prepared behind closed doors most of the time through various bargaining. This violates the principle of “transparency” as one of the most fundamental pillars of law and democracy.  
These issues that pertain to the Council, at the same time, give us clues about the solution. From this point forth, major changes that should be made in the Council may be summarized as follows:
5. The privilege of permanent membership and the veto mechanism in the UN Security Council must be abolished. As felicitously pointed out by author Chandra Muzaffar: “the majority of people who know something about the UN can realize that unless the veto power is not abolished, there can-

41. Richard Falk, Balakrishnan Rajagopal, Jacqueline Stevens (ed.), “Introduction”, *International Law and the Third World: Reshaping Justice*, (New York: Routledge-Cavendish, 2008), 1-7, p. 6.

not be a democratic UN".<sup>42</sup> Interestingly, an idea of assigning a permanent membership to represent the Islamic world was not even mentioned during the reform debates in the 1990s which aimed for the restructuring of the UNSC.<sup>43</sup> Yet, the idea of assigning permanent membership seats to the countries such as Germany, Japan, Brazil and India, was proposed as an agenda item. This is the manifestation of the fact that the Islamic world faces a representation crisis at the global level and is excluded from the decision-making processes by international institutions, notably by the UN. As Abu Ni'mah put, "The Islamic world is compelled to "take on the chin" the changes made by others as part of the international law no matter how disturbing these changes are for them."<sup>44</sup>

6. The number of the Council members may be increased in a way to reflect cultural, economic and political pluralism at the global level.
7. When a sanction, or a military enforcement (war), decision made by the Council against a country is at issue, the provision of seeking an approval of the two-thirds of the UN General Assembly may be introduced.<sup>45</sup>
8. The UNSC resolutions should be opened to trials by an amendment to be made in the UN Founding Charter. Thus, in the

interpretation of the UN Founding Charter's provisions, decisions based on "political motives" shall be replaced by decisions based on "law and justice" as a determining factor. Concordantly, the court as an appeal authority shall designate the Geneva Convention dated 1949, containing the rules of the UN Founding Charter and of the customary law in the area of the international humanitarian law and international human rights convention, as a main frame. The court shall also requisition the UNSC to the international law with respect to the approved decisions.

## 7. RECOMMENDATIONS FOR THE UN GENERAL ASSEMBLY

One of the key bodies of the UN is the General Assembly where all member states are represented and each state has equal voting power. The UN General Assembly (UNGA) reached critical decisions on fundamental issues, such as the liquidation of colonies, systematic racism, disarmament, international peace and security, and made noteworthy attempts. Empowering the UNGA is of vital importance as the General Assembly tries to make contributions to the quest for international freedom, law, justice and prosperity, yet it has no binding decisions. As stated above, representation power and democratic legitimacy of the UN shall be improved by seeking two-thirds of the majority votes in the UNGA for a UNSC resolution for an economic sanction or a military intervention against a country. As human rights, economic and social development issues are in question, the UNGA should be granted with the authority to reach binding decisions in coordination with the UN Economic and Social Council (ECOSOC). Therefore, a Security Council renewed in terms of humanitarian secu-

42. Chandra Muzaffar, *Tehran Times*, Opinion Column, August 12, 2005.

43. If a permanent membership had been assigned to the Islamic world in the Council, in this case, for instance, a member state which takes as reference the principles and the goals determined by the Organization of Islamic Cooperation within the frame of "rotating representation" would be able to represent the Islamic world in the UNSC for a certain period of time.

44. Hassan Abu Ni'mah, "Consequences for Islamic Nations if International Law is Reshaped –How can Islamic Nations Best Utilize International Law", *Restarting the Dialogue in International Law*, Documentation of the International Workshop held in Amman, 21-22 July 2003, 67-71, p. 68.

45. For a detailed study on this submission, see: Berdal Aral, "Enhancing the Role of the UN General Assembly in the Preservation of International Peace and Security", *Avrasya Etüdleri*, V: 38, Issue: 2, 2010, 7-19.

rity, including international peace and security in military sense, shall have worldwide authority as the UNGA and the ECOSOC in coordination shall have authority to reach binding decisions in economic and social security related issues.

Finally, it is significant for the UN to have independent sources of income in addition to annual fees paid by the member states. Therefore, the organization shall concentrate on its own agenda without feeling any political or financial pressure.<sup>46</sup> In this context, a certain percentage of the armament expenditures of each state should be paid as “tax” to the UN. Therefore, for instance, both the UN budgetary income (over \$5 billion for 2012) shall increase and the tax liability shall have, in the least, a deterrence effect on the armament expenditures.

## 8. RECOMMENDATIONS FOR THE TRUSTEESHIP COUNCIL

The Trusteeship Council assumes responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government to promote the well-being of the inhabitants of these territories, to encourage respect for human rights and to develop self-government (The Founding Charter of the UN, Chapter XI, Chapter XII and Chapter XIII). Almost all of the regimes under the UN custody and the countries that failed self-governing attained independence in time; therefore, the Trusteeship Council has become mostly dysfunctional. Nevertheless, the Trusteeship Council may be equipped with a more meaningful “brandnew” function. The Trusteeship Council may be held liable for territorial areas that are defined as the “common heritage of humanity/mankind” by the UN; therefore, are not under the hegemony of any state.

46. “The United Nations in its Second...”, *ibid.*, p. 46.

These “common heritage” premises are the Outer Space, the Antarctic Continent and the International Seabed, under the overseas. On one side, the Trusteeship Council may secure activities organized for peaceful purposes without harming the environment in these territories and present physical resources and scientific findings acquired as a result of scientific and economic activities to the use of developing countries in particular.

## 9. TURKEY AND THE UN

Significant changes took place in the world following the Cold War. As of the early 1990s, the globalization has gained momentum, states have shared hegemony with other actors more than they did in the past, regional integration has been accelerated and the monopoly of the U.S. and Europe in the global economic order has started to be broken by the economic emergence of the Far East-Southeast Asia region. Since the Justice and Development Party (AK Party) came to power in Turkey in 2002, the multi-sided, multi-layered, pluralist and constructive foreign policy that Turkey has followed very well fits within the “context” of this new period.

During the AK Party rulership, Turkish foreign policy has grown in every possible direction. For instance, significant commercial and political initiatives have been taken in South and Far Asia regions, in Africa and in Latin America since 2002. The initiatives targeting Africa which Turkey neglected until the 2000s have started to yield productive results and Turkey declared 2005 as the “Year of Africa.” In this period, Turkey gained Observer status in the Arab League and the African Union, and organized the Turkey-Africa Cooperation Summit in 2008 as many African countries participated in the activity at the highest representation level. This multi-dimensional, dynamic and constructive foreign policy strategy was proven fruitful when Turkey was elected temporary member to the UNSC by

winning 80 percent of the votes at the UNGA in the late 2008. In addition, Turkey has begun to reach out to very poor countries and provided increasing amounts of humanitarian aids or financial aids for development purposes, and the figure reached \$1.32 billion in 2011.<sup>47</sup> With the inclusion of aids provided by the private sector and non-governmental organizations, this figure possibly approaches \$2 billion. This is, indeed, a quite high amount for a country like Turkey belonging to the middle income class and indicates the sincerity of Turkey's efforts in the formation of a more fair international order. As a matter of fact, the 4<sup>th</sup> UN Least Developed Countries Conference was held in Turkey between May 9 and 13, 2011 and the Istanbul Programme of Action was approved at the end of the meeting.<sup>48</sup>

Turkish foreign policy today has the flexibility and dynamism to pursue policies in line with the rapidly changing rhythm of the current global order. Turkey is now able to develop unique, solution-oriented and sincere approaches towards global issues, as the country not only adapts the Western understanding of democracy and the rule of law, economic dynamism and active governance principle for its internal administrative, political and economic structure but also emphasizes this principle on international platforms. Turkey also passionately advocates for Asia, Africa and Latin America in pursuit of peace, justice and prosperity in the presence of international institutions. Besides, Turkey, unlike the hypocritical and ambivalent attitude of the Western actors, has sided with the democratic popular revolutions from the beginning of the Arab revolutions. Again in this process, Turkey openly stood against the military coup d'état

on July 3, 2013 toppling the elected President Mohammed Morsi in Egypt while the US and the European countries, seeing themselves as the "champion of democracy and human rights," along with the vast majority of the regional countries supported the coup. The UN, on the other hand, refrained from calling this coup a "coup." Lastly, for the solution of regional and global issues, Turkey had made myriads of critical attempts to date as a "mediator" or a "facilitator" among the concerned states. In fact, Turkish Foreign Minister Ahmet Davutoglu expressed Turkey's main approach towards the region during the Middle East session of the UNSC on May 11, 2009, as follows: "One priority of Turkish foreign policy towards the region is to keep open dialogue channels with all parties and pursue an active policy of engagement."<sup>49</sup> It is needless to say that Turkey's sphere of influence and international prestige have increased more than ever before due to such and similar reasons.

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Multi-party and multi-dimensional foreign policy of Turkey will also be seen in the variety of international organizations that the country is involved with either as a member or as an observer in different regions and culture areas. In addition to the memberships to the European Union and the Council of Europe in the Western

47. Development aid: Net official development assistance (ODA), OECD, April 4, 2012, [http://www.oecd-ilibrary.org/development/development-aid-net-official-development-assistance-oda-2012\\_aid-oda-table-2012-1-en](http://www.oecd-ilibrary.org/development/development-aid-net-official-development-assistance-oda-2012_aid-oda-table-2012-1-en) (information as of July 6, 2012)

48. Roadmap for the Implementation of the Istanbul Programme of Action from 2011 to the Mid-Term Review, [www.un.org/wcm/webdav/site/ldc/shared/IPOA\\_Road\\_Map.doc](http://www.un.org/wcm/webdav/site/ldc/shared/IPOA_Road_Map.doc)

49. "Statement by Turkish Foreign Minister Ahmet Davutoglu at the United Nations Security Council Meeting on the Situation in the Middle East, Including the Palestinian Question", 11 May 2009, New York, [http://www.mfa.gov.tr/statement-by-h\\_e\\_-ahmet-davutoglu\\_-the-minister-of-foreign-affairs-of-the-republic-of-turkey\\_-at-the-united-nations-security-cou.en.mfa](http://www.mfa.gov.tr/statement-by-h_e_-ahmet-davutoglu_-the-minister-of-foreign-affairs-of-the-republic-of-turkey_-at-the-united-nations-security-cou.en.mfa)

institutions, Turkey also is a member to the Organization of Islamic Cooperation and to the Organization of the Black Sea Economic Cooperation. Moreover, Turkey participates in the Arab League, the Association of the Southeast Asian Nations and the African Union as an “observer,” and in the Shanghai Cooperation Organization as a “dialogue partner” together with China, Russia and the Central Asia countries. This, indeed, points out the fact that Turkey has a pluralist and constructive diplomatic orientation to contribute to the world peace. This also shows that Turkey has a perspective and experience to read economic, political and cultural sensitivities represented by the institutions as the carriers of different civilization areas, political and cultural regions, different economic-political priorities and expectations; and to provide a ground for dialogue among different concerns.

Ekmeleddin Ihsanoglu’s election as the secretary-general to the then Organization of Islamic Conference (now the Organization of Islamic Cooperation (OIC)) in 2004 has become the indicator of Turkey’s ever increasing self-confidence and international profile. Ihsanoglu’s election to such a position also has proven the rise of the willpower in the body of the organization to seek political and democratic reforms in Islamic countries.<sup>50</sup> This new situation, i.e. the election of Ihsanoglu, has become the indicator of the trust that the Islamic world have felt towards Turkey in general and towards the AK Party government in particular. Turkey’s rising course of action is the natural consequence of both qualitative and quantitative consolidation of the country’s “soft power” elements; in other words, human capital, historical heritage, common wisdom shared with

the regional peoples, rich cultural codes, a settling democracy and a civil society which has developed supra-national initiatives more than ever before. At this point, it is beneficial to emphasize the dual function of democracy as far as Turkey is concerned. Democracy is critical both in the sense of people’s willpower being determinative in the administration of State and of its being the main frame triggering political, social, economic and cultural dynamics in Turkey in the recent period. As Mohammed Ayoob says, the “soft power” that Turkey has today mostly originates from the political system of the day based on legitimate fundamentals.<sup>51</sup>

In the official report prepared by Turkish Foreign Ministry, dated 2007, verbalizing expectations and priorities of Turkey regarding the UN, it is stated that Turkey gives a great deal of importance to the fulfillment of its UN duty in the most efficient way, and then suggested to concentrate on the following three issues which are of importance in terms of the transformation of power balances and the dominant international paradigm in addition to the classical security-oriented elements, such as contributions to fight against terror at the international level and the peace force operations: The first is to concentrate on the development problems of poor countries; the second is to make active contributions to the humanitarian aid operations of the UN, and the third is to play a “moderator” role in order to establish a healthy dialogue and understanding among different cultures. Without a doubt, this mission of Turkey befits the UN’s quest for the new and fair global order.<sup>52</sup>

In the subject of the threats against international peace and security, Turkey is not satisfied with just putting forward such elements as

50. However, Ihsanoglu has not shown any reaction against the July 3, 2013 coup in Egypt either on behalf of the OIC or on his behalf and this has become a serious disappointment. This, in a sense, points out the limits of this organization claiming to be the representative of the Islamic world. Majority of the Islamic countries are under the influence of the global powers, such as US and Russia; therefore, the authorities of the OIC member countries have remained very limited.

51. Mohammed Ayoob, “Beyond the Democratic Wave in the Arab World: The Middle East’s Turko-Persian Future”, *Insight Turkey*, V: 13, Issue: 2, 2011, 57-70, p. 63.

52. “Turkey’s Priorities for the 62nd Session of the United Nations General Assembly”, September 2007, <http://www.mfa.gov.tr/data/DISPOLITIKA/UluslararasıKuruluslar/TurkeysPriorities.pdf>



armed assaults and international terrorism to which the NATO allies draw attention, but prefers a more embracing approach rather than this “narrow” view. Indeed, within the frame of the “new” foreign policy perspective, which is growing mature gradually, Turkey introduces a more comprehensive definition of terror in a way to reflect the sensitivity of the majority of the international community and has begun to count the state terror and the existence of nuclear weapons among the main reasons of wars and conflicts in the world.<sup>53</sup> In fact, Turkey as a party to the Non-Proliferation of Nuclear Weapons Treaty (NPT), dated 1968, is not only satisfied with raising objections to the proliferation of nuclear weapons; but also, starting from the idea that these weapons are a critical threat against the future of humanity, defends the elimination of these weapons by the powers having nuclear weapons after reaching agreement among themselves. Turkey, at the same time, supports the right to use nuclear technology for peaceful purposes – for instance, to obtain energy – by every State including Iran.<sup>54</sup> As far as conventional weapons are concerned, Turkey also sees disarmament at the international level as a critical goal to be achieved for peace and quiet of the humanity.<sup>55</sup> It is necessary to say that this consistent and principled position of Turkey well suits with the sensitivities and priorities of the Asian, African and Latin American countries.

As the non-permanent member to the UNSC in the period of 2009-2010, Turkey ad-

opted a constructive attitude in the solution of the crises that were brought to the agenda of the Council. This constructive posture of Turkey did not prevent her from adopting a “critical” attitude against some of the Council decisions. In fact, after the approval of the UNSC resolution, numbered 1860 and dated January 8, 2009,<sup>56</sup> calling the parties for a ceasefire following the Israeli attack targeting Gaza between December 2008 and January 2009; Turkish Foreign Minister Ali Babacan criticized the decision, stating the resolution was insufficient to provide necessary guarantees to the Palestinians, the aggrieved party in the Israeli attack. On the other hand, an array of developments in the same period regarding the Iranian nuclear program increased the prestige of Turkey. With Turkey’s mediation, Iran agreed to swap enriched uranium with the nuclear fuel rods necessary to run its nuclear reactors and signed the nuclear fuel swap agreement supported by the U.S., France and Russia with the mediation of Turkey and Brazil in June 2010. However, the U.S. and the European members changed their minds afterwards and submitted a draft resolution to the UNSC seeking heavier sanctions against Iran. In that period, Turkey, as the temporary member of the UNSC, exhibited a principled stance and voted “no” for this draft resolution prepared by the U.S., a NATO ally.<sup>57</sup> This consistent and principled attitude of Turkey increased her prestige and reliability more in the international arena.

At the UN Alliance of Civilizations Conference held in Vienna in February 2013, Prime Minister Recep Tayyip Erdoğan emphasized that the UNSC needs a serious reform as the Council remained indifferent to the humanitarian crisis in Syria, which has started as an ethnic cleansing of the opponents by the state but turned into a bloody civil war since 2011.

53. Berdal Aral, “Turkey in the UN Security Council: Its Election and Performance”, *Insight Turkey*, V: 11, Issue: 4, 2009, 151-168, p. 165.

54. Resolution 1887, “Historic Summit of Security Council Pledges Support for Progress on Stalled Efforts to End Nuclear Weapons Proliferation”, September 24 2009, <http://www.un.org/News/Press/docs/2009/sc9746.doc.htm>

55. For a speech delivered on the subject by Turkish President H. E. Mr. Abdullah Gül in 2006, see: “Speech Delivered by H. E. Mr. Abdullah Gül, Deputy Prime Minister and Minister of Foreign Affairs at the Luncheon for the Candidacy of Turkey to the UN Security Council for the Term 2009-2010”, April 19 2006, Ankara Palace, <http://www.un.int/turkey/page17.html>

56. Resolution 1860, *ibid.*

57. Resolution 1929, *ibid.* See: “Gates Criticizes Turkey Vote Against Sanctions”, *The New York Times*, June 11 2010.

Erdoğan stressed in his speech that the decision deadlock due to the constant vetoes by members with veto power in the Council is unacceptable. He stated that the non-permanent members of the Council are influential only at a minimum level. According to Prime Minister Erdoğan, the majority of the permanent members of the UNSC are Western countries; therefore, this body does not reflect the general willpower of the international community.<sup>58</sup>

It is possible to say that Turkey, as on many subjects, has developed a unique approach on the issue of restructuring the UN. According to Turkey, in order to increase the representation power, efficiency and transparency of the UNSC, this body should be reformed and this has a great deal of importance. Accordingly, for instance, membership composition in the Council should be changed in a more democratic and fair way in accordance with the changing international realities. In this regard, the number of non-permanent members in the UNSC should be increased according to Turkey.<sup>59</sup> With the restructuring of the UNSC, the prestige and legitimacy of this key body will increase in the eyes of the international community, and the decisions taken by the Council will be carried into effect more potently.

For all these reasons, Turkey will obviously make significant contributions to the UN missions. But more importantly, the UN should be restructured for the immediate solution of the global issues such as, poverty, income injustice, excessive armament, aggressive policies of hegemonic powers, and the destruction of environment. It is also obvious that as the carrier of the sensitivities and priorities of both the East and the West in shaping the action plan and the

new vision of the UN as the organization goes through this reform process, the weight of Turkey's views and suggestions will be high.

If it is necessary to reemphasize the views and suggestions propounded for the restructuring of the UN in this report, it is useful to underline the following points:

- a) The removal of permanent membership and veto power in the UNSC; if this cannot be accomplished, to grant these rights, beyond the 5 permanent members, to some other states that have continental and/or civilizational representation power;
- b) To increase the number of members in the UNSC;
- c) To set the pre-condition of seeking the approval of at least two-thirds of the UNGA members for a sanction or the use of military enforcement measure (war) resolution passed by the UNSC;
- d) To clear the way for standing the UNSC resolutions on trial. The International Court of Justice (ICJ) seems to be the most natural body to undertake this responsibility;
- e) The UNGA should have the authority to reach binding decisions in coordination with the ECOSOC on the issues of human rights and development;
- f) In order to create an independent income resource for the UN, a certain percentage of armament expenditures should be allocated as "tax" to this organization;
- g) The Trusteeship Council should be responsible for the territorial areas, such as the Outer Space, the Antarctic Continent and the International Seabed, which have been declared as the "common heritage of the humanity/mankind."

58. The Alliance of Civilizations V. Vienna Forum, February 27 2013, [http://www.youtube.com/watch?v=\\_0dvu2HRqks](http://www.youtube.com/watch?v=_0dvu2HRqks) (watched on July 14 2013)

59. "Turkey's Priorities for the 63rd Session of the United Nations General Assembly", September 2008, <http://www.un.int/turkey/63rdGA.pdf>.



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**T**he United Nations is one of the leading and globally effective organizations. The organization is established in the aftermath of the Second World War to save succeeding generations from the scourge of war, to maintain world peace and to promote cooperation among people. This study examines the organs of the UN and the effectiveness of these organs in reaching stated goals. Within this framework, the first part covers the performance of the UN in the area of international peace and security, the structural and legal problems related to the UN, and then suggestions for the restructuring of the UN organs.

It is argued in the analysis that the UN is far from playing an effective and consistent role in the globalizing international order and this is the main reason behind decreasing reliability and prestige of the UN in the eyes of the international society. The primary reason for the decreasing prestige of the UN results notably from the structure of the organization. Relations between Turkey and the UN are addressed in the conclusion with an evaluation of the Turkish sphere of influence at the UN and contributions to it.



**SETA | FOUNDATION FOR POLITICAL, ECONOMIC AND SOCIAL RESEARCH**  
Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara TÜRKİYE  
Phone:+90 312.551 21 00 | Fax :+90 312.551 21 90  
www.setav.org | info@setav.org | @setavakfi

**SETA | Washington D.C.**  
1025 Connecticut Avenue, N.W., Suite 1106  
Washington, D.C., 20036 USA  
Phone: 202-223-9885 | Fax: 202-223-6099  
www.setadc.org | info@setadc.org | @setadc

**SETA | Cairo**  
21 Fahmi Street Bab al Luq Abdeen  
Flat No 19 Cairo Egypt  
Phone: 00202 279 56866 | 00202 279 56985 | @setakahire