

# 13 ‘Organic Evolution’ in the United Nations

## Retrospect and Prospect

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Global governance has undergone a series of profound transformations over the past eight decades.<sup>1</sup> From a world of empires to a world of nation states; from formal inter-governmental organisations to non-governmental organisations (NGOs) and transnational corporations—the actors of global governance, their modalities of action and interaction have all proliferated since the close of World War II until the present day. Once viewed as the centrepiece of international law and order, the United Nations is now one of several hundred international organisations—albeit the largest and still one of the broadest in functions—that states have created to coordinate their affairs, settle their disputes and advance their interests. As catastrophic global risks multiply and deepen, the question arises whether the United Nations retains the capacity to adapt to present-day needs and exigencies. This chapter critically reflects on this question in light of the United Nations’s record of ‘organic evolution’ and considers the challenges that lie ahead if it is to make further adjustments in practice.

At the time of its founding, at the United Nations Conference on International Organization held in San Francisco in April–June 1945, the United Nations Organization (as it was then called) was widely expected to serve as the central international organisation to guarantee peace and security in the postwar international order. Some three-quarters of a century later, the United Nations is a complex network of intergovernmental forums supported by a vast bureaucratic apparatus distributed across numerous agencies and offices. Perhaps best known to the general public through the annual meetings of its General Assembly, the dramatic confrontations and decisions of its Security Council, and the blue helmets of its peacekeepers, the United Nations remains the most important global governance organisation concerned with ‘high politics’ questions of international peace and security. Yet UN entities—its agencies, funds, programmes, and offices—now intervene in a wide range of other matters, including social and economic development (UNDP 2023), international trade and finance (UNCTAD 2023; UNCITRAL 2023), the protection of children (UNICEF 2023), the status of women (UN Women 2023), refugees (UNHCR 2023), human rights,<sup>2</sup> and the environment (UNEP 2023; UNFCCC 2023). In all these ways and more, the United Nations has powerfully shaped and re-shaped modern statehood and state powers, while dramatically expanding beyond the powers expressly provided to it in the Charter.

Given the range and sheer number of component entities that make up the United Nations today and the variety of their activities, no single narrative or analysis can adequately explain how the organisation has evolved from its establishment to the present day.<sup>3</sup> Indeed, the United Nations’s highly decentralised and diversified structure makes it

reasonable to envisage it as an assemblage of heterogeneous entities, each with its own constitutive makeup, interests, goals, and instrumentalities, and functioning in diverse and shifting relationships with one another. From this perspective, what we call the 'United Nations' is the sum of its component entities and their interrelationships. Moreover, the United Nations's identity and boundaries are constantly defined and redefined by its interactions with other 'external' entities of various kinds. These include a wide range of specialised agencies,<sup>4</sup> international organisations outside the UN system, NGOs, corporations, private donors, and foundations.

Rather than attempt a general account of the United Nations's evolution, then, this chapter focuses on those aspects most relevant to the organisation's core purpose of maintaining international peace and security.<sup>5</sup> By and large, these concern acts of the General Assembly and, especially, the Security Council; they include decisions on questions of collective security, peacekeeping and the peaceful settlement of disputes. For reasons of space, the chapter does not consider the settlement of disputes through the United Nations's principal judicial organ, the International Court of Justice, or other courts and tribunals associated with the United Nations. Nor does it address the important work relating to disarmament and arms control by UN bodies or organisations related to the United Nations, such as the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO 2023), the International Atomic Energy Agency (IAEA 2023) and Organisation for the Prohibition of Chemical Weapons (OPCW 2023). The chapter does, however, lightly trace the evolution of the United Nations's development and human rights-related work, with the aim of indicating how these activities have tended to converge with the United Nations's peace and security mandate in a range of important practices.

The United Nations is far from being the only global governance organisation to have undergone a dramatic transformation in its structures and powers. The next part of this chapter begins by identifying the central dynamics of such transformations, including the external and internal factors which stimulate such evolution, legal modes through which it takes place and the narratives or ideological frameworks through which it is understood and legitimated. The next section of this chapter offers a high-level history of 'organic evolution' in the United Nations's structure and activities. The following section then outlines several key legitimacy challenges that arise from how the United Nations has evolved, focusing on legal, input and output legitimacy, and how each of these is made more complex by the United Nations's many interactions with other organisations and entities. Section 'Conclusion: Possibilities for the Future' concludes by exploring some overarching questions which must guide deliberations on how the United Nations will approach the next stages in its organisational evolution, with particular attention to how its mandate in the area of peace and security may be meaningfully enhanced.

### **Dynamics of 'Organic Evolution' in International Organisations**

As key elements in contemporary global governance, international organisations such as the United Nations are potential sources of dynamism as well as stability. By definition, international organisations are established by a treaty or another instrument governed by international law.<sup>6</sup> These documents, often called their 'constituent instruments', typically enumerate the central organs of an international organisation, describe their powers and methods of decision-making and set out processes by which their own terms may be

amended or revised. Notwithstanding these provisions, it is not unusual for international organisations to create new organs—even entirely new international organisations (Johnson 2014)—and undertake new activities that were not foreseen by their founders and not prescribed in their constituent instruments (Sinclair 2017). The precise nature and rationales for such innovations vary from organisation to organisation, but it is possible to identify some common themes and dynamics.

First, international organisations often expand their powers and begin to carry out new kinds of activities in response to significant *external stimuli*. These may come in the form of political crises, such as wars and conflicts, or economic shocks, such as the Great Depression or the Global Financial Crisis, which demand immediate emergency action. They may appear as longer-term processes, such as decolonisation, which almost doubled the United Nations's membership between 1945 and 1960, tilting the balance of interests within the United Nation's political organs and forcing the organisation to address issues of pressing concern to its new members. They may involve changes in the wider policy environment, such as the shift from essentially Keynesian, state-centred models of economic development which prevailed from the 1950s through the 1970s to 'neoliberal', neo-classical and supply-side economic ideas which rose to dominance during the 1980s and became orthodoxy after the end of the Cold War. They may also arise with the emergence of new technologies, whether in the form of communications and information technologies or in the sense of novel techniques for influencing state and individual behaviour, such as indicators or auditing. Another important source of external stimuli, and one that has influenced the United Nations throughout its history, has been the changing ecology of international actors with which it has had to interact.<sup>7</sup> All these elements—political and economic crises, shifts in international policy, new technologies, and increasing interactions—have intensified the trends to globalisation and global governance, especially over the past few decades.

Second, *how* international organisations change depends in large part on *internal factors*. Indeed, a key element of most definitions of international organisations is their possession of a separate international legal personality (ILC 2011: art 2(a)) or at least one organ that is capable of expressing an independent will and may give rise to innovations that materialise within international organisations themselves. The executive heads of international organisations can exercise particular influence over the directions they take, whether in setting new agendas through 'policy entrepreneurship', in publicly articulating the rationale for new initiatives or in skilfully manoeuvring within the margins of their delegated authority. The examples of Albert Thomas in the International Labour Organization (ILO) and Dag Hammarskjöld and Kofi Annan in the United Nations stand out in this respect (Chesterman 2007; Sinclair 2017). In doing so, these leading international civil servants exercise different combinations of legal, moral and expert authority (Sinclair 2015). Beyond any specific individual, institutional cultures determine how external stimuli are interpreted and acted upon; knowledge communities associated with international organisations can thus shape the direction in which an organisation evolves, as studies of the role of economists and economic thinking within World Bank and the International Monetary Fund (IMF) have demonstrated (Alacevich 2009; Chwieroth 2010). Significant failures by an international organisation can prompt reforms with long-lasting effects.

Third, international organisations differ in the *legal modes* by which they implement institutional changes. Sometimes those changes are made by formally amending an organisation's constituent instrument, as when the UN Charter was amended to enlarge

the membership of the Security Council in 1965 and the Economic and Social Council (ECOSOC) in 1965 and 1973. Rather than making an amendment, sometimes an organisation's constituent instrument is entirely replaced, as has happened periodically in the Universal Postal Union and the International Telecommunications Union (previously the International Telegraph Union) (Schermers and Blokker 2003: para. 1195). More substantial yet are cases where an organisation's name is modified together with its constituent instrument to reflect a substantial change in its functions, as when the Organisation for European Economic Co-operation (OEEC) became the Organisation for Economic Co-operation and Development (OECD); when one or more existing organisations are subsumed under another, as when several of the European Communities became part of the European Union,<sup>8</sup> or when an entirely new organisation is created to take over many of the functions, assets and liabilities of an earlier, dissolved organisation, as when the United Nations was created to replace the League of Nations.

Fourth, certain common *narratives* have emerged to understand and justify change in international organisations. These narratives typically draw on public law concepts in particular national systems, applied by analogy to the international sphere. The plenary organs of international organisations (such as the United Nations General Assembly) are thus frequently likened to national parliaments, and their relationships to executive organs (such as the Security Council) are sometimes described in terms of 'checks and balances' (Alvarez 2001). Expanding this analogy, legal commentators and international civil servants have regularly described the growth and expansion of powers exercised by international organisations as a process of 'constitutional growth' and their constituent instruments as 'living constitutions' (Engel 1967). As early as 1920, both the League of Nations and the ILO were described—the first by an international lawyer in the United States, the second by the Director of the International Labour Office—in almost identical terms (Thomas 1948; Wright 1920). Originating in Western liberal democratic traditions, it is doubtful whether these analogies apply with much precision to international organisations, which lack a firm democratic basis (Alvarez 2001). Nonetheless, by merging the familiar (and comforting) ideas of the rule of law, emergency response and societal progress, they have served as powerful legitimating imaginaries for international organisations to multiply their organs and expand the scope of their activities.

By the time the UN Charter was signed, these imaginaries were firmly embedded in international legal discourse. In his closing speech to the San Francisco conference, U.S. President Harry Truman thus remarked (cited in Franck 1985: 15): 'This Charter, like our own Constitution, will be expanded and improved as time goes on'. One of the earliest commentaries made a similar prediction (Pollux 1946: 54):

The Charter, like every written Constitution, will be a living instrument. It will be applied daily; and every application of the Charter, every use of an Article, implies an interpretation; on each occasion a decision is involved which may change the existing law and start a new constitutional development. A constitutional customary law will grow up and the Charter itself will merely form the framework of the Organization which will be filled in by the practice of the different organs.

Translating this imaginary into legal terms, an early advisory opinion of the International Court of Justice confirmed that the United Nations not only possessed international legal personality but could also exercise implied powers—that is, 'powers which, though not expressly provided in the Charter, are conferred upon it by necessary implication as being

essential to the performance of its duties' (ICJ 1949: ICJ Rep 174, 182). In practice, this has been the principal means by which the United Nations's legal powers have expanded, given that the Charter has rarely been amended—and then only in non-essential elements, such as increasing the membership of the Security Council and ECOSOC to reflect the dramatic rise in the organisation's membership following decolonisation.<sup>9</sup> The next part of this chapter outlines a short history of institutional changes in the United Nations over its first 75 years of operations, many of which have been envisioned and carried out as necessary to a process of 'organic evolution' in that organisation and its changing role in global governance.

### **A Short History of 'Organic Evolution' in the United Nations**

The design of the postwar international order, initially formulated by (mostly) U.S. policymakers in the early years of World War II and settled by negotiations among the Allied and Associated powers in its closing months, centred—at least ostensibly and formally—on the United Nations.<sup>10</sup> As the 'general international organization' (United Nations 1943: art. 4; World Bank 1944: art. 5, s. 8(a)), the UN Charter aimed to establish a binding mechanism of collective security through the Security Council, to whose service members would provide on-call armed contingents under the responsibility of a standing Military Staff Committee (United Nations 1945: art. 47). It was hoped that these arrangements would overcome the evident limitations of the League of Nations, which had the fatal flaw of requiring unanimity among all its members before military action could be taken. Through the General Assembly and ECOSOC, the United Nations also had a broad mandate to promote social and economic cooperation, including by coordinating the activities of the specialised agencies (United Nations 1945: arts. 60, 62–64). These responsibilities extended to supervising the colonial administration of Trust Territories and other non-self-governing territories (United Nations 1945: chs. XI, XII and XIII).

Almost immediately after its establishment, the United Nations was faced with unanticipated circumstances which forced it to adapt in a variety of ways. The Cold War conflict between East and West meant that the Military Staff Committee was never established, no member made military forces available to the United Nations, and Security Council action was more often than not blocked by one or other of its permanent members. Instead, collective security arrangements emerged at a regional level, reflecting the Cold War divisions, such as the North Atlantic Treaty Organization (NATO) and the Warsaw Pact (United Nations 1945: ch. VIII, Regional Arrangements). Only once during the Cold War was the Council able to authorise military action—when the Soviet Union was boycotting Security Council meetings in protest against the exclusion of Communist China from the United Nations—to intervene in the Korean conflict under the leadership of U.S. General Douglas MacArthur (UNGA 1950a). Recognising the unique circumstances that made this action possible, the United States took the initiative to introduce the 'Uniting for Peace' resolution, which would allow the General Assembly to recommend military action in circumstances when the Security Council was prevented from doing so by a member's veto (UNGA 1950b).<sup>11</sup>

The process of decolonisation that began after World War II and accelerated through the 1950s and 1960s prompted several other adaptations. Both the United Nations itself and several of the specialised agencies launched extensive programmes of technical assistance to support economic and social development efforts in the Global South. Embodying a kind of ideal international civil servant in the eyes of many at the time, the second UN Secretary-General, Dag Hammarskjöld, pioneered techniques of preventive

diplomacy, such as negotiating the release of U.S. airmen who had been shot down over China (Urquhart 1972: 96–99). An early practice of sending unarmed observation missions to conflict hotspots evolved, in the context of collapsing European overseas empires, into the regular use of peacekeeping missions—nowhere mentioned in the Charter—as a technology of orderly decolonisation (Sinclair 2019).<sup>12</sup> In response to the 1956 Suez Crisis, the General Assembly invoked the 'Uniting for Peace' resolution to create the first armed peacekeeping mission, the UN Emergency Force (UNEF) (UNGA 1956a). Following this experience, the UN Secretary-General Dag Hammarskjöld codified key peacekeeping principles, requiring peacekeeping operations to be deployed only with the consent of the parties, in particular the host state(s); to remain neutral and impartial in the conflict; and to use a minimum of force, only in self-defence (Hammarskjöld 1958). These principles remain broadly accepted today, though they are often honoured in the breach.<sup>13</sup>

During these early decades, the United Nations was also a productive source of new ideas and practices concerned with economic and social development.<sup>14</sup> These emerged from and in turn led to a proliferation of UN development funds and programmes, including the Department of Economic Affairs, functional and regional economic commissions,<sup>15</sup> an Expanded Programme of Technical Assistance (which incorporated the activities of the United Nations and specialised agencies), the UN Conference on Trade and Development (UNCTAD), the UN Industrial Development Organization (UNIDO), and the United Nations Development Programme (UNDP) (Sinclair 2023). Four years after UNEF, the massive UN operation in the Congo (*Opération des Nations Unies au Congo*, or ONUC) faced a much more complex situation and invoked military responses which arguably exceeded each of Hammarskjöld's principles (Findlay 1999). ONUC also established an extensive civilian programme, linking UN funds and programmes with those of many specialised agencies to support economic development and statebuilding activities (Sinclair 2017). As such, ONUC stands out as an early example of peacebuilding and even peace enforcement, which would become more common from the 1990s onwards.

The next two decades were a period of heightened expectations and disappointed hopes for many associated with the United Nations. Chastened by the constitutional and financial crisis that followed ONUC, UN peacekeeping remained relatively unambitious during this period. At the start of the 1970s, the General Assembly resolved to approve a landmark declaration codifying the principles of international law concerning friendly relations and cooperation among states designed to adapt the relevant Charter provisions to the postcolonial era (UNGA 1970). In the wake of the abrupt collapse of the Bretton Woods monetary system and the oil crisis of 1973, a number of non-aligned states in the Global South championed—and passed through the General Assembly—proposals for a New International Economic Order (NIEO) that would involve a significant restructuring of global institutions, including the United Nations itself and its relationships to international financial institutions such as World Bank and the IMF (UNGA 1974b).<sup>16</sup> Notwithstanding the launch of a North-South Dialogue to explore issues raised by the NIEO, the effort effectively ended with the debt crisis in Latin America and other countries of the Global South, beginning in the early 1980s. During this decade, often described as a 'lost decade' for development (Carrasco 1999), a 'Washington consensus' centred on deregulation, trade liberalisation and structural adjustment became economic orthodoxy and empowered international financial institutions, to the detriment of the United Nations (Williamson 2009). Yet these same decades also saw an efflorescence of the UN human rights system through proliferating treaty bodies and special procedures (Limon and Power 2014).

The end of the Cold War marked a major shift in the United Nations's fortunes and a new period of normative and institutional innovation. In the lead-up to the 1990 Gulf crisis, Security Council resolutions authorised sanctions and the use of force against Iraq (UN Security Council 1990). Rarely used during the Cold War, sanctions became a frequent tool of Security Council action—and a controversial one where, as in Iraq, their severe humanitarian consequences became evident (Farrall 2007; Sullivan 2020). During that decade, the Council achieved an unprecedented level of activity, authorising peace operations with ambitious goals—including monitoring local police, disarming combatants, monitoring human rights, organising elections, and reconstructing state functions (Ratner 1995)—and establishing international criminal tribunals to address genocide, war crimes and crimes against humanity, as in Rwanda and the former Yugoslavia (Schabas 2006). The new possibilities for peace operations were summed up in the *Agenda for Peace* by then-Secretary-General Boutros Boutros-Ghali, which distinguished traditional peacekeeping from two new kinds of operations involving peace enforcement and post-conflict building (Boutros-Ghali 1992). These efforts culminated, at the end of the decade, in mandated missions to administer territory in Kosovo and Timor Leste (Chesterman 2007). In parallel, UN development ideas returned to centre stage—in part through a series of international conferences which drew attention to issues of environmental sustainability, social and human development and human security—culminating in the Millennium Development Goals (Schechter 2009).

Several normative shifts around the turn of the millennium had the effect of fragmenting the policy grounds for UN peace and security engagements over the following decade. High-profile peacekeeping failures in Somalia, Srebrenica and Rwanda led to a significant review in 2000, which concluded that peacekeepers needed to undertake more robust responses to protect civilians in conflicts (United Nations Peacekeeping 2000). However, these same failures also led to the formulation of a new doctrine, the Responsibility to Protect (R2P), which received the endorsement of the General Assembly (UNGA 2005). And the terrorist attacks on the United States in September 2001, followed by the declaration of a 'global war on terror', prompted what has been termed a 'turn to legislation' by the Security Council, involving resolutions that require action on the part of all UN member states in terms that are general and abstract, not limited in time or to particular situations or states (Talmon 2005). NATO's bombing of Yugoslavia in 1999, carried out without Security Council authorisation, was a first step in weakening the Council's authority following the high watermark of the early 1990s. It was followed, among others, by the invasion of Iraq by a United States-led 'coalition of the willing' with questionable authority from the Security Council, a NATO intervention in Libya which arguably exceeded its Security Council mandate and Russia's invasion of Crimea without a Security Council mandate, all of which took place against the objections of a majority of the Council's members.

The multifaceted crises into which the United Nations has intervened over the last two decades have often seen an overlapping of human rights, humanitarian, development, governance, and refugee issues, which involve multiple international organisations, NGOs and private foundations. In the aftermath of the 2003 Iraq War, Secretary-General Kofi Annan's 'In Larger Freedom' report and the General Assembly's World Summit Outcome underscored the urgent entanglements of poverty, security and human rights (UNGA 2005; UN Secretary-General 2005). As its title suggests, the General Assembly's '2030 Agenda for Sustainable Development' represents the most ambitious global plan yet, embracing peacebuilding and conflict prevention, together with environmental sustainability, governance, human rights, social justice, and equity (Fukuda-Parr 2018; UNGA 2015).

Continuing a trend that began in the 1990s, regional organisations have regularly sought to undertake peacekeeping missions, often requiring coordination with the United Nations (Welz 2016). Though not directly involved in the wars in Afghanistan and Iraq, UN peacekeepers have learned from—and tended to incorporate counterinsurgency techniques from—those conflicts (Karlsrud 2015). UN operations are now regularly more 'robust', with stabilisation mandates that bring the United Nations into direct, even aggressive, engagements with warring parties (Karlsrud 2015). As the next part of this chapter will discuss, these circumstances raise complex questions of legitimacy with which the United Nations will need to grapple over the coming years.

### Problems of Legitimacy

Legitimacy is a notoriously difficult concept to pin down, and its application to international organisations, especially one as complex as the United Nations, has become increasingly fraught. In exploring the problems of legitimacy that have arisen in relation to UN actions over the past three-quarters of a century, this part of the chapter is primarily concerned with the *sociological* legitimacy of the United Nations—that is to say, the perceptions or beliefs of social actors that the United Nations has the right to act and exercise the powers that it does—rather than determining whether these perceptions are correct in a normative sense. The goal here is not to measure empirically the waxing and waning of the United Nations's sociological legitimacy. Rather, this part of the chapter aims more modestly to outline how various audiences' views of UN legitimacy have changed over time so as to provide a basis for evaluating its prospects for future evolution.

In classical international legal terms, legitimacy was simply a matter of securing state consent. Having signed or acceded to the Charter, it was understood that UN members had agreed to be bound by its terms. In theory, then, any action or decision by a UN organ that went beyond the scope of the authority granted to it would thus exceed the limits of state consent and be deemed *ultra vires* or beyond its legal authority (Osieke 1983). In practice, however, it has proven very difficult to limit the expansion of the United Nations's powers by this means. By design, the Charter gave primacy to geopolitics over law, embodied in the notion of giving the most powerful (and thus the most dangerous) member states the right of veto over Security Council action. The Charter did not grant any court or tribunal the authority to make a binding *ultra vires* finding in relation to UN organs, nor is it clear what the effect of such a finding would be in legal terms or who would enforce it—particularly if it concerned a decision by the Security Council. Moreover, the doctrine of implied powers made it difficult to determine what areas of action, if any, would be off-limits for an organisation with purposes as broad as the United Nations. Indeed, as we have seen, some key UN practices have emerged in precisely this way. It is difficult today, for example, to envisage a United Nations without peacekeeping of some sort, notwithstanding the absence of any clear textual basis for it in the Charter.

As the United Nations has exercised ever greater powers of governance over populations and individuals, the *input legitimacy* of its decision-making processes has attracted increasing critical attention. The twin principles of democracy and the rule of law are most salient here; neither fits very comfortably with the United Nations's structures and procedures. The United Nations's democratic deficits are well known. The Security Council, which has sole authority to make binding decisions on matters of international peace



and security, has a limited membership of 15; as is well known, one-third of those seats are held by the leading Allied powers, selected at the end of World War II, each of whom wields a veto (including over amendments to the Charter, thus entrenching their own higher status). The General Assembly, which wields much less power than the Council, includes all UN member states, but many of these are not democratic and hardly representative of their populations. While efforts have been made to increase the participation of NGOs, social movements and affected populations in the United Nations's development activities, UN peace and security operations remain, by and large, under the control of states. By holding some members effectively above the law and failing to constrain the arbitrary use of power, the United Nations's institutional architecture contravenes the basic notion of the rule of law. Furthermore, the *ad hoc* nature of the United Nations's evolution is inconsistent with rule of law principles and expectations regarding generality, prospectivity, stability, and coherence (Brunnée and Toope 2010).

A separate set of concerns regarding the United Nations's *output legitimacy* has been consistently raised since its establishment. The organisation's inability to implement the Charter provisions on collective security and the repeated blocking of Security Council decisions by the veto in its first decade quickly led many to the conclusion that it had failed in its primary purpose (Luard 1982: 364–72). More recently, military actions taken by 'coalitions of the willing', and led by permanent members of the Security Council, often with no or scant basis in Council resolutions, have again created an impression that the organisation is impotent. Academic studies have shown that UN peacekeeping is generally effective in keeping the peace, shortening conflicts and reducing violence (Bara and Hultman 2020); nevertheless, operations are regularly criticised for not achieving their aims and, as mentioned earlier, several have failed with tragic consequences. The move to more robust peace enforcement and stabilisation missions has resulted in the United Nations effectively taking sides—usually with the existing state government and against insurgent groups—putting at risk the organisation's reputation for impartiality and increasing the likelihood that it will become yet another warring party (Mégret 2015: 120–23). With the widening scope of peacekeeping operations, a wider scope for bad behaviour on the part of their personnel also becomes more likely. The United Nations has thus come under increasingly harsh criticism for its mishandling of complaints against peacekeepers for sexual abuse and misconduct (Boon and Mégret 2019) and for failing to accept responsibility for a cholera outbreak in Haiti that had catastrophic humanitarian consequences (Alston 2016; Pillinger, Hurd and Barnett 2016).

Additional legitimacy problems arise from the difficulty of managing the tensions among the United Nations's various missions and the diverse sources of authority on which it draws. At least one analysis ascribes the United Nations's failure to intervene in Rwanda to a conflict between the United Nations's moral principles and legal-rational bureaucratic procedures which demanded a certain level of support from member states before action could be taken (Barnett and Finnemore 2004). There are inherent tensions, also, between the United Nations's avowed principles of peace, security and human rights, and its goals of development and protecting the environment. From time to time, UN bodies engage in creative reinterpretation of their aims and principles, linking them in new ways that may for a time seem compelling—such as in the concepts of 'human security', 'civilian protection' or 'sustainable development'. Yet these concepts do not resolve the underlying tensions, which eventually re-emerge in practice. For example, a nexus between security and development concerns underpinned peacebuilding practices during the 1990s and 2000s, combining traditional strengths of the United Nations

(Chandler 2007). However, that nexus appears to have become too difficult to sustain in recent stabilisation missions (de Simone and Iocchi 2022), leaving peacekeeping without a compelling ideological framework beyond simply pacification.

These dynamics are made even more complicated by the manifold relations and interactions between the United Nations and other actors, which have their own—sometimes complementary, sometimes conflicting—missions and sources of authority. Peacekeeping operations may benefit from the combination of 'universal' and 'regional' authority when the United Nations and organisations such as the African Union or Economic Community of West African States (ECOWAS) cooperate. Conversely, however, these forms of authority can come into tension with one another, creating problems of input legitimacy. The United Nations's 'universal' authority can be perceived and portrayed as representing a kind of neo-imperial interference from outside the region, especially when it is required to cooperate with peacekeeping forces from European states and organisations (Spandler 2020). Complex multi-actor peace operations also raise more mundane issues regarding leadership and coordination, which can negatively affect their results and output legitimacy. Additional legitimacy concerns arise in relation to cooperation between the United Nations and private actors; while such cooperation might redound to the benefit of the United Nations's output legitimacy—though this is not always the case—it can undermine the United Nations's input legitimacy, which derives in part from the sense that it is a public authority promoting public goods (Bogdandy *et al.* 2010). In all these instances, operational linkages with other actors—whether conceptualised as delegation, decentralisation, partnership, or otherwise—tend to diffuse responsibility. This, in turn, makes it difficult for the United Nations to meet standards of transparency and accountability now expected by many member states, affected populations and wider publics (Kingsbury and Casini 2009).

### **Conclusion: Possibilities for the Future**

The United Nations's role in the early 21st century contrasts starkly with that envisaged in the UN Charter and enacted by it in the years immediately following World War II. Established as the 'general' international organisation at the centre of a functionally decentralised 'family' of specialised agencies, the United Nations was clearly expected to carry out a coordinating role in relation to a wide range of social and economic issues. On its face, Chapter VII of the Charter appeared to empower the Security Council with the authority to take decisive action, up to and including the use of military force, to maintain international peace and security. Yet the Charter's veto provision also established a 'safety valve', insisted upon by the victorious 'great powers' who were to become permanent members of the Security Council, to forestall action on matters where their (self-defined) vital interests were implicated. Nevertheless, the United Nations's intended centrality was evident in the lip service paid to the Charter in the constituent instruments of both NATO (1949: preamble art. 1) and the Warsaw Pact (UNTC 1955: preamble art. 1). Moreover, the United States was able to use its dominant position in the organisation to shape it to its ends, whether through the 'Uniting for Peace' resolution or otherwise.

By comparison, the United Nations today finds itself embedded in a very different set of arrangements for global governance. UN entities are enmeshed in multi-layered networks of actors: states and the remnants of empires; other international organisations, both within the 'UN family' and without; informal international groupings, such as the

G7 and the G20, which play important ‘steering’ roles in the global economy; NGOs; transnational corporations; public-private partnerships; and more. The United Nations both empowers and relies on these other actors to achieve its goals, including in the field of international peace and security. Notwithstanding its claims of global leadership, the ability of the United States to play the kind of role in the United Nations that it did in the postwar and the post-Cold War years has been undermined by successive misadventures and missteps, as well as by the rise (or return) to power of states such as China. In all this, the United Nations faces a range of new challenges and opportunities while still working within essentially the same textual framework it had at the outset.

This chapter has identified the central dynamics of ‘organic evolution’ in international organisations and illustrated these dynamics through a short history of changes in the United Nations’s structure and activities; it also outlined the key legitimacy challenges that arise from those changes. The United Nations as it exists today is clearly very different from the organisation envisaged by the representatives of the 50 founding member states that gathered at San Francisco. The collective security mechanism they enshrined in the Charter was never put into effect. Indeed, the relatively clear-cut interstate wars to which they were accustomed, and which that mechanism was designed to address, have largely been displaced by a series of complex, drawn-out intra-state conflicts involving a variety of state and non-state actors. As a second-best technology originally devised to facilitate the orderly transition from a world of empires to a world of nation states, UN peacekeeping has been sporadically adapted to fit these changed circumstances and needs, often linking up productively with the United Nations’s burgeoning programmes for development and human rights. Nevertheless, the UN Security Council remains persistently and frustratingly paralysed when it comes to any conflict where the perceived interests of its permanent members do not align. Notwithstanding a proliferation of programmes, funds and offices, the hierarchies of state power reflected in the United Nations’s core structures and decision-making procedures often seem frozen in time at 1945.

Given the mounting, cross-cutting challenges to the United Nations’s legitimacy outlined in this chapter, four overarching (and interacting) questions seem crucial for determining its future. First, should UN members give up on collective security as a utopian ideal that can never be achieved or continue the struggle to realise it effectively? Most discussions of UN reform—and there have been many over the years—centre on this issue (Müller 2016). There is widespread agreement that the membership structure of the Security Council and the veto power vested in its permanent members constitute the primary obstacles to a well-functioning system of collective security. However, this is where the agreement usually ends. Which states, if any, should replace the current permanent members on the Security Council; how to ensure adequate representation of each continent or region, both on the Council and in any standing international peace force; how to guarantee that the states with the largest and most powerful militaries remain positive contributors to the scheme and do not act as spoilers; and how to avoid the current permanent members simply vetoing any proposed reforms—these are among the thorny issues that must be resolved in order for progress to be made on this front. In the meantime, using the ‘Uniting for Peace’ mechanism to bypass the Security Council’s dysfunctions seems appealing in principle but only rarely works out in practice, particularly where a permanent member is already involved in a conflict (Carswell 2013).

Second, how can the United Nations consolidate and strengthen its legitimacy in the eyes of both its member states and other broader constituencies? The Security Council reforms already discussed would affect both input and output legitimacy. Aside from the Security Council, one long-standing proposal to improve the input legitimacy of the General Assembly is to weight votes according to the populations of member states (Clark and Sohn 1958);<sup>17</sup> another is to supplement it with another, more representative plenary organ, such as a World Parliamentary Assembly (Lopez-Claros, Dahl and Groff 2020). Greater involvement of civil society organisations in UN decision-making is sometimes advocated, but without safeguards, this is likely to mean that the best-resourced NGOs, foundations and think tanks with headquarters in the Global North will dominate this channel of input, with inevitable distortions and biases (Reydam 2016; Wade 2009). In terms of output legitimacy, cooperation with other organisations and agencies, while unavoidable and probably beneficial overall, will require careful monitoring and management. More urgently, steps need to be taken to ensure that the United Nations accepts—and is seen to be accepting—moral accountability and legal responsibility for any breach of human rights, humanitarian and environmental norms by its organs, officials and agents. Otherwise, the organisation will be at risk of losing its hard-won legitimacy in the eyes of many, and rightfully so.

Third, do the overlapping mandates among UN bodies, and between the United Nations and other agencies, call for efforts to rethink the United Nations's organisational structure? The United Nations's notoriously complex, sprawling and decentralised structure is an outcome of many historical contingencies, decisions and path-dependencies; it is certainly not how one would design the organisation if one were starting from scratch today. Here, one might wonder whether it would make more sense to consolidate some programmes and funds; to redistribute tasks between UN agencies that find themselves working in the same areas, even competing for resources; and to renegotiate the divisions of labour between UN and non-UN bodies. Beyond simply devising fresh organisational charts and entering into new relationship agreements, this exercise would require rethinking the United Nations's *raison d'être* and the problems it faces today rather than 75 or even 25 years ago.

Lastly, how should these and other changes to the United Nations be implemented? The history of the United Nations's evolution, as this chapter has shown, has mostly consisted of informal adaptations, sometimes called 'de facto revision' (Engel 1952), carried out through interpretation and practice. This has provided a considerable degree of flexibility and allowed the United Nations to experiment with new institutional forms and techniques without necessarily committing to them once and for all. However, the time might have come to codify some of these practices—and other reforms as discussed in this chapter—through more formal means, whether by amending the Charter or replacing it with an entirely new constituent instrument.<sup>18</sup> Adopting such a formal approach might provide an occasion to consult widely beyond governments and NGOs, engaging populations and individuals directly through a process similar to constituent assemblies. This might seem unduly risky at a moment of populist anxieties; however, recent research suggests that there is broad popular support for the United Nations across a variety of countries (Ghassim and Koenig-Archibugi 2022). Taking the opening words of the Charter as more than a mere rhetorical flourish,<sup>19</sup> such an approach would allow the peoples of the world some part in deciding how they wish to be governed and would invest the world organisation with a renewed stock of legitimacy with which to face the future.

## Notes

- 1 The term ‘global governance’ originates in the post-Cold War era (Bevir and Hall 2011). I thus use the term somewhat anachronistically to indicate the changing practices, institutions, norms, and political imaginaries comprising international relations from 1945 onwards.
- 2 For example, the UN Human Rights Council (2023), its special procedures and various human rights treaty bodies.
- 3 Useful partial narratives can be found in Luard (1982, 1989) and Sayward 2017.
- 4 The specialised agencies of the United Nations include the Food and Agriculture Organization (FAO), the World Health Organization (WHO), the International Labour Organization (ILO), and the UN Educational, Scientific and Cultural Organization (UNESCO).
- 5 See United Nations 1945: art. 1: ‘The Purposes of the United Nations are: (1) To maintain international peace and security...’.
- 6 ILC (2011): art. 2(a), defines ‘international organization’ as ‘an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality’.
- 7 These include specialised agencies; international economic institutions, including World Bank (WB) and the IMF, both of which, strictly speaking, are specialised agencies, as well as others such as the Asian Development Bank (ADB) or the Organisation for Economic Cooperation and Development (OECD); and a whole range of regional and sub-regional organisations, from the European Union to the African Union and the Economic Community of West African States (ECOWAS).
- 8 In a more complex example, the General Agreement on Trade and Tariffs evolved an informal organisational structure which was formalised and merged into the World Trade Organization in 1994 (Kim 2010; McKenzie 2020).
- 9 Articles 23 and 27 of the UN Charter (1945) were amended in 1963, with effect in 1965, enlarging the Security Council’s membership from 11 to 15 and changing the number of votes needed for decisions to be made. Article 61 has been amended twice, in 1963 (effective 1965) and in 1971 (effective 1973), enlarging the membership of ECOSOC from 18 to 27, and then to 54. Article 109, which was amended in 1965 (effective 1968), concerns arrangements for a conference of UN members to review the Charter—a conference which has never been held.
- 10 International relations ‘realists’—who view international relations as structured by competition, the search for security and the struggle for power among rational, self-interested states—have always considered international organisations to be epiphenomenal, reflecting extant power relations and having only a marginal impact on state behaviour (Mearsheimer 1995). From this perspective, the United Nations is particularly weak, and was made so by design, given its lack of independent funding and the veto power granted to the ‘great power’ members of the Security Council.
- 11 The United States and other permanent members of the Security Council have been reluctant to use this resolution, as it weakens the role of the Security Council and circumvents the veto (Carswell 2013).
- 12 Peacekeeping is described here as a ‘technology’ in the sense of a complex assemblage of heterogeneous elements through which power is made operable (Dean 1996). Armed peacekeeping operations in this period involved situations arising out of decolonisation at the end of European empires, such as in the Middle East and the Congo. For example, in addition to being the largest and most expensive peacekeeping operation to date (and for a long time thereafter), the Congo operation (1960–64) involved an extensive civilian corps of some 2,000 experts and technicians, together with funds, training programmes and equipment, all brought together to reconstruct the institutions of government in that country (Sinclair 2017).
- 13 Concerns about the inconsistent application (or non-application) of all three principles arose as early as the Congo operation of 1960–64 (Sinclair 2017). Similar concerns have arisen again in recent decades with the emergence of robust peace enforcement and stabilisation missions, as described later in this chapter.
- 14 These include the Singer-Prebisch theory, concerning the deteriorating terms of trade experienced by countries in the global periphery that mostly exported natural commodities (Jolly *et al.* 2004; Toye and Toye 2004: 111–28).
- 15 These include functional commissions on statistics, population and development; social development; and women, all of which were established in 1946, and regional economic commissions for Europe (1947), Asia (1948), Latin America (1948), and Africa (1958) (Berthelot 2004).

- 16 The NIEO advanced many specific proposals for the reform of international trade, the international monetary system and international financing. Some aimed to shift (or return) resources to the Global South, including demands for preferential treatment for developing countries, transfers of technology, the regulation of transnational corporations, and permanent sovereignty over natural resources. However, the NIEO also promoted mainstream liberal economic goals, such as the removal of restrictive business practices and tariff and non-tariff barriers to trade, the promotion of industrialisation in developing countries, adjustments in developed country economies to allow greater competition by exporters in developing countries, and new markets between countries in the Global South and across Cold War divisions. As several authors have shown, there was considerable consistency in the ideology and demands of Global South states from the 1950s through the 1970s (Dietrich 2017; Murphy 1984).
- 17 A variation on this approach proposes to weight votes in the General Assembly based on relative population shares and relative contributions to world gross domestic product (Lopez-Claros *et al.* 2020).
- 18 Either approach would also provide an opportunity to remove or heavily modify anachronistic Charter provisions such as Chapter XI (Declaration Regarding Non-Self-Governing Territories), Chapter XII (International Trusteeship System) and Chapter XIII (Trusteeship Council), and to redefine the relationships between the United Nations and other international organisations, long past due, in Chapter VIII (Regional Arrangements), Chapter IX (International Economic and Social Cooperation) and Chapter X (The Economic and Social Council).
- 19 The Charter's (United Nations 1945) preamble begins: 'We, the peoples of the United Nations'.

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