

『The Role of the United Nations and Japan in a New Global System of the 21st Century』

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I. New Conditions of Global Politics

The League of Nations, the “first-generation” international body that was established in 1920, disappeared only about a quarter of a century after it was came into being because it was unable to prevent World War II. A reflection on this fact led to the creation of the United Nations as the “second generation”, which features a collective-security system centering on the Security Council. But the U.N. started out in 1945 as a provisional organization that strongly reflected international situation prevailing in those days.

When the U.N. Charter was signed in San Francisco in June of that year, the purpose of leaders of the United States and other Allied countries, which led the meeting, was to create a body that would prevent the recurrence of aggressive racism and global war, as the world had just experienced at that time. The declared purpose of the U.N. was to maintain the international peace and security; to develop friendly relations among states based on respect, equal rights, and self determination people; to cooperate in solving economic, social, cultural, and humanitarian global problems; and to promote to respect for fundamental freedoms and human rights.

The U.N. has a number of operational principles set forth in its Charter:

- 1) The sovereign equality of all members is assumed, at least theoretically.
- 2) Members are to fulfill in good faith the obligations they have assumed under the Charter.

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1) Malcom N. Shaw, *International Law*, 747-748 (1991). The League of Nations was finally dissolved in April 1946

3) Members are to settle their disputes by peaceful means and refrain from the threat or use of force.

4) Members are to give every assistance to the United Nations and refrain from assistance to belligerent states.

5) The United Nations is not to intervene in matters essentially within the domestic jurisdiction of member states.⁽²⁾

However, unlike global war, ethnic and regional conflicts that have arisen in Post-Cold War are smaller in scale but more complex in nature, because it is not easy to judge which side is right and which side is wrong. The U.N. Security System's failure to properly respond to such international conflicts has triggered argument that there is a limit to what the U.N. can do. Which aspects of the U.N. should then be reviewed on the occasion of the end of 20th century in order to make it more universal international organization that can be called genuine third-generation international organization?

The first point to be reviewed is how United Nations' peacekeeping operations (PKO) should be conducted. Member States support a return to traditional peacekeeping roles, which follow the three principles of winning the consent of disputing parties, impartially, and avoiding the use of force except in self-defense.

Though some member States point to the limits of using force as seen in Somalia and Bosnia, traditional multifunctional operations in Mozambique, which included cease-fire monitorings and election support, proved successful. Such was the case in Salvador during 1994 as well.⁽³⁾

Second-generation peacekeeping operations that are not necessarily based on the consent of disputing parties but feature the active use of force leave unanswered, from the perspective of International Law, the question of consistency with the U.N.'s principle of nonintervention in international affairs and the relation between human-rights protection and international sovereignty.⁽⁴⁾

The most important issue currently facing the Security Council is the fact that its five

2) Abdul Aziz Said, *Concept of International Politics in Global Perspective*, Fourth Edition at 113 (1995)

3) "General guidelines for Peace-Keeping operations" issued by Department of Peace Keeping Operations of the U.N. In October 1995. at 11-12

4) Kimberly Stanton, *Pitfalls of Intervention-Sovereignty As a Foundation for Human Right*, Harv. Int'l., 1993, at 14-15

permanent members-China, France, Russia, the United Kingdom and the United States-which should take the lead in upholding world peace, all export large quantities of conventional weapons that could fuel international disputes.

On the other hand, the five powers lead the Security Council in working out resolutions and dispatching peacekeeping forces to disputed areas. This contradiction impedes settlement of disputes by the U.N.

The United States is the world's largest exporter of conventional weapons. In fiscal 1994, it exported \$11.9 billion worth of arms, accounting for 55% of the world total, according to the Stockholm International Peace Research Institute.⁽⁵⁾

There are also many questions about the current U.N. system, where by all disputes in the world are directly brought to the Security Council. It has been suggested that, when a disagreement occurs, interested states in the area should start primary discussions.

Once disputes break out, parties concerned leave settlement of the situation up to the Security Council. But the lack of cooperative action by the principal parties makes achievement of solution difficult.

Current alterations mostly result from poverty, which has brought about racial and tribal hatred. The International Monetary Fund and the World Bank, as international finance institutions that dealt with problems, have frequently imposed on developing countries policies seeking short-term results. This has often had the effect of aggravating local social situations.

Hence, suggestions have been made that the Security Council possess both economic fairness and a reliable political system to deal with disputes arising from poverty.

The U.N. itself has been facing financial difficulty.

The largest administrative and financial problem for the U.N. Secretariat are three questions of membership dues.

Although the U.N. consists of 185 member countries, the United States and Japan shoulder about 40% of its total current budget and ten member states provide about 80%. China, though a permanent of the security Council, pays only 0.72% of the budget.⁽⁶⁾ And the country is the largest recipient of development aid, though it possesses nuclear weapons. Such a distorted structure should be reviewed.

Another problem for the U.N. is that its personnel management and operating systems are too much patterned after the competitive society of the west, whereby its employees engage in "win or lose" power games.

5) SIPRI Yearbook of 1995, Chapter of "World Armament and Disarmament"

The United States recently threatened to stop paying its dues unless the Secretariat carries out structural reforms and improves its efficiency. Under this threat, each U.N. department has been compelled to achieve results in a very short time. In a similar vein, the U.N. hurriedly pushes resolutions through the Security Council and prompts armed interventions through the dispatch of peacekeeping forces, all in pursuit for short-term result in setting disputes. Nevertheless, efforts have been made by the U.N. officials to hammer out a concept for new global security policies for the 21st century. U.N. officials around the world have submitted various proposals for untraditional agreements. The most feasible is that an Environmental or Human Rights Council be set up in place of the U.N. Trusteeship Council, which finished its role with the Independence of Palau Islands in the Pacific region.⁽⁶⁾

There is also a proposal to achieve peaceful settlement of disputes through the judgment of the International Court of Justice at the Hague by providing the U.N. court with mandatory jurisdiction over international disputes.

For the U.N. to change into an organization that can assist underprivileged people around the world in cooperation with its member countries and non-governmental organizations (NGOs), Chapter 71 of the U.N. Charter should be revised so that individuals can personally contribute to U.N. activities through NGOs. Currently, only the U.N. Economic and Social Council can play such a role.⁽⁸⁾

II. A New Framework of the Security Council of the United Nations

The global security must be broadened from its traditional focus on the security state, to include the security of people and economic factors rather than the military sense.

In the past, states effort to increase their own security by expanding their military capabilities and forming alliances with other military powers, invariably threatened the security of other states. The struggle for national security was a perpetual zero-sum game in which some states won and others lost. To continue on this path is to go to disaster for the world.

In the 21st century, war between states is even less likely to produce winners. The world has become too small and too crowded. It led people to intermingle and become interdependent. Weapons are becoming too lethal. Ballistic missiles, long range aircraft and weapons of mass destruction have made the security offered by national boundaries even more elusive. Efforts by great powers to preserve their military dominance will stimulate emerging powers to acquire more

6) The U.N. Official document. No ST/ADM/SER. B/478 dated 13 September 1995, at 5

7) Malcom N. Shaw *supra* note 1, at 756

8) Article 71 of the U.N. Charter provides that "The Economic and Social Council may make suitable arrangements for consultations with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations after consultation with the Member of the United Nations concerned"

military strength at the same time, emerging power's attempt to redress the military imbalance can only prompt traditional powers to reinforce their capabilities. The result of such a vicious circle will be rising political tension, wasted resources, or worse, war by accident or inadvertence.

Since the 17th century, international security has been defined almost entirely in terms of national survival needs. Security has meant the protection of state, its boundaries, people, institutions and values from external attack. This concept is deeply embedded in international tradition. It is the reason the U.N. and other international institutions emphasized the inviolability of territorial boundaries and the prohibition of external interference in international affairs of sovereign state. While these now may have reduced the frequency of interstate aggression, they have also had other less benign consequences. The concept of state sovereignty in security matters has often provide the rationale for creating powerful national military systems, justifies budgetary policies that emphasizes defense over domestic welfare and encourages measures that severely restrict rights and freedoms

Protection against external aggression remains of course an essential objective for national government and therefore the international community. But that is only one of the Challenges that must be met to ensure global security. Despite the global safety of most of the world's states, people in many areas now feel more insecure than ever. The source of this, is really the threat of attack from the outside. Other equally important security challenges arise from threat to the earth life support system, such as extreme economy deprivation, the proliferation of conventional small arms, the rising of civilian population by domestic factions and growth of violation of human rights. These factors challenge the security of people far more than the threat of external aggression. As principles of security for a new era the world needs to translate these concepts of security into principles of the post Cold War era, that can be embedded in international agreement.⁽⁹⁾

The U.N. advisory board, as set forth in report of "Global Governance Commission" is considering that the following be used as norms for security policies in the new era. First, all people no less than all states have a right to secure existence and all states have an obligation to protect those right. Second, the primary goals of global security policies should be to prevent conflict and war and to maintain the integrity of the global life support system by eliminating the economic, social environmental, political and military conditions that generate threat to the security of people and by anticipating and managing crisis before they escalate into armed conflict. Third, military force is not a legitimate political instrument except in self defense or in

9) K.P. Saksena, Reporting the United Nations-The Challenge of Reverence 1993, at 756

U.N. auspices. Fourth, the development of military capabilities beyond that required for national defense and support of actions is a potential threat to security of people. Fifth, weapons of mass destruction are no legitimate instruments of national defense. Six, the production and trade in arms should be controlled by the international community.

Embracing these norms would go long way toward responding to the most pressing security challenge of the 21st century. They will help to preserve and extend the progress made in securing states against the threat of war while finding ways to safeguard people against domestic threat of brutalization, growth deprivation and ensuring the integrity and visibility of the life support system on which all life depends.⁽¹⁰⁾

Stating the reform of the Security Council of the U.N. the necessity of reform of the Security Council has to be emphasized because the Security Council is the most important institution of the U.N. system. A new idea of the Security Council is that it should reflect the new role of the U.N. in changing world. In any future of the U.N. system, established in San Francisco 54 years ago, should now be regarded as provisional. It is the position of the Security Council of its five permanent members. But the great powers that had won World War II did not intend these arrangements to be temporary. This is the problem. As leaders in the fight against fascism and aggression their position was understandable. It led to the conviction at they themselves should have special powers in the world of the future. Notwithstanding former acceptance of the principles of universality and the equality of member states. These privileges, as enshrined in the U.N. Charter were to dominate the system of internationalisms developed and ordained by the great powers. The Security Council was the key institutional arm of the U.N. system specifically charged with ensuring peace and security in the world. It was the only organ of the U.N. with power to take decisions that bound all member states and to authorize enforcement actions under the corrective security provisions of Chapter 7 of the U.N. Charter.⁽¹¹⁾

In San Francisco, 54 years ago, it was decided that China, France, the United Kingdom, the United States, and the Soviet Union, should be permanent members of the Security Council and that each should have a veto over Council decisions. The Council would be a small body originally with only 11 members. The permanent 5, plus rotating members who would each serve for only 2 years. Now the Security Council has been expanding a little bit. The 5 permanent members plus now 10 non-permanent countries, but with still only a 2 year rotating period. The element of the privilege permanent seats, and the power of veto were vigorously contested in San Francisco, both as a matter of principle and by countries whose people had also fought and

10) Peter Vale, *Engaging World Marginalized and Promoting Global Change: Challenges for the United Nations of Fifty*, 36 *Harv. Int'l L.J.* 292 (1995).

11) Richard N. Gardner and Joseph P. Lawrence, "Two Views on the Issue of Collective security, Chapter "Changing Patterns of Power" at 20-22. United States Institute of Peace Washington D.C. 1992

died in the war against facism. As the great powers prevailed, a few months earlier the leader of the U.N. had already made up their mind on this issue. The vision of a new world order formed by the principle of the Charter was combined with the narrow presumption that only victors could guarantee the realization of those principles.

As practical matters, it should also be recalled that neither the Soviet Union or the United States would have ratified the U.N. Charter without the veto provision. The veto acts as a sort of safety fuse in the U.N. system by making it impossible for the organization for a simple majority vote in the Security Council to go to war with one of the great powers under Chapter 7 of the U.N. Charter. Whether this is wisdom or weakness of the U.N. system, it is a matter of people's judgment.

The end of Cold War raised expectation of an era of global peace. Instead the world has been plagued by problem after problem, bloody regional conflicts, a dramatic in refugees, a shortage of capital and global recession. At the center of the storm is the U.N., searching for its role in the new world order. In Particular, the Security Council is in need of an overhaul to better reflect current global realities. At stake is the very status of sovereign nation state which comprises the international organizations. The concept of nation state as defined by current international law, exclusive exercise of sovereignty in a given territory is challenged by ethnic minorities and religious groups seeking independence.⁽¹²⁾ On the other hand there is a pull in the opposite direction. Some nation states are seeking to divide and consolidate sovereignty in the form of regional unification economically, or politicaly. The European Union is the best example, but the U.N. is ill prepared to handle such a change so far. Bosnia and Kosovo are illustration of the tragedy. This happens when nationalists seize power, political ethnic division and unleash racial conflict. But Europe's existing collective security regimes, particularly *NATO*, are still geared towards the Cold War and are therefore unable to cope with this new branch regional conflict.

There is a belief within the U.N. that in coming half a century or so the world structure will be broken down into 5 or 6 regional alliances, and that the U.N. will serve as a coordinator. This is the point that has to be emphasized. The Security Council must be reformed in line with a long term trend. The current decision making style that gives big powers to the 5 permanent Security Council members is badly out of touch. More realistic is a conflict resolution system that enables disputing parties to sit down at the negotiating table with the presence of regional powers.⁽¹³⁾

12) Matthew Horseman and Andrew Marshall, *After the Nation-State-Citizens. Tribalism and the New World Order* 67-68 (1995)

13) Jon E. Fink, "From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security" 19 *MD. J. Int'l L & Trade* 15, 16 (1995)

At present diplomats from around the world are trying to apply the lesson from the PKO, for example, in Cambodia and Somalia, to come up with a formula for Security Council reform. This suggests some hints. The success of the U.N. Transitional Authority in Cambodia, so called UNTAC, was attributed to a solid political framework for peace which was supported by concerned nations. Also important was the fact that the U.N. set clearly defined manageable targets. The U.N. drew up a blue print and the Cambodian people understood and approved this blue print. This is the most key element for the future PKO in the U.N. It was also notable that the superpowers namely the United States and Russia were not mainly involved in the negotiating process. On the other hand, the situation in Somalia had a quite different outcome. U.N. attempted using military might to enforce peace in the country.⁽¹⁴⁾ This drew the world organization into the conflict. The wide spread sentiment at the U.N. is that military intervention alone is not a solution to conflict.

III. A New Role of Japan in Global Changes

The administration of the United States, the President Bill Clinton, publicly has supported Japan's post for a permanent Security Council seat. There are three reasons for this. First, the US wants Japan to increase its financial contributions to the U.N. to a level equal to the country's power and prestige. Second, Washington wants Tokyo to support its effort to maximize US leadership under U.N. authority. Third, the US also wants to establish a new multilateral conflict resolution system under an enlarged Security Council, with the addition of Japan and Germany as new permanent members. Also important is that the U.S. is learning towards a strategy to get Japan, a nation which is to emerge sooner or later into a political power, involved deeply in a variety of multilateral organizations.⁽¹⁴⁾ The Clinton administration believes that Japan's active participation in such organizations, especially those involved in nation building in Asia, would benefit as their Asia Policy. The commonly heard statement that Japan is the US most important partner really means that the US wants to maintain its presence in Asia with Japan's cooperation. North-East Asia is the last global region where the Cold War structure remains intact. From the U.N. point of view, the international environment surrounding Japan is harsh indeed. There is still a large number of nuclear weapons in Russia and their disposal causes a major problem. There is also the dilemma of North Korea and its nuclear program. Despite the potential threat nearby Japan, Tokyo is not directly negotiating with Pyongyang so far.

14) UN official Document, "Supplement to an Agenda for Peace: of Position paper of the Secretary-General of the Occasion of the Fiftieth Anniversary of the United Nations "No. A/50/60. 5/1995/1 of 3 January 1995.

Unlike Europe, collective security system in Asia is underdeveloped, so close policy coordination between Tokyo and Washington is essential.⁽¹⁵⁾ If it wins a permanent Security Council seat, Japan must ensure that the U.N. decision-making body be ready to take up Asia's security problems whenever necessary. Japan's contribution to the U.N. regular budget is second in size only to that of the U.S. Understandably, that is a legitimate reason to aspire to a permanent Security Council seat. Japan should vigorously promote the concept of comprehensive security and help check the tendency of the Council toward military solution.⁽¹⁷⁾ Despite these new trends in the U.N., Japan seems to be trying only to adapt itself to existing structure of the world body in an effort to become a permanent member of the Security Council.

There is hardly a diplomat at the U.N. who opposes a permanent seat for Japan, partly because many expect Japan to help rescue the world body from its financial mess. In addition, Post Cold War Japan is widely seen as having clean hands, having stayed out of regional conflicts and having served the Council seven times as a non-permanent member. It also has experienced in international cooperation. If Japan does get a permanent seat, the government is obliged to clearly define its U.N. policy in order to win public support. National consensus must be achieved through active engaged public discussion so far.

IV. Japan's Foreign Policy for Peace and Stability in the Asia-Pacific Region

Japan's new policy for peace and stability in Asia Pacific region should be through its bid for permanent seat of the Security Council of the U.N. The Japanese Government's decision to seek a permanent seat of the U.N. Security Council has been met with favor in the United States and elsewhere. But that does not mean Japan will be able to immediately join the body. Although there has been no major disagreement with the basic outline of the plan to expand and reform the Council, the U.N. committee set up to discuss this issue could not decide which country, if any would, represent the developing world as permanent members. Therefore, the process of amending the U.N. Charter and passing the reform through the General Assembly will probably be help up until at the General Assembly of 1997. Otherwise, this presents a good chance for Japan to build a national consensus over the direction of its foreign policy and security arrangements. Once it becomes a permanent member, in doing so, Japan should use its economic

15) Speech of Anthony Lake, National Security Advisor to U.S. President, entitled "From Strategy of Containment to Strategy of Enlargement" at Johns Hopkins University on 21 September 1993.

16) James E. Aver, Toward a New Paradigm: America's Future in East Asia: "The Pacific Compact of Outreach and Stability," Report of Center for U.S.-Japan Studies and Cooperation Vanderbuilt University 1994, at 16-17

17) Michael Stopford, Locating to Balance: the United Nations and the New World Disorder, 34 Va. J. Int'l L. 685 (1994)

18) Philip Zelikow, Foreign Policy Engineering : From theory to Practice and Back Again, 18 International Security, No.4,

19) International Herald Tribune, March 8; 1995.

20) Douglas T. Stuart and William T. Tow, The United States and Asia-Pacific Security; International Institute for

might and expertise to carve out a significant role for itself on the new Council.⁽¹⁹⁾

Despite its status as economic superpower, much of the rest of the world regards Japan as diplomatically inadequate. This is largely due to the fact that the Japanese Government has yet to adapt complete foreign policy goals since the end of the Cold War. Japan's future diplomatic course will depend in large part on two things. These are the creation of a reformed U.N. that can deal with new international realities and the load shouldered after it assumes permanent membership on the Security Council. The idea of expanding the Security Council to include Japan, Germany and some major developing countries, such as Brazil, India, and Egypt is an attempt to break away from the current tendency to resolve through military interventions, and to replace it with more pluralistic peace keeping orientated approach, focusing on crisis management and preventive diplomacy.

As can be seen with eruption of recent international crises around the world, there is yet no adequate management system to take the place of one which existed under the old bipolar world dominated by the United States and the former Soviet Union. The U.N. Security Council urgently needs to become more pluralistic in order to cope with regional problems that are noted in ethnic conflict, religious differences or gaps in wealth.

The U.N. has already learnt several lessons from its past PKO, from Somalia or Cambodia. Now we have a new situation in Bosnia, Somalia and Bosnia cases demonstrated that peace keeping mission stand to end up in failure, if they do not include a process to build the nations after the violence is stopped for this reason, Japan should become a new type of Security Council member, focusing on preventive diplomacy, mediation of dispute and the establishment of mechanism by which economic benefits can be quickly provided. It is important to bring together the parties in conflict and actively put forth new ideas to foster the negotiation process and lasting peace.⁽²²⁾

Regarding the kind of foreign policy and security policy that Japan should follow permanent member of the Security Council, three questions need to be addressed. First, there is a question on where Japan and the United States shall maintain their mutual security structure, while at the same time as being equal partners on the Security Council, formulate a new strategic world policy specifically Asia Pacific region under the auspices of the U.N.⁽²³⁾ Second, the issue of whether Japan will be able to take on aggressive leading role on the Security Council in tackling

Strategic Studies, 20 June 1994, at 61

21) Johnathan D. Pollack, Source of Instability and Conflict in Northeast Asia; Arms control Today, November 1994, at 5.

22) Saadia Touval, Why the U.N. Fails Foreign Affairs Vol.73 No.73 No.5 September/October 1994, at 55-57

23) Jianwei Wang, Coping with China as a Rising Power, Council of Foreign Relations Asia Project Working Paper, July 1995 at 44-46

problem such as human rights, environmental and developmental matters. Third, there is the matter of whether Japan as one of the central players in the Asia Pacific region will be able to build a regional security framework through the U.N. In the Past Japan's foreign policy has often confused the Japanese public. The Japanese government had long maintained that the fundamental pillar of the nation's foreign policy was its relationship with the United States. But when the issue of PKO came up, the government suddenly exposed the idea that foreign policy should be U.N-centered. But a solid Japan-The United States relations and a U.N.-centered foreign policy can both be achieved through Japan's activities of a permanent member of the Security Council. This is also a good opportunity for Japan to link its U.N. global with the overall strategic interest of Asia Pacific region to develop strong foreign policy. Because it is the nucleus of a newly confident Asia Pacific region, which is now the center for world economic growth, hopes for Japan are very high. Therefore, it is natural that Japan is the region's central player should now take role as a new Asia's representative on the Security Council. This is a key element for the U.N. to become the "Third-generation" international organization in the 21st Century.