

## **The «Conventional Way» for the Reform of the United Nations: Lessons from the European Integration Process**

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The difficult transition towards a new, more human and sustainable world order can be read with the metaphor of the delivery, in our case of a very troubled childbirth. Who should be born, that is the outcome of the transition, is more than a mere wish, it is already a well recognisable map.

I mean that the world order we need does exist as a project whose identity we can actually reconstruct by using parts that are really existing. In other words, we have not to imagine the baby, we have to help him to live and to develop.

A further metaphor is that of the mosaic: we cannot make the mosaic without the *tesserae*, the *tesserae* are there but the mosaic will not appear unless somebody arranges the *tesserae*.

With this twofold metaphor I would emphasise that the key elements of a stable and sustainable world order do really exist – I refer to the moral and juridical paradigm of human rights internationally recognised, to the International Law rooted in the United Nations Charter, multilateral institutions, actors, historical circumstances –, but the coherent outcome has not yet appeared because the political actor which has the inherent capacity to arrange the *tesserae* lacks the courage to cope with that task, firstly by making visible the model of world order.

I urge on the necessity of making visible that project, of making people aware that we are not groping in the dark, that it is possible to resist the ideology of Realpolitik determinism, that in the second half of the 20th century we got some positive achievements (epiphanies of global good governance), that it is unreasonable to give up to.

I would add a third metaphor. In the 40s of the last century a generous and far-sighted sowing of «universals» took place: especially, the UN Charter, the Universal Declaration of Human Rights, the United Nations Organisation, the UN system of Specialised Agencies. Then we could say that the

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planet is like a house with a lot of useful household appliances and sophisticated facilities, that are not properly exploited.

In the mid of last century a human-centric revolution started and it has already changed the DNA of the world system: today, nobody would say, at least as a matter of principle, that the principle of the respect of human dignity should subordinate to state's sovereignty. Apartheid and colonialism are perceived as taboos, security and development are more and more perceived as people security and people development, unilateralism, although emphasised by the superpower leadership, is considered unnatural and costly in both moral and economic terms. Before a situation that is providing not only conflicts and confusion but also a lot of opportunities, we can actually wonder whether the European Union is the very political actor that is capable of collecting and arranging the *tesserae* of the mosaic, of giving rise to the birth of the baby, of making household appliances working.

The big task is to recapitulate the seeds and the fruits of the fertile sowing of universal values into a coherent strategy of world peace building, that is to develop and improve that common heritage.

To take over that flag, two kinds of power resources are needed for the candidate actor: moral consistency and appeal, and governance capacities. I mean that the actor is primarily asked to lead by example. Is this the case for the European Union? I shall try to provide a hopefully comprehensive response by articulating it in several «lessons» drawn by the empirical evidence of more than 50 years of functioning of the European integration system. I envisage those lessons as being significant for the whole International Community. I emphasise positive aspects, bearing in mind the huge assumption that the EU should be more consistent and coherent both *ad intra* and *ad extra* of its own system.

## **First Lesson**

The European integration process is a convincing example of how it is possible to construct lasting peace among those states and peoples and religious entities that for many centuries were fighting each other. The main independent variable of the over-

all process was the firm will of a group of far-sighted political leaders who in the mid of last century shared the same basket of moral values and the same operational approach.

## **Second Lesson**

The European system is a living laboratory of reciprocal learning among different political systems and cultures. This is a real yard of intercultural dialogue in a very complex historical context.

## **Third Lesson**

The European system is a laboratory of multi- and supra-national governance based on the principle of subsidiarity, both territorial and functional. We could say that the system is proving to be successful in carrying out the two-fold task of «agenda development» and «institution building», in order to meet in a suitable way the governance needs stemming from the crisis of both the state «capacities» and the state «form» (structural crisis of traditional statehood) and of the democratic practice. The crisis is the result of the political impact of globalisation that deprives states of the *power* to decide in many fields and of the *space* in which meaningful democracy can actually go on. The European Union is the extra-national system in which new and more sophisticated forms of governance – better, of sustainable statehood – are actually pursued.

## **Fourth Lesson**

The European system is pioneering the experience of international democracy, I mean of genuine transnational democracy as:

- 1) legitimatisation of supranational political institutions through direct election of a parliamentary body;
- 2) participation of civil society organisations and groups in the decision-making process at the supranational level. In this case we see significant results of the curriculum development.

At the beginning of the European Communities there were neither elections nor physiologic civil society participation. Gradually the European system moved from a «Parliamentary Assembly» to a real «Parliament», and from a lobbying practice limited to powerful economic interest groups to the enlargement of access channels for civil society organisations, including local government entities. In particular as regards participation we have two institutional outcomes: the creation of the Committee of Regions and Local Powers and the starting of the so-called «civil dialogue», that will complement the already established «social dialogue».

### **Fifth Lesson**

The European Union is metabolising the internationally recognised paradigm of human rights inside and outside its own system. EU member states fully comply, at least from a formal point of view, with the requirements of human rights, the rule of law and democratic principles. But this was considered non sufficient for the holistic institutional architecture of the EU, in which so many heavy decisions are daily taken. Now we got the EU Charter of Fundamental Rights, that successfully advocates for its inclusion in the «Constitutional Treaty» and then for the full «constitutionalisation» of the overall system. Furthermore, the EU is visibly championing the effectiveness of the International Law rooted in the UN Charter, and especially the International Law of Human Rights and the «international rule of law» as emphasised by the UN Secretary General. The EU has established the practice of the «human rights clause» in the treaties with third countries, and it was campaigning – orally and with huge financial support – for the establishment and the entering into function of the International Criminal Court. These are good indicators of the human rights advocacy.

### **Sixth Lesson**

The European Union is gradually enlarging both concept and practice of citizenship. The Maastricht Treaty established the «EU citizenship» as a basket of rights that are additional to

those of the only citizens of EU member states: it is an enlarged citizenship, of course, but always *ad excludendum*. The «Charter of EU Fundamental Rights», proclaimed in Nice in December 2000, regards individuals as «human beings» (*personnes humaines*), not as «registry citizens» of a given state. For sure this new outcome – citizenship *ad includendum* – is challenging the discriminatory approach of the original «EU citizenship». Also from this point of view, the European integration process shows to be a laboratory of structural change according with universal ethics requirements, finally an example for the entire world.

### **Seventh Lesson**

The «conventional way» in the institution-building process is strictly linked with the comprehensive democratic lesson stemming from the EU. So far, we had two experiences of «European Convention», the first on human rights (the EU Charter is the product), the second on the EU future. The lesson says that for some important goals to be achieved, the supranational (summit) decision-making needs to be complemented by an enlarged input, including the most significant actors of the subsidiarity game. The intrinsic value of the «Convention» resides in the magnitude and variety of membership, that allows to gather and build up, through participation of a large typology of actors, both ideas and legitimacy.

### **Strengthening and Democratising the United Nations**

For sure we could find out further lessons, but all those above mentioned are enough to make the European integration process an impressive example for all and the European Union a credible actor in world politics. But the actor has not yet the capability to use those lessons as resources of power, very legitimate resources indeed: the lack of a EU «single voice» in world politics, despite the fact that it has a home single currency, well indicates a persistent, exasperating deficiency. And the lessons could be a boomerang for the EU in the sense that it has to meet external expectations of political effectiveness as well

as internal expectations for more coherence and consistency.

In the world system, the European Union is urged to cope with the magnitude of its achievements, it bears a moral duty to act as it is, a power marked by successful human rights mainstreaming, successful peace-building and democratisation.

In this moment, priority should be given to the arrangement of the *tesserae* of the world order mosaic being aware that behind economic de-regulation there is a strategy of institutional de-regulation, that means undermining the system of organised multilateralism, of supranational criminal justice, of collective security, of non profit transnationalism. Furthermore bearing in mind that the destiny of the (new) International Law based on human rights is strictly linked with the destiny of the United Nations, of multilateralism and of the entire system of international organisation. If we give up to the latter we shall have neither suitable machinery to implement human rights and pursue collective security goals, nor suitable place for extending the practice of democracy.

Then which task for the EU with regard in particular to the UN future?

As a priority, the European Union should make, and comply with, what I would call the «preferential choice of the United Nations». Then on the EU international agenda, the first item should read «Strengthening and democratising the United Nations», in order to make clear that the democratisation of the UN would enhance its capacities.

UN democratisation should be conceived as a process that urgently:

- will provide more representativeness to the Security Council, hopefully reorganising its membership on regional basis;
- will establish a UN Parliamentary Assembly, as a second UN General Assembly, and a permanent Global Civil Society Forum;
- will enhance the role of both non governmental organisations and local government institutions;
- will reinforce the Ecosoc functions in pursuing social justice goals including the empowerment of the UN human rights machinery;
- will establish a permanent UN police force (both civil and military);
- will enlarge the mandate of the International Criminal Court

and further empower it by human and material resources.

Assuming that these are priority items on the operational agenda of the European Union, how to make it credible and actually working, by which means and methods?

Bearing in mind the useless work done by several UN internal «working groups» on the UN reform in the last decade, I dare to suggest (only) one major initiative aimed at providing healthy, plural inputs and a really constituent dynamism to the overall reform undertaking: the UE should propose to address the UN development with the scheme of the «Convention» («We, the Peoples [...]»), then by establishing a «Universal Convention for strengthening and democratising the United Nations».

This *ad hoc* «body» would not be a mere «working group», but a real *constituent entity*, with the mandate of drafting a coherent set of formal proposals. By this way it should be possible to overcome what until now has proved to be the real obstacle to the reforming process, that is a strict, exclusive, self-sufficient, finally sterile inter-governmental approach.

It should be appointed by the UN General Assembly (veto power would be avoided and the UN Charter not affected).

Membership would read as follows:

- UNO member states, by regional groupings;
- representatives of the UN system institutions;
- representatives of «regional» organisations;
- representatives of national parliaments (through the Inter-parliamentary Union?);
- representatives of local government institutions (Iula+United Cities?);
- representatives of the NGOs network;
- permanent observers (Holy See...).

An *ad hoc* web-site should be open to inputs from civil society and academic *milieux*.

The UN Universal Convention should convey its formal output to the General Assembly.