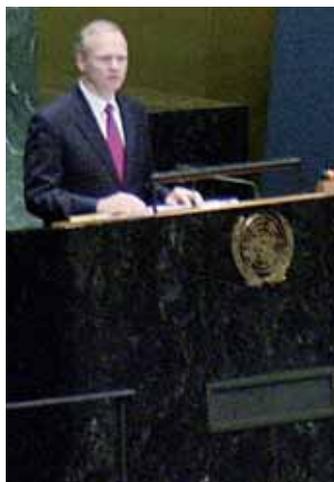




United



Nations

in a Divided World

On June 6th 1945, 50 world leaders gathered in San Francisco to sign what remains a remarkable document. Born of months of painstaking negotiations, even as the Second World War still raged, the charter of the United Nations called upon countries “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”

The United Nations as an institution, which superimposes a rule of law on the relative anarchy of international relations, is now more than 50 years old. It was once said that the UN was created not to bring us into heaven but to save us from hell. This hormonal epoch of the UN’s life stimulates a plethora of implications inherent to the change process; the fundamental one inherent to “the change” being reform or die? In recent times the UN has been subjected to harsh criticism and fierce bludgeoning from many sources. In 1945 it sought a new world order; guided by the principle that armed force shall not be used, save in the common interest or in self-defence. Harry Truman, US president, believed something profound had taken place. “What a great day this can be in history!” he told an audience of 3,500 people. But he added some prescient words; “No one claims that this is now a final or perfect instrument. It has not been poured into a fixed model. Changing world conditions will need readjustment of peace and not of war.”

Time echoes sense

There is much on the positive side. UN membership has expanded nearly four-fold. It is now truly universal – with the number of member states exceeding the League of Nations - the first such organisation of states in history. It has become the centre of a family of other more specialised organisations which promote international co-operation and it has set norms for many areas of international behaviour. For over half a century it also provided the framework for decolonising up to 100 states, but the sands of time have witnessed much change on the geopolitical stage. The Cold War split, in conjunction with the veto power of each of the permanent members, meant that for half a century the core organ of the collective security system, the Security



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Council, never functioned as originally intended as an effective world authority.

Prior to engaging in any form of analysis with respect to a possible UN renaissance, we must bear in mind that the UN was “made in 1945.” We live in a world of mutation and, in this respect, a new world organisation has to be built on the foundations – not the ashes – of the former, keeping the name but changing many of its operational procedures and its guiding concepts.

When the Cold War ended it seemed the Council would at last begin to play that role. At the beginning of the 1990’s the UN had achieved a higher profile and prestige than it had enjoyed for decades, but with it came equally higher expectations. The end of the Cold War, coupled with the perceived effectiveness of the UN’s participation during the first Gulf War, led to high hopes for the organisation’s role in promoting international peace and security, manifested in a rapid increase in the number of peacekeeping operations¹⁾. But it soon became evident that in the euphoria after the Cold War the UN had taken on more than important member-states were willing to properly support or pay for. There were no agreed rules for handling cases such as Somalia²⁾, Bosnia³⁾, Rwanda and Kosovo at the start of the 1990’s. In particular, the US realist



national interest post-Somalia (not to cross the Mogadishu line) whereby the US was determined that its troops wouldn't be involved in the Rwandan UNAMIR⁴⁾ mission. This may, arguably though unintentionally, have been a contributory factor to the subsequent genocide, as under its influence the Security Council minimised the UN involvement in UNAMIR. If 1992 was the golden era for the UN, the failure of the Rwandan UNAMIR mission was the nadir of the organisation. The kernel of the problem was that the UN system had acquired many new peacekeeping functions involving a wide range of uses for the international military peacekeeping forces under UN command, yet it lacked the necessary resources to successfully perform the new roles. Furthermore, a rigid and arguably incorrect interpretation of the mandates further constrained some UN missions through self imposed restraints.

It seems to have been forgotten that on a hierarchy of importance, the UN charter has always been the "higher authority," followed by international law ahead of specific mission mandates. The facts surrounding these campaigns will always generate great debate and while the organisation could have handled the situations better, these accusations of UN failure might more accurately be targeted elsewhere. The high

“Few believe that current international institutions the UN among them are sufficiently well equipped to meet the challenge”

Kofi Annan (above right) has argued for considerable modification of the UN model

profile of these missions rendered virtually unnoticed the excellent work done by the UN over this time in Namibia, Eritrea, Mozambique, Liberia and in other global troublespots. This is evidence that the UN has developed a critical PR deficit where, even in the failed operations, the consequences of those failures are arguably less than might otherwise have been the case without UN involvement.

The missions deemed as failures further exemplified the dilemma of the UN paradox and while more and more demands were being made on the body, the objectives of the founders and the constitution of the organisation, the UN Charter, may be seen to have acted as constraints. The perceived paradox of the various UN missions was that peacekeepers were faced with the impossible situation of how to provide safety for a population under threat when the terms of engagement preclude intervention. The large-scale peace-enforcement operations of the 1990's demonstrated the limitations of the UN's role and the need for an effective peacekeeping structure. This led to the Brahimi Report, which examined the structure of UN peacekeeping operations and how they should be streamlined and reformed to achieve greater effectiveness⁵⁾.

World Metamorphosis

Secretary General Kofi Annan remarked in Tokyo in 1997 that the original UN design is outdated and in the UN Handbook he asserted that the "global agenda has never been so varied, so pressing or complex." To further complicate matters, globalisation is challenging the world as it becomes more homogenous. Its impact is immense, transcending every possible realm, from economics to the environment to social changes and movement. While globalisation is not rendering the state obsolete, it does however jeopardise the state-centric assumption that states are the most important actors in world politics.

When the United Nations was first conceived, its founder's primary



concern was conflict between powerful states and their allies. Today, that concern remains, but the focus has shifted to a new problem: the proliferation of failed or rogue states which become breeding grounds for conflict, offer havens to non-state terrorists and encourage the spread of weapons of mass destruction. Few believe that current international institutions, the UN among them, are sufficiently well equipped to meet the challenge. Brent Snowcroft, former US national security advisor posits: “almost all our institutions are structured for a world that has departed.” But the recent war in Iraq has shattered the illusion of a new post cold war consensus and, in the process, highlighted the weaknesses of the UN. The Security Council fractured over the invasion; and an effort to involve the UN in Iraq’s reconstruction was sharply curtailed by a bomb attack on its Baghdad headquarters, killing the chief of the UN mission. Elsewhere, the UN’s inability or unwillingness to stop daily killings in Darfur in Sudan⁶⁾ – which the US has deemed a genocide – and the limited impacts of its efforts to tackle terrorist financing and illegal arms dealing has reinforced international scepticism about the body’s effectiveness.

The war in Iraq however highlighted two more fundamental criticisms of the concept of an organisation such as the UN. One is, according to Noel Dorr, former secretary general of the Department of Foreign Affairs, that the UN is ‘pacific’ but not pacifist. We know now that sanctions against a tyrant can hurt innocent victims. The second criticism is the character of many UN member states in that some which get their turn as members of the Security Council are not democracies and some show little regard for human rights. So, although the UN today reflects, very imperfectly, the ideals of a charter it does reflect the world as it is. It is true that the world has changed greatly since the UN was founded, perhaps more than in all its previous history; but it is also united and interconnected as never before through globalisation.

*Irish troops in Kosovo
on patrol with the
KFOR mission*

We the people?

So the UN patently needs further reform. A first step would be to stop speaking of it as an entity detached from its member states - it always has been the sum of all its parts. It is important therefore to realise that the UN is in essence two things. First, it is a “meeting room” where states come together and debate their problems. When they agree on how to tackle a problem, the world unites and takes ‘legitimate’ action. If they do not agree, there is little that can be done, other than invoking the principle of “Uniting for Peace” a concept adopted by the UN in the 1950’s whereby, in the event of the Security Council being unable to adjudicate adequately on a matter, the SC can refer it to the General Assembly who in turn can authorise a peacekeeping mission under the aegis of Chapter 6 of the Charter, a non-enforcement peacekeeping mission.

Secondly, the UN is a corps of international civil servants led by Mr. Annan and charged with implementing the tasks given by its member states or helping organise others to do so. In essence, a concert of nations - namely the UN - which ultimately has the legitimacy and pulling power to bring states together and foster effective action against the biggest global threats. So the UN faces two broad questions, how to best organise the “meeting room” and reform the bureaucracy so it can effectively fulfil the mandates established in the meeting room. The question of the meeting room leads to the fraught and vexed question of Security Council enlargement. It is widely felt that the UN’s main law-making body needs to represent the shape of today’s world if it is to get wider support.

A fundamental flaw in the UN system has always been that it attempts to institutionalise and fuse two distinct traditions. The Peace Project tradition, which asserted that rules would be impartially applied to all, thus bringing international relations into the realm of law rather than power, while the alternative Concert of Europe approach, which held that the most powerful states would consult and coordinate policy on issues of “common interest,” was weighted towards the interests of the great powers themselves. The present day UN system clearly represented a hybrid of both traditions. Many failures of the UN system can be explained by the influence of these

potentially conflicting doctrines. In effect the system only works properly when the traditions coincide, but even this does not guarantee a successful outcome.

The Fork in the Road

In September 2003, Kofi Annan realised his organisation was facing a moment of truth and he himself said that the organisation had come to a “fork in the road” no less decisive than in 1945. In essence, could the UN reassert its legitimacy and make itself effective enough to convince nations that it is actually capable of making the world a safer place? As a first step, Annan appointed a veteran 16-person panel of politicians and diplomats from across the globe⁷⁾. The panel was asked to assess the greatest challenges facing mankind, consider how collective action might address them, and advise on how the UN should be reformed to make this possible. The work of the panel was brought to the fore in the immediate backdrop of the US-led invasion of Iraq, but also transcended the specific issues posed by the Iraq war. Kofi Annan himself described 2004 as the organisation’s *annus horribilis*. The “oil-for-food” saga and evidence of gross misconduct by peacekeepers in the Congo all added to the picture of an organisation in turmoil.

From the beginning, it was inevitable that their report was expected to identify a host of global threats to security; not just ‘hard’ threats such as terrorism, proliferation of nuclear and biological weapons, but also ‘soft’ threats such as disease, poverty and climate change. Dovetailing with this a separate group of 250 development experts prepared and then reviewed the UN project to halve primary poverty by 2015 by achieving the millennium development goals (MDG’s). These linkages were both conceptual and political, and were symbiotically encompassed together in Annan’s comprehensive reform package entitled “In Larger Freedom; Towards Security, Development and Human Rights for All” which was launched in March 2004. The kernel of the project is a deal whereby the developing states accept the security, disarmament, anti-terrorist and human rights agenda and the developed states correspondingly commit themselves to the MDG’s. In essence a “grand bargain”.

In March 2004, Annan offered a raft of sensible proposals, calling for the



developed world to commit 0.7 per cent of gross national product to development, ease trade barriers and slash debt in exchange for a commitment by the developing world to implement good governance and get serious about ending support for terrorists and weapons proliferation. It was a high summit to reach and, not surprisingly, diplomats whittled away at draft after draft. Throughout the process much of the developed world was stuck in an apparent time warp of the 1960’s, arguing for the legitimacy of terrorism in liberation struggles, undermining the urgent need for UN management reform and pathetically unable to agree on how to expand the Security Council. The strongest opposition to reform came from a collection of retrograde states including Pakistan and Algeria, and increasingly Russia and China, which have opposed any perceived intrusion on state sovereignty. The US also blocked progress. It was fighting against its own ideological “hot buttons” such as the Kyoto Protocol to climate change and the International Criminal Court. The US also, though immensely powerful by any conventional measure of strength and influence, had come to feel, in Annan’s own words, “uniquely vulnerable” to ‘new’ or ‘emerging’ threats. The result of so many political tectonic plates crashing together was a convoluted draft, so what is left when the tide of publicity has receded?

Poisoned Chalice?

Kofi Annan himself declared, “Our biggest challenge, and our biggest failing, is on nuclear non-proliferation – this is inexcusable.” He vehemently argued that the failure to agree on disarmament and nuclear non-proliferation and to drop the subject altogether was a “real disgrace.” Without it he fears a cascade of proliferation arising from tensions between peaceful and military use of nuclear energy. The current crisis over Iran has focused this fear. A resolution was adopted forcing countries to ban terrorist acts and deny safe haven to anyone suspected of doing so, but the declaration failed to provide even a partial definition of terrorism as attacks against civilians – as originally hoped – following demands by some countries that such language be balanced by a recognition of legitimate national

Moves to radically overhaul peacekeeping operations have been stymied by opposition and stalling at all levels, but progress has been made.



struggle. A new human rights watchdog was agreed to replace the current Human Rights Commission, which has been widely criticised as an irrelevant body that is powerless to stamp out abuses because its members include some of the worst offenders and because it had no mandate to punish violators. The new Human Rights Council whose 47 members were chosen on May 10th 2006 by a ballot of the UN General Assembly replaces the discredited Human Rights Commission. One of the biggest differences between the former Commission and the new Council is that members of the Council will themselves have to submit to a review of their record in human rights. However the US notably refused to take part in the Council elections because it said that it was still too easy for states with a history of abuse to get elected. Annan also described as a “good start,” a deal reforming the way in which the UN ran itself and dealt with economic development, human rights abuses and terrorism. “For the first time you will accept unambiguously, that you have a collective responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. It is in this area in particular in coming years that historians may reflect upon what was achieved at the Summit, which in effect promises part of a new doctrine, called the responsibility to protect (R2P)⁹.

This reflects a profound, indeed paradigm shift, in international law whereby a growing sense of global responsibility for atrocities is increasingly encroaching upon the formerly sanctified concept of state sovereignty. While possibly never more than a convenient fiction, sovereignty has been the bedrock of international relations for 350 years and the guiding framework around which the United Nations is organised. It remains deeply important to most UN members as a touchstone issue. That meant that any efforts to interfere in domestic affairs have traditionally been given short shrift and continue to face strong opposition from countries such as China and Russia. But it was the massacres in Rwanda and Bosnia and most recently the killings in the Darfur region of Sudan that have created a growing tidal wave that sovereignty should no longer remain inviolable when the worst abuses take place; this argument now stands even

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UN challenges range from ‘hard’ threats to ‘soft’ peacebuilding and CIMIC activities.

if no formal obligation to intervene has as yet been agreed. Aid groups, such as Oxfam and Amnesty International, contend that the UN declaration in this regard is only the latest manifestation of an emerging principle of “the right to protect” and is the most important tangible result of the summit⁹. But in reality it reaffirms the principle of the responsibility to protect that was always enshrined in the Charter and now requires a reconceptualisation of this principle into a modern coherent effective doctrine for the 21st century.

In Larger Freedom

In assessing this outcome, the key issue is whether the original conceptual and political linkages between security and development, which were envisaged and conceptualised In Larger Freedom have been broken. It is a question of whether the glass is seen as half full or half empty; one diplomat remarked that the outcome was “not as good as it might have been, but better than it could have been.” Arguably this will always be the UN’s epitaph. Given the intense haggling about other major reforms, such as the Peace-building Commission to assist countries emerging from conflict and the new Human Rights Council, the failure to agree precise means looks more typical of how the UN works in practice. The central objective of this ambitious exercise was to create a systematic and sustainable linkage between the international development

agenda and international security. Politically, that key relationship has been established even if the links are weak. This balance of attitudes and interests must now be grown into a new and more effective multilateralism. While these linkages between security and development can survive, ensuring they do so in future depends on political action by citizens as well as diplomatic action by states.

For the UN, flawed as it may be, there is no other comparable source of international legitimacy. It is no accident that American led coalitions in both Afghanistan and Iraq operate under UN mandates. It is a mistake to concentrate attention on its manifest weaknesses and its record of comparative failure and frequent helplessness - its problems are not its inherent weaknesses but its member states continuing propensity for status preservation and aggrandisement. This was most noticeable in the ongoing crisis in Lebanon where the US and France clashed openly over the syntax and nuances of a proposed UN ceasefire before Resolution 701 was finally passed. During which time the IDF and Hezbollah engaged in bitter conflict with little or no regard shown by either side as to civilian casualties - a ceasefire remained elusive during this period, with bloodshed the only certainty. How this still simmering conflict will affect the greater Middle East geopolitically remains to be seen.

The UN faces three great challenges during the coming decades. The first is to prevent the fight against jihadi terrorism from becoming a clash of civilisations with Islam where a 'crusade' on one side calls forth a 'jihad' on the other. A very viable development in this regard would be the incorporation of a permanent Islamic member to the Security Council. There are 1.25 billion Muslims in the world and Islamic perspectives have not been equitably represented in key authority structures, which help account for the impression of an anti-Islamic bias in addressing controversial issues on the global agenda. The second is to promote the further spread of freedom and democracy. The third is to accommodate the peaceful rise of emerging great powers, notably China and India.

The state of the UN reflects deeper fault-lines within the international system and genuine conflicts of interest and value among member states. The defining theme of this essay has been to explore and inform on the complexity of the reform process within the UN. The UN destiny is more complex than reform or die. To properly appraise the organisation demands the long-term perception of what it might become. The UN survived its teething phase and turbulent teens. The thirty something period left it unscathed, so why should a mid-life crisis seal its fate. The UN has not yet neared the autumn let alone the winter of its life.

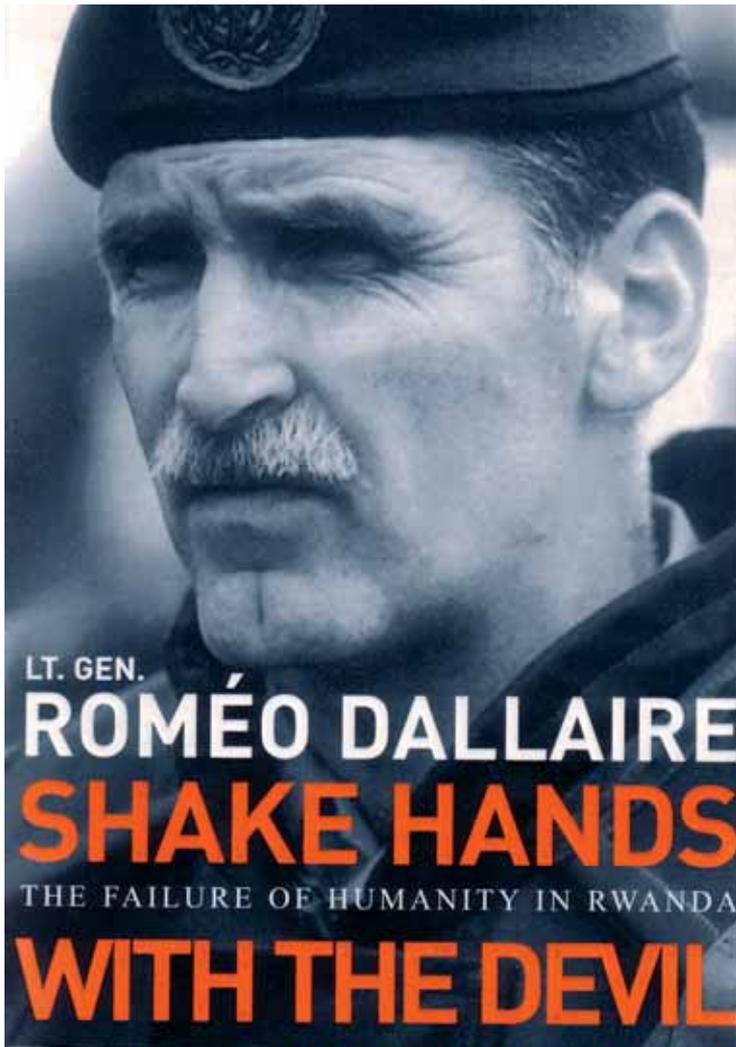


Footnotes:

¹⁾ In reality the operations in the Gulf were led primarily by the USA, with the UN actually playing a very minor role, while the SC was unsuccessful in undertaking a last minute peace initiative with Saddam Hussein. There were only three peacekeeping operations created between 1966 and 1988, but this increased to nineteen between 1988 and 1992.

²⁾ Following collapse into catastrophic clan warfare in 1991, the UN unsuccessfully applied for foreign intervention and it was media provoked public opinion in favour of intercession that led to intervention. Despite UN calls for the Unified Task Force (UNITAF) in Somalia to adopt an uncompromising position in dealing with armed gangs, the US adopted a position of high profile but minimum contact with the militias. The militias brazenly exerted their disdain

Below Lt Gen Romeo Dallaire's chilling account of the Rwandan genocide and the global inaction which contributed to it.



towards the peacekeepers. Immediately after the deaths of 18 US Rangers, portrayed in the book & subsequent film "Blackhawk Down", bowing to the same media informed public opinion the Clinton administration pulled out and in so doing ensuring the collapse of the UN effort in Somalia. The actions and inactions that dominated & determined the pace of events in Somalia were more critical of the US than the UN. This is a clear example of a situation where the combination of national & international responsibilities for the sup

³⁾ At Srebrenica in 1995, the 400 strong Dutch contingent watched helplessly as some five thousand Bosnian men & teenagers were massacred. Again the Dutch government through their MOD intervened, bypassing the UN chain of Command, their main concern that their contingent lost none of its equipment. Ryan in his book "The United Nations & International Politics," states that the UN peacekeepers were viewed by the Serbs as "toy soldiers" and were seen as no threat by the militia or ultimate impediment. UN troops on the ground were scathing of the "no fire first," rules of engagement. The Serbs were careful not to directly target UN troops. The undeterred attacks on "safe havens" not only rendered the policy a complete farce, but also led to fundamental questions of the mandate, which was simultaneously wrongly interpreted as being unable to deter Serb aggression and also denied the Muslims the arms to defend themselves.

⁴⁾ UN SC resolution 912 to send 5,500 troops failed at the hands of the US and a similar resolution 918 likewise withered on the vine, as members were not forthcoming with troops. The UN High Commissioner sought 147 observers but got only one – no transport, budget or staff. Belgium ordered its troops out, against the advise of its officers in Rwanda, after ten of its Paratroopers were butchered. The Canadian Force Commander, General Dallaire in his book "Shake Hands with the Devil," estimated (when the death toll was still in five figures) that he could curb it with the addition of 5,000 crack troops which, while optimistic, would arguably have made a significant difference. Both the US and UK refused to recognise that a genocide was taking place, as to do so under international law would have 'obliged' the international community to intervene. London and Washington adopted the official line that the killings were merely "tribal hatred," a "breakdown of the cease-fire," & even "black on black" violence best left to sort itself out. The Carlson Report, on the UN's own performance, is highly critical: "the UN failed the people of Rwanda." A French intervention later in the genocide, Operation Turquoise while an ostensibly humanitarian effort, was in fact designed to aid the evacuation of their Hutu protégées many of whom were inextricably linked to the killings.

⁵⁾ The Brahimi Report was commissioned by the UN Secretary General & carried out by a high level Panel. It constituted a thorough review of the UN peace & security activities, addressing a number of issues related to the need for more urgent policy development standards & support for realistic mandates, a capacity for information management & strategic analysis, improved mission guidance & leadership, rapid deployment standards & "on-call" expertise, & the enhancement of the capacity of headquarters to plan & support peace operations. The report contained recommendations to assist the UN in conducting such activities better in the future and was presented to the General Assembly & the Security Council in August 2000. However as emphasised in the report, without the

willingness of member states to commit troops & financial support, the performance of the UN in PKO's would not improve.

⁶⁾ The international torpor in dealing with the Darfur crisis is illustrated by the Chinese relationship with the Sudanese regime, which supplies an estimated 7% of its petroleum needs. In return China provides the Sudanese regime – who the US charges with genocide in Darfur - with billions of dollars in revenue, diplomatic support & a wide range of armaments. The diplomatic cover was in evidence in Sept 2004 when China threatened to cast a veto in the SC over a resolution calling for sanctions against Sudan for the killings taking place in Darfur. A more tepid resolution was passed instead. For more on the Darfur crisis see Comdt. Bernard Markey's article "In the World's Dark Places," published in the Summer 2005 issue of SIGNAL.

⁷⁾ This included Yevgenii Primakov, former Russian Prime Minister, Brent Snowcroft, former US national security advisor, & David Hannay, former UK ambassador to the UN.

⁸⁾ A Canadian concept, one clear outcome of the new R2P doctrine is that it significantly alters in the broadest sense the description of peacekeeping & peace support operations that has been used in the past by journalists, diplomats, academics & others. Arising from the new R2P doctrine, the Defence Forces (DF) needs to explore the extent, if any, to which it may need to modify its "strategic effect" capability & in this regard the level that the DF may be obliged to deliver in an R2P "combat for humanitarian context." The attendant change in military posture from "referee to player" will have significant implications for the DF participation in future peace support operations. Decisions taken by the commander in a PSO environment are now viewed as "effects based decisions" and how they will impinge on human rights and, inter alia, the protection of same. Ergo in any future DF deployment the concept of protection of human rights - R2P - must be included in the mission statement. In other words it is now an obligation as opposed to an ambition. I am indebted in particular for the views of Lt Col Joe Buckley (1 Southern Brigade) who has made a broad yet incisive study of this new paradigm in PSO & how they will impinge on Defence Forces doctrine/operations.

⁹⁾ Ed Cairns, a senior policy advisor with Oxfam, says R2P now provides a powerful new tool for lobbyists. "I can remember the terrible times...in April & May 1994 (The Rwanda genocide)...banging on doors & just getting hand-wringing, semantics about whether it was genocide or not, when everybody knew what was happening...that would be more difficult now, but at the end of the day, will right to protect make a real difference when it comes to saving lives? The honest truth is that none of us know - it'll be put to the test when the next crisis comes. It is at least possible that in 10 or 20 years we will look back on this week & think that while the summit as a whole was a damp squib, there was one thing that did come out of this. It's more likely than not over the years it will save many lives." Simon Chesterham, an international legal expert at New York University, says its adoption was remarkable. "What we're seeing is a progressive redefinition of sovereignty in a way that would have been outrageous 60 years ago."

“In any future DF deployment the concept of protection of human rights must be included in the mission statement”

