1 Introduction

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> The nations and peoples of the United Nations are fortunate in a way that those of the League of Nations were not. We have been given a second chance to create the world of our Charter that they were denied. With the cold war ended we have drawn back from the brink of a confrontation that threatened the world, and, too often, paralysed our organisation.[1]
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> Boutros Boutros-Ghali (1992)

> Historians may look back on the first years of the twenty-first century as a decisive moment in human history. The different societies that make up the human family are today inter-connected as never before. They face threats that no nation can hope to master by acting alone – and opportunities that can be much more hopefully exploited if all nations work together.[2]
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> Kofi A. Annan (2004)

The first edition of this book attempted to assess the chances that an international society would be able to respond positively to the second chance identified by Boutros Boutros-Ghali, the then United Nations (UN) secretary-general. It did so by examining three major international interventions of the early post-Cold War period in Cambodia, former Yugoslavia and Somalia. Well before the book went to press, it was already clear that the answer was not a foregone conclusion. Partly in reaction to failures on the ground and partly due to the escalating demands for UN intervention around the world, optimism gave way to pessimism as the prevailing mood surrounding UN peacekeeping. Evidence accumulated, particularly but not only in the United States, – the leading if notoriously reluctant paymaster of the UN – that

[1] Boutros Boutros-Ghali, *Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping. Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992* (New York: United Nations, 1992), para. 75.

[2] Kofi A. Annan, 'Foreword by the United Nations Secretary-General', *A More Secure World: Our Shared Responsibility. Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change* (New York, United Nations, 2004), p. vii.

the governments of the major powers were more interested in limiting than extending their international commitments. But, would they be able to?

A major rationale for our study rested on the conviction that the major powers would find it difficult to reverse the trend of internationally coordinated efforts at crisis management, even if they wished to do so. That trend had started during the closing stages of the Iran–Iraq war, when Mikhail Gorbachev's rise to power in the Soviet Union ended the paralysis of the Security Council. With the threat of the veto removed, a period of close cooperation among the five permanent members (P5) was inaugurated. The world is now so interdependent and Western governments so vulnerable to public opinion mobilised through the media, that there can be no guarantee that they will not repeatedly be drawn into international crises, even where their own instincts and the balance of professional advice are in favour of non-intervention. The five additional interventions – in Rwanda, Haiti, East Timor, Kosovo and Sierra Leone – that we analyse in this expanded second edition, suggest that this judgement was correct.

The sentiments underlying the two quotes from successive secretary-generals at the head of this Introduction are remarkably similar. Both men raise two perennial questions – what is to be the basis of international order and how is it to be upheld? In broad terms, their own answers – a revitalised world system of collective security, reformed to meet new challenges – are also comparable.

In other respects the contrast between the two statements could not be sharper. The main reason for the contrast is the sequence of dramatic events that separates the two documents. The terrorist attacks on the United States in September 2001 occasioned an unprecedented but sadly all too brief show of international solidarity. The divisions caused by the Iraq war unfortunately went deeper. Boutros Boutros-Ghali's *Agenda for Peace* was published when the reputation of the UN stood at an all time high. It was written at the request of the Security Council, whose members had endorsed the American president's call for a New World Order, in which global security would be underwritten by the UN and would provide protection not merely to states threatened by aggression but to the victims of large-scale human rights abuse, even where necessary from their own governments. Kofi Anan's statement is taken from his Foreword to a report – *A More Secure World: Our Shared Responsibility* – that he commissioned in an attempt to repair the damage inflicted on the organisation by the Iraq war.

It would perhaps be overly melodramatic to argue that by commissioning the report, the secretary-general was acknowledging that the UN was fighting for its life. But there can be little doubt that the current crisis of multilateral diplomacy is more severe than any that has preceded it. The report attempted to chart a reform programme that would both command the support of the United States, as the UN's main critic, and without whose support it could not function and more generally restore its credibility. Since the alternative to a reformed multilateral order – presumably some kind of world empire under which the will of the United States will be unrestrained – is both dangerous to the United States itself and deeply unattractive to the rest of the world, its resolution could hardly be more urgent.

That it will not be easy will be clear from the chapters of this book. As with the earlier edition, it is intended as a contribution to the debate about how the questions posed by the last two secretary-generals should be answered and for which Kofi Annan has specifically called. Our aim is to see what an examination of some of the major interventions that have been carried out by the UN since 1991 can tell us about the prospects for international cooperation, the preconditions for success, the causes of failure, and the constraints that must be overcome if the UN Charter is to act as a constitution for international society, rather than as a mere list of lofty but unattainable principles. The purpose of this Introduction is first to sketch the historical background out of which the 'new interventionism' emerged, and second to identify common issues that have been raised by the eight crises we examine, and the lessons that can be derived from the experience of the UN in its attempt to facilitate an appropriate international response to them.

The problem of intervention – or rather whether it can ever be justified, and if so, under what circumstances – lies at the heart of all debates about international order. Before turning to the immediate historical background of the eight case studies, it may be helpful therefore to outline the contending positions.[3] Apart from those un-reconstructed

[3] There have been a number of attempts to classify international thought according to the positions adopted by theorists and statesmen on such issues as sovereignty, the use of force, intervention and international cooperation. The most influential are Martin Wight, *International Theory: The Three Traditions*, Gabrielle Wight and Brian Porter (eds.) (Leicester: Leicester University Press, for the Royal Institute of International Affairs, 1992); Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977); and Michael Donelan, *Elements of International Theory* (Oxford: Oxford University Press, 1991). Wight and Bull offer a triad of positions – realist, rationalist and revolutionist – while Donelan identifies five – realist, rationalist, historicist, fideist and natural law. In this Introduction, I have reduced the positions to two – pluralist or solidarist – on the grounds that it was the compromise between these two positions, and the various

realists who deny the possibility of international society, there is a broad consensus that it exists, but as a society of sovereign states, not peoples. On this view, while states are primarily concerned with defending their own interests, they also combine to uphold the institutions of international society: international law, diplomacy and, more contentiously, the balance of power and the special responsibility of the great powers for international order. However, the consensus breaks down at this point. On one side stand the pluralists: those who maintain that sovereignty demands minimal rules of coexistence, above all that of non-interference in the domestic affairs of other states. Opposing them are the solidarists: those who hold that sovereignty is conditional and that the existence of an international society requires us to determine both the ends to which, in principle, all states, nations and peoples should be committed, and the means by which international order should be upheld.

Those who hold to the pluralist position – that is of an international society defined by the law of coexistence – do not deny that intervention occurs. On occasion, they may even consider it justified, for example, to maintain the balance of power or to counter an intervention by a hostile state. They also allow one exception to the ethic of self-help, namely to permit alliances to deter or resist aggression. But they would be unlikely to accept the notion of a disinterested collective intervention to uphold an abstract conception of international order. This is because they believe that coexistence between sovereign powers rules out the possibility of developing a genuine community of mankind. To quote a recent American formulation, pluralists might concede that intervention is justified where 'there is an international community of *interest* for dealing with [a] problem on a multilateral basis',[4] but they would reject any suggestion that it could be justified merely in defence of a common humanity, or by reference to an organic theory of society under which a surgical intervention might be deemed necessary to cut out a cancerous growth before it spread, more or less the position advocated by the current US doctrine of pre-emption.

It is probably fair to say that, left to themselves, the governments of the major powers would have continued to favour a pluralist interpretation of international society. But they have not been left alone. The experiences of the twentieth century, two world wars, the ideological confrontation between capitalism and communism, the relentless pressures of an expanding world market and, above all, the repeated

combinations of rationalist and realist assumptions on which they rest, that shaped the UN Charter, and hence frames the current debate on UN intervention.

[4] PDD 25, my italics.

experience of genocide from the Holocaust in the 1930s and 1940s, through Pol Pot's regime in Kampuchea during the 1970s, to the Rwandan tragedy of 1994–1995, have led them to flirt with various forms of internationalism and/or cosmopolitanism, without ever carrying through the fundamental restructuring that would be required to put them into practice. Thus, after both the First World War and the Second World War, it was the victorious great powers that were the primary architects of the League of Nations and the UN, organisations that faithfully reflected the confusion on the pluralist/solidarist divide that reigned in their own societies. The attack on the Twin Towers and the Pentagon in 2001 merely deepened the confusion. It brought to the fore a group of intellectuals within the Republican Party, the so-called neo-conservatives, who combine a Wilsonian enthusiasm for seeking peace through the export of democracy, if necessary by force, with a ruthless rejection of those solidarist projects such as the International Criminal Court (ICC) and the Kyoto Protocol on Global Warming that they deem to be hostile to US national interests.

The Charter of the UN represents an attempt to bridge the two conceptions of international society. Under Chapter VII, the Charter countenances collective action to deter manifest threats to international peace and security. This commitment is arguably consistent with pluralist beliefs, since it can be represented as a global extension of the right to form alliances, with the same objective. Indeed, from this point of view, collective security is in effect an alliance of the whole, under the responsible leadership of the UN Security Council. But the Charter also binds its signatories to respect certain fundamental human rights, including the right of all peoples to self-determination. These latter commitments rest on solidarist assumptions. They therefore beg the question: how should international society respond when peoples' allegedly fundamental rights are systematically abused not by other states but by their own governments?

Since the end of the Cold War, the UN has been struggling with this question. It is our contention that, while the new interventionism raises important conceptual, even philosophical questions about the basis and extent of international obligation, answers cannot usefully be constructed *a priori*. This is essentially because while international society rests on the law, and while its current interpretation often shapes policy – for example, allowing 'the right of all peoples to self-determination' to apply to East Timor but not to Chechnya or Tibet – international society is neither synonymous with international law nor is the law itself static. We shall only know whether a measure of 'progress' is possible in international affairs, therefore, by examining on the one hand the

experience of the UN in responding to individual crisis, and on the other the impact of this experience on member states themselves.

The impact of the Cold War and its aftermath

The Cold War silenced the debate between pluralists and solidarists. The use of the veto, primarily until 1966 by the Soviet Union and thereafter, by the West, also ensured that even pluralist conceptions of legitimate intervention were seldom put to the test. By the same token, the stand-off between the two superpowers ensured that there was little room for contesting the political vocabulary of international affairs. Thus, state sovereignty was the principle that not only took priority over all others – except of course when it stood in the way of state or alliance interests – but was also regarded as self-evident: either you had it or you did not. By entrenching sovereignty on either side of the ideological divide, other awkward questions were put safely out of reach. Eventually, virtually all states signed the Universal Declaration of Human Rights and the majority also ratified the two supporting conventions,[5] but it was governments alone which decided how they should implement their commitments. With the exception of South Africa, whose apartheid policy was singled out for international criticism from 1960 onwards, governments were not held to account for their human rights record. And even South Africa, which fell prey to an alliance between the ex-colonial states and the Soviet bloc, and which made the mistake of violating the professed values of the Western democracies, was nonetheless protected by the West from effective international sanctions.

Respect for sovereignty not only prevented humanitarian intervention but entailed respect for the territorial integrity of existing states. The merits of claims for national self-determination were never considered. Despite the right of all peoples to self-determination contained in the Charter, the exercisex of this right came to be identified only with European decolonisation. Subsequent secessions and/or irredentist enlargements were ruled out. This meant that the criteria for state creation and recognition, other than in the context of decolonisation, were never examined. The transfer of power generally followed a test of local opinion, but in many cases the independence election was the last to be held during the Cold War period. Authoritarian regimes replaced democratically elected ones, without it affecting in any way their membership of the international society. Article 2 (7) of the Charter

[5] The International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights.

did not discriminate in the protection it provided to regimes from interference in their domestic affairs.

Finally, the combination of paralysis in the Security Council, caused by the virtually automatic use of the veto by one or the other side, and the conventional, static and unreflective interpretation given to the principle of state sovereignty marginalised the UN in what had been intended as its central role – the provision of a credible system of international peace and security. It is, of course, by no means certain that the outcome would have been any different in the absence of the Cold War. Indeed, a counterfactual analysis reinforces some of the negative evidence reviewed in this book. On this view, it is the ungoverned nature of the state system and the deep attachment to the principle of state sovereignty, however chimerical it may prove to be, that explains the resistance of international society to improvement of a solidarist kind, rather than any particular configuration of power. However, what seems likely is that, without the Cold War, the issue would have been settled one way or the other long before now.

The Cold War left two other legacies which cast a long and ambiguous shadow over subsequent attempts at reform. The first was the introduction of a distinction between the humanitarian and the political, and security dimensions of the international society. Since there was little prospect of forcing states to honour their obligations with respect to human rights, non-governmental organisations became adept at working to relieve suffering, with the tacit consent of state authorities and without confronting, let alone challenging, their sovereignty. So did UN agencies such as the UNHCR and UNICEF. This practice, while hardly ideal, worked well enough so long as the states in question were propped up by one or the other side in the Cold War, or indeed by their own efforts. But the idea that there could be an international humanitarian order, somehow divorced from political or strategic considerations, was an illusion, as we shall see, became abundantly clear when the state collapsed in Yugoslavia and Somalia. The point was driven home when Rwanda was abandoned to its genocide in 1994 and when the Indonesian military was left in charge of security in the run up to the referendum in East Timor in 1999, thus triggering the humanitarian catastrophe with which the UN then had to deal.

The second legacy of the Cold War to international society was the theory and practice of peacekeeping. The Charter had envisioned international action to repel or deter aggression under Chapter VII and measures, falling short of enforcement, to facilitate the pacific settlement of disputes under Chapter VI. It has generally been assumed that

peacekeeping falls under Chapter VI, although it was an improvisation, largely developed by the second secretary-general, Dag Hammarskjöld, as a way of insulating areas of conflict from the Cold War. Peacekeeping operations depended on a mandate from the Security Council, and could therefore be mounted only where there was no objection from one or the other of the superpowers. These operations also depended on the consent of the conflicting parties and circumstances where a ceasefire had been agreed, and there was, therefore, a peace to keep.

Since the ceasefire agreements that the UN was called upon to police were generally precarious, success depended on the peacekeeping forces being trusted by both sides. This in turn required strict impartiality. The expertise developed by the UN during the Cold War stands as one of the organisation's major achievements. The legacy is ambiguous only to the extent that peacekeeping techniques were developed within the constraints imposed by the Cold War, thus making a virtue out of necessity. Once it was over, the organisation found itself drawn into conflicts with different characteristics and for different reasons. For a time it became fashionable to talk of peace enforcement by the UN in situations which, it was claimed, fell halfway between Chapter VI and Chapter VII. As we shall see, in entertaining the possibility of a Chapter Six-and-a-half solution, the UN ran serious risks of becoming part of the problem, rather than part of the solution. Much the same conclusion was reached by Boutros Boutros-Ghali himself in the Supplement to *Agenda for Peace*, which he published in 1995.[6]

The three UN interventions examined in the first edition of this book, and reprinted here, all bear the imprint of the Cold War and the structure it imposed on international relations. The Vietnamese invasion of Cambodia in 1978 was never accepted by the majority of UN member states, despite the fact that the government installed by Vietnam replaced the genocidal Khmer Rouge. Throughout the second phase of the Cold War, Vietnam was protected by the Soviet Union largely for power and for political reasons stemming from its rivalry with China and the United States. After 1985, when the Soviets progressively withdrew their support, possibilities for a political resolution of the conflict emerged. Even then, so strong was the regional interest in favour of sovereignty and against the recognition of regimes imposed from outside, that it was possible to involve the Vietnamese-imposed government only by creating a Supreme National Council, on which all

[6] *Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, A/50/60, S/1995/1, 3 January 1995, paras. 33–46.

Cambodian factions including the Khmer Rouge were represented. It was this council that was held to embody national sovereignty and which occupied the Cambodian seat at the UN.[7] Simultaneously, the UN Transitional Authority in Cambodia (UNTAC) was established with the unenviable, and ultimately impossible, task of creating a neutral political environment.

If the Cambodian intervention drew the UN into a complicated internal conflict concerning the legitimacy of the incumbent regime and its right to international recognition, its involvement in former Yugoslavia arose from the failure of international society to address two other issues: legitimate secession and the protection of minority rights. Although communist, Yugoslavia occupied a kind of ideological no-man's land during the Cold War. Indeed, after the rift with Stalin in 1948, Tito was able to exploit this status to extract tacit guarantees of the country's independence. After his death the structure he had created disintegrated; and since economically Yugoslavia had little to offer, the outside world lost interest in it.

The major powers appear to have given little thought to secession and the problems of recognition that it might pose. The working definition of self-determination as decolonisation had been tested several times during the Cold War, but only Bangladesh had fought itself successfully to independence, and then only after the decisive intervention of the Indian army. When the Yugoslav federation fell apart, the Western powers supported the restoration of democracy in the national republics, but paid little attention to the fears of minorities that would predictably arise. The Charter does not recognise minorities as having rights, vesting these entirely with the sovereign state on the one hand and the individual on the other. The collapse of communism led to an exaggerated optimism about the possibility of basing the international order on democratic foundations and about the utility of elections as a technique for conflict resolution. When, in multicultural societies such as Yugoslavia, they had the opposite effect, the UN was called upon to relieve the ensuing humanitarian catastrophe, without any clear understanding of what it could or should do.

Humanitarian disaster was the sole reason for the UN's third major post-Cold War intervention in Somalia. In this case there was no unresolved international problem deriving from the Cold War, since Somali irredentism had been finally abandoned after the country's defeat in the battle for the Ogaden in 1978. Nonetheless, the Cold War had largely shaped the crisis that led to eventual UN intervention in 1992.

[7] See chapter 2, pp. 33–5.

Somalia, a desperately poor country, had one saleable asset, namely its strategic coastline on the Red Sea. Under its dictatorial president, Siyad Barre, this asset was traded first to the Soviet Union and then to the United States, primarily in return for military hardware. This was in turn used to fuel inter-clan competition – the traditional pattern of politics in a society where the state was an exotic import – and to establish a dangerously unstable clan hegemony, unprecedented in Somali history.[8] The end of the Cold War left Siyad Barre without any international cards to play, and exposed him to attack by rival clan alliances, that had been put together to break his hegemonic control of the state. The aftermath of the battle left Somalia without a state of any kind, and so confronted the UN with an unfamiliar problem: how to deal with a country without a government.

In a variety of ways, the Cold War thus bequeathed to the UN the three major crises in which the capacity of its members to forge a new order would be tested. Even then, it is by no means certain that the Security Council would have mounted these operations – or at least those in former Yugoslavia and Somalia, where military intervention preceded rather than followed the implementation of a serious ceasefire – had it not been for the dramatic success of Operation Desert Storm in driving Iraq out of Kuwait in February 1991. With hindsight, it is clear that the Gulf War was atypical of the crises that the UN would be called upon to deal with in the post-Cold War world. It arose out of a straight-forward attack by one member of the UN on another. Iraq not only violated an internationally recognised political boundary, ostensibly in pursuit of an irredentist claim, but proceeded to annex Kuwait. As a result, it proved relatively easy to put together a wide-ranging alliance, including the majority of states in the immediate region, and, on the basis of unanimity among the P5, to repel the invasion. It was, more or less, the Charter working as originally intended.

The subsequent involvement in Iraq's internal affairs – to impose from the air safe havens for the Kurds in the north and Shiites in the south – was far more controversial[9] even though they were apparently accepted by Saddam Hussein in a series of memoranda of

[8] See chapter 4, pp. 102–7.

[9] This was because the legal rather than the moral basis on which these actions were taken was questionable. While some writers have seen it as the first move in the evolution of a new doctrine of humanitarian intervention, it was greeted with suspicion by several members of the Security Council who saw it as evidence of weakening Western resolve to uphold Article 2 (7). See Adam Roberts and Benedict Kingsbury, 'The UN's Role in International Society', in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Role in International Relations* (Oxford: Clarendon Press, 1988), pp. 35–6.