THE UNITED NATIONS,
PEACE AND SECURITY

Preventing humanitarian atrocities is becoming as important for the United Nations as dealing with interstate war. In this book, Ramesh Thakur examines the transformation in UN operations, analysing its changing role and structure. He asks why, when and how force may be used and argues that the growing gulf between legality and legitimacy is evidence of an eroded sense of international community. He considers the tension between the United States, with its capacity to use force and project power, and the UN, as the centre of the international law enforcement system. He asserts the central importance of the rule of law and of a rules-based order focused on the UN as the foundation of a civilised system of international relations. This book will be of interest to students of the UN and international organisations in politics, law and international relations departments, as well as policy-makers in the UN and other NGOs.

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To Sanjay and Simon: may they leave this world in better shape and condition than when they came into it, and may they strive to make it so.
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FOREWORD

No organisation in the world embodies as many dreams, yet delivers as many frustrations, as the United Nations. Nothing could be nobler or more moving than its stated goals, not only ‘to save succeeding generations from the scourge of war’, but to ‘reaffirm faith in fundamental human rights’ and ‘promote social progress and better standards of life in larger freedom’. But only sporadically and erratically has the UN been the central player in advancing and achieving these objectives. For most of its history the Security Council has been a prisoner of great power manoeuvring; the General Assembly a theatre for empty rhetoric; the Economic and Social Council a dysfunctional irrelevance; and the Secretariat, for all the dedication and brilliance of a host of individuals, alarmingly inefficient.

Of course there have been great achievements along the way. Even during the desolate Cold War years there was the management of decolonisation, which can be legitimately characterised as the largest scale redress of human rights in history; the invention of peacekeeping as a wholly new means of conflict management; the giant strides made by UN agencies in feeding the starving, sheltering the dispossessed and immunising against disease. Since the end of the Cold War, the new cooperative environment enabled major new advances in peacemaking (with more civil conflicts resolved by negotiation in the last fifteen years, for the most part under UN auspices, than in the previous two hundred), tougher-edged peacekeeping and post-conflict peacebuilding. And a far more concerted international effort has been made than ever before to set and implement new agendas on a whole range of social, economic and development issues, including women, children, the environment, indebtedness and catastrophic disease.

But the disappointments have also been immense: the failure to respond effectively to large-scale atrocity crimes in Rwanda, the Balkans and Sudan; the bypassing of the Security Council in the 2003 invasion of Iraq; the serious marginalisation of the UN and erosion of effectiveness of its major treaties in the area of arms control and disarmament; the complete politicisation and loss of credibility of the Human Rights
Commission; continued management lapses and conspicuous inefficiency in the performance of the UN Secretariat and many of its programmes and agencies; a failure to meet many of the social, economic and development targets identified in the global agenda-setting conferences; and a general sense that the whole UN security system is still too geared to the central preoccupation of its founders sixty years ago – states waging aggressive war against each other – and not responding adequately to the much wider range of human security threats and challenges likely to dominate attention in the twenty-first century.

Although it hurts the idealists among us to admit it, it may be that across the great spread of issues that now dominate the international agenda we are asking more of the UN than any global intergovernmental organisation can by its very nature deliver. The UN’s great strength as a forum – that it brings together effectively all the world’s sovereign governments to address the world’s problems – is its great weakness as a decision-making and implementing body. With 191 member states, there are just too many voices and interests that have to be accommodated. The UN is a critical instrument of global governance but is not and never can be a global government. As such, perhaps, for all the self-evaluation and summitry of its sixtieth anniversary year, improvements in the UN’s performance can only ever be incomplete and incremental.

But there is one area at least in which we cannot settle for incomplete and incremental change: that of the UN’s core security business. This is the focus and core message of this book. If we are ‘to save succeeding generations from the scourge of war’, the idealists have to hang in hard, somehow finding common cause with the realists and the cynics and pessimists, not just trying to get the system and delivery right, but demanding that we get them right, and never resting until we do.

Only in relation to its role ‘to maintain or restore international peace and security’, does the UN come close to having the kind of straightforward executive role that we associate with sovereign governments, complete with a body of manageably sized membership clearly empowered to make legally binding decisions. The formal authority vested in the Security Council in this respect, in effect to make peace or war, has no precedent in international relations. But there are some very big problems, and very big issues still to be resolved, in the way in which that authority is, and is not, exercised. It is the aim, and achievement, of Ramesh Thakur’s splendid book to systematically identify and analyse them.
While to over-distil its core messages does no justice to the kaleidoscopic character of this work, and the multitude of interrelated issues on which the author has interesting and often provocative things to say, the two biggest such problems he addresses are the gap between authority and power in the present international security system, and the still unresolved tension in that system between the claims of national sovereignty and the demands of human security.

While the UN Security Council has always had as much formal authority as it could reasonably want, it has no legions of its own, and is never likely to acquire them. Its exercise of real coercive power – that needed for it to be a decisive force in curbing and punishing misbehaving governments – depends on the cooperation of member states. Its power is only that which the five veto-wielding permanent members allow it to exercise, and even then only as great as the acquiescence and commitment of resources by member states makes possible. What is new in the contemporary equation is that the gap between the UN’s apparent authority and its actual power is greater than it has ever been, by virtue of the emergence of a single member state with more military power at its disposal than the rest combined (reinforced by a very substantial proportion of the world’s economic power and huge cultural influence as well), and a proven disposition to use that power outside the UN collective security system.

What the UN does retain is that critical ingredient that distinguishes authority from mere power, namely legitimacy. While authority without real power to back it up may be weak or diminished authority, power exercised without legitimacy is not authority at all. While that consideration may not have been much of a deterrent to the exercise of raw power in times past, things are different in the globalised, interdependent world we now inhabit, where we confront so many ‘problems without passports’, as Kofi Annan has called them – including terrorism, weapons proliferation, organised crime, environmental catastrophe and health pandemics. And all those problems need solutions without passports, incapable as they are of resolution other than by cooperative international action. And that consideration tends to operate as a brake on the behaviour of even the most enthusiastic would-be hegemon.

But if the UN is to be able to make full use of its comparative authority advantage, and the Security Council not bypassed or marginalised again on great issues of war and peace, its legitimacy has to be real and not merely formal, and be seen by the rest of the world to be so. That is why the issue of Security Council composition – making it
credibly representative of the world of the twenty-first century, not the middle of the last – cannot be indefinitely deferred. And that is why, when it comes to endorsing any form of coercion, and above all the use of military force, the Security Council’s decision-making must not be ad hoc and realpolitik-driven, but be based on transparent, principled criteria of legitimacy, of the kind outlined in the reports of both the International Commission on Intervention and State Sovereignty (ICISS) and the High-Level Panel on Threats, Challenges and Change, and embraced by the Secretary-General in his own In Larger Freedom recommendations. None of this may be a sufficient condition for the achievement of a rule-based international order, in which the scourge of war both between and within countries no longer brings untold sorrow to mankind, but it is unquestionably a necessary condition. Thakur here makes that case powerfully and well.

The book is equally strong in its analysis of the great tension, which remains very incompletely resolved in the international security system, between the claims of national sovereignty and the demands of human security. It is difficult to overstate the extent to which the Westphalian system of sovereign independent states dominated the thinking of the UN’s founders, permeated the structure and processes of the institution they created, and has impacted on the thinking of the legions of new states which have joined the UN, first during decolonisation and then with the end of the Cold War: sovereignty thus hard won, and proudly enjoyed, is sovereignty not easily relinquished or compromised. But it is also difficult to overstate the extent to which, in the modern globalised age, there is not only diminished competence in states to deal by themselves with the extraordinary problems and threats which affect them, but diminished tolerance for states being immune from scrutiny when they are unwilling or unable to deal with large-scale, conscience-shocking violations of individual and group human rights occurring within their borders.

The rapid evolution of the concept of ‘the responsibility to protect’ as a way of bridging the divide between these two views of the world is one of the most fascinating stories in recent intellectual history, and Thakur – very much a player himself in that story – tells it well. The idea, in a nutshell, is that sovereignty is as much about responsibility as the exercise of authority; that sovereign states have the primary responsibility to protect their own people from serious harm; that if they are unable or unwilling to exercise that responsibility it shifts to the wider international community; and that the international community’s responsibility in these circumstances, to be exercised with maximum
restraint but as forcefully as ultimately proves necessary, extends very much to prevention as well and, in the event of coercive intervention, to subsequent societal reconstruction. ‘The responsibility to protect’ is an idea of very much more than purely intellectual or academic relevance: many hundreds of thousands, perhaps millions, of lives may depend in future upon its acceptance. And it is an idea whose time has clearly come in many parts of the world – not least sub-Saharan Africa, which has suffered far more in recent times from international neglect than unwelcome engagement. But, as the author makes clear, it is one against which rearguard action can be expected to be fought, and for which forces are going to have to be rallied, for a long time yet.

There could be few persons better qualified in the world to write about all this than Ramesh Thakur. As an Indian who has researched and taught in Australia, New Zealand, Japan, Europe and the USA, and as a policy adviser to governments and international organisations, a distinguished scholar and highly articulate and visible media commentator, his personal and professional identity is, as he notes himself, ‘at the intersection of East and West, North and South, and of international relations scholarship and the international policy community’. He writes, moreover, with eloquence, conviction and passion, nowhere more intensely than when describing the inequities, injustices, imbalances and institutional inadequacies of the world as it is seen by its largely voiceless majority. His analysis is often dense and multilayered, but – written from the heart as well as the head – is never dry and bloodless.

Thakur – like so many of us trying to make the world a fairer, better and above all more secure place for all its peoples – both loves and despairs of the United Nations. While this book gives us plenty of grounds for continuing to do both, its basic message, and argument, is one of optimism: new norms are emerging, new ways of thinking and acting to protect human security and to properly channel the use of force. Painfully slow and frustrating as the process may be, we are learning lessons, and gradually making progress. This book shows how and why that is happening, while also making clear how far yet there is to go. For those not only trying to understand the past and present, but to shape the future, it is eminently worth reading.

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