

1

Human security and ethics in the spirit of Dag Hammarskjöld

An introduction

CARSTEN STAHN AND HENNING MELBER

1.1 Introduction

The international order is undergoing transformation. Conflicts arise increasingly from aspirations for greater 'social justice' and respect of fundamental rights and freedoms inside states and societies. The Arab uprisings mark a vibrant illustration of this struggle. They have posed challenges for the capacity of the United Nations (UN) and regional organisations to respond, support and engage with a civilian revolt against repressive governance undertaken ostensibly in pursuit of the ideals of the International Bill of Rights. Concepts such as 'human security' or the 'rule of law' have become an integral part of the vocabulary of international peace and security. But the UN system is only gradually adjusting to these types of violence and emerging global problems. Many international responses are driven by pragmatism and/or the need to respond on short notice to events or situations of crisis. This leaves little room to engage with the normative foundations of institutional transformation and international executive rule. The ideas and ideologies underlying

Carsten Stahn is Professor of International Criminal Law and Global Justice at Leiden University and Programme Director of the Grotius Centre for International Legal Studies.

Henning Melber is Senior Advisor and Director Emeritus of the Dag Hammarskjöld Foundation and Extraordinary Professor at the Department of Political Sciences/University of Pretoria and the Centre for Africa Studies, University of the Free State.

- ¹ See General Assembly, Follow-up to paragraph 143 on human security of the 2005 World Summit Outcome, UN Doc. A/66/L.55/rev. 1, 6 September 2012; Report of the Secretary-General, Human Security, UN Doc. A/64/701, 8 March 2010.
- ² See Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, UN Doc. A/67/L.1, 19 September 2012.

1



C. STAHN AND H. MELBER

the move towards internationalism and conflict management are rarely discussed. States are reluctant to engage openly with this dimension of institutional change. These factors are typically revealed through institutional practice, symbols, persons or values associated with these institutions. One of the traditional ideals seen in global institutions is their communitarian ethos, i.e. the commitment to interests transcending the nation-state, and their perceived autonomy and independence. This ideal is inherent in the UN Charter. This ethos is reflected in concepts, such as the notion of the 'the international community', the virtues of 'international civil service' or human rights ambitions (e.g. the fight against impunity).

Dag Hammarskjöld personified this vision like hardly any other UN Secretary-General. He defended a cosmopolitan vision of the UN and internationalism that placed the interests of Member States in the broader context of the service of the organisation.³ He viewed the UN as an organisation in the service of 'international society'.⁴ He considered it as an 'experimental operation' directed towards the development of 'higher forms of an international society'⁵ and attributed 'constitutional' features to the principles and purposes of the Charter.⁶ He conceived himself as an 'international' rather than a mere 'civil servant'⁷ and stood up for the idea of an autonomous and effective Secretariat. His ethics, principles and credo are deeply shaped by his commitment to virtues, such as integrity and impartiality, which he used in the cause of both 'peace' and 'justice'. He shared the conviction that the organisation represents more than the

- ³ In his seminal Introduction to the Annual Report of the Secretary-General on the Work of the Organization (15 June 1960–15 June 1961), he argued that 'the Charter takes a first step in the direction of an organized international community'. See GAOR, 16th Sess. Supp. No. 1 A (A/4800/Add.1), New York 1961, below as Annex 1.
- ⁴ See J. Troy, 'Dag Hammarskjöld: An International Civil Servant Uniting Mystics and Realistic Diplomatic Engagement' (2010) 21 *Diplomacy & Statecraft* 434, at 440.
- ⁵ See 'The Development of a Constitutional Framework for International Cooperation', Address at the University of Chicago, 1 May 1960, UN Press Release SG/910, 29 April 1960, www.un.org/Depts/dhl/dag/docs/chicagospeech.pdf, in A.W. Cordier and W. Foote (eds.), Public Papers of the Secretaries-General of the United Nations, Vol. IV: Dag Hammarskjold, 1958–1960 (1974), at 587.
- ⁶ Ibid., at 588. See on this idea, A. Ross, The Constitution of the United Nations Analysis of Structure and Function (1950).
- ⁷ See 'The International Civil Servant in Law and Fact', Lecture delivered to Congregation at Oxford University, 30 May 1961, at www.unic.ru/news_oon/Dag_Oxford_1961.pdf, in A.W. Cordier and W. Foote (eds.), *Public Papers of the Secretaries-General of the United Nations, Vol. V: Dag Hammarskjöld, 1960–1961* (1975), 471–489.



HUMAN SECURITY AND ETHICS

3

sum of its Members. Many of his Introductions to the Annual Reports of the Secretary-General to the General Assembly and his speeches are masterfully crafted reflections which capture and re-think fundamental principles of international organisation. They address inter alia the distinction between 'impartiality' and 'neutrality' (1954), 'mediation' and 'reconciliation' (1955), 'good offices' (1959), the contours of the Charter as a 'constitutional framework for world-wide cooperation' (1960) or 'international civil service' (1961). He traced the contours of a 'United Nations ideology', based on Christian and universal notions of 'faith', 'hope' and 'charity',8 which illustrate his ambition to embed executive action in a 'political philosophy of the UN'.9 He viewed the UN itself as a means to an end towards the greater good, rather than an end itself. This vision is clearly expressed in his public statement that '[t]he principles of the Charter are, by far, greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people'. 10 Since the start of his first term of office, he stressed the need for the UN to engage with the dilemmas of decolonisation and greater social justice inside nations.

Hammarskjöld shared at the same time a strong sense of realism. Cosmopolitan and ethical principles (e.g. integrity, universality) were no abstract constructs to him. He translated these principles into a code of ethics for public service. He was committed to giving practical relevance to concepts or notions such as 'international community', 'peaceful resolution of disputes' or 'justice', through reliance on Charter norms and principles, 'active' but 'quiet' diplomacy and the creation of facts or precedents. He is thus a representative of an applied political ethic, which is founded in his spirituality and 'sacred' perception of public service. His vision departed significantly from an intergovernmental or technocratic understanding of the UN. It conflicted more than once with the power configurations at the time. The conflict of interest with the major powers in the Congo crisis culminated in the Soviet Union's request for his

⁸ See 'The United Nations - Its Ideology and Activities', Address before the Indian Council of World Affairs, New Dehli, 3 February 1956, at www.un.org/Depts/dhl/dag/ docs/unideologiesactivities.pdf, in A.W. Cordier and W. Foote (eds.), Public Papers of the Secretaries-General of the United Nations, Vol. II: Dag Hammarskjold, 1953-1956 (1972), 659.

⁹ Troy, supra note 4, at 441.

¹⁰ See the statement of the Secretary-General, SCOR, 11th year, 751st Mtg, 31 October 1956, www.un.org/Depts/dhl/dag/docs/spv751ef.pdf, at 1.



4 C. STAHN AND H. MELBER

resignation in October 1960 which he refuted as a matter of principle in the interest of the organisation as a whole.¹¹

Hammarskjöld was instrumental in identifying or setting agendas for reform. But he was also acutely aware of the inherent limits of the UN and need for pragmatism in the exercise of international civil authority. This is reflected in an address to the University of California's convocation on 13 May 1954. Hammarskjöld, after a year in office, concluded, by paraphrasing Henry Cabot Lodge Jr.:

It has been said that the United Nations was not created in order to bring us to heaven, but in order to save us from hell. That sums up as well as anything I have heard both the essential role of the United Nations and the attitude of mind that we should bring to its support.¹²

Half a century after the end of his office, there is still a considerable degree of scepticism about the role and function of the UN.¹³ The UN is barely appreciated for its achievements, but often criticised for its failures. There is a striking discrepancy between norms and aspirations on the one hand, and social and political realities on the other. Some of the most ambitious ideas (e.g. the Millennium Development Goals), frameworks and institutional projects (e.g. Security Council reform) remain on the agenda, due to a lack of commitment by states or shortcomings in implementation. For some there seems little reason to celebrate. But would the world today be a better place in the absence of such frameworks, as selectively and arbitrarily as they have far too often been applied? Would we be better off without the UN?

Hammarskjöld would point to the value of the UN as a 'symbol of faith' and question whether it is 'less promising than experiments ...

- In 1960, Hammarskjöld declined to step down from office following a request from Khrushchev. He stated: 'I have no right to [resign] because I have a responsibility to all those Member States for which the Organization is of decisive importance a responsibility which overrides all other considerations. It is not the Soviet Union or indeed any other Big Powers which need the United Nations for their protection. It is all the others.' See GAOR, 15th Sess. 883rd Mtg, 3 October 1960, A/PV.883, p. 332, para. 11. Also in Cordier and Foote, Vol. V, supra note 7, at 200.
- D. Hammarskjöld, Address at University of California Convocation. Berkeley, California, 13 May 1954 (UN Press Release SG/382, 13 May 1954), in A.W. Cordier and W. Foote (eds.), Public Papers of the Secretaries-General of the United Nations, Vol. II: Dag Hammarskjöld 1953–1956 (1972), 301.
- For a critique in the area of use of force and security, see M. Glennon, The Fog of Law: Pragmatism, Security and International Law (2010), 21–23, 109–128 and 145–169.
- ¹⁴ See Address 3 February 1956, *supra* note 8, at 659.



HUMAN SECURITY AND ETHICS

5

pursued on other lines'. Some of the reflections that he offered in 1959 in his address on whether 'We need the United Nations' might still stand today:

We need it for the constructive additions it offers in international attempts to resolve conflicts of interests. And we need it as a foundation of and a framework for arduous and time-consuming attempts to find norms in which an extranational – or perhaps even supranational – influence may be brought to bear in the prevention of future conflicts. ¹⁶

Many goals remain unaccomplished.¹⁷ But some achievements of UN practice are addressed in the United Nations Intellectual History Project.¹⁸ At times, voices in the so-called global South are openly critical of UN governance or organisational policies since they are perceived as an instrument for the pursuit of 'hegemonic' interests. This critique may be compelling in some areas, such as the use of force. But it should not necessarily discredit the value of the UN as a whole. After all, the UN played a pioneering role among others not only in the decolonisation processes generally, 19 but also in declaring apartheid a 'crime against humanity' and imposing an arms embargo on the South African minority regime.²⁰ The organisation was decisive in bringing about the decolonisation of Namibia as a 'trust betrayed'. 21 It has played a similar role in mediating the end of conflicts elsewhere. In many instances, struggles for emancipation might have been even more burdensome or longer in the absence of the UN system. The same can be said of the many peacekeeping missions, which were established in their current form by none other than Hammarskjöld when dealing with the challenges of the so-called

- 15 See Address 1 May 1960, supra note 5, at 587.
- See Address, 'Do We Need the United Nations?', Address Before the Student's Association, Copenhagen, 2 May 1959, www.un.org/Depts/dhl/dag/docs/needun.pdf, in A.W. Cordier and W. Foote (eds.), Public Papers of the Secretaries-General of the United Nations, Vol. IV: Dag Hammarskjold, 1958–1960, at 374.
- ¹⁷ T.G. Weiss and R. Thakur, Global Governance and the UN: An Unfinished Journey (2010).
- ¹⁸ See the initial volume by L. Emmerij, R. Jolly and T. Weiss, *Ahead of the Curve? UN Ideas and Global Challenges* (2001) and the concluding volume by R. Jolly, L. Emmerij and T. Weiss, *UN Ideas That Changed the World* (2009). For more information, see www.unhistory.org/briefing.
- ¹⁹ See R. Burke, Decolonization and the Evolution of International Human Rights (2010).
- ²⁰ See for a summary on these specific interventions: United Nations Department of Public Information, *The United Nations and Apartheid*, 1948–1994 (1994); and United Nations Special Committee Against Apartheid, *Twenty-Five Years of Commitment to the Elimination of 'Apartheid' in South Africa* (1988).
- ²¹ United Nations, Office of Public Information, A Trust Betrayed, Namibia (1974).



6

C. STAHN AND H. MELBER

Suez crisis in 1956. The idea of peacekeeping has stood the test of time. Some of the challenges that Hammarskjöld encountered during the mission in the Congo in the 1960s have led to reforms of UN peace operations after the end of the Cold War.²²

More than half a century after Hammarskjöld's death during the UN mission in the Congo, the country has remained torn by violence bordering on chronic civil strife, at the cost of millions of lives and the ruin of the physical and mental health of so many more. As is so often the case, women and children have suffered most and have been the victims of a war that has not shied away from systematic rape and other forms of atrocities to the individual. UN Security Council Resolution 1325 of October 2000 paved the way for a new approach to dealing with gender issues,²³ while Security Council Resolution 1960 of December 2010 consolidated new standards and norms in the effort to protect both women and men from systematic sexual violence as a means of war-making.²⁴ The implementation of the latter might serve as a point of reference for the effectiveness and legal and moral weight of the UN. The situation in today's Democratic Republic of the Congo is only the tip of the iceberg. People are exposed to similar and other forms of destruction and violence in many parts of the world.25

Despite all setbacks and continuing mass violence, the UN entered a different phase of institutional development after Hammarskjöld. ²⁶ Some of his approaches and ideas came to fruition only after the end of the Cold War. The spectrum of international responses to conflict has significantly

- See United Nations, Review of the United Nations Peacebuilding Architecture, UN Doc. A/64/868-S/2010/393, 21 July 2010; Progress Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict, UN Doc. A/64/866-S/2010/386, 16 July 2010; Civilian Capacity in the Aftermath of Conflict, UN Doc. A/65/747-S/2011/85, 22 February 2011. It is sometimes argued that UN action has enjoyed a 'higher success rate than U.S.-led efforts'. See J. Dobbins, S.G Jones, K. Crane, A. Rathmell, B. Steele, R. Teltschik and A. Timilsina, The UN's Role in Nation-Building: From the Congo to Iraq (2005), at xxx, summary at www.rand.org/pubs/monographs/2005/RAND_MG304. sum.pdf.
- ²³ See SC Resolution 1325 of 31 October 2000.
- ²⁴ See SC Resolution 1960 of 16 December 2010. See also generally Human Security Report 2012, Sexual Violence, Education and War: Beyond the Mainstream Narrative (2012), at www.hsrgroup.org/human-security-reports/2012/text.aspx.
- ²⁵ See inter alia the contributions in H. Melber (ed.), *Dealing with Crimes against Humanity* (2011) 55 *Development Dialogue*.
- ²⁶ See, for example, the articles by L.L. Falkman, P. Wallensteen and T.G. Weiss in the special issue of *New Routes A Journal of Peace Research and Action*, Vol. 16 (2011), at www.lifepeace.org/resources/publications/new-routes/2011/. See also generally, S. Chesterman (ed.), *Secretary or General? The UN Secretary-General in World Politics* (2007).



HUMAN SECURITY AND ETHICS

shifted over time. The Human Security Report 2009/2010 has found that there is 'a decline in conflict numbers in the 1990s', including a '77 percent decline in the number of high-intensity civil conflicts since the end of the Cold War',²⁷ based on factors that 'reduce both the risks and the costs of international and civil wars'.²⁸ It relates the global decline in civil wars to a number of factors, including the demise of colonisation and the rise of democratic statehood, growing membership in international organisations, global economic interdependence, and peacemaking and peacebuilding policies. The report notes that conflict-reducing activities include:

- A fivefold increase in the number of international mediation efforts from the 1980s to the 1990s.
- A tenfold increase from 1991 to 2007 in the number of Friends of the Secretary-General, Contact Groups, and other political arrangements that support peacemaking and post-conflict peacebuilding initiatives.
- A threefold increase in UN and non-UN peace operations from 1988 to 2008 ...
- An increase in the number of countries contributing troops to peace operations from 51 in 1988 to some 200 in 2008.
- A thirteenfold increase in the number of multilateral sanctions regimes between 1991 and 2008.
- A ninefold increase in the number of ongoing disarmament, demobilization, and reintegration operations from 1989 to 2008.²⁹

It further links mitigation of conflict to structural factors and 'shifts in global norms', such as the impact of 'inclusive democracy' to the prevention of interstate and warfare, the contribution of 'national and international prosecutions of human rights crimes' to the 'decline in human rights abuses worldwide' and the 'substantial decline in governmental political discrimination against minority groups worldwide'. Many of these developments can be related to the vision and principles of an international organisation as set out by Hammarskjöld in his Introduction to the 1961 Report to the General Assembly. In the conflict of the structural factors and 'shifts in global norms', such as the impact of 'inclusive democracy' to the prevention of 'inclusive democracy' to the 'decline in human rights abuses worldwide' and the 'substantial decline in governmental political discrimination against minority groups worldwide'.

But this type of internationalism also creates ambiguities and discontents. There is growing debate about the scope of 'international agency' and its relationship to regional organisations and Member State

7

²⁷ Human Security Report 2009/2010, *The Causes of Peace and the Shrinking Costs of War* (2010), www.hsrgroup.org/human-security-reports/20092010/overview.aspx, at 7.

²⁸ *Ibid.*, at 13. ²⁹ *Ibid.*, at 6. ³⁰ *Ibid.*, at 6. ³¹ See *supra* note 3.



8

C. STAHN AND H. MELBER

responsibility. UN Security Council Resolutions 1970 and 1973 on Libya, and their reference to the concept of the Responsibility to Protect,³² marked a controversial test case for the exercise of 'shared responsibility' under the collective security system and the UN's interaction with other international actors (e.g. the International Criminal Court, NATO, the Arab League, the African Union). The international response highlighted risks inherent in the selectivity of mandates and the decentralisation of authority that have troubled UN collective security over the past decades. Yet, despite its deficiencies, the UN system remains as important as ever. Threats to human survival, the environment and all forms of life know no territorial borders or boundaries. One can only speculate what initiatives the late Hammarskjöld would have proposed to deal with the challenges of climate change, international terrorism and organised crime as well as many other phenomena unknown at the time of his terms of office. Being a person with a deep-rooted respect for nature, culture, religion and the arts, who sought dialogue instead of polarisation, he would have approached challenges based on his commitment to mutual cooperation in a 'common interest' and shared 'solidarity'. 33 As he put it in 1956:

Through various developments which are familiar to all, world solidarity has, so to say, been forced upon us ... In such a world, it is impossible to maintain the status of 'haves' and 'have nots', just as impossible as it has grown to be inside the national state.³⁴

It is evident that many of the challenges that Hammarskjöld and his staff faced have not been solved. Nor has the UN managed to avoid mistakes associated with its involvement in the former Belgian Congo which culminated in the murder of the Congo's first Prime Minister, Patrice

³² See the preamble of SC Resolution 1970 of 26 February 2011 ('Recalling the Libyan authorities' responsibility to protect its population') and SC Resolution 1973 of 17 March 2011 ('Reiterating the responsibility of the Libyan authorities to protect the Libyan population'). For an analysis, see C. Stahn, 'Libya, the ICC and Complementarity: A Test for "Shared Responsibility" (2012) 10 Journal of International Criminal Justice 325; A. Orford, 'From Promise to Practice? The Legal Significance of the Responsibility to Protect Concept' (2011) 3 Global Responsibility to Protect 400–424. Orford argues that 't[h]e significance of the concept lies not in its capacity to transform promise into practice, but rather in its capacity to do the reverse – that is, to transform practice into promise, or deeds into words'. Ibid., at 403.

³³ See Address 3 February 1956, *supra* note 8, at 659. In his world of ideas, he understood charity as a disinterested exercise, namely as 'something a brother does for a brother, not as a handing-out operation with the benevolence of the "haves" in relation to the "havenots".

³⁴ *Ibid.*, at 661.



HUMAN SECURITY AND ETHICS

Lumumba and the death of Dag Hammarskjöld. But the ideal of the UN as an 'instrument of action', committed to 'mediation, negotiation and reconciliation', remains.³⁵ In an address on 'Asia, Africa, and the West' delivered to the academic association of the University of Lund on 4 May 1959, Hammarskjöld expressed the normative foundation of the UN as follows: 'the Organization I represent ... is based on a philosophy of solidarity'.³⁶ Solidarity, empathy, integrity are the values for which he stood and by which he lived. He thereby created a 'moral compass' for international civil service which has often been lost in the internal politics, bureaucracy and formalism of multilateral organisations.

For Hammarskjöld, the work of the UN was to build on the commonality of humankind, its conduct and experience. During a visit to India in early February 1956, he addressed the Indian Council of World Affairs. Prompted by a moving encounter with a local cultural event performed in his honour earlier, his mainly extemporaneous speech explored the dimensions of human universalism. A commonality beyond Western – or, indeed, any culturally, religiously or geographically limited – ideology or conviction is what he spoke to:

It is no news to anybody, but we sense it in different degrees, that our world of today is more than ever before *one* world. The weakness of one is the weakness of all, and the strength of one – not the military strength, but the real strength, the economic and social strength, the happiness of people – is indirectly the strength of all ... With respect to the United Nations as a symbol of faith, it may ... be said that to every man it stands as a kind of 'yes' to the ability of man to form his own destiny, and form his own destiny so as to create a world where the dignity of man can come fully into its own.³⁷

Dag Hammarskjöld, as a Swedish cosmopolitan, was convinced that firm roots in one's own society, with its peculiar history and culture, are no obstacle to universal values but are, instead, a valuable point of departure, provided that history and culture are not taken as the one and only absolute truth. He shared the view that factors, such as awareness of one's own upbringing in a specific social context and the grounding of one's identity in a framework of values, offer the moral space to develop curiosity

9

³⁵ *Ibid.*, at 660.

³⁶ D. Hammarskjöld, Asia, Africa and the West. Address Before the Academic Association of the University of Lund. Lund, Sweden, 4 May 1959 (UN Press Release SG/813, 4 May 1959) in Cordier and Foote, Public Papers of the Secretaries-General of the United Nations, Vol. IV: Dag Hammarskjöld 1958–1960 (1974), 384.

³⁷ See Address 3 February 1956, *supra* note 8, at 661 and 660.



10

C. STAHN AND H. MELBER

and openness towards 'others' and to explore the 'unknown' for one's own benefits and gain. Hammarskjöld's exchanges with Martin Buber testify to this conviction, as do his practical dialogues in search of solutions to conflicts and differences deeply entrenched in sets of values, norms and specific cultural socialisations. Hammarskjöld argued that there are no risks in entering a dialogue with 'strangers' if one knows where one comes from. Five days after his re-election as the UN Secretary-General, Dag Hammarskjöld expressed his admiration for Buber's philosophy 'of unity created "out of the manifold" in a letter to Buber (dated 16 April 1958). In his role as Secretary-General, he advocated the duty of the UN to obtain complete and objective information and the need of the Secretary-General to personally form an opinion and act, based on rules and principles of the UN Charter.

On 8 September 1961, Dag Hammarskjöld addressed the staff at the Secretariat of the UN for the last time. His words then are as relevant today:

What is at stake is a basic question of principle: Is the Secretariat to develop as an international secretariat, with the full independence contemplated in Article 100 of the Charter, or is it to be looked upon as an intergovernmental – not international – secretariat providing merely the necessary administrative services for a conference machinery? This is a basic question, and the answer to it affects not only the working of the Secretariat but the whole of the future of international relations.³⁹

Hammarskjöld's legacy remains alive – not only through his Annual Reports and speeches, but also through his commitment to norms and ideas that balance the *realpolitik* of states against human interests and ideals. His ideas foreshadow the merits, as well as some of the problems, inherent in modern developments, such as the aspirations of the global human rights movement relating and shifting attitudes about accountability (i.e. 'justice cascade').⁴⁰

1.2 Focus and perspectives in this volume

This book is both a tribute and a critical review of Hammarskjöld's thought. Qualitities such as his value-based approach to leadership, his integrity

³⁸ Quoted in L. Marin, Can We Save True Dialogue in an Age of Mistrust? The Encounter of Dag Hammarskjöld and Martin Buber (2010), 11.

³⁹ D. Hammarskjöld, Last Words to the Staff – from Remarks on Staff Day. New York, 8 September 1961, in Cordier and Foote, Vol. V, *supra* note 7, at 563.

⁴⁰ See K. Sikkink, The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics (2011).