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THE UNITED NATIONS, PEACE AND SECURITY

Preventing humanitarian atrocities has become 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.

RAMESH THAKUR is Professor in the Crawford School of Public Policy, The Australian National University. Former Senior Vice-Rector of the United Nations University and an Assistant Secretary-General of the United Nations, he has written and edited over fifty books, including *Global Governance and the UN: An Unfinished Journey* (2010), *The Oxford Handbook of Modern Diplomacy* (2013) and *Theorising the Responsibility to Protect* (2015).

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THE UNITED NATIONS, PEACE AND SECURITY

From Collective Security to the Responsibility to Protect

Second Edition

RAMESH THAKUR

With a Foreword by

GARETH EVANS

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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; and 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 twenty-five 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, indebtedness, catastrophic disease and climate change.

But the disappointments have also been immense: the failure to respond effectively to large-scale atrocity crimes in Rwanda, the Balkans, Sudan and Syria; 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; continued

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management lapses and conspicuous inefficiency in the performance of the UN Secretariat and many of its programmes and agencies; shortfalls in meeting 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 seven decades 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 193 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 it is not and never can be a global government. As such, perhaps, 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.

To over-distil its messages would do no justice to the kaleidoscopic character of this work, and the multitude of interrelated issues on which the author has interesting and often very provocative things to say. But the

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two biggest such problems he addresses – and the core themes that run through the book – are the gap between formal authority and real power in the present international security system, and the still incompletely resolved 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 became rapidly evident in the post-Cold War world was that the gap between the UN's apparent authority and its actual power was 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. Over time, especially with the dramatic rise of China both economically and militarily, that imbalance may again be redressed, but for the foreseeable future the dominant reality of the international system will be the sheer raw power exercised by the United States, and Thakur is right to devote as much space as he does to the tensions inherent in the US–UN relationship.

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. 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

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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. Legitimacy for any institution is a product of both its structure and performance. As to the former, 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, however impossibly difficult this reform task continues to be in the face of intransigence from veto-wielding existing permanent members who fear that any significant structural change will dilute their influence, and those other states who see blocking rivals as a higher moral cause than giving new authority to the world's most important security institution.

And as to performance, nothing is more important for the maintenance of the Security Council's legitimacy than the way it handles the use of military force. Drawing on a long and familiar list of misguided military interventions undertaken both with and without its authorisation, Thakur makes clear the absolute necessity for Security Council decision-making here not to be ad hoc and realpolitik-driven, but based on transparent, principled criteria of legitimacy, built in turn on the best possible analysis and understanding of the situation on the ground. Increasing the Security Council's credibility in these ways may not 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.

The book's other big theme is the great tension in the international security system, by no means yet resolved despite the progress made in the last fifteen years, between the claims of national sovereignty and the demands of human security, particularly in the context of protecting civilians against genocide, other crimes against humanity and major war crimes committed behind state walls. There is certainly a journey under way, as the subtitle suggests, 'from collective security to the responsibility to protect', but until these objectives have in practice the equal weight they manifestly deserve, the destination will remain unreached.

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 that 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

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diminished competence in states to deal by themselves with the extraordinary problems and threats that 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 new norm of 'the responsibility to protect' (or 'R2P' as it is now commonly abbreviated) 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 the future upon not only its acceptance in principle, but its effective implementation in practice. Following its unanimous endorsement by the UN General Assembly following the World Summit in 2005, and on the evidence of the language of General Assembly debates and the text of Security Council resolutions ever since, the future of the principle itself seems reasonably assured: nobody seems to want to go back to the bad old days of Cambodia and Rwanda when sovereignty was seen as, in effect, a licence to kill, and mass atrocity crimes occurring behind sovereign state walls as nobody else's business.

But with the disagreements that erupted over the intervention in Libya in 2011, and the catastrophic Security Council paralysis in the face of the most appalling crimes that followed in Syria, questions have been raised all over again about the UN's fitness for purpose when it comes to practical delivery. The author is an optimist, as am I, that R2P *is* an idea whose time has come, but achieving consensus where and when it matters most, not least in those hardest of cases where coercive military force may be the only way of stopping disaster, is still work in progress.

There could be few persons better qualified in the world to write about all these interrelated themes than Ramesh Thakur. As an Indian who has

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researched and taught in Australia, New Zealand, Japan, Europe and the United States, 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 trying not only to understand the past and present, but to shape the future, it is eminently worth reading.

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The first edition of this book was published in 2006. Its success has been gratifying but interest in and commentary on the Responsibility to Protect (or R2P as it has become firmly established) has grown so dramatically in the ten years since as to produce an efflorescence of books and articles. The second edition attempts to incorporate as much of the flourishing literature, as well as developments in the policy community, as is humanly possible for one person to do. I remain grateful for help and helpful comments on drafts of the first edition to the late Marrack Goulding, Ian Johnstone, Andrew Mack, David Malone, Edward Newman, John Ruggie, Shashi Tharoor and Danilo Turk, as well as to the anonymous readers for Cambridge University Press. Without their kind assistance the book surely would not have achieved its success. The anonymous readers were similarly helpful in sharpening the structure and narrative of the second edition. John Haslam of the Press was wonderful to work with from start to end in both cases, and I am thankful for that. I would like to express my appreciation to the Pew Research Center and Gallup, Inc. for their kind permission to reproduce Figure 1 and Figure 6, respectively.

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