Is the UN obsolete? A response to Frank Vibert

Edward Mortimer
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The United Nations is and will remain a force for good, argues this senior and influential insider. The charges against it of irrelevance and impotence forget the world body's ability to manage crises, contribute to regional security, deliver valuable programmes for the world's poor – and represent a universality of human interest increasingly guided by democracy.

The United Nations is quite used to being denounced as a useless or impotent talking-shop. That view was widespread in the west, and not without plausibility, in the last two decades of the cold war.

There followed a flurry of enthusiasm between 1987 and 1993, when the end of the cold war appeared to offer a chance that the Organisation could function more or less as its founders intended – as a collective security system in which the great powers would act in concert to guarantee the independence and integrity of all states, large and small.

The apogee of this period was marked in 1990-91 by the crisis over Iraq's occupation of Kuwait. The then US president, George Bush senior, proclaimed a "new world order", and a coalition of states, authorised by the UN Security Council, took action to restore Kuwait's independence and integrity.

A short history of the new world order

This new world order was inaugurated by a meeting of the Security Council at summit level in January 1992, which tasked a new Secretary-General, Boutros Boutros-Ghali, with drawing up a new "agenda for peace". It was a symbolic event. The real purpose of that meeting was to paper over the gaping hole left by the demise of the Soviet Union. The unstated premise of Bush's vision was that the world could now be led by a benign condominium of himself and Mikhail Gorbachev, and their respective successors.

Soon after the coup against Gorbachev in August 1991, as it became evident that the Soviet Union was headed for rapid dissolution, Bush issued a presidential "finding" instructing his administration to stop using the phrase "new world order". It was in any case becoming an embarrassment, having engendered expectations of military intervention to right wrongs anywhere and everywhere.

The five permanent members of the Security Council are named in Article 23 of the Charter. One of them is the Union of Soviet Socialist Republics. The Charter has not been amended on this point. The Russian Federation has simply assumed this aspect of the

Soviet heritage, and no one has challenged it. This was recognised by all, and particularly by the other four permanent members, as the most convenient and least threatening way to adapt the UN to new realities.

Here, they followed a much earlier precedent whereby Security Council resolutions are held to have been adopted even if one or more permanent members abstain, although Article 27 of the Charter states quite clearly that decisions of the Council, on all but procedural matters, "shall be made by an affirmative vote of nine members *including the concurring votes of the permanent members*" [my italics].

Amending the Charter is difficult. It requires a two-thirds majority of all members, including all five permanent members of the Security Council, not only voting for the amendment in the General Assembly but also ratifying it "in accordance with their respective constitutional procedures". But the examples just given show that states can be quite creative, when they want to be, in adapting the practice of the Organisation to new or unforeseen realities.

[The UN vote] was the most remarkable victory for democracy...but the Security Council was manifestly unable to prevent war.

Post-cold war euphoria about the UN came to an abrupt end in 1993 as the irresolute foreign policy of the US president, Bill Clinton, led to a gruesome stalemate in Bosnia and a spectacular, if small-scale, debacle in Somalia. Clinton found it convenient to blame the world body and particularly its secretary-general – although in truth the Organisation's poor performance had much more to do with the policies of the US's European allies (in Bosnia), and with the US's own mistakes (in Somalia).

These disasters were swiftly followed in 1994 by genocide in Rwanda (which none of the great powers, and least of all the US, made any attempt to halt until it was almost over), and the sweeping electoral victory of the Republican party in both houses of Congress.

After that, almost any initiative to strengthen the UN, or even to keep its existing machinery ticking over, was stymied by gridlock in Congress, and Clinton was unwilling to risk any of his remaining political capital by appearing to defend it. Allegations by right-wing agitators that the UN had fleets of black helicopters ready to subvert US sovereignty went unanswered by the administration. In 1996 Clinton even decided to veto a second five-year term for Boutros-Ghali, in order to deprive his presidential opponent, Senator Robert Dole, of a promising campaign issue.

That moment marked the nadir of US-UN relations, at least until the current crisis over Iraq. Kofi Annan, who replaced Boutros-Ghali at the beginning of 1997, deliberately adopted a low-key approach and worked patiently to improve the UN's image in the US, establishing a working relationship with even such an apparent arch-foe as Senator Jesse Helms. Clinton's last ambassador to the UN, Richard Holbrooke, performed a remarkable service in the last weeks of the administration by persuading other UN members to agree to a reduction in the US's assessed share of the budget – one of the key conditions set by the US Senate for paying off its arrears, which had mounted dangerously close to the point where the US would have lost its vote in the General Assembly, under Article 19 of the Charter.

11 September 2001: a turning point in US-UN relations

The Senate then passed the "Helms-Biden package", which sharply reduced US funding appropriations to the UN by 99 votes to zero. The Bill was delayed in the House of Representatives, but the incoming Bush administration promised to overcome this, and would probably have done so even without the terrorist attack of 11 September 2001, which dramatically reawakened US interest in the rest of the world, including the UN.

Within weeks, the House too had passed Helms-Biden; the Senate (now Democrat-controlled) had confirmed John Negroponte as ambassador to the UN; and the Security Council had not only affirmed the US's right to defend itself against the attack (without specifying where or when) under Article 51 of the Charter, but had also adopted a highly intrusive US-drafted resolution requiring all states to bare their financial souls – and those of their citizens, residents and corporations – in order to cut the economic sinews of terrorism.

Extraordinarily, in all but two cases (Spain and Bulgaria), the latter won. This was by most standards a remarkable victory for democracy, if not for cosmopolitanism as understood by Frank Vibert.

But was it the UN's last hurrah? Many seem to think so, and not only those who side with the US

administration. While President Bush has repeatedly promised us the fate of the League of Nations if the Security Council failed to take up his challenge – and many of his supporters now consider that a done deal – many opponents of the war have reached much the same conclusion because the Council, even if it heroically refused to bend to Bush's dictates, was manifestly unable actually to prevent the war.

Iraq – precedents and expectations

Both these arguments are actually extraordinarily complimentary to the UN, because they imply expectations which its track record scarcely justifies. Although there have been no more world wars since 1945 it is doubtful how much of the credit for this the UN is entitled to claim. Meanwhile there have been hundreds of small wars and quite a few middle-sized ones. Perhaps there would have been even more if the UN had not existed. Such statements are by nature impossible to prove. But very few of the military actions that *have* happened have been authorised by the Security Council.

There are only two major cases: the Korean war in 1950 and the war to liberate Kuwait in 1990-91. (There are other significant if smaller-scale instances, like the September 1999 Australian-led intervention to restore order in East Timor and eject the Indonesian army and associated militias).

In the nearest precedent for the current crisis, the Kosovo crisis of March 1999, the Council failed to agree but Nato went ahead with military action anyway, much as Bush and his coalition are doing now. The main difference was that then France and Germany – and a significant swathe of Muslim opinion throughout the world – were on the side of the US.

It would appear quite encouraging that so many people thought the Security Council *should* be able to solve this Iraq crisis one way or the other. It is sad that they were disappointed, but I suggest their disappointment should not be terminal. Nations on both sides of the argument have found the experience very bruising. Governments – including those of US allies like Britain, and perhaps even that of the US itself – should be under even greater pressure from their citizens, next time, to make the effort to find common ground.

All the same, in the best of cases it is likely to be some time before the Security Council can be relied on to pass a test as tough as this one. Does that mean that the UN as a whole should now be consigned to the dustbin of history? Surely not, and for two reasons.

First, even in the specific context of Iraq, the UN's role is almost certainly not over. All parties expect the UN to play a leading role in bringing humanitarian relief to the victims of war. The Security Council is even now discussing ways of enabling it to use Iraq's oil money for that purpose, by adapting the resolution under which, hitherto, the UN has monitored the use of that money by the Iraqi government to purchase food and medical supplies and distribute them to the population.

Second, the Bush administration has advertised its expectation that "many nations" will contribute to the post-war reconstruction of Iraq. Traditionally the big contributors to this kind of effort are the EU (especially Germany), Japan and oil-rich Arab countries. All are likely to feel distinctly queasy about getting involved in post-war Iraq without some kind of UN cover.

On their side, it is likely that the veto-wielders against the war – France and Russia – will want to be involved in the peace and will be anxious to mend fences with the US and keep it engaged in the UN after the war. They will therefore almost certainly be willing, if the US meets them half way, to frame a UN resolution giving some kind of international legitimacy to the post-war Iraqi government. That is what happened in Kosovo, where the Russians – who had frightened Nato away from the Security Council before the war by threatening a veto – cooperated in drafting the peace settlement in the form of a Security Council resolution.

That resolution actually set up a UN civilian administration in Kosovo, which is still running the territory today. That was necessary in Kosovo because there is continuing disagreement about whether it should become an independent state, or should remain at least nominally part of Yugoslavia (now "Serbia and Montenegro").

In Iraq, a UN civilian administration should not be necessary, and would almost certainly not be desirable, since one thing all parties agree on is that Iraq should remain a single, independent state with its present borders.

A closer precedent might be that of Afghanistan, where after the fall of the Taliban the UN presided over a political process enabling the various Afghan parties to agree an interim authority with international legitimacy, and then sent an assistance mission which is helping that authority to rebuild the country and the state, and to transform itself by stages into a constitutional government with (it is hoped) a democratic mandate.

Certainly any new Iraqi government will want to be recognised as such by the rest of the world, not just by the states currently supporting the war, and will want to be accepted as representing the country in the UN.

A 21st century agenda for the UN

The examples of Kosovo and Afghanistan – as well as East Timor, now independent but still home to a UN peacekeeping mission – should, in any case, remind us that the UN has an agenda far beyond Iraq. It is involved in peacekeeping and peace-building efforts in many different countries, especially but by no means exclusively in Africa.

Its Development Programme (the UNDP) and other specialised bodies are present in almost every developing country. They are at the forefront of the worldwide battles against poverty, ignorance, disease and environmental degradation. They are also working to promote human rights, including women's rights, and better governance, including by giving electoral assistance and urging respect for minorities, as well as for freedom of association and expression.

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Needless to say, much of this is uphill work, and the UN's commitment to human rights is hardly made more credible when its members choose the representative of Colonel Gaddafi's Libya to chair the Commission on Human Rights this year, however strong her personal qualifications may be. But such own-goals do not cancel out the quiet work to improve human rights that the UN is doing in many countries every day.

Human rights violations are never excusable, but the failure of many countries to prevent them is at least as much the result of poor capacity and a generally underdeveloped society as it is of wickedness. The latter aspect has been addressed by the UN tribunals for the former Yugoslavia and for Rwanda, and will be in the future by the International Criminal Court. But the former aspects should not be neglected either.

In tackling this broad agenda, UN agencies are not acting as unsolicited busybodies. They are carrying out mandates given to them by member states – most notably in the Millennium Declaration, adopted when political leaders from the entire world came together in 2000 at UN headquarters, to set a world agenda for the new century, or at least the first decades of it.

Among the pledges given there are the eight Millennium Development Goals, most of which are supposed to be achieved by 2015 – the halving of extreme poverty, universal primary education, equal access for both sexes to all levels of education, reductions in child and maternal mortality, a halt to the spread of HIV/AIDS. It is far from certain that these goals *will* be achieved in that time-scale, especially if economic resources and media attention continue to be monopolised by major conflicts like that in Iraq.

In the last resort it is up to the world's peoples – in developed and developing countries alike – to sustain pressure on their governments. All the UN can do is measure progress and advise people on the action that is needed. But it is by success or failure in implementing that broad agenda, not just by the outcome of one crisis, that the UN's utility in the 21st century should be judged.

However effective or ineffective the Security Council is, UN membership itself is, (and is likely to continue to be) almost universally regarded as an essential badge of sovereignty. Even Switzerland, a hard-headed and fiercely independent country, decided to join the UN in a referendum last year. The UN is now representative of virtually the entire population of the world, in a way that the League of Nations never was.

Although it is theoretically imaginable that a rival body could be created, to which only states with impeccable democratic and human rights credentials would be admitted, it is very doubtful if such a body could serve the purposes that the UN does, or enjoy such a widely accepted legitimacy. In fact such a body is unlikely to come into existence because many – even among those states that might be eligible to join it – would regard UN membership as preferable.

The "community of democracies" (which already exists, though the Bush administration has so far shown less interest in it than the Clinton administration did) may perhaps have a useful future, in certain contexts, as a caucus *within* the UN. Ideally, all UN members will one day be eligible to join it. Until that day comes it is most unlikely to replace the UN; and when that day comes there will be no need to.

Frank Vibert is worried that the UN will be unable to accommodate the "new cosmopolitanism", because of the gap between its universalist ideals (as expressed in the Universal Declaration of Human Rights), and its universal character, which means that it includes very undemocratic states as well as democratic ones. That is not a new problem. In fact it is arguably much less of a problem now than it was during the cold war. As democracy becomes more generally accepted – even if, like other norms, it is imperfectly practised – so it is playing a constantly increasing role in the work of the UN.

In the African context, UN Secretary-General Kofi Annan himself has been a leading advocate of the principle that governments coming to power by unconstitutional means should not be recognised (and has said he looks forward to the day when this principle is adopted by the UN General Assembly). He has also been a leading advocate of the principle that national sovereignty cannot be used as a shield to conceal extreme violations of human rights. Sovereignty, like the state itself, exists to serve and protect the people, not the other way round. The UN Charter itself, after all, begins with the words: "We, the Peoples..."

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