

**The United Nations – Beyond Reform?
The Collective Insecurity of the
International System and the Prospects for
Sustainable Global Peace and Justice**

Edward J. Horgan

UL Student Number 9706615

**A thesis submitted to the University of Limerick for the
degree of Doctor of Philosophy**

University of Limerick

Supervisor: Professor Alex Warleigh-Lack

**Department of Politics and Public Administration, University
of Limerick**

Internal Examiner: Professor Edward Moxon-Browne

**External Examiner: Dr. Iain Atack
Irish School of Ecumenics, TCD.**

Submitted to the University of Limerick: 2008

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Abstract
The United Nations – Beyond Reform?
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This research project sets out to test whether the United Nations is capable of achieving its primary purpose, the maintenance of international peace and security. If not, is the UN capable of the necessary reform to enable it to achieve these purposes and if such UN reform is not possible, does the UN need to be transformed, or superseded or replaced?

The thesis undertook the difficult task of analysing the UN's performance from a panoramic global viewpoint, and across the timeframe of its existence since 1945, but limited this analysis to the UN's primary objective. Using a critical approach, it sought to establish the UN's past performance and future propensity for achieving its primary purpose, by focusing on its overall achievements and capacities. In this respect, this project breaks new ground by adopting a "0" based approach to its analysis of the UN, and concludes with normative recommendations to overcome the UN's limitations. Most research into the UN has taken the continuing role of the UN as a given. This project questions whether the UN will ever be capable of adequately performing the primary functions assigned to it under its Charter, and suggests that alternative systems of global governance should be put in place to ensure global peace and justice for humanity. The project is empirically based, is partly informed by this researcher's experiences and relies mainly on qualitative analysis of data assembled from literature and reports by participants and observers, and some informal interviews. It undertook three case studies in the regions most prone to conflict, Asia, the Middle East and Africa.

This thesis argues that for structural reasons, reinforced by the veto over UN reform that the UN Charter provides to its P-5 members, the United Nations is virtually beyond the level of substantial reform necessary to enable it to achieve a satisfactory and safe level of security for humanity. The UN therefore needs to be superseded by more appropriate and dynamic systems of global governance underpinned and overlaid by a comprehensive system of global jurisprudence.

My central arguments, which are supported by the case studies, are that the UN has failed to achieve its primary function of maintaining international peace and security since its foundation. Furthermore, the very existence of this flawed UN presents a blocking mechanism to the development of alternative international/global structures. This thesis concludes that collective security and peacekeeping, the primary and default mechanisms towards the achievement of international peace and security, are inherently flawed and that alternative approaches are necessary. Because the UN is virtually incapable of achieving its primary objective, it should be superseded by enhanced and dynamic systems of global governance and jurisprudence. The UN however should continue to play an important subsidiary role in global governance as the primary international organisation of states, and could be used also to provide an enhanced system of international security policing under the auspices of a global jurisprudence system.

Declaration

I hereby declare that this thesis is my own work and that it has not been submitted as an exercise for a degree at any other university.

Signed: Edward J. Horgan

Date: 16 April 2008

Acknowledgements

A special word of thanks is due to the Irish Research Council for the Humanities and Social Sciences for the award of a Government of Ireland Scholarship that enabled me to undertake this research project.

My activities on behalf of peace and justice did not begin with this thesis and are unlikely to end with its completion. I wish to express my thanks, therefore, to all those colleagues and friends who have devoted many hours and been exposed to many risks in the cause of peace, as peacekeepers, UN volunteer election workers, and activists for peace and justice. Some have given their lives to this cause.

Thanks is due also to my extended family, for the enlightenment I brought from my forbearers, and the love of learning nurtured by my parents, the support of my immediate family, especially my wife Catherine, and the inspiration and critical appraisal I continually get from my children and grandchildren.

Academically, I owe a debt of thanks to numerous individuals at the University of Limerick, and the Irish School of Ecumenics, who assisted and inspired me through my undergraduate and postgraduate studies. Special thanks are due to my supervisor Professor Alex Warleigh-Lack, for his patience and expert guidance, and to Dr. Lucian Ashworth who inspired me also along the way. The roots of this research project were nurtured and fertilised especially during the multidisciplinary 'HPSS' undergraduate degree course at Limerick University, with its eclectic mix of history, politics, social studies, geography and gender studies.

I am indebted also to the advice and insights received in informal interviews and meetings with two former UN senior officials, Mr Denis Halliday and Count Hans von Sponeck, Mr David Dinkins, former Mayor of New York, Professor Noam Chomsky and former US Attorney General Mr Ramsey Clark.

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Abbreviations

AU	African Union
CGDK	Coalition Government of Democratic Kampuchea
CPK	Cambodian Communist Party
CUP	Cambridge University Press
DRC	Democratic Republic of Congo
EU	European Union
G8	Canada, France, Germany, Italy, Japan, Russia, UK, USA.
ICC	International Criminal Court
ICCSS	International Commission on Intervention and State Sovereignty,
IDF	Israeli Defence Forces
IGO	Inter-government Organisation
INTERFET	International Force East Timor
IR	International Relations
IRC	International Rescue Committee
LSE	London School of Economics
M.A.D.	Mutually Assured Destruction (Nuclear War)
MFO	Multi National Force and Observers (replaced UNEF II Sinai)
MNC	Multi National Corporation
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisation
OAU	Organisation of African Union
OECD	Organisation of Economic Cooperation and Development
OUP	Oxford University Press
P-5	UNSC Permanent Members: China, US, Russia, UK and France.
PDRY	Peoples Democratic Republic of Yemen (south Yemen)
PKK	Kurdistan Workers Party
PLO	Palestine Liberation Organisation
SLA	South Lebanon Army
TNC	Trans National Corporation
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Org.
UNSC	United Nations Security Council
USSR	Union of Soviet Socialist Republics
WHO	World Health Organisation
WFP	World Food Programme
WPNG	West Papua New Guinea
WTO	World Trade Organisation

UN Peace Missions

UNTSO	United Nations Truce Supervision Organization May
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNEF I	First United Nations Emergency Force November
UNOGIL	United Nations Observation Group in Lebanon
ONUC	United Nations Operation in the Congo
UNSF	United Nations Security Force in West New Guinea
UNYOM	United Nations Yemen Observation Mission
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNIPOM	United Nations India-Pakistan Observation Mission
UNEF II	Second United Nations Emergency Force
UNDOF	United Nations Disengagement Force
UNIFIL	United Nations Interim Force in Lebanon
UNGOMAP	United Nations Good Offices Mission Afghanistan/Pakistan
UNIIMOG	United Nations Iran-Iraq Military Observer Group
UNAVEM I	United Nations Angola Verification Mission I
UNTAG	United Nations Transition Assistance Group
UNIKOM	United Nations Iraq - Kuwait Observation Mission
MINURSO	United Nations Mission for the Referendum in Western Sahara
UNAVEM II	United Nations Angola Verification Mission II
UNAMIC	United Nations Advance Mission in Cambodia
UNPROFOR	United Nations Protection Force
UNTAC	United Nations Transitional Authority in Cambodia
UNOSOM I	United Nations Operation in Somalia I
ONUMOZ	United Nations Operation in Mozambique
UNOSOM II	United Nations Operation in Somalia II
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNOMIL	United Nations Observer Mission in Liberia
UNAMIR	United Nations Assistance Mission for Rwanda
UNASOG	United Nations Aouzou Strip Observer Group
UNAVEM III	United Nations Angola Verification Mission III
UNTAES	United Nations Transitional Administration Eastern Slavonia
MONUA	United Nations Observer Mission in Angola
MINURCA	United Nations Mission in the Central African Republic
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNMIK	UN Interim Administration Mission in Kosovo
UNAMSIL	United Nations Mission in Sierra Leone
UNTAET	United Nations Transitional Administration in East Timor
MONUC	UN Organization Mission, Democratic Republic of the Congo
UNMEE	United Nations Mission in Ethiopia and Eritrea July
UNMISSET	United Nations Mission of Support in East Timor
UNMIL	United Nations Mission in Liberia September
UNOCI	United Nations Operation in Côte d'Ivoire April
ONUB	United Nations Operation in Burundi
UNMIS	United Nations Mission in the Sudan
UNMIT	United Nations Integrated Mission in Timor-Leste
UNAMID	African Union/United Nations Hybrid operation in Darfur
MINURCAT	United Nations Mission in Central African Republic and Chad

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Chapter 1

Introduction and Aims

“The United Nations is a subaltern organisation; some have argued it is powerless by design.”¹

David Rieff

“the mice will be disciplined while the lions will run free”.²

Introduction:

United Nations reform has been a topic of research and discussion in international relations theory and practice almost since the foundation of the UN. However, no substantial reform of the UN has taken place, and the prospects for such reform appear to be receding in the early years of the twenty-first century. This thesis sets out to analyse the performance of the UN towards the achievement of its primary objective, the maintenance of international peace and security, and the prospects for reform of the UN.

The thesis will show that over sixty years later the analogy of the lions running free is still valid, but in many cases even the mice are now running free.³ The governments or regimes in Cambodia in 1975-78, Rwanda in 1994, Republika Srpska in 1995, and of North Korea, the Sudan and Zimbabwe over the past decade, were just some of those that perpetrated crimes against humanity, with relative impunity, without an effective response from the United Nations. The UN and international order, at the beginning of the twenty-first century are in disarray. David Rieff’s analysis of the UN as a ‘subaltern organization’ is reality, by default or design. Reform is urgently needed but the prospects of adequate reform taking place are remote. This thesis will address these issues by carrying out a qualitative analysis of the performance of the UN

¹ Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. xi.

² Attributed to a Mexican diplomat, at the San Francisco Conference at which the UN was founded in 1945.

³ This was demonstrated by the anarchy that prevailed in several small west African states at the end of the twentieth century.

towards the achievement of its primary function and will suggest normative possibilities towards transforming the international order.

Thesis Structure and Summary of Remaining Chapters:

The thesis consists of seven chapters. The first three chapters focus primarily on the theoretical and academic aspects of the project while the second half is focused on the *praxis* of international relations. This introductory chapter lays the foundations for the thesis and explains the rationale and structure of the research project. It begins by setting out the *modus operandi* and structure for the thesis and gives a summary of each chapter. The research rationale is then explained leading to statement of aims, main hypotheses, research questions and argument. This will be followed by a statement of the contribution this study will make to scientific research in this particular area, and to the practice of international peace and security. The concluding section is an introductory section on the United Nations, the thesis subject matter.

This first chapter will set out the nature of the problems to be addressed. The second chapter will give a detailed account of the methodology used throughout the thesis. Chapter Three will be the focal theory chapter. This theoretical base or foundation will then be tested and analysed in three case study chapters, examining the performance of the UN in Asia, the Middle East and Africa. Chapter 7 will summarise the conclusions of the preceding chapters as well as proposing normative solutions to the impasse resulting from UN reform difficulties.

Chapter 2 on methodology was considered necessary to explain the complexity of the overall approach being adopted by this thesis. Separate chapters are included on background theory and focal theory, because of the complexity of the peace and conflict issues being examined, and the necessity to explore in detail how a functionalist approach might be adapted towards resolving these complex issues.

Chapter 3 is the focal theory chapter that will also include discussion on the analytical framework of the thesis. It will conclude that a more dynamic form of functionalism provides the most suitable framework and theoretical approach towards resolving the complex issues of human conflict at international and global levels into the future. A functional approach to world peace has the best chance of opening a range of options that can enable, or operationalise, a more effective approach to a comprehensive peace system for humanity. The objectives of the first three chapters will be to lay the

groundwork for the following chapters dealing with more specific topics of the UN's performance of its primary objective in specific geographical regions.

The three case studies in Chapters 4, 5 and 6 will consist of broadly based narrative-type case studies examining the performance of the United Nations in the three diverse regions, Asia, the Middle East and Africa. Like the research project as a whole, the results of these case studies are intended to provide a panoramic view or perspective on how the UN performed towards the achievement of its primary objective in each of these regions. If the UN had succeeded in Asia, or the Middle East, but failed in Africa, then its relative successes over its failures would provide comparative indications as to how its future performances in all regions might be improved. If however, the UN is judged to have failed in all regions, and over a wide variety of circumstances and time-scales, then much more fundamental reform of the UN and restructuring of the international system must be considered. These chapters will use a variety of primary and secondary data collection methods, including some direct participant observation, but the main focus will be on literature research, and analysis of primary and secondary reports and investigations. Particular emphasis will be placed on research of literature produced by participants and observers of conflict and post-conflict situations. While their individual perspectives and interests may bias the accuracy and detachment of some of these sources, the number and variety of these sources will achieve balance. This will avoid the risk, identified by Chris Brown, of the discourse of International Relations "being altogether too *status quo* oriented, too closely associated with the powers that be".⁴

The final chapter will summarise the conclusions arising from the preceding chapters, further explore issues of global jurisprudence and governance, and make some tentative recommendations towards a way forward for a more secure, sustainable and peaceful world order. It will suggest how this research project may lead on to further research on reshaping the theory and practice of international relations. This thesis will demonstrate that the UN has failed to achieve its primary objective, and this failure places the survival of humanity at risk. The reasons for these failures are manifold, as are the lessons that can be and should have been learned from the UN's failures.

However, these lessons have either not been learned, or acted upon. The stark reality

⁴ Chris Brown points out that the discourse of International Relations "is accused of being altogether too *status quo* oriented, too closely associated with the powers that be, too concerned to see things from the official point of view, in short, the modern 'dismal science' telling us why things cannot change." Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 244.

remains that the UN must be reformed and restructured as a matter of urgency, or, failing reform, it must be replaced or superseded by more appropriate and far more effective systems and structures at international and supranational levels.

Research Rationale

The rationale, or statement of reasons, for undertaking this thesis is to question whether the UN has succeeded in maintaining international peace and security, if not can the UN be reformed to enable it to do so, and if the UN is beyond such necessary reform, how can this function be achieved. Behind these reasons, however, lie more serious theoretical and practical reasons. The problems associated with human conflict, war, and peace, are the most serious problems addressed by theoreticians and practitioners of international and human relationships throughout history. Theorists and practitioners from Sun Tzu to Dag Hammarskjöld grappled with these problems with varying but limited success. The issues at stake are so serious, and the possible solutions so difficult and complex, that the realist belief in the inevitability of violent conflict seems justified. On the other theoretical side, idealists have put forward simplistic utopian ideas that have either proved unworkable in practice, or, when practiced, have had catastrophic consequences, like the aberrations of Marxism practiced by Stalin and Mao. In between lies an uneasy *status quo* bestraddled by a confused and under-resourced United Nations.

In past generations such issues were less critical, because humanity did not have the capacity to destroy itself or its living environment. Now, with increasing depletion of resources, environmental damage and the advent of nuclear weapons, humanity has the capacity to destroy itself. As a result it is necessary to use all available theoretical and practicable means to achieve international peace and security. One option around the almost insurmountable obstacles to progress is for academics to focus on the micro aspects of international peace and security in the hope that creative ways forward can be discovered. This thesis has chosen the more difficult macro or panoramic approach. It will not reject the main paradigms of IR theory, realism and idealism, but to seek alternative theoretical and practical ways forward.

An important premise for this thesis is the assumption that even though conflict is an unavoidable part of human existence, large-scale violent conflict, that is war, is not inevitable, and can and should be avoided and prevented. The deliberate taking of

human life in war is, virtually by definition, avoidable.⁵ In the past arguments were put forward to justify wars in certain circumstances leading to the so-called ‘just war theory’⁶. Such just war theories had more credibility when the destructive capacity of war was far less, and issues of proportionality less critical,⁷ and when religious beliefs in the moral rectitude of particular creeds were more fundamentally held and enforced.⁸ Kenneth Waltz pointed out that “in wars there is no victory but only varying degrees of defeat”.⁹ Political and international relations theories such as rationalism and realism argue that war is sometimes inevitable given man’s more base nature, and that wars could even be beneficial for humankind, in a Clausewitzian sense of war as ‘politics by other means’¹⁰. Weapons of mass destruction, from machine guns and artillery to nuclear bombs, have rendered just or justified war theories redundant by failing to discriminate as to who survives and by introducing the possibility of mutually assured destruction.

Just as humans can resort to war as a means of achieving their objectives, they can also live peacefully together by finding alternative means of resolving conflicts. The underlying rationale of this thesis is to help find such peaceful alternative means towards establishing a reliable working system of human security. It will do so, first by establishing that international peace and security is a valid objective for humankind, then evaluating whether the UN, as the primary organisation tasked with maintaining peace and security, has actually successfully achieved this function. If the UN has failed to do so, and the hypothesis of this thesis is that it has so failed, then the thesis will establish whether the UN can be reformed to enable it to do so, or whether it must be replaced.

⁵ A ‘humanist’ definition of war therefore could be stated as follows:

War is the avoidable but deliberate killing of large numbers of people for political and other reasons.

⁶ Joseph S Nye writes that: The just war doctrine, which originated in the early Christian church, and became secularised in the seventeenth century, prohibits the killing of innocent civilians. ... If one is in immediate peril of being killed, it can be moral to kill in self-defence.” Joseph S. Nye, Jr., *Understanding International Conflicts: an introduction to the theory and history: Third Edition* (New York: Longman Classics, 2000), p. 23.

⁷ Less than 3,000 people were killed in the September 11th 2001 attacks on the UN. The resultant war against Afghanistan has already killed many times that number of people, while the wider War on Terror against Iraq and the consequential civil war in Iraq is estimated by 2008 to have caused the avoidable deaths of up to a million people. More US troops have now been killed in Iraq (4,000 as of 23 March 08) than the original number of people killed in the attacks on the US in September 2001.

⁸ The Crusades, and later religious wars in Europe were some examples of past unjustified wars fought for what amounted to fundamentalist religious reasons. In more recent times, Islamic fundamentalism has been one of the causes of conflicts within states, and international asymmetric conflicts or conflicts labelled terrorism.

⁹ Kenneth N. Waltz, *Man the State and War* (New York, Columbia University Press, 1959), p. 1.

¹⁰ Carl von Clausewitz, edited with an introduction by Anatol Rapoport (original publication 1832), *Vom Kriege. Selections On war* (Baltimore, Penguin Books, 1968).

Aims of Thesis

The primary goal of this research is to carry out a critical analysis of the existing and past international order and power structures, and the theories that have been used to explain such structures, and to make alternative normative suggestions towards safer, more sustainable and more appropriate ways forward for humanity. Because of the UN's dependent status with regard to the international community this research will examine both the UN and the international community in an interrelated way, even though the primary focus will be on the UN itself. It will question whether the UN can be the solution to the problems of international conflict, or whether it is one of the problems preventing conflict resolution, or a mixture of both. Since the UN, the international system, and the nation-state are given elements in past and present human societal structures, any future structures of human society must take account of these realities rather than adopt an approach as if working from a *tabula rasa*. However, these broader existing international relations structures are not immutable and are liable to gradual or sudden change, just as the international order changed abruptly as a result of World Wars I & II, and the Cold War balance of power changed suddenly in 1989.¹¹ This study aims to examine the UN's structure and performance since its foundation, evaluate the extent to which it has achieved its primary objectives, and its propensity for reform to meet these objectives, and, based on this evaluation, to suggest alternative global structures. The primary aim of this research is best articulated by a quote from Richard Falk.

Enhancing debate is particularly important for a democratic society whose essence arguably lies in the core societal commitment to resolve controversy by non-violent communicative discourse.¹²

Hypothesis (See Hypotheses chart Table 1.1. below)

There are four interlinked aspects to the hypotheses. Firstly, that the UN has failed to achieve its primary objective – the maintenance of international peace and security – because it was not allowed to by the superpowers during the Cold War, and because it failed and was constrained from achieving these objectives thereafter. Secondly, that the UN is incapable of achieving these responsibilities in the future because of the structural limitations of its Charter combined with the intransigence of the five veto

¹¹ The UN Security Council structure, especially the veto, may however prove to be very difficult to change, because the power of veto also applies to any reform of the veto.

¹² Richard Falk, "Humanitarian Intervention after Kosovo", in Aleksander Jokic, ed., *Lessons of Kosovo: the Dangers of Humanitarian Intervention* (Toronto: Broadview, 2003), p. 32.

powers (P-5). The power of veto derives from Article 27.3. “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members...” This veto power includes *the power to veto any reform of this veto*. This last aspect is of vital importance. Since substantial reform of the veto will substantially reduce the power and international influence of these P5 powers, especially the lesser two powers, Britain and France, it is most unlikely that they will allow such reform of the veto, for reasons of perceived national interests. The third aspect of the hypotheses is that the UN is therefore virtually incapable of achieving the necessary reform that would enable it to perform its primary objectives and therefore, the UN needs to be transformed, superseded or replaced by more effective institutions of global jurisprudence and governance.

Table 1.1.	Research Questions	Contribution to Testing Hypothesis
<p>Hypotheses</p> <p>1 The UN has failed to achieve its primary objective – the maintenance of international and peace security – because it was not allowed to by the superpowers during the Cold War, and because it failed and was constrained from achieving these objectives after the Cold War.</p> <p>2 The UN is incapable of achieving these responsibilities into the future because of the structural limitations of its Charter combined with the intransigence of the five veto powers. These five SC permanent members retained for themselves the ultimate “negative” power over the Security Council by means of the veto, which includes the power to veto any reform of this veto. Since substantial reform of the veto will substantially reduce the power and international influence of these five powers, it is inconceivable that they will allow such reform of the veto, for reasons of national interests.</p> <p>3 The UN therefore is virtually incapable of achieving the necessary reform that would enable it to perform its primary objectives.</p> <p>4 Therefore the UN needs to be either transformed or superseded or replaced by more appropriate institutions of global jurisprudence and governance.</p>	<p>The following research questions are intended to assist testing the thesis.</p> <p>RQ 1. Do the structures of the UN, including the UN Charter, facilitate the achievement of the UN’s primary objectives?</p> <p>RQ 2. Has the UN succeeded in achieving its primary objectives in Asia, the most populous region of the world, and is it likely to do so without substantial transformation?</p> <p>RQ 3. Has the UN succeeded in achieving its primary objectives in the Middle East, the most volatile region of the world, in which it has been engaged almost since its foundation?</p> <p>RQ 4. Has the UN succeeded in, or likely to succeed in, achieving its primary objectives in Africa, the most disadvantaged region of the world?</p> <p>RQ 5. Is the UN likely to reform, or be reformed, as comprehensively and urgently as is required for the achievement of its primary objectives into the future?</p> <p>RQ 6. If appropriate UN reform proves unlikely or impossible, what are the alternatives to the UN to ensure an adequate level of collective security and global peace for humanity?</p>	<p>The research carried out to support this thesis will show that the UN, while in urgent need of reform, and despite some successes, especially in decolonisation, health (WHO), and to a lesser extent, peacekeeping, is either unlikely to be reformed or is incapable of the degree of reform necessary to achieve its primary objectives because:</p> <ol style="list-style-type: none"> 1. The UN structures and Charter are inadequate and in some respects counterproductive towards the achievement of its primary objectives, and because of the controls and power exercised over the UN by its most powerful members, and their unwillingness to give the UN the necessary authority and resources to achieve its primary objectives. 2. The UN has mainly failed in Asia, initially because of the exclusion of mainland China, the abuse by the UN of its function and authority in the Korean War and its failure to intervene timely or appropriately, in the major wars in Asia, such as the Vietnam, Afghanistan and Iran Iraq Wars. The UN has failed therefore to serve the majority of the world’s population. 3. The UN has failed in its tasks of collective security and international peace in the Middle East, since its foundation because of its inadequate approach to the complexities and intransigence of these conflicts and the inappropriate interference of the UN veto powers, including Britain and France initially, the USSR and the US during the Cold War and the US and its allies in the Post Cold War period. The UN has failed therefore in the region that presents the greatest threats to international peace and security. 4. The UN has failed to achieve its primary objectives in Africa because of superpower rivalry in the Cold War, and the UN’s failure to give Africa the necessary priority or resources to achieve the UN’s objectives in Africa, and because of ongoing internal factors and external interference in Africa. The UN has failed therefore to serve the most needy of the world’s people. 5. The UN is unlikely to be reformed sufficiently or in the timescale necessary to achieve its primary objectives in the future, because of structural reasons and because it has failed so far in the most populous region, the poorest region. Even within Europe, the UN’s performance in the Balkans has also been unsatisfactory. 6. If it can be shown that the UN structures and Charter inhibit or prevent the UN from achieving its primary objectives, then there is a need to reform these structures. If it can be further shown that these structures are either resistant to or incapable of being reformed, then the UN will be shown to be incapable of achieving its primary objectives, and incapable of being reformed to enable it to do so. While this does not necessarily mean that the UN should be disbanded, because it may serve very many other useful functions, it does mean that some other structures or systems must be put in place if the primary objectives set out for the UN are to be achieved, or alternatively, ways must be found to transform the UN without the necessity of a catastrophic war as a catalyst to force such change.

The above hypotheses are capable of being falsified. Research could show that the UN was partly successful in achieving its primary aims. Indeed it would be surprising if it had not been. It is technically possible for the five permanent members to agree to substantial reform of the UN, and this reform could be prompted by a major international crises or a realisation that the future of humanity is in danger. Creative ways around the obstacles to UN reform may be possible, and this research will explore and seek out such creative avenues.

Research Questions and Argument

Each of these interlinked hypotheses is open to the possibility of being proved or disproved, in part or in whole. The research carried out to support this thesis will show that the UN, while in urgent need of reform, and despite some successes such as development (UNDP), health (WHO), and to a lesser extent, peacekeeping, is either unlikely to be reformed or is incapable of the degree of reform necessary to achieve its primary objectives for a variety of reasons, including the following.

- The UN's structure and Charter are inherently inadequate.
- It is dominated by its five veto powers that tend to ignore, defy or manipulate the UN Security Council whenever it suits their perceived national interests.
- The UN itself has failed to assert sufficient authority on behalf of the majority of its members, who *should* represent the majority of humanity, but who are dominated by a minority of elite states within the UN.¹³
- The UN has failed to protect the interests of the individual citizens of the world, where conflicts of interest occurred between the interests of UN member states and the citizens of those states. China and Rwanda have been the most serious examples.
- The UN has failed to achieve its primary objectives throughout the Cold War, mainly because of permanent Security Council members' conflicting interests and the inappropriateness of collective security towards achieving international peace.

¹³ Burns H Weston writes that: "A sense of species solidarity and a concern for all peoples, not just the ruling elites, must underwrite all proposals for alternative security". Burns H Weston, "In Quest of World Peace: Law and Alternative Security", in Richard A Falk., et al, eds., *The Constitutional Foundations of World Peace* (Albany, NY: State University of New York Press, 1993), p. 368.

- In spite of the end of the Cold War, the UN continued to fail to achieve its primary objectives.

Research Question 1 asks whether the structures of the UN, including its Charter, facilitate the achievement of its primary objectives. If not, then the options are to change the primary objectives of the UN by confining the UN to lesser roles of peacekeeping, or to give it real powers of conflict prevention. An alternative option is to change the UN structures and Charter. If the UN's primary objective is too important to be downgraded, and cannot be performed by the UN, then it must be performed by another structure, or institution. This is the key research question, which is addressed in the case studies and the concluding chapter.

Research Questions 2, 3 and 4 focus on particular aspects of the UN's performance towards achieving its primary objective, in three diverse regions, and are analysed in the case studies in Chapters 4, 5 and 6. Research Question 2 asks whether the UN has succeeded in achieving its primary objectives in Asia, the most populous region of the world, and whether is it likely to do so without substantial transformation. The purpose of this question and its contribution to testing the hypothesis is to establish whether the UN is achieving its primary mission at least on behalf of a majority of the world's population. If the answer is negative, then a substantial part of the hypothesis will have been shown to have validity. Chapter 4 will answer this research question.

Research Question 3 asks whether the UN has succeeded in achieving its primary objective in the Middle East, the most volatile region of the world, in which it has been engaged virtually since its foundation. The contribution of this question to the testing of the hypothesis is an important one. From geographical, demographic, geopolitical, geo-economic, historical, sociological and ethnic/religious perspectives, the conflict(s) in the Middle East have been urgently in need of resolution since the foundation of the UN. These conflicts also have a significant propensity to spill-over. If consistent failure by the UN is indicated in the Middle East then it will be demonstrated that the UN does not have the capacity to resolve or contain complex and dangerous conflicts, even when it applies considerable resources to do so. Chapter 5 will answer this research question.

Research Question 4 asks whether the UN has succeeded in achieving its primary objective in Africa, the most disadvantaged region of the world, and if not, is it likely to do so without substantial transformation. If the answer to this question is

negative then this is a very serious reflection on the moral and altruistic basis of the UN. From an altruistic or even a normative perspective, the UN should give priority to the weaker sections of human society, on the basis that the stronger sections of society can, and normally do, look after their own interests, and therefore do not need an organisation such as the UN to defend their interests. Chapter 6 will answer this research question.

Research Question 5 asks whether the UN is likely to reform or be reformed as comprehensively and urgently as is required for the achievement of its primary objective into the future. The answer to this question will be contained partly within the answers to the other research questions above, and from analysis of the UN reform processes. If the answer to this question is negative, because of structural reasons and because the UN has failed so far in the most populous region, the most volatile region and the most disadvantaged region, then Research Question 6 needs to be addressed. If appropriate UN reform proves unlikely or impossible, what are the alternatives to the UN that would be more likely to ensure an adequate level of security and global peace for humanity? These questions will be addressed in the final Chapter.

In looking at the counterarguments against the hypotheses of this thesis we must examine arguments put forward by defenders of the UN who tend to say that its limitations are not its own fault, but are the fault of its controlling powers, who do not give it the resources or the authority to enable it to perform its primary responsibility. Others emphasise the relative successes of the UN.¹⁴ However, the UN is what it is, an international organisation, with serious limitations, including the most serious limitation in having virtually no capacity for autonomous action in international affairs. It is as such that it must be judged, and as such it will have succeeded or failed. If in addition, it can be shown that the UN has little capacity to reform itself or be reformed, it is this flawed and limited UN that must be replaced, and not some non-existent theoretical UN, if the tasks of maintaining global peace

¹⁴ U Thant wrote that: "Great problems usually come to the United Nations because governments have been unable to think of anything else to do about them. The United Nations is a last ditch, last resort affair". Childers and Urquhart wrote that: "Even as it stands the UN system is considerably more effective than the impression given by many stringent criticisms, especially those emanating from its most powerful members. It is, if anything astonishing that this group of public service international institutions ... have achieved so much of enduring value in the last forty-nine years." Geoffrey Grenville-Wood, "An Agenda for United Nations Reform", in Eric Fawcett, Hanna Newcombe, eds., *United Nations Reform: looking ahead after fifty years* (Toronto: Science for Peace, 1995), p. 2.

are to be achieved, by means of collective security¹⁵ or whatever other means are most appropriate. A further possible argument against replacing the UN with a more effective collective security / global peace system, is that such a system already exists by default, led at present by US hegemonic power. These arguments will be examined in more detail in Chapter 5, the Middle East case study, and Chapter 7, the concluding chapter.

Central Argument of Thesis:

The central or core argument of the thesis is that the nature and scale of the UN's failures to maintain international peace and security are of such a magnitude, occurred in diverse regions of the world, throughout the full existence of the UN so far, and that the prospects for the necessary reform of the UN are so poor due to its virtually immutable Charter, that the United Nations can be deemed to be beyond the level of reform needed, in the urgent timescale needed, to provide a satisfactory level of peace and security for humanity. Furthermore, the very existence of a failed UN is preventing the bringing into existence of more appropriate global human security systems that could and should achieve an acceptable level of peace and security for humanity.

The data and evidence presented in the research and case studies will support this. This thesis argues that the UN, and the anarchic nature of the international system on which the UN is based, need to be transformed, superseded or replaced, by more effective systems of global jurisprudence and global governance. Some of the UN's failures result from internal problems that should be amenable to reformation and resolution. However, its primary failures can be attributed to the international system of nation-states, which allows the UN little independent authority or scope. The control over structural reform of the UN Charter was retained by the principal UN founding powers in 1945, who assigned to themselves the roles of permanent membership of the UN Security Council, and gave themselves a veto on all key decisions of the UN, including Security Council reform. Therefore only a tiny proportion of the international community have the direct power to initiate or allow transformation of the UN, and each of these five states has a strong vested interest in opposing reform of the Security Council. The majority of the members of the UN

¹⁵ The important issue of collective security will be subjected to more detailed analysis in Chapter Three.

have only indirect or negative methods of transforming the UN. This will be discussed in Chapters 3 and 7 in the context of how UN transformation might be operationalised.

This research will seek to show that the structure and power of the UN Security Council, and the veto held, and frequently wielded, by its permanent members represents an effective double locking system on substantial reform or transformation of the UN. Since the current crises in international affairs are arguably of a similar scale to those that existed just prior the First and Second World Wars, the international system is now in need of similar far reaching transformation as was attempted (but arguably failed) in 1919 and 1945 with the foundation of the League of Nations and the United Nations. These reforms of the international system were attempted after catastrophic events, and were therefore reactive rather than preventative. The preceding wars made the achievement of *agreed* reform of the international system more difficult, resulting in reform being imposed by the victors. For these reasons, this thesis will advocate that any transformation of the international system should take place prior to any further catastrophic international conflicts rather than waiting for such conflicts to provide the operational push for such transformation.¹⁶ The veto powers must therefore unlock the doors to UN structural reform, or if, as is likely, they fail to do so, then the only solution to the problems of international security may lie with the transformation, superseding or replacement of the UN.

What Contribution Will This Study Make?

Ken Booth, in a paragraph entitled *from micro-international history to macro-global history* encapsulates much of what this thesis is attempting to achieve, and the methodology and level of analysis that will be employed.

In order to move from where we are and where we might be going on a global scale there are decreasing returns from investing scarce academic resources into the accumulation of knowledge about details of relations between governments. ... Of far more potential value is the exploration of macro global history, so that by

¹⁶ This admittedly speculative argument is in addition to any arguments or advantages that would result from reforming and improving the capacity of international organisations and systems to prevent human conflict and large-scale loss of life. It is an argument that reforming the international community after World War III will be as likely to fail as were the attempts to reform it after World Wars I and II. It presupposes that there will be an international community worth reforming or even a human society in existence on planet earth after World War III.

stimulating our historical imagination we might gain insights into the meanings of the present and the prospects for the future.¹⁷

It is not that the minutiae of past events are not important, but that we are reaching the limits of the value that we can extract from such research methods. It is time to take stock of what has been achieved from the confusing mass of existing theory and research material by examining this from a more panoramic perspective, while at the same time, attempting to bring alternative perspectives, not only to the theory but also to the practices of international and human relationships. Many theses in the disciplines of political science or international affairs tend to adopt a narrow focus on a particular segment of either of these disciplines and many use quantitative analysis to arrive at conclusions. This research project will adopt a far more panoramic or macro approach that will attempt to link the disciplines of political science and international relations into a broader band of theories of human relationships stretching from the local to the global, with specific emphasis on the individual as the core ingredient of human society. It will attempt to combine bottom up and top down views of the United Nations, looking at its actual and empirical performances from a conflict victim's perspective, and its potential from the broad global perspective. It will maintain dual focus close-up and panoramic views, and build towards composite conclusions as to what the future holds for the UN and for the long-term security of humanity. In this respect it will differ significantly from more narrowly focused theses.

The purpose of this panoramic approach is to seek to identify additional problems in the structures of international society, than those that may have already been identified, and to identify and propose alternative solutions to those problems. Holocaust survivor David Oppenheim believed in such a synoptic rather than an analytical approach to achieving *Menschenkenntnis*, a knowledge of humanity: "those who seek knowledge of humanity must put the parts together to understand the whole", though he prefaced this with the Platonic injunction of the importance of knowing oneself.¹⁸ This synoptic approach will be one of the benefits of this research. However, it will be combined with a critical theoretical approach, and will seek alternatives to the mainstream theoretical approaches to international peace

¹⁷ Steve Smith, Ken Booth, Marysia Zalewski, eds., *International theory: positivism & beyond* (Cambridge: CUP, 1996), p. 335.

¹⁸ Peter Singer, *Pushing Time Away: My Grandfather and the Tragedy of Jewish Vienna* (New York, ECCO, 2003). See also Edith Hamilton and Huntington Cairns, eds., *Plato: The Collected Dialogs* (New York: Panteon Books, 1963).

that have arguably failed so far. There are already thousands of research projects and reports into the UN, including UN reform, but very few of them put the parts together to achieve a holistic perspective. This thesis assembles the parts in its earlier chapters, and in the case studies, identifies the failures and flaws of the existing international system, thereby providing a panoramic or holistic picture of how things have been and are, and enabling the production of normative recommendations as to how peace and security for humanity ought to be achieved. The thesis will not ignore the micro-perspectives on human relationships. On the contrary it will work on the assumption that the perspectives and perceptions of individuals are important in so far as they motivate the actions and reactions to events. The macro events of the world result mainly from an accumulation of micro events. It is individuals who are the actors or agents, and control the agencies, and who react to events and take resulting actions, depending on how they understand or misunderstand these events. It is individuals who perpetrate suffering, and who have suffering perpetrated against them. It is therefore the security and well being of humanity's six billion plus individuals that forms the motivation for this research project.

Far from being value neutral, or detached, this thesis will tend to be value laden, but will be explicitly so. The problem with such a subjective approach is that it can be accused of lacking objectivity and being unduly influenced by the intense nature of the events witnessed or experienced, or encountered by research. This thesis will alleviate these disadvantages by openly acknowledging the subjectivity where it exists enabling the reader to compensate for any resultant bias, and also by including a wide variety of perspectives from different individuals and circumstances.

The levels of analysis also represent a significant difference between this research and most other research into the UN, which tends to focus on particular aspects of the UN or its performance, and to undertake case studies into particular missions in particular countries. This thesis seeks to maintain a higher level of analysis, because it is not the success of the UN in any particular instance that it seeks to analyse, but the overall success of the UN towards the achievement of its primary aim, over the full period of its history so far. It will therefore seek to stand on the shoulders of others, to avoid repeating research already done, or trying to analyse all aspects of all UN peace missions.

Robert Keohane talks of Holsti's desire to 'open intellectual doors to peer in on international collaboration, cooperation, and welfare'.¹⁹ Because of direct involvement at the experiential end of peace, conflict and security issues, the perspective of this researcher is partly that of an insider peering out, combined with the academic perspective of an outsider looking in.²⁰ Keohane contrasts the approaches of the rationalistic theorists such as realists and neo-realists with what he calls the "reflective interpretative scholars", who "emphasise the importance of historical and textual interpretation and the limitations of scientific methods in studying world politics". This body of research will lean more towards the views of the interpretative scholars but will in addition focus more on the reality of the impact of conflict, and attempts at conflict resolution, on individuals, individually and collectively, as recorded by observers and participants, including this researcher. Keohane also emphasises 'the critical importance, for the further advance of knowledge, of undertaking empirical research, guided by these theoretical ideas'.²¹

This study aims to systematically, but critically, analyse the structures of the UN, and the rationale behind its founding Charter, before going on to examine the performance of the UN towards the achievement of its primary function of maintaining international peace and security. The study's first task will be to evaluate whether, and to what extent, the UN has achieved its primary objective. More importantly, since the indications are that the UN has not succeeded in these objectives, if this proves to be the case, then the study will seek to show whether the UN is amenable to the degree of reformation necessary to protect humanity from threats of serious conflicts into the future. If the answer to this question is in the negative, then it leads on to the further question as to what system or systems should or could be put in place at international and global levels to replace the inadequate systems that exist at present. These findings will make significant practical contributions to the study and practices of international relations, because these types of fundamental questions tend to have been avoided by much of the research into the UN so far, which tends to focus on the lesser priorities of the UN's

¹⁹ James Der Derian, ed., *International Theory, Critical Investigations* (New York: NYUP, 1995), p.280.

²⁰ R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: CUP, 1993).

²¹ James Der Derian, ed., *International Theory, Critical Investigations* (New York: NYUP, 1995), p.284.

effectiveness in matters such as peacekeeping, and the prospects of internal UN reforms of its financial controls, administration and personnel affairs.

Meinhard Schröder concludes that: “(a)ny far-reaching reform of the United Nations to overcome its functional weakness and to strengthen its powers by way of amendment of the Charter is not in sight yet.”²² Ute Adamczick-Gerteis goes a step further, or rather a major step backwards, in describing the conclusions of a conference on UN reform at Pontignano, Italy:

there was wide consensus that after the experiences of Somalia and Bosnia the UN should concentrate on classical peacekeeping functions such as maintaining ceasefires and the monitoring of elections.²³

This conference was held in July 1994, just after the genocide in Rwanda. Such a conclusion is the equivalent of a team of hospital surgeons being told that, because of lack of equipment and resources, and lack of will by the hospital governors, that the surgeons should in future ignore all urgent emergency cases, and just apply first aid treatment. This thesis will argue against such an approach. On issues of such fundamental importance to humanity, this study should at least lead to a questioning of many of the accepted norms and the *status quo* of the existing structures and systems at international level, and may encourage other additional research towards the design of specific new institutions and systems.

In Chapter 3 the functionalism of David Mitrany, and its neo-functionalist derivative, sidelined or retired during the doldrums days of the Common Market/EEC, will be dusted off and re-examined to see if functionalism, and the example of a more dynamic European Union in the early years of the twenty-first century can provide useful models and tools towards achieving the level of peace globally that, unarguably, has been achieved in Western Europe since 1945.

While the conclusions of this research project will be of a broad and normative nature they are also of practical and theoretical importance, and should make a useful contribution to this area of international relations research. The uniqueness of this contribution is a combination of the overview it provides and the fundamental re-examination of basic structures and flaws of international society and systems.

²² Meinhard Schröder, “Amendment to and review of the UN Charter” in, Paul Taylor, et al, (eds.), *Documents on reform of the United Nations* (Aldershot: Dartmouth, 1997), p. 498.

²³ Paul Taylor, et al, (eds.), *Documents on reform of the United Nations* (Aldershot: Dartmouth, 1997), p. 571.

The UN: What is it, and what is its primary objective?

The UN was born amid the ashes of the Holocaust and the wreckage of WW II. With this traumatic background, its primary objective, the maintenance of international peace and security, was set out very clearly in Article 1 of its Charter - Purposes of the United Nations:

Paragraph 1. To maintain international peace and security, and to that end: to take effective collective security measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace

This thesis will argue that the UN has many achievements to its credit since its foundation, but that these achievements must be balanced against its specific and systemic failures, to achieve the above primary objective. Stephen Ryan reminds us that: “the main function of the UN, as conceived by the wartime allies ... was to promote international peace and security.”²⁴ An audit of the UN’s achievements in this primary role will reveal that it succeeded in temporarily keeping peace, of sorts, at times, where peace, of sorts, already existed, for example, in Cyprus, the Middle East and Kashmir, but failed to resolve many conflicts including those three. It failed in its first collective security challenge when instead of achieving peace in the Korean crisis it became part of the problem by becoming a belligerent in that war. This Korean crisis and the conflicts in central Africa and the Middle East continue into the twenty-first century. “FDR and his aides had imagined the UN as a global police force, squashing conflict before it blazed into war. That dream flickered out in the first days of the Cold War.”²⁵ The UN failed to intervene in time, if at all, in many of the most serious conflicts, such as the superpower wars in Vietnam and Afghanistan, and their third world proxy wars in Africa, and in the war between Iraq and Iran. “Indirectly, the proxy wars of the Cold War era were responsible for the deaths of at least 10 million people”.²⁶ Internal conflicts and purges in China and the USSR cost tens of millions of lives without UN intervention.²⁷

²⁴ Stephen Ryan, *The United Nations and International Politics* (Basingstoke: Macmillan, 2000), p. 30.

²⁵ James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American Power* (London: Bloomsbury, 2006), p. x.

²⁶ Paul Rogers, *Loosing Control: global Security in the Twenty-first Century* (London: Pluto, 2002), p. 35.

²⁷ As chronicled by: Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005) and by Anne Applebaum, *Gulag: A History* (London: Penguin, 2003).

Niall Ferguson estimates that: “A minimum estimate for the total victims of all political violence in the Soviet Union between 1928 and 1953 is twenty-one million.” Niall Ferguson, *The War of the World: History’s Age of Hatred* (London: Penguin, 2006), p. xli.

M.A.D. nuclear strategies terrorised those of humanity who understood how close to ultimate disaster humanity came during the Cold War, especially during the Cuban missile crisis.²⁸ US President J. F. Kennedy in an address to the United Nations warned that: “mankind must put an end to war or war will put an end to mankind”.²⁹ This warning has so far gone mainly unheeded, especially by subsequent US administrations. The UN did achieve some progress in the significant areas of human rights, culture, health, and is credited with facilitating decolonisation.³⁰ However, with up to one hundred million avoidable deaths during the period of its tenure,³¹ the ultimate human right, the right to life, has been denied to so many that the UN’s positive achievements pale into insignificance when compared with its failures. Into all this must be factored the reality that the threat of nuclear holocaust has not gone away. It has been temporarily diminished somewhat, because one of the superpowers has been temporarily diminished. However, the proliferation of nuclear weapons among several lesser powers has increased the threat of regional nuclear exchanges in areas such as South Asia, East Asia, and the Middle East.³²

UNAMIR commander, General Romeo Dallaire expresses the fear that:

In the next decade terrorists will acquire weapons of mass destruction. It is only a matter of time until a brilliant young chemist or smuggler obtains a nuclear, biological or chemical weapon and uses it to satisfy his very personal rage against us.³³

Such fears of terrorists getting their hands on nuclear weapons may be misplaced or exaggerated, as were claims that Iraq possessed weapons of mass destruction in 2003. Terrorists don’t need such sophisticated weaponry to terrorise, as the attacks

²⁸ MAD, described by Philip Allott as ‘the *Great Threat*, the threat of nuclear war, threat of all threats, including the thrilling apocalyptic fantasy of Mutually Assured Destruction. Philip Allott, *Eunomia; new order for a new world* (Oxford: OUP, 2001), p. ix.

²⁹ US President J.F. Kennedy, address to United Nations General Assembly, 25 September 1961. In the Cuban missile crisis in 1962, Kennedy and Khrushchev negotiated a peaceful resolution to their nuclear standoff, unlike many of Kennedy’s successors.

³⁰ “In 1945 it was hardly the intention of the colonial regimes to get out of Africa in the foreseeable future. However, they were committed to the new United Nations Organisation ... the UNO charter contained an affirmation of the right to popular self-determination.” Bill Freund, *The Making of Contemporary Africa: The Development of African Society since 1800*, Second Edition (Basingstoke: Macmillan, 1998), p. 183.

³¹ Jung Chang and Jon Halliday state that: “Mao Tse-Tung ... was responsible for well over 70 million deaths...”. Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005), p. 3.

³² The word *security* in the UN Charter phrase “to maintain international peace and security” is seldom emphasised yet is arguably of equal importance to the word *peace*. While military strategists may argue that the nuclear stand-off throughout the Cold War enhanced international security, it only did so in the sense that the game of Russian roulette, with several bullets in the revolving chamber, concentrates the mind but does not give peace of mind. In this respect the international community, and the UN as a constituent part of that community has failed to provide or maintain international security.

³³ Romeo Dallaire, Lt. Gen., *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003), p. 521.

on the US demonstrated on September 11th 2001. As long as the root causes of terrorism are ignored by international society and fuelled by powerful states pursuing their limited self-interests with the tools of state-terrorism, including war, then individual terrorists and terrorists groups will thrive and prosper within dysfunctional states, and a dysfunctional international system. The five permanent members of the Security Council hold the preponderance of nuclear weapons, and it is these states that have been mainly responsible, directly or indirectly, for the invention and proliferation of nuclear weapons. The United States is the only country to have used nuclear weapons in war, so far. Policies of deterrence and collective security have neither deterred states from making war nor secured international peace. International peace must be intuitively nurtured and developed, not violently enforced.

During the twentieth century 160 million people died as a direct result of conflict. Over half of these deaths occurred after the foundation of the UN.³⁴ International peace and security, therefore, has not yet been achieved. Clearly there is a need for an organisation or structure such as the UN to help prevent such avoidable, catastrophic loss of human life. Reform of the UN is the solution proposed by most international relations theorists, and most heads of state, with very few advocating its replacement, or even a root and branch transformation. James Sutherlin points out that while there were: ‘...wide calls for reform in conjunction with the 50th Anniversary of the United Nations. ...No fundamental restructuring of the UN has taken place [by 2004]’.³⁵ Arguments that ‘the UN is the only game in town’ and that, without the UN things would be much worse, are used to justify pursuing a UN reform strategy over one of UN replacement.³⁶ This study will question this rationale by evaluating the nature and scale of the UN’s successes

³⁴ Robert McNamara tells us that: ‘the 20th century also produced a bloodbath of war and destruction that dwarfed earlier periods, as approximately 160 million human beings were killed in violent conflict.’ McNamara served as US Secretary of Defence for much of the Vietnam War that accounted for over three million of those deaths. Robert S., McNamara, *In Retrospect: the tragedy and lessons of Vietnam* (New York, Vintage, 1996), p. xv. The total casualties in World War One were about 10 million killed and in World War II, 55 millions [source – Brockhampton, *Dictionary of World History*, (Oxford: Brockhampton, 1994), p. 630 and 635], giving an estimated total conflict deaths prior to 1945 of about 70 million. Therefore, as many as 90 million may have been killed due to conflict after the foundation of the UN. Such body counts are inevitably inaccurate and do not clarify or separate direct conflict deaths from indirect deaths such as conflict related disease and hunger.

³⁵ James G. Sutterlin, *United Nations Reform: On track for the twenty-first century?* (New York: UN Studies, Yale, 2004), Summary, www.eolss@essaysnet.co.uk, accessed on 18th May 2004.

³⁶ The comment that “the UN is the only game in town” was made by Dr. Tom Hyland at a talk to the Irish Peace Society, at the University of Limerick, in 2001. David Rieff refers to “the rigged game favouring the global North that is the essence of the international trading system”. Such a rigged game is also arguably and inherent part of the UN’s international security system.

and failures and by considering what alternatives may exist, to enhance the future security of humankind.

This study will argue that the failures of the UN even after the Cold War should have become the driving force that ensured transformation of the UN into a competent agency for global peace. It is more urgent now than at any time in the history of humanity that rational thought processes and behaviour, rather than catastrophic events, should govern the interaction of individuals and states, towards ensuring the sustainable survivability of humanity. However, such a normative assumption must be balanced by the realisation that what ought to be theoretically may be far removed from reality. Robert Cooper makes the point that in the era of nuclear weapons: “(r)ational argument and negotiated solutions may be defeated by the consuming imperative of security.”³⁷ But this is arguably an irrational statement based on fear of immediate threats overcoming the prospect of rational solutions to long-term security problems. This thesis will argue that war and violent attempts to create world peace are irrational and that there are rational and peaceful methods for securing peace for humanity.

The exercise of power and checks and balances on abuses of such power, have exercised the minds of theorists over several millennia. Democratic alternatives to autocratic power emerged for brief airings in classical Greece and Rome but then remained dormant until recent times. Yet the advent of modern democracy has not prevented wars between and within states, in spite of claims of the existence of a democratic peace dividend.³⁸ The war/occupation of Iraq was initiated in 2003 in breach of the UN Charter by permanent UN Security Council members, democratic US and UK.³⁹ This thesis will argue that respect for, and enhancement of, the rule of international law and a system of global jurisprudence, must go hand-in-hand with democracy to ensure a more comprehensive peace system. The privileges/responsibilities of UN P-5 membership assumed by those permanent

³⁷ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 65.

³⁸ Immanuel Kant credited republican systems of government with being less prone to initiating wars for reasons of economic interests. Post World War II theorists also argued that democratic states were less likely to go to war, but this thesis has been challenged in the meantime. The main claim of those who advocate that democracy promotes peace is that democracies do not make war on each other. Chris Brown describes “the notion of the ‘Democratic Peace’ – the proposition that although ‘democracies’ are, in general, as war-prone as any other kind of state, they do not fight each other”, Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 81.

³⁹ This US and UK aggression against Iraq, another UN member state is a clear example of “the lions running free”.

members⁴⁰ included being the guardians of the UN Charter, not its violators. The UN has failed to achieve critical or decisive influence or power to resolve the problems of international conflict.

The nation-state, the international system, or ‘international community’,⁴¹ arose out of disintegrating autocratic ruling systems and the amalgamation of smaller city-state type of regimes. A variety of bipolar and multi-polar balance of power systems provided a collective security system, of sorts, enabling some significant periods of relative international peace. Yet, the nation-state system introduced additional conflict causes including, nationalism, territoriality/borders, and the concept of national interests or *raison d’État*. Things fell apart with the outbreak of World War I, and arguably have never been fully put back together again.⁴² Death and destruction have continued throughout the twentieth century and into the twenty-first, while increasingly more efficient methods of killing have been combined with the most basic killing methods.⁴³ The international system encompassing the United Nations has failed to provide either international security between states, or individual security for very many of humanity’s individuals, who live as citizens within states.

The Concepts of UN Peace:

As with the League of Nations, the United States was the primary driving force behind the foundation of the UN, but the Wilsonian ideals were tempered by realist motives.

The UN Charter ... was adopted on 25 June [1945] in the San Francisco Opera House. On 6 August the US detonated one atomic bomb over Hiroshima and on 9

⁴⁰ The Permanent Members of the UN Security Council are, China, France, Russia, the United Kingdom, and the United States.

⁴¹ The term international community is widely used and arguably misused within the international relations discipline. The term should be qualified perhaps with the prefix ‘so-called’ on the basis that the majority of the member states of the United Nations play very little part in and have very little influence in this international community. David Rieff perhaps goes too far when he disparagingly refers to it as ‘that entirely fictitious entity called the international community.’ Antonio Donini, et al, eds., *Nation-Building Unravelled? Aid, Peace and Justice in Afghanistan* (Bloomfield: Kumarian, 2004), p. x. This research project will use the term “international community” to signify an unequal community of states, combined with other actors including international organisations (of which the UN is the foremost), as well as other official and voluntary organisations and groups.

⁴² Eric Hobsbawm, *Age of extremes: the short twentieth century 1914-1991* (New York: Vintage, 1994), Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin 1998), Niall Ferguson, *The War of the World: History’s Age of Hatred* (London: Penguin/Allen Lane, 2006).

⁴³ Nuclear and ‘smart’ weapons used by the superpowers contrast with starvation, brutality and machetes that were the more common instruments of deaths in the Cambodian and Rwandan genocides.

August another over Nagasaki, Japan ... The UN was officially founded on 24 October [1945], when its Charter was ratified ...⁴⁴

The deliberate destruction of civilian cities such as Hiroshima and Nagasaki, was in clear breach of the newly adopted, but not yet ratified, UN Charter. The US has endeavoured in the meantime to maintain control over the security and international peace aspects of the UN, while maintaining its own freedom of action to operate outside the remit of the UN.⁴⁵ Chris Brown refers to the early foundation years of the UN as: “the period 1944-48, when the victorious anti-Nazi coalition – the original ‘United Nations’ – fell apart.”⁴⁶ The following are some definitions applicable to the UN and to this research.

Maintenance of International Peace and Security:

The primary objective of the United Nations, as specified in the UN Charter, is the maintenance of international peace and security. Given the experiences of war and conflict since 1945, international peace and security should be defined more broadly to include the broader threats to humanity due to conflicts within states as well as between states, and the broader threats to human security arising from threats to the living environment. However, the very concept of “maintaining” peace is an inadequate objective for the UN and the international community because it presupposes a pre-existing state of peace that can be maintained. The architects of the UN especially the superpowers took it on themselves through the Security Council to create peace, using collective security as the mechanism. The failure of collective security has left a void whereby there has been an inadequate level of international peace for the UN to maintain.

International peace:

The UN was envisaged as having a key role, albeit dominated by its P-5 members, in the maintenance of international peace and security.⁴⁷ However,

⁴⁴ News International, Upside Down: “The United Nations at 60 – NI 375 – A brief history of the UN”, Jan / Feb 2005, accessed on 22/06/2005 at <http://newint.org/issue375/history.htm>.

⁴⁵ While the power of veto conferred on the Permanent Five (P-5) members of the Security Council technically gives equal status to each of these P-5 member states, Britain and France discovered that there were pragmatic limitations to their freedom of action during the 1956 Suez Crisis.

⁴⁶ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 209.

⁴⁷ Article 2.1 of the UN Charter emphasised that: “The Organization is based on the principle of the sovereign equality of all its Members” but Article 27.3 results in the P-5 members being more equal than the others. Article 27.3. “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members”.

Article 2.7 of the Charter appeared to exclude the UN from interfering in matters of peace and security within states.⁴⁸ Following the end of the Cold War, the practices of humanitarian intervention have tended to override Article 2.7. US ‘plurilateral’⁴⁹ interventions and its twenty-first century policy of pre-emptive military intervention have simply ignored Article 2.7. However, the P-5 UN member states still fall outside the remit of any UN intervention within their own states.

Collective Security:

UN collective security was envisaged as the principal mechanism for achieving international peace. Paul Kennedy described the Korean War as “the greatest of all UN peace enforcement campaigns”⁵⁰. It was the largest and most costly in terms of human life, but it was also one of the most counter-productive UN ‘peace missions’, and had the immediate and long-term effect of removing the “teeth” from the UN’s armoury throughout the Cold War. Since collective security involved attempting to make peace by making war, the concept of collective security is arguably an oxymoron. The outcomes of Iraq wars in 1991 and 2003 further challenge the utility of collective security. Chapter 7 will conclude that the concept of collective security has been one of the major flaws in the UN peace maintenance system. The UN’s strengthened collective security provisions, compared with the League, suffer from the critical flaw of its limited application.

Because the P-5’s veto power in the Security Council assures that no collective security measures can ever be instituted against any of them, the UN is a limited collective security organisation.⁵¹

Conflict Prevention:

One of the flaws of the UN Charter was that it appeared to accept violent conflict as a norm of international interaction.⁵² While some conflict may be inevitable in human society, it should not be regarded as inevitable that such conflict should regularly escalate into violence. The primary role of international society, including

⁴⁸ UN Charter Article 2.7. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ...”

⁴⁹ Plurilateralism is a term used by Björn Hettne, as distinct from unilateralism and multilateralism, to signify the use of military forces by a number of powerful UN members outside of the remit of the UN Charter. Björn Hettne, “The New Regionalism Revisited”, in Fredrik Söderbaum and Timothy M. Shaw, *Theories of New Regionalism: a Palgrave Reader* (Basingstoke: Palgrave Macmillan, 2003),

⁵⁰ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York: Allen Lane Penguin, 2006), p. 56.

⁵¹ Margaret P. Karns and Karen A. Mingst, *International Organisations: The Politics and Processes of Global Governance* (Boulder CO: Lynne Rienner, 2004), p. 297.

⁵² This is understandable from a 1945 context in the aftermath of World War II.

the UN, should be to regulate such human interaction and conflict so that it does not develop into war. In the concluding chapter it will be argued that prevention of war should therefore be the primary objective of the UN, rather than responding to conflict by using warfare as a collective security device to enforce peace. Military force should be a last resort of the international community to police a comprehensive system of international jurisprudence, which does not yet exist, or exists only at a very immature stage. Instead of legislating to legalise war, as some existing conventions and laws of war tend to do, international jurisprudence should focus more clearly on outlawing war, limiting the circumstances when military force may be used, and enforcing practical non-lethal punitive measures on all those who violate those rules.

Life – the most basic human right

With the benefit of historical hindsight, it is virtually impossible to theorise that there could be any benefit to humanity from the avoidable deaths of so many individuals in the preventable wars of the twentieth century. The most valuable of the resources expended in these wars were the human resources and the losses of human talent and ingenuity. Unlike the buildings destroyed and the physical resources consumed by these wars, the human lives lost can neither be rebuilt nor replaced.⁵³ The twentieth century ended with a decade that began hopefully, proceeded with several catastrophic conflicts and ended pessimistically from the point of view of human security, individually and internationally. The twenty-first century has begun with an international environment that is permeated by fear caused by the reality of terrorism and the terrorising counter-terrorism response of the US-led ‘War on Terrorism’.

Peace Maintenance:

This thesis will argue that maintaining peace, not only internationally, but also internally within states, and in the broader global sense, should remain an important, but not the primary objective of the UN. Creating peace must become the vital first step for the UN and the international/global human community, before

⁵³ David Oppenheim is just one example of one such irreplaceable loss. Peter Singer, *Pushing Time Away: My Grandfather and the Tragedy of Jewish Vienna* (New York: ECCO, 2003). However, international media often focus on the destruction of property such as the now rebuilt Stari Most bridge in Mostar, demolished during the Bosnian conflict.

peace can be maintained. Successful peace maintenance by the UN has involved the implementation of complex peace missions, including UN transitional administrations where state authority has failed, or where new states are emerging following conflicts.⁵⁴ However, conflict prevention rather than violent collective security should be the primary means of creating and maintaining peace.

UN Peacekeeping:

The concept of peacekeeping was not envisaged in the UN Charter, and emerged only when UN collective security failed in the Cold War context. Peacekeeping worked for a while in its limited capacity, and its principle success may have been in preserving some positive role for the UN in an international peace context throughout the Cold War. The UNEF II criteria became the hallmarks or principles of peacekeeping:

- consent;
- impartiality;
- the non-use of force;
- mandate;
- a United Nations multinational deployment;
- the ‘willingness’ of the member-states;
- the non-interference in the sovereignty of states.⁵⁵

However, peace missions operating under such constraints are the equivalent of a national or urban police force that is only allowed intervene in local criminal gang warfare, provide each of the local gangs agreed with such police intervention, and police acceptance of the legitimacy of gang warfare. This thesis will question the long-term utility of peacekeeping.

Complex UN peace missions:

Following the end of the Cold War the problems of failed states, such as Somalia, the break-up of states such as the former Soviet Union and Yugoslavia, and serious conflicts within states such as Rwanda, highlighted the critical

⁵⁴ Jarat Chopra gives the most detailed analysis of peace maintenance in: Jarat Chopra, *Peace-Maintenance, The Evolution of international political authority* (London, New York, 1999), and Jarat Chopra, *The Politics of Peace-Maintenance* (Boulder CO: Rienner, 1998).

⁵⁵ Claus Heje, “United Peacekeeping – An Introduction”, in Edward Moxon-Browne, ed., *A Future for Peacekeeping?* (London: Macmillan, 1998), p. 2.

limitations of UN peacekeeping.⁵⁶ Complex peace missions evolved such as the UNTAC mission in Cambodia, the UNTAET mission in East Timor, and the UNMIL mission in Liberia, in which peacekeeping was combined with elements of peace-enforcing and state building, and the promotion of parliamentary democracy. This thesis will argue that the future role of the UN requires a strengthening of its capacity and resources in providing complex peace missions, rather than the more simplistic but arguably flawed concepts of collective security and peacekeeping. The distinguishing lines between such complex peace enforcement missions and collective security operations should be clearly established.

UN Transitional Administration:

This role was first used by the UN in West Papua, albeit inadequately as will be discussed in Chapter 4. It was used in Namibia (UNTAG) towards the end of the Cold War, and its most significant uses were in Cambodia (UNTAC), East Slavonia (UNTAES), and East Timor (UNTAET). Somalia was arguably the conflict where a UN transitional administration would have been the most appropriate response. However, an inappropriate mix of UN and ‘international’ forces engaged in, or attempted, peacekeeping, humanitarian intervention, and peace enforcement, sometimes simultaneously but with disastrous results. The concluding chapter will suggest that an enhanced version of UN transitional administrations should be used by the UN in certain conflicts involving failed states, and should have been applied in the past to prevent and respond to many violent conflicts.

Genocide and Crimes against Humanity:

Genocide and crimes against humanity are the most serious aspect of international conflict, and were the driving force behind the foundation of the UN. Conflicts in the 1990s demonstrated that these problems are far from eliminated from international relations. While the responses to genocide in Bosnia and Rwanda were inadequate, they were used to justify very questionable so-called humanitarian interventions such as Kosovo 1999, a retaliatory intervention in Afghanistan in 2001, and a falsely justified pre-emptive military intervention in Iraq in 2003.

⁵⁶ The spill-over of the Rwandan conflict into the Congo, where the subsequent conflict involved troops from Rwanda, Uganda, Zimbabwe, Angola, Mozambique, demonstrates the importance of the UN playing an early role in conflict prevention within states to prevent such conflicts spreading.

Genocide and Crimes against humanity are defined in the UN Convention against Genocide 1948, and in the Nuremberg Principles, and the Geneva Conventions on War.⁵⁷ This thesis will argue that a strengthening and dynamic evolution of international law and global jurisprudence combined with carefully controlled UN peace-enforcement is the most effective way of dealing with and preventing genocide and crimes against humanity, rather than the risk of inflicting further crimes against humanity in wars that purport to prevent crimes against humanity.

Humanitarian interventions:

Karns and Mingst cite six criteria for military intervention for human protection, recommended by the ICISS committee set up by Kofi Annan. These are: “right authority, just cause, right intention, last resort, proportional means, and reasonable prospects.”⁵⁸ However, until the accurate definition of each of these criteria is agreed and backed up by international jurisprudence and sanctions systems, false claims of justified humanitarian intervention will be likely from belligerents in wars. The United Nations or its enhanced replacement, and its juridical overseer, should always be the final arbiters as to what constitutes legitimate humanitarian intervention, rather than self-appointed enforcers or “coalitions of the willing”.

The Origins and Development of the UN

The League of Nations Covenant and the United Nations Charter each attempted to codify a system of universal peace based on collective security, and each has failed.

⁵⁷ Main international conventions on war crimes and humanitarian law: accessed on 15 August 2007 at <http://www.ohchr.org/english/law/index.htm>,

- Convention on the Prevention and Punishment of the Crime of Genocide, 1948.
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity
- Statute of the International Tribunal for the Former Yugoslavia
- Statute of the International Tribunal for Rwanda
- Rome Statute of the International Criminal Court
- Geneva Convention relative to the Treatment of Prisoners of War
- Geneva Convention relative to the Protection of Civilian Persons in Time of War
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

⁵⁸ Margaret P. Karns and Karen A. Mingst, *International Organisations: The Politics and Processes of Global Governance* (Boulder CO: Lynne Rienner, 2004), p.287.

David Mitrany warned in 1943, that it was too soon to attempt the development or imposition of a constitutional approach to world peace.

The fact is that no obvious sentiment exists, and none is likely to crystallise for some years, for a common constitutional bond. In such conditions any pre-arranged constitutional framework would be taken wholly out of the air.⁵⁹

This assessment by Mitrany has been proven right. The UN constitution or charter was set in concrete reinforced with the power of veto. Developments since then, such as the European Union and some progress in international law, indicate that the time may now be right for a system of global jurisprudence, but it needs to be dynamic rather than a rigid or constitutional system. Humanity is rapidly developing social structures and interconnected processes beyond and below the level of the nation-state⁶⁰, yet the United Nations, perceived by many as the foremost international structure, has stagnated and in some respects significantly regressed from what it was set up to achieve. It is arguable whether the Cold War led to the failures of the United Nations or *vice versa*.⁶¹ What seems clear is that both failed to stem the tide of destruction and violence, even if the Cold War did avoid a major clash of the superpowers.⁶²

The UN is virtually totally dependent on the international community, but the international community, especially its more powerful nation-states, are independent of the UN, or have so behaved. There exists a critically uneven and unbalanced form of dependency between them, leaving the UN at the mercy of the international community, which tends to use the UN to take the blame when things go wrong.⁶³ Robert Kagan sees a bipolar world re-emerging with democracies and autocracies as competing ideologies. His analysis of the UN Security Council is that: “after a brief awakening from the cold war coma, it has fallen back to its

⁵⁹ David Mitrany, *A working peace system: an argument for the functional development of international organization* (London: Chatham House, 1943), p. 21.

⁶⁰ The EU (European Union) provides one of the best examples of this interconnectedness and diversity with its functional type of structures varying from the Committees of the Regions, intergovernmental conferences, and supra-national governance. The EU model will be examined in later chapters as an example of a workable supra-national structure that could provide a model for a global governance structure and global security system.

⁶¹ The clash of ideologies and the arms race involving atomic and nuclear weapons were important causal factors in the Cold War. The UN was allowed very little influence in relationships between the superpowers, especially after its questionable and indecisive intervention in the Korean War. This intervention was a key factor in the deepening of Cold War rivalries.

⁶² On the other hand it can be argued that the Cold War was a major clash of the superpowers, but one fought out on other peoples territories and in the minds of those terrorised by the nuclear threat.

⁶³ The Bosnian War from 1992 to 1995 was an example of the UN being blamed for the failures of the international community to provide the UN with the necessary mandate and resources to intervene effectively to prevent and later to stop this war.

former condition of near paralysis.” His solution is to form what he calls “a new league of democratic states ... [that] would complement, not replace, the United Nations, the G8 and other global forums ... to address issues that cannot be addressed by the United Nations.”⁶⁴ Such suggestions are already leading to *ad hoc* alternatives to the UN, based on the rule of power rather than the rule of law, and damage the prospects for international peace and security rather than improve them, as the Middle East case study will show. Any alternatives to the UN need to be underpinned and preceded by significant development of international law and jurisprudence.

The case studies dealing with conflicts in central Africa and the Middle East will demonstrate that the UN was both constrained by the international community but also failed to use appropriately, any independent capacity it did possess.⁶⁵ The conclusion of this thesis will be that both the UN and the wider international community were found wanting, and both were jointly and separately responsible for the failures to prevent such disasters as Cambodia, East Timor, Somalia, Rwanda, the Congo and Sudan.⁶⁶ These failures by the UN and the relative successes of genocide have arguably encouraged the commission of other crimes against humanity in the meantime. Conversely, the lack of an adequate system of international jurisprudence has also encouraged the US and its allies to take illegal pre-emptive military action whenever they choose, while failing to intervene in other cases where there is an urgent humanitarian requirement, but where there are no pressing national-interest reasons for these states to intervene.

At the beginning of the twenty-first century, there is a clear need for a thorough review of the theories, practices and structures of international relations, politics, and human interactions at all levels. The theories and meta-theories of international relations have often proved inadequate towards either explaining past or current

⁶⁴ Robert Kagan, “The world divides ... and democracy is at bay”, *The Sunday Times News Review*, September 2, 2007, p.4.

⁶⁵ Srebrenica is a tragic example of the UN, at all levels, failing to act appropriately. All the individual UN soldiers at Srebrenica had a duty to risk their own lives to protect innocent non-combatants. That duty extended up to the Secretary General. Each failed individually, and the UN system failed systemically.

⁶⁶ More public thought appears to have been given by the UN into whether the crisis in Sudan amounts to Genocide, than to helping to resolve this crisis. Such prevarication led to the failure to prevent the genocide in Rwanda. President G.W. Bush finally categorised the Darfur conflict in Sudan as genocide in a speech on 7th May 2005. This insistence by the UN on attaching labels to human rights disasters before effective ameliorative actions are taken, combined with the reluctance to use the label genocide, means that it is often already too late before appropriate actions are taken as demonstrated by Cambodia, East Timor, Rwanda, Srebrenica.

international affairs, or predicting the likely course of future events.⁶⁷ There is an urgent need for a new approach, or approaches, to these theories, practices and structures, given the rapidly changing international environment since the end of the Cold War. The argument that a flawed United Nations is better than nothing, and is all we have to work with, was questionable in 1960⁶⁸, but is no longer valid for the twenty-first century. Robert Keohane reminds us that:

...most observers recognised long before 1972 that the United Nations did not play a central role in world politics. Except for occasional peacekeeping missions ... its ability to resolve hostilities was paralysed by conflicts of interests that resulted in frequent superpower vetoes.⁶⁹

Koehane's bleak analysis of the UN's capacity is still valid. This raises the important issue of the levels of analyses that are applied to the performance of the UN. The purpose of this thesis is not to evaluate individual UN peace missions, or even the overall success of UN peacekeeping. Peacekeeping was never intended as a primary role for the UN and is not even mentioned in the UN Charter. It was a creative default device introduced by Dag Hammarskjöld in an attempt to get around the limitations imposed on the UN by Cold War reality. This thesis specifically sets out to analyse the performance of the UN at the higher level of analysis, and over the lifetime of the UN so far, in order to establish whether the UN has achieved its stated primary objective of maintaining international peace. Just as a good fire brigade service puts greater emphasis on fire prevention and emergency preparedness than on the actual fighting of particular fires, the primary purpose of the UN should be to prevent the breakdown of international peace, and to provide an effective emergency response system when that peace does fail. This research also sets out to evaluate the overall performance of the UN globally rather than in specific crises or regions, even though regional case studies will be used to demonstrate the comprehensiveness of the UN's failure.

Helen Leigh-Phippard points out that:

⁶⁷ The most pronounced failure of prediction in recent times was the failure by virtually all international relations theorists to predict the collapse of communism in 1989, and the relatively peaceful transition from command economies in Eastern Europe to capitalist economies. However, attempting to accurately predict the future course or courses of human relationships and event is probably futile. A broader speculative approach is likely to be more productive leading to a range of possible predictions and suggested prescriptions for a range of possible outcomes rather than attempting to prescribe for a particular predicted outcome.

⁶⁸ US President J. F. Kennedy, saw 'little merit in the impatience of those who would abandon this imperfect instrument because they dislike our imperfect world.'

⁶⁹ Robert Keohane, *Power and Governance in a Partially Globalized World* (New York: Routledge, 2002), p. 28.

the reality is that, despite successive disappointments at the role played by the UN in recent years, states (and individuals) still appear to regard the UN as the only possible final arbiter of international disputes.⁷⁰

This study will question such assumptions, and will show that the UN has not proven to be an adequate arbiter of the most serious international disputes that have arisen during its stewardship so far. The realist approach that the major powers are the *de facto* guardians of international peace, fails if any of these powers becomes the problem rather than the solution.⁷¹ In such situations the *de jure* factor and controls of international jurisprudence no longer apply. Gerry Simpson contrasts the different perceptions of international relations expressed by Robert Tucker: “(t)he history of the international system is a history of inequality par excellence” while Iain Brownlie writes that: “the sovereignty and equality of states represent the basic constitution of the law of nations”.⁷² Simpson distinguishes between the theoretical “sovereign equality assumption” of states and the reality that he calls “juridical sovereignty” which results from “an interaction between sovereign equality and ... anti-pluralism and legalised hegemony.”⁷³ This thesis will argue that the reality of the rule of power at international level should be gradually replaced by the rule of a comprehensive system of global jurisprudence. The implementation of justice in the broader and deeper sense is essential towards sustainable global peace.

The thesis will combine an empirical approach towards the UN based on experience and observed occurrences with a theoretical/academic approach. While its deliberations will hopefully be of value to scholars, they should also be of value to practitioners in the broader fields of human interactions.⁷⁴ While examining the UN and its performance and potential in significant detail, it will also attempt to do what few if any other studies have done so far, that is, to look beyond the UN itself and beyond UN reform, and theorise as to what can additionally be done to enhance security and sustainability for humanity into the future.

⁷⁰ Paul Taylor, et al (eds.), *Documents on reform of the United Nations* (Aldershot: Dartmouth, 1997), p. 419.

⁷¹ This was clearly the case in the US/Vietnam War, the USSR/Afghan War, and more recently the US led war against Iraq.

⁷² Simpson, Gerry, *Great Powers and Outlaw States* (Cambridge: CUP, 2004), p. 3.

⁷³ Gerry Simpson’s argument that superpowers historically remake international law at particular junctures in history may be more a statement of the problems of international society, or statement of the *status quo*, rather than a proposed solution. Gerry Simpson, *Great Powers and Outlaw States* (Cambridge: CUP, 2004), p. 6.

⁷⁴ David Mitrany believed that events “...in the end make light of dogma and prejudice” and cites Disraeli’s view of events: “the least of them are of greater importance than the most sublime and comprehensive speculation!” David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 104.

What has the UN developed into?

The literature on the UN reflects a wide diversity of views on its performance and future. Pedro Sanjuan gives a US partisanship account but admits that: “(t)he U.S. and the USSR ... are certainly the root cause of the prevalence of incompetence in the UN Secretariat and the repeated betrayals of its basic principles.”⁷⁵ He confirms that the UN was intended in 1945 “to protect civilization from another evil threat like that of the Nazis” but that:

neither the U.S. nor the USSR was to permit the United Nations to meddle ... in anything that could affect the survival of the human race ... The slow road to absurdity was therefore the only route left open for the UN.

He explains the dearth of leadership at the UN.

After the demise of the courageous but meddlesome Dag Hammarsjöld, ... the superpowers reached agreement on selecting candidates for UN secretary-general who not only came from weak countries, but were certified wimps as well.⁷⁶

Phyllis Bennis wonders:

whether ... there are still poor and disempowered and desperate people, whether in Mogadishu or Sarajevo, or Kigali, or in Alabama, who would think of the post-Cold War UN, under Washington’s relentless thumb, as a font of hope.⁷⁷

She points out that while the UN Charter “is filled with stirring rhetoric ... (f)or the Allied powers, the goal was to insure, through diplomatic means, that the governments that had won the war would continue to rule the post-war peace.”⁷⁸

Bennis cites disclosures by Stephen Schlessinger on the US spying operation called ‘Ultra’ that gave the US the ability to manipulate the negotiations at the founding of the UN, and “to write the UN Charter mostly according to its own blueprint.”⁷⁹ The veto was the means used by the P5 founders to limit the powers of the UN and exercise control over it. The USSR saw the veto as a means of controlling US power over the UN, and the US saw it a means of controlling the UN when combined with the US economic power and budgetary control over the UN. Former Australian Foreign Minister, Gareth Evans is quoted as saying that: “a deliberate decision was taken to establish a collective security system which could not be

⁷⁵ Pedro Sanjuan, *The UN Gang: A Memoir of Incompetence, Corruption, Espionage, Anti-Semitism, and Islamic Extremism at the UN Secretariat* (New York: Doubleday, 2005), p. 191.

⁷⁶ *Ibid.*, p. 2.

⁷⁷ Phyllis Bennis, *Calling the Shots: How Washington Dominates Today’s UN* (New York: Olive Branch Press, 2000), p. xxiv.

⁷⁸ *Ibid.*, p. 1.

⁷⁹ *Ibid.*, p. 4.

applied to the permanent members themselves.”⁸⁰ The case studies in Chapters 4, 5 and 6, will show that the net result of this was that not only did the UN fail to implement its collective security system thereafter, with the very questionable exceptions of the Korean War and the Iraq/Kuwait War 1991, but that the UN also failed to maintain international peace and security, not only during the Cold War, but also since the Cold War.

“War begins in the minds of men. It is in the minds of men that the defence of peace must be constructed ...”⁸¹

⁸⁰ Ibid, p. 5, citing Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (St Leonards Australia: Allen & Unwin, 1993). P. 20.

⁸¹ Marc Nerfin, “United Nations: Prince or Citizen?”, in Richard A Falk, et al, eds., *The Constitutional Foundations of World Peace* (Albany, NY: State University of New York Press, 1993), p. 147.

Chapter 2

Methodology, and UN performance in regions not covered by case studies

Every time I have tried to do a piece of theoretical work it has been on the basis of my own experience ... and ... partly a fragment of autobiography.⁸² Michel Foucault

Introduction

This chapter is included for two reasons, first to explain and clarify the strategy, rationale, and practical application of the methodology adopted for this research project and, second, to examine in a more summary manner the performance of the UN in those regions not covered in the three case studies. A separate methodology chapter is considered necessary because of the complex and unusually broad nature of both the research topic and the variety of levels of analysis applied to the topic. Foucault's admission that his individual perspective played a significant role in all his theoretical work is an appropriate starting point for the methodology of this research project. While not claiming intellectual parity with Foucault, the life experiences so far of this researcher make it inevitable that the resulting theorising will be based in part on these experiences and on the recorded experiences of others.

The chosen methodology is literature based to a significant degree but is also empirical in its focus and relies on primary and secondary sources as well as some informal interviews with participants in international affairs. The strategy for this research project involved a very considerable literature review at two separate levels. The first involved reviewing the academic literature on matters of peace, conflict studies, international and human security, beginning with the works of the classical Greek scholars and including selected political philosophers in the intervening period up to the present time. This first level of research was intended to inform the first four chapters, forming the theoretical basis of the thesis. The second level of literature research has been focused primarily on the empirical aspects of the thesis, particularly the case studies, and the performance of the UN. This part of the research is focused mainly on the narrower historical period from

⁸² Vivienne Jabri, "Critical Thought and Political Agency in Time of War", in *International Relations*, 9(1), p.73.

1945 up to 2008, the lifetime of the UN. Since the UN is the main topic of the research project, literature about the UN and reports produced by the UN, formed a significant part of literature accessed. These reports were accessed in a variety of ways including by electronic means, but also by visiting the Dag Hammarskjöld UN library in New York in September 2002, and other academic libraries in the US, the UK and in Ireland.⁸³ Special arrangements had to be made to get access to some of the literature, especially out-of-print books such as John Hancock's *Plan for Action*, and Dag Hammarskjöld's *Markings*. Texts were read only in English but translations into English were used where appropriate.

The most difficult tasks encountered with the methodology of the project arose from the very broad focus of the project, which necessitated a variety of levels of analysis, and secondly, the normative aspects of the project – how the conclusions or recommendations reached by the project might be 'operationalised' or implemented. The difficulties with the levels of analysis were overcome by careful selection and structuring of the case studies. The issue of operationalising the conclusions was resolved by the choice of functionalism as the focal theory, discussed in Chapter Four, and its use as a tool towards understanding how transformation of the UN and the international community might be achieved. Scientific objectivity to the degree sought by Ernst Haas, Emile Durkheim and others will not be a characteristic of this thesis, but it will entail a qualitative and subjective approach with a humanist emphasis.

Perspectives on Research:

David Mitraný wrote that:

those who would find a way out [of its jungle of power politics] by trying to make politics 'scientific' cannot have forgotten that from the classical Greeks to this day only those have penetrated its mysteries who always strove to think as humanists.⁸⁴

Humanism defined simplistically as "interest in the welfare of people" will be an underlying trend in my approach to this thesis and this means my research has a declared bias rather than adopting a detached and strictly neutral approach. Martin Hollis and Steve Smith use the term 'outsider' to signify the more detached

⁸³ The following libraries were visited in New York, New York City Library, UN Dag Hammarskjöld Library, and Columbia University Library. Libraries visited in the UK included Oxford, London School of Economics, and the Chatham House Library.

⁸⁴ David Mitraný, *The Functional Theory of Politics* (London: LSE, 1975), p. 266.

approach of a natural scientist, and the term ‘insider’ to describe research that is more directed towards understanding what events mean, rather than inducing meanings from the laws of nature.⁸⁵ My methodology will lean towards that of the insider, as one empirically involved in the issues being analysed, but also as one seeking to bring the outsiders who are on, or beyond, the fringes of international relations within a global concept of human relationships.⁸⁶ My approach to this thesis will be that of a realistic idealist⁸⁷ pursuing a non-realist, quasi-empirical, quasi-idealist approach, while eschewing the sort of utopian schemes that have given rise to some of history’s attempts to find ‘final solutions’ and ‘cultural revolutions’ that led to the most serious crimes against humanity.⁸⁸

Donald T. Campbell also makes the case for a humanist approach:

our social science methodological armamentarium also needs a humanistic validity-seeking case study methodology that, while making no use of quantification or tests of significance, would still work on the same questions and share the same goals of knowledge.⁸⁹

In this thesis, the use of quantification will not be ignored, but will be used from a humanistic perspective rather than a pure statistical or mathematical one. This is based on the assumption that all human life is intrinsically valuable. From a qualitative and quantitative humanistic perspective therefore this thesis will take the view that a country such as India with over one billion people should get some significant priority in matters of international relations over, for example, the combined populations of both Britain and France, which amount to less than one

⁸⁵ Martin Hollis, and Steve Smith, *Explaining and Understanding International Relations* (Oxford: Clarendon, 1990).

⁸⁶ The terms insider/outsider are used in a dual sense, theoretically as explained by Hollis and Smith and practically or empirically as used by R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: CUP, 1993). Those beyond the fringes of international society at present include all those who consider themselves or are considered by others to be outside of the system of nation-states, and those on the fringes include the citizens of the majority of states that the UN has failed to empower.

⁸⁷ The term ‘realistic idealist’ is used to indicate that the realist and idealist paradigms of international relations theory should not be mutually exclusive. Dominant theoretical paradigms do not necessarily help to resolve the complex and dynamic nature of problems with human interactions, including conflict and human security issues. Realism presupposes that states will almost inevitably act in what they perceive to be their best short-term national interests, without due consideration for the broader interests of humanity as a whole. There are equally many aspects to idealism that are impractical because they do not take account of the complex intermediary processes necessary to achieve ‘utopian’ objectives.

⁸⁸ Religious fundamentalism, from the Christian Crusades to Islamic fundamentalism, and attempts by dominant powers to impose their own particular set of values, are some examples of failed attempts to achieve Utopia. Stalin, Hitler, Mao, Pol Pot and many others attempted to impose their versions of final or fundamental solutions with even more disastrous results.

⁸⁹ Robert K Yin, *Case Study Research: Design and Methods: Second Edition* (London: Sage, 1994), p. x, foreword by Donald T. Campbell.

eight of the population of India.⁹⁰ Likewise, in matters of conflict, and human suffering, higher priority should be given to conflict resolution in cases where the numbers of victims are correspondingly high. The *post-facto* priority given to the number of people killed at Srebrenica (less than 8,000), and the 9/11 attacks on the US (less than 3,000), by Western media, academics and international leaders, contrasts with relative lack of priority given to the over four million people killed in Zaire/Congo since 1995.⁹¹ A similar issue arises in matters of justification and proportionality in the use of force, for international security or so-called humanitarian purposes. Fred Halliday identifies the task of social science, including international relations, as being: “to explain, in as persuasive a manner as possible, what has occurred and to identify what constitutes significant contemporary trends”.⁹²

Linking Theory with Practice:

Habermas stresses the importance of linking theory and *praxis*.⁹³ He cites Vico’s suggestion that:

the actions of men cannot be measured with the straight ruler of understanding, which is rigid, ... The wise men, however, who attain the eternal truth by the uneven and insecure paths of practice, make a detour, as it is not possible to attain this by a direct road.⁹⁴

This linkage between theory and practice is one of the underlying themes of this thesis and points towards functional approaches to both theory and practices of international relations. The form of theory should arguably follow the function that we wish the theory to serve, just as the form of international and global institutions, particularly the United Nations should follow the functions, especially the creation of international peace and security, that humanity requires these institutions to perform. Functionalism therefore will be one of the tools examined in detail in the

⁹⁰ Yet Britain and France both have permanent membership of the UN Security Council while India as the second largest country in the world does not.

⁹¹ UN Secretary General, Boutros-Ghali’s inappropriate and insensitive remarks to besieged people of Sarajevo on December 31, 1992, contain a significant element of truth, but do not excuse the poor performance of the UN in Bosnia. ‘You have a situation which is better than ten other places all over the world. I can give you a list of ten places where you have more problems than in Sarajevo,’ Fouad Ajami “The Mark of Bosnia: Boutros-Ghali’s Reign of Indifference”, *Foreign Affairs*, May/June 1996.

⁹² Fred Halliday, *Rethinking International Relations*. (London: Macmillan. 1994), p. 6.

⁹³ The issue of relating theory to practice should not apply only to academics. Boutros Boutros-Ghali’s comments above are arguably an indication of his inability to relate his actions and his words to the practicalities of what the victims of conflict were experiencing.

⁹⁴ As cited in Jurgen Habermas, Translated by John Viertel, *Theory and Practice* (London: Heinemann, 1974), p. 45.

focal theory chapter, and functionality will be the criterion on which the performance of the UN will be evaluated. In evaluating the UN's performance it is also necessary to analyse those cases where the UN should have intervened, but either failed or was prevented from doing so. Mitrany and others including UN Secretary General Boutros Boutros-Ghali took the view that the UN was being asked to do too much, and that we should avoid overloading a "weak arm". This research takes the opposite view, that the UN, or some such international or global agency, should be strengthened to enable it to perform its primary role, and if necessary a separate supporting agency or agencies could be assigned the range of supporting tasks. This would amount to removing the multiple small weights off the UN's "arm" thus allowing it to focus on its primary objective. What is happening at present is that regional organisations such as NATO, or US-led coalitions, are attempting to usurp the primary role of the UN, for example in Afghanistan and Iraq. These regional agencies could be assigned the supporting tasks, or could undertake military intervention under the strict control of a global peace agency, leaving the UN, or a global jurisprudence system, as the primary peace and international security agency, with accountability over the regional organisations. Robert K Yin states that "the case study as a research strategy is an all-encompassing method ... [it] is not either a data collection tactic or merely a design feature alone ... but a comprehensive research strategy."⁹⁵ It is in this broad sense that case studies are used in this research project. Case studies are normally chosen because the material they provide is typical of its kind and can therefore serve as the source of generally applicable data, conclusions, and, eventually, theory.⁹⁶ The primary purpose of the case studies is not so much to establish the causes of the UN's failure to achieve its primary objectives, but rather to establish whether in fact it did, or did not, achieve those objectives, and, as far as is possible, the extent to which it succeeded or failed, thereby indicating to what extent reform is either necessary or possible. An important factor in the case study design is whether the case studies are intended to produce generalised findings or specific findings. In this research project there are elements of both. The case studies are intended to produce

⁹⁵ Robert K Yin, *Case Study Research: Design and Methods*: Second Edition (London: Sage, 1994), p. 13.

⁹⁶ Alex Warleigh, 1996, "Beyond the Double Dichotomy: European Integration Theory and the Committee of the Regions". Unpublished PhD. Thesis, Nottingham Trent University, p. 9, citing Rose (1991), 'Case Studies', in G Allan and Q Skinner (eds) *Handbook for Research Students in the Social Sciences* (London: Falmer Press, 1991).

specific findings as to the success or otherwise of the UN's performance and the extent of such success or failure. Because these specific findings will be drawn from a wide spectrum of circumstances and regions, they have a more general application to the evaluation of the overall performance of the UN, thereby justifying recommendations for reform/transformation. It is in this limited sense that the findings will be generalised rather than the sort of *generalizable* findings more suited to the natural sciences research. The findings of this research will be directed towards the "complexity, embedded character, and specificity of real-life phenomena",⁹⁷ that are inherent characteristics of human interaction at all levels, and of the United Nations in particular.

Research Rationale:

Stephen Van Evera makes the point that: "The structure of a scientific program is distorted when researchers shy from the logical next question because its answer will be hard to find". He stresses the need to "keep hard questions on the agenda" and points out that: "Large parts of social science have already diverted their focus from the important to the easily observed, thereby drifting into trivia."⁹⁸ These arguments by Van Evera are very appropriate to the study of the United Nations. Many theses and studies have been concluded into the details of UN peacekeeping operations and missions, and most of these tend to produce findings of either lessons learned or not learned. The more difficult research into the broader topics such as the very *raison d'être* for the United Nations are being ignored, not least because of the real difficulty of establishing workable boundaries for such research, and the equally awkward or inconvenient prospect that the conclusions reached by such research may necessitate theorising equally difficult normative recommendations. The reality that huge obstacles exist to the achievement of substantial UN reform does not justify failure to research this issue and to search for normative solutions to overcome these difficulties.

Van Evera cites James Fearson's suggestion that: "(c)ounterfactual analysis can expand the number of observations available for theory-testing" but warns that counterfactual statements "are not a substitute for empirical observations. ... They

⁹⁷ Bill Gillham, *Case Study Research Methods* (London: Continuum, 2002), p. 6.

⁹⁸ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997), pp. 47-48.

can clarify an explanation”⁹⁹. Counterfactual arguments, including imagining a world without the United Nations, will be included in the case studies, but will be used in addition to and not as a substitute for empirical observation. With regard to research rationale, Gillham writes that: “(t)he naturalistic researcher is more concerned to give an account of the reality of the research process.” He lists the essential points in the structure of the research report.

First, *chronology*: the order in which things happened. ... Second, logical *coherence*: chronology is not always going to be adequate ... you may need to bring these [themes] together and lay them side by side: especially important if you are cross-referencing or transplanting different sources of data on the same issue.¹⁰⁰

These issues of chronology and coherence are also essential to the structure of the case studies and this thesis as a whole. The chronology of the UN’s performance of its primary objectives is important in order to establish the level of success or failure achieved by the UN in the early stages of its existence, and whether that level of performance improved throughout the following sixty years. Failure to improve with the benefit of time and experience is likely to indicate inherent or intractable structural problems. However, in order to achieve logical coherence it has been considered necessary to test the performance of the UN over three parallel case studies, each covering much of the lifetime of the UN, but each also located in very diverse regions and conflict situations, in Asia, Africa and the Middle East. Undertaking only one case study therefore would leave the research project open to the possible flaw that the particular region chosen was not representative of the UN’s overall performance.

Disadvantages and advantages of this methodology:

The thesis uses a particular and unusual combination of approaches in its methodology. These include empirical and theoretical approaches, thematic and narrative, using mainly qualitative rather than quantitative analysis, adopting a broad panoramic approach rather than a more narrowly focused one, and combining historical political analysis with current affairs and a normative/speculative rather than predictive or prescriptive approach to future possible institutions and systems. The disadvantages of such approaches, include, over-complexity, the need for constant refocusing on the main objectives of the thesis, the risks of getting side-

⁹⁹ *ibid*, p. 48

¹⁰⁰ Bill Gillham, *Case Study Research Methods* (London: Continuum, 2002), p. 96.

tracked into less relevant issues, and the risk of attempting to achieve too much within the scope of a single doctoral thesis. This particular methodology has been adopted with the specific objective of maintaining an overview perspective on the broader issue of the maintenance of international peace and security. By focusing on these broader issues only and avoiding getting too involved in other aspects of the UN's performance, in some of which the UN has been more successful, this research does maintain a limited focus albeit on a more panoramic subject matter. For these reasons, issues such as world trade, nuclear proliferation, the environment and sustainable development, while very important, will be considered as being outside the scope of this thesis, except in so far as they are directly relevant to the main hypothesis.

This broad approach also enables this research project to combine theoretical and empirical approaches to a significant degree. By adopting such a different, albeit difficult, set of approaches, and by using different perspectives than are usually adopted by other international relations researchers, it is hoped to increase the relative independence of this research project from the bulk of other research into the United Nations. The thesis will not claim to produce definitive solutions for such complex problems as human conflict at multiple levels. It will however endeavour to analyse the past failures of the UN in this vital area, and to speculate as to how humanity might avoid such failures in the future, with or without the UN.

Qualitative Methods and Case Studies:

A key factor in the thesis structure will be its use of a narrative approach using qualitative research methods supported by three interrelated case studies.

Stephen Van Evera provides a good guideline for qualitative research projects.

Investigators use four basic methods to infer theories from case studies: controlled comparisons, congruence procedures, and process tracing ... and the Delphi method. Controlled comparison compares observations across cases to infer theories. Congruence procedure and process tracing deduce theories from observations within cases. The Delphi method consults views of case participants.¹⁰¹

This thesis will use each of these methods in varying degrees to test the hypothesis that the UN has failed to achieve its primary objective and that it must be reformed, transformed, superseded or replaced, even if it is allowed to remain in place in a

¹⁰¹ Stephen van Evera, *Guide to Methods for Students of Political Science* (Ithaca NY: Cornell University Press, 1997), p. 68.

different capacity.¹⁰² While each of the case studies will be analysed separately, the results will also be compared with the other case studies to infer my theory that the UN has failed to achieve its primary objective. Congruence and process tracing procedures will be used to deduce theories from within each of the case studies, for example if peace existed across a region throughout a substantial period during the UN's existence, as was the case in Western Europe, then at least it can be deduced that the UN did not *fail* to achieve its primary objective in that region. While the views of case participants will not, for the most part, be consulted directly, as in the Delphi method, literature and reports produced by case participants will be consulted and used in the evaluation process. The theorising process will also be used to propose possible solutions to the UN's failures.

Bill Gillham refers to the difference between the “naturalistic researcher” and the “experimental investigator”, and highlights the “greater concern of naturalistic, case study research with *subjectivity*: with phenomenological meaning ... the qualitative element ... what lies behind the more objective evidence.” He states that: “the naturalistic researcher is not a detached ‘scientist’ but a participant observer, who acknowledges (and looks out for) their role in what they discover. A research investigation is not neutral, it has its own dynamic”.¹⁰³ This research project will closely resemble Gillham's description of naturalistic research. His use of the word ‘dynamic’ in relation to research investigation is also of interest. The dynamics, and relative uncertainty of human interaction, as distinct from the predictability of the natural sciences, will also be emphasised throughout this research project, and will influence the methodology of the research, including the choice of a functionalist approach as the focal theory, and the adoption of a normative rather than a prescriptive approach to the conclusions of the research project. Gillham lists the advantages of qualitative methods in enabling the researcher:

- To view a case from the inside out: to see it from the perspective of those involved.
- To carry out research into the *processes* leading to results ... rather than to the significance of the results themselves.¹⁰⁴

¹⁰² The statement of the hypothesis, suggests that the UN could undergo each of the change processes, reformation, transformation, being superseded, or replaced over varying time-scales, in so far as each of these processes prove possible and practicable.

¹⁰³ Bill Gillham, *Case Study Research Methods* (London: Continuum, 2002), p. 7.

¹⁰⁴ *ibid*, p. 11. In this particular research project the significance of the results is also of importance.

He tells us that qualitative research, like all research is looking for evidence and theory. “You need the ‘facts’ – imperfect though they be; and you need to be able to understand or explain them (theory).”¹⁰⁵

The narrative format combined with qualitative¹⁰⁶ research methods rather than quantitative analysis is adopted because of the limitations of quantitative analysis for evaluating human interaction. This problem was recognised belatedly by Robert McNamara in the case of the Vietnam War.

The monitoring of progress ... was poorly handled in Vietnam. ... The military tried to gauge its progress with quantitative measurements such as enemy casualties (which became infamous as body counts), weapons seized, prisoners taken, sorties flown, and so on.¹⁰⁷

Such quantitative statistics continued to give optimistic forecasts to the US administration on the outcome of the war, regardless of the qualitative issues that were actually, and literally, happening on the ground to the Vietnamese people, Vietcong soldiers, and US conscript soldiers. Likewise, in analysing any human interaction, including conflict, quantitative calculations should only be used in support of more perceptive qualitative analysis. Complex human interactions are unlikely to provide good material for quantitative analysis. The primary focus of this research will be on the *qualitative* performance of the United Nations towards achieving its primary function, but quantitative factors such as the degree or scale of the UN’s success or failures will also be important.

Why Case Studies?

Yin distinguishes between three methods of research, history, case study and experiment. Experiment, particularly in the context of human relationships at macro level, is clearly ruled out for this research, for reasons of practicality and ethics, so the choice is between history and case study approaches.

the distinctive contribution of the historical method is in dealing with the ‘dead’ past – that is, when no relevant persons are alive to report, even retrospectively, what occurred, and when an investigator must rely on primary documents, secondary documents ... as the main sources of evidence.¹⁰⁸

¹⁰⁵ Ibid, p. 12.

¹⁰⁶ Harry Wolcott, *Writing Up Qualitative Research* (London: Sage, 2001), p. 5. Wolcott broadens the term qualitative to include descriptive or naturalistic research, and cites other related terminology including, post-positivistic, ethnographic, phenomenological, subjective, case study, hermeneutic, humanistic, etc.

¹⁰⁷ Robert S., McNamara, *In Retrospect: the tragedy and lessons of Vietnam* (New York: Vintage, 1996), p. 48.

¹⁰⁸ Robert K Yin, *Case Study Research: Design and Methods: Second Edition* (London: Sage, 1994), p. 8.

He reminds us that: “(a)s a research endeavour, the case study contributes uniquely to our knowledge of individual, organisational, social, and political phenomena.”¹⁰⁹

Each of these four phenomena are intertwined at a variety of levels of social interaction in this particular research project, which is also an interdisciplinary project in the sense that it incorporates significant elements of history, politics, international relations, and social studies. The case studies in particular combine an historical analysis of the UN’s performance since its foundation with an analysis of its more recent and contemporary performances. Yin also explains that:

case studies are the preferred strategy when “how” and “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context. Such “explanatory” case studies can be complemented by two other types – “exploratory” and “descriptive” case studies.¹¹⁰

While these criteria fit the requirements of this research project, they tend to do so in reverse order. Virtually all of this research is focused on “real-life” events and contexts, over which this researcher has no effective control. The “descriptive” case studies will first examine “how” the UN has historically performed its primary objective, and “why” it has failed to perform, if that has been the case, before going on to “contemporary phenomenon” as to the UN’s more recent performances, leading on to the concluding chapter which explores the normative aspects as to how the UN might be transformed to enable it to achieve peace and security for humanity.

The scope and levels of analysis for this research project are particularly challenging because they add a level of complexity avoided by more narrowly focused research. Paul Collier refers to the problem created by the tendency of modern academics to specialise on single factor theories – “they are trained to produce intense but narrow beams of light.”¹¹¹ A much broader level of enlightenment is needed for this research project. The objective is to evaluate the UN’s overall performance towards the achievement of its ‘primary objective’ only, but across the full time-spectrum of its existence, and also across as wide a cross-section of humanity as is possible to achieve within the scope of such a project. This will be achieved by carefully choosing the specific regions and conflicts in which to evaluate the UN’s performance, as well as which regions to exclude.

¹⁰⁹ Ibid, p. 2.

¹¹⁰ R Robert K Yin, *Case Study Research: Design and Methods*: Second Edition (London: Sage, 1994), p. 1.

¹¹¹ Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OUP, 2007), p. x.

Robert Yin warns of the risk of using or choosing case studies “... only to substantiate a preconceived position.”¹¹² This risk will be avoided by choosing case studies, not just for the purpose of supporting the hypotheses, but rather to give as balanced as possible a verdict on the overall performance of the UN, as well as providing opportunities to falsify the thesis, if the UN has in fact performed its role satisfactorily in some regions.

For the purposes of this research project and for the case studies in particular a very considerable amount of literature has been studied, varying from academic sources to historical accounts, and including expert reports by organisations such as the UN itself, the International Crisis Group, and human rights organisations. The bulk of the ‘material’ or evidence for this research comes from the period 1945 to 2008, so it combines recent history with current affairs, but draws also on the *longue durée* of historical sources for its supporting or background theoretical basis. The specific material for the case studies will include primary and secondary sources extracted from a wide selection and variety of contemporary accounts and reports by participants and observers. While priority will be given to authoritative academic or expert accounts of events, credible witness and participant accounts will also be included, including contemporary journalistic sources. The inclusion of journalistic sources is considered important not only because of the information they provide, but also for their role as actors or agents for change in the events they report.

Benjamin Bradlee is credited with the truism that “news is the first draft of history”.¹¹³ This dual role as change initiators and recorders was particularly so in the cases such as Cambodia, East Timor and Rwanda, where journalists played a very important role in exposing gross violations of human rights, and to a certain extent in forcing the international community to respond.¹¹⁴

Primary and secondary documents, particularly UN reports and records of transactions, are important sources for this research. However, since the UN is only sixty-three years old, much of its history is of a contemporary nature so an overlapping approach will be used combining elements of the historical approach, but leaning more towards the case study method. I will label this a ‘narrative case

¹¹² Robert K Yin, *Case Study Research: Design and Methods: Second Edition* (London, Sage, 1994), p. 59.

¹¹³ Connie Robertson, ed., *The Wordsworth Dictionary of Quotations* (Ware: Wordsworth Reference, 1998), p. 54, ref. 1510.

¹¹⁴ Examples include, Linda Melvelrn, *A people Betrayed: the role of the West in Rwanda’s genocide* (London: Naep, 2000), John Pilger, *Distant Voices*, (London: Vintage, 1994). Fergal Keane, *Seasons of Blood: a Rwandan Journey* (London: Penguin, 1996).

study' method, as a distinctive form of empirical enquiry. Yin warns of the danger of the case study investigator allowing "equivocal evidence or biased views to influence the direction of the findings and conclusions."¹¹⁵ This project will seek to overcome this danger in a number of ways, first by the wide range of circumstances and regions covered between the three narrative case studies, and the variety of sources used to reach conclusions, and also by explaining the biases and perspectives of this researcher, rather than aiming for unattainable clinical objectivity.

Case Study Selection and Structure:

The case studies have been chosen to provide ample opportunity to test the hypotheses in separate regions and circumstances. The regions were chosen to help answer the research questions outlined in the previous chapter, which were intended to test the hypothesis in the most populous region of the world (Asia), the most volatile region (the Middle East), and the most vulnerable region of the world (Africa). A Case Study Conflict Summary Chart will follow the introductory section in each case study. This will be followed by a thematic analysis of the role played by UN in conflicts in that region (except in the focal conflict). The performance of the UN will be analysed under the following five themes.

- UN Trusteeship System and its colonial transition responsibilities
- UN Conflict Prevention Role in that region
- The UN's peace-maintenance modus operandi in that region – collective security v peace-enforcing v peacekeeping
- Timeliness of UN peace missions
- UN prioritisation of human rights and justice issues
- Power, exploitation and corruption issues v jurisprudential approach to international peace and security¹¹⁶

This will be followed by a detailed discussion and analysis of a particular focal conflict in each region, chosen for its exemplary nature, as a conflict in which the

¹¹⁵ Robert K Yin, *Case Study Research: Design and Methods*: Second Edition (London: Sage, 1994), p. 9.

¹¹⁶ Allegations of financial corruption within the UN are often exaggerated and tend to blur the more serious corruption of the UN perpetrated by members of the P-5 group of states who have corrupted the UN Charter by using their P-5 privileges, especially the power of veto to make war on other states with impunity. Marrak Goulding gives a more balanced view on corruption within the UN, which accords with the reality of this researcher's own UN experiences. "In my experience the charges of inefficiency are better justified than those of corruption. There is minor corruption in the Secretariat, and the temptations in some field missions are great, but I doubt whether it is worse than in the public services of most member states." Marrak Goulding, *Peacemongering* (London: John Murray, 2002), p. 8.

UN had ample opportunity and timescale to prove its ability to achieve peace and security for the people of that region.¹¹⁷ These three conflicts, Cambodia in Asia, the Israel/Palestine conflict(s) in the Middle East, and the Congo in Africa have been chosen due to the opportunities these conflicts provided for the UN to achieve its primary objective, their duration over an extended period of time, the catastrophic seriousness or potential of the particular conflicts, as well as the extensive involvement of the UN throughout, or at certain stages in, these conflicts. They therefore provided exemplary circumstances under which the UN could and should have performed its primary role, given the necessary authority, resources, and mandate, and utilising the most appropriate responses.

Why the three particular case studies have been chosen:

The selection of the case studies proved a difficult process, because it involved choices as to what *could* be excluded as well as what *should* be included. Each of the case studies chosen are designed to build up a comprehensive and varied set of examples in which the UN had opportunities to achieve its primary objective. An important factor in the methodology of these case studies is that the performance of the UN is evaluated over a considerable period, including the Cold War and post-Cold War periods. This timeframe is considered important in order to differentiate between temporary tactical UN successes (e.g. UNEF I and UNEF II in the Middle East) or failures (e.g. UNAMIR in Rwanda) on the one hand, and the strategic performances of the UN over longer periods.

Case studies are normally chosen because the material they provide is typical of its kind and can therefore serve as the source of generally applicable data, conclusions, and, eventually, theory. The difficulty in choosing either a single or a few case studies for this particular research project was that each conflict and each region has

¹¹⁷ Cambodia was chosen as the focal conflict because it is considered exemplary of a level of failure by the UN over an extended period which included the Vietnam war, the subsequent Pol Pot regime abuses, the overthrow of this regime by Vietnamese invasion, the almost inexplicable UN and international community support for the Khmer Rouge and Pol Pot regime after its overthrow, and the questionable success of the UN Transitional Administration in Cambodia. The Israel/Palestine conflict in the Middle East, has been chosen because it is the longest running conflict in which the UN has participated, has involved a multiplicity of UN agencies and peace missions, displayed significant potential for spill-over in a wider international context. The Congo was chosen as a focal conflict because of the nature and duration of the problems that beset the Congo provided the UN with ample opportunities to achieve international peace and security in central Africa. It also provided opportunities to examine the transition process from colonial rule to independence, Cold War international relations issues as well as neo-colonial factors, and indigenous corruption, and regional conflict issues within Africa.

so many unique, or atypical features, that none of these conflict case studies on its own could reasonably be described as ‘typical of its kind’. The option chosen therefore was to analyse the performance of the UN in each of the main regions where the UN did play a significant role and where its overall performance therefore could be more accurately evaluated. In this respect there is a quantitative aspect to the case studies.

The case study chapters are in certain respects stand-alone case studies, in that the performance of the UN in each of these regions is of sufficient importance to warrant very serious questioning concerning the future of the UN, if any of these case studies conclude that the UN has failed to achieve its primary objective in that particular region. However, three case studies have been chosen for this research project because of the critical nature of this study, and because early indications from this research indicated that the UN appeared to have failed in its peace and security objectives to a very significant degree in Africa. In order to draw firm conclusions on the *overall* performance of the UN towards its primary objectives, it was considered necessary to evaluate the UN’s performance in diverse regions in order to establish whether there was evidence that the UN may have succeeded in achieving these primary objectives in any important region. If so, then the lessons learned from any such success could possibly be used to enhance the possibilities of success in the other regions into the future. If for example the UN had played a significant role in the successful peace and security of Europe or Latin America, that would strengthen the case for reforming rather than transforming the UN, so that it could apply lessons learned from its successful regions elsewhere. The advantages of the three case studies also include an important element towards the provision of what Yin described as a “chain of evidence” across the most important conflict regions of the world. In addition, the variety of conditions experienced and examined in the three case studies, also provide an element of “triangulation” in these very different circumstances and could indicate that either the UN failed in some regions and circumstances and possibly succeeded in others, or alternatively, that the UN failed to achieve its primary objectives in such a wide variety of circumstances, that there can be no doubt about the level and scope of its failure. In view of the importance of the subject matter it was considered necessary that any conclusions reached should be reached “beyond all reasonable doubt”, as juries are required to reach their verdicts in all serious cases under the Common

Law system. Therefore, the three most important critical and diverse regions were chosen for the purpose of achieving the ‘chain of evidence’, and hence a good degree of ‘triangulation’.

Regions excluded from case studies:

The case studies ideally should address the UN’s performance in each of the main regions or continents of the world. Since a detailed analysis of each region would have been beyond the scope of a single PhD thesis, the first stage of the excluding process was to eliminate regions in which the UN played no significant role throughout its history so far, and in which it arguably was not required or needed to intervene in matters of international peace and security.

North America:

The North American continent covering mainly the United States and Canada has been the most powerful and economically influential region of the world throughout the existence of the UN. The only international conflict *within* this region was the conflict between the US and Cuba.¹¹⁸ While the UN did play a small facilitation role in the resolution of the Cuban missile crisis, this was not an active or leadership role. The internal conflict in Canadian Quebec was resolved with minimum violence internally. North America, dominated by the United States, the most powerful country in the world, simply did not require UN intervention to secure its peace and security throughout the twentieth century.¹¹⁹ North America therefore did not provide a suitable ‘venue’ to test the hypothesis.

Western Europe:

The same applies to Western Europe for different reasons. The peace and security of Western Europe was provided during the Cold War by an alternative collective security system, namely NATO, operating in certain respects in opposition to the

¹¹⁸ Cuba is arguably on the periphery between North, Central and South America. While the long-running conflict between the US and Cuba has had local, regional and wider international implications, especially in the context of the Cuban missile crisis, and Cuban Cold War intervention in South America and Africa, UN involvement in these Cuban conflicts has also been peripheral, except in the final states of its Cold War African involvement.

¹¹⁹ However, the terrorist attacks on the US on September 11th 2001, do indicate that even the most powerful states in the world are no longer immune from attack, and may require a far greater amount of international cooperation and a recognition of the interdependence of international society in the twenty-first century. This issue will be discussed further in the concluding chapter.

principles of the UN Charter, particularly with its strategy of nuclear deterrence. This was the case also with Eastern Europe, which was dominated rather than protected by the Warsaw Pact. While the UN Charter allows for the existence of regional security organisations, it arguably excludes the use of weapons of mass destruction that could lead to the indiscriminate killing of civilian populations. Western Europe presented a further phenomenon that resulted in its not needing UN intervention in matters of international peace and security. Apart from some conflicts within states, such as the Basque region of Spain and Northern Ireland, Western Europe had no internal, that is European, international conflicts, even though six Western European states were involved in colonial related conflicts external to Europe.¹²⁰ The relative peace within Western Europe will however have relevance later in the context of the focal theory and the concluding chapter, because this ‘exceptional’ zone of peace has important lessons for other regions. However, for purposes of the case studies, Western Europe, like North America, does not provide suitable grounds for testing the hypothesis because the UN was not tested within Western Europe.

UN failures in Eastern Europe and Latin America:

Eastern Europe and Latin America however did present challenges to the UN throughout the Cold War, because peace did not prevail in either region. However, the UN was prevented or debarred from helping to provide international peace and security in each of these regions because the superpowers considered these regions to be their ‘near-abroad’, and within the spheres of security influence and control of the USSR and the US respectively. Both superpowers used their predominant powers within the UN to prevent the UN from interfering in these regions. These regions will therefore not be included in separate case studies, but the following sections will be used to show that, by default, the UN did in fact fail to achieve its primary objectives in these regions throughout the Cold War.

Latin America:

¹²⁰ These states were Britain, France, Portugal, Spain, Belgium and the Netherlands. The French/Algerian conflict stretches this definition, because the French considered the Algerian conflict to be an internal French conflict while Algeria considered it a war of liberation. The conflict also spread at times into European metropolitan France.

International peace and security did not prevail in Latin America. Internal conflicts occurred in most countries within the region, and external interference primarily by the US, to a lesser extent by the USSR, and in the case of the Falklands War, by the UK, added a significant international dimension to these conflicts. Paul Rogers points out that “the whole of the Cold War was marked by proxy wars, fought in most regions of the world ... 100,000 people died in El Salvador and nearly as many in Nicaragua.”¹²¹ In all these cases including the Falklands, the UN was prevented from intervening effectively by permanent Security Council members. This demonstrates a serious systemic failure on behalf of the UN. At the end of the Cold War, UN peacekeeping intervention did achieve some significant successes in Central America.¹²² Yet these relative and belated successes serve only to demonstrate what should have been achieved much earlier, if the UN had been allowed to intervene, either at the conflict prevention stage or at the more immediate conflict response and amelioration stages. A more detailed study of the UN’s performance in Latin America therefore would be likely to support the hypothesis of the overall failure of the UN to achieve its primary objective.

Eastern Europe:

The case of Eastern Europe parallels that of Latin America with the difference that it was the USSR as superpower that dominated and abused the peace and security of the peoples of the region. The USSR-led suppression of risings in East Germany 1953, Hungary 1956 and Czechoslovakia 1968, provide examples of the extent to which peace and security did not prevail, and the UN’s inability to intervene. Stalin’s purges within the USSR itself and its satellite states, especially in the immediate aftermath of World War II, provide further examples of gross abuses of human rights. The UN was not allowed to intervene in these conflicts that claimed millions of lives.¹²³ Failures by the UN to intervene in Eastern Europe and Latin America indicate systemic failure by the UN and the international security system,

¹²¹ Paul Rogers, *Loosing Control: global Security in the Twenty-first Century* (London: Pluto, 2002), p. 35.

¹²² DOMREP 1965–1966 Mission of the Representative of the Secretary-General in the Dominican Republic; ONUCA 1989–1992 United Nations Observer Group in Central America; ONUSAL 1991–1995 United Nations Observer Mission in El Salvador; UNMIH 1993–1996 United Nations Mission in Haiti; UNSMIH 1996–1997 United Nations Support Mission in Haiti; MINUGUA 1997 The United Nations Verification Mission in Guatemala; UNTMIH 1997 United Nations Transition Mission in Haiti; MIPONUH – 1997–2000 United Nations Civilian Police Mission in Haiti

¹²³ Anne Applebaum, *Gulag: A History* (London: Penguin, 2003).

and support the hypothesis on the overall failure of the UN to achieve its primary objective.

The Balkans:

As in the case of Latin America, the UN was allowed to intervene in the Balkan region of Eastern Europe after the end of the Cold War. It was the ending of the Cold War and the collapse of communism that provided one of the immediate causes of the Yugoslav conflicts. It was the intention to include a case study of the UN's performance in the Yugoslav conflicts during the 1990s as part of this research project. However, it was decided to exclude this case study for three reasons. First, it would have overextended the scope of the case studies section of the thesis. Second, the time-span of the Yugoslav conflicts was relatively short and therefore was less indicative of long-term strategic UN failure. Third, it would have tended to duplicate previous research carried out by this researcher for an M.Phil. Dissertation in 1998/99.¹²⁴ This separate research project and research by others into the conflicts in the Balkans that began in 1991 indicate that the UN failed to achieve peace and security in this region. The massacre of over 7,000 Muslims at Srebrenica, directly attributable to the UN's poor performance, was one of the outcomes of this UN failure. It was NATO rather than UN intervention that eventually ended the Bosnia war, and the relative ease with which the NATO intervention succeeded highlighted what the UN should have achieved much earlier. This was also the case with the Kosovo conflict.

The USSR:

The USSR was excluded as a case study for both similar and contrasting reasons to North America. Both Superpowers denied the UN any significant role in their immediate spheres of interests, and especially within their own states. While the UN was not needed to maintain peace and security in North America, the avoidable death toll, due to internal conflicts and abuses of human rights in the USSR is estimated to have been in excess of ten million. "The French authors of *The Black*

¹²⁴ Edward Horgan, "Assisting or Hindering Democracy? International Intervention and the Democratisation of Bosnia & Herzegovina", M.Phil. Dissertation, Trinity College Dublin_(Dublin, 1999). This Dissertation supports the hypothesis that the UN failed to achieve its primary objective in Balkans conflicts. It failed to prevent the series of former Yugoslavian conflicts in the first instance, its peacekeeping efforts were also a failure, and the intervention to stop the conflicts was mainly a US and NATO intervention rather than a UN intervention.

Book of Communism quote a figure of twenty million deaths. Others cite numbers closer to ten or twelve million.”¹²⁵ Since many of these occurred during the stewardship of the United Nations, the UN can also be judged to have failed to achieve its primary objective in the case of Soviet Union, or, at the very least, like Eastern Europe, it cannot claim any degree of success.

China:

China represents over 20% of the world’s population, and some estimates put the numbers of avoidable deaths caused by internal conflicts and repression during the regime of Chairman Mao at as high as seventy million.¹²⁶ Like the USSR, the UN was unable to intervene in internal conflicts in China because Article 27 (3) of the UN Charter gave China a veto over any such UN intervention.¹²⁷ Article 2 (7) of the UN Charter decrees that: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ...”. The UN therefore failed to achieve its primary objectives in China for systemic and structural reasons.

Case Study Questions and Evaluation Criteria:

One of the important ‘terminology’ issues that arise in the case studies is the definition of genocide, which tends to be loosely used by some writers. This research project takes the view that the UN has a responsibility to ensure that all incidents and potential incidents of unlawful mass killing are addressed, either by prevention or by rapid response to minimise the numbers of people killed. It should make little difference whether such unlawful mass-killings are genocide, unjustified war, or acts of irrational madness. The mass killings in the Darfur region of the Sudan provide examples of attempts to justify the inadequate UN and international response on the basis that these killings did not technically or legalistically constitute genocide. In keeping with the emphasis on reinforcing international/global jurisprudence this research will use the Genocide Convention definition of genocide.¹²⁸ Gerard Prunier describes genocide as: “the systematic

¹²⁵ Anne Applebaum, *Gulag: A History* (London: Penguin, 2003), p. 521.

¹²⁶ Chang Jung and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005).

¹²⁷ Although Communist mainland China (Peoples Republic of China) only became China’s representatives at the UN and on the Security Council in November 1971, it was able to rely on the USSR veto before that date.

¹²⁸ Convention on the Prevention and Punishment of the Crime of Genocide

organisation of the killing and the attempt at completely erasing the targeted group”. He argues that “genocides are a modern phenomenon – they require organisation – and they are likely to become more frequent in the future”.¹²⁹ He suggests that “the first modern genocide was that of the American Indians, and it was largely ‘successful’. The suggestion that acts of genocide can be successful, and tend to be coordinated rational acts, rather than unexpected, spontaneous acts of gratuitous violence, will be examined in the case study chapters. Prunier also identifies the killings of Armenians, Jews, and the Gypsies, as racial genocides, and writes that the Communist system created a new political and social type of genocide, “where the victims belonged to the same racial stock as their killers and were killed because their social behaviour was deemed contrary to the dominant ideology of the state.”¹³⁰ He includes Stalin’s purges in the USSR and the “massive ‘political’ genocides in China and Cambodia” in this category. However, it is important that the performance of the UN be judged not just on its most serious failures to prevent genocide, but also on all failures to prevent avoidable large-scale losses of life that do not come within the Genocide Convention definition. The case studies are intended to answer a series of questions, relating to each particular region:

1. Is the key objective of the UN, the maintenance of international peace and security, still a valid and a necessary objective, for the people of that particular region?
2. Has the UN achieved this key objective in each of the conflicts examined, and in the overall region encompassed by each case study?
3. If the UN has failed to achieve its key objectives, why has it failed?
4. An analysis of the performance of the UN across the three case studies will seek to establish if the UN has achieved its primary objective on behalf of humanity as a whole.

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

¹²⁹ Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst, 1995), p. 238.

¹³⁰ *ibid*, p. 238.

Arising from the case studies, the concluding chapter will seek to provide tentative answers or normative suggestions arising from the following additional questions:

5. If the UN has failed on the broader front to achieve its objectives, can it reform or be reformed to achieve these key objectives?
6. If such reform is not possible or so difficult as to be unlikely, in what alternative ways can the key objectives of the UN be achieved?
7. Should the UN be either transformed to enable it to achieve these objectives, or be replaced by new organisations that will be capable of achieving these objectives?
8. How can, or how might, this transformation be achieved or operationalised?

Evaluating whether the UN succeeded or failed in its primary role of maintaining international peace and security is an essential task for this research project. Dennis Jett cites D. Drukmann's conclusion that: "different actors and constituencies have different objectives and criteria for evaluating success".¹³¹ Jett cites Bratt's four criteria for peacekeeping success: "completion of the mandate, facilitation of conflict resolution, containment of the conflict, and the limitation of the casualties".¹³² The above criteria apply to the lower levels of analysis on the UN's performances and Jett urges caution in using any such criteria. The criteria that will be used to evaluate the broader performance of the UN towards the achievement of its primary function over much longer time periods in the conflicts analysed are set out below.

Criterion 1. Did the UN succeed in maintaining international peace and security in each of the three case studies? If not, then a fundamental reassessment of the UN's capacity is required.

Criterion 2. Did the UN succeed in preventing crimes against humanity including genocide? Since this was one of the primary reasons for the founding of the UN, and since it is such an important matter of human justice, failure in this area indicates critical structural weakness of the UN system.

¹³¹ Dennis C. Jett, *Why Peacekeeping Fails* (New York: Palgrave, 2001), p. 19.

¹³² *ibid*, p. 19.

Criterion 3. If the UN failed to prevent crimes against humanity, did it at least bring the perpetrators to justice? Failure to achieve justice for the victims of such crimes and failure to impose justice on the perpetrators of these crimes encourages repetition.

Criterion 4. Following the use of weapons of mass destruction by the US at Hiroshima and Nagasaki, did the UN succeed in preventing the spread of weapons of mass destruction? Failure by the UN to reduce the likelihood of nuclear war puts the future of humanity at risk.

Criterion 5. Has the UN learned from its successes and mistakes, and if so, has it applied the lessons learned? Repetition of serious mistakes or failures by the UN indicates inability to reform or be reformed.

Criterion 6. At strategic level, did the UN succeed in maintaining the broader international peace? If not then reform of the UN is an urgent and immediate requirement.

Criterion 7. If the UN has failed to achieve its primary objectives, has it demonstrated the capacity to undertake the necessary reforms to enable it to maintain international peace and security?

The case studies will seek to establish whether the UN failed to achieve its primary objective in each case study region, while the concluding Chapter will evaluate the UN's performance globally. The research carried out for Chapters 1-4 will be used to establish whether the UN is likely to reform or be reformed so as to enable it to achieve its primary objective into the future. The final chapter will summarise the conclusions drawn as to the nature and scope of the UN's failures as well as its propensity to reform, before moving to the normative stage, whereby it will seek to find ways around the dual impasse of failure and inability to reform. One of the criteria for evaluating the success of peace and security measures will be the default criterion of the estimated number and proportion of fatalities. Other areas of serious human suffering caused by human rights abuses, particularly the widespread use of torture, are considered to be outside the scope of this particular research project, but should form the subject matter of further research. The multiple factors involved in the exceptional Western European peace phenomenon are far more likely to be applicable towards achieving global peace than precipitous and pre-emptive hegemonic military interventions, but need to

applied in a gradualist way under the protective layer of global jurisprudence. A special report by the United States Institute of Peace on US experience in Iraq found that: “(o)ne reason for the repetition of past mistakes is that the United States lacks a mechanism for ensuring that lessons identified in one operation are included in training for the next.” This conclusion is very similar to that of most reports on UN failures, (and on US failure in Vietnam), including analyses of the UN’s earlier peace missions such as the Congo in the 1960s. Therefore, usurping the UN’s role in the maintenance of international peace and security by self appointed military coalitions, outside of the scope of international law, is unlikely to prove any more successful than the UN itself has been so far.

If the UN proves to be immune to the level of reform that is necessary to enable it to achieve its primary objective, then the options of more substantial UN transformation, superseding it, or its replacement should be actively pursued. The finding of this thesis will highlight the futility of pursuing the type of inadequate UN reforms that have been discussed over the past decade, without developing a long-term strategy to achieve substantial transformation of the UN and the international system. It will also acknowledge the real difficulties in achieving such transformation, hence the need for innovative mechanisms, such as dynamic functionalism that will be discussed in Chapter Four, to achieve transformation of the UN and the international system. The case studies will also help to emphasise the continuing need for an organisation such as the UN, tasked with maintaining international peace and security, as its primary objective, but, importantly, resourced and empowered to achieve this objective.

Exemplary International Peace

At this point a definition of peace, or the phrase ‘international peace and security’ is necessary, since it is the *raison d’être* for the United Nations. Philosophical and theoretical definitions of peace will be discussed in more detail in the following background theory chapter. Utopian or Gandhian concepts of peace are useful theoretical aspirations but not necessarily practical tools towards resolving conflicts that are still causing disastrous consequences into the twenty-first century. While preventing violent conflict and achieving comprehensive global peace will be difficult tasks, this research project takes the view that these objectives are both

necessary and possible. Since one of the prerequisites for international peace within specific regions is the existence of relative peace and prosperity within the states of that region, states that have achieved an exemplary history of peace provide the most appropriate yardsticks towards which other states should aim. Likewise, regions that have achieved comprehensive peace systems provide examples towards which the wider international/global system or society should strive to achieve. Norway, Sweden, Switzerland and Canada are states that have overcome past histories of internal and external violence, as well as geographical disadvantages, such as proximity to belligerent neighbours. Switzerland and Sweden have opted for the neutral path to peace, and have achieved the most impressive record of internal and external peace. Both have been recognised as neutral states for almost two hundred years, with Swiss neutrality being guaranteed by the Congress of Vienna in 1815, setting the foundations for the concept of neutrality in international relations and international law.¹³³ While Norway and Canada have chosen the NATO collective security route to security both have also been very supportive of United Nations efforts to achieve international peace. Canada has successfully used constitutional and democratic means to prevent the Quebec conflict moving from political conflict to violent conflict. The attained and attainable level of peace achieved by these states therefore should become the benchmark for all other UN member states. In addition each of these states has made very significant positive contributions to the broader international peace and security.¹³⁴ The examples of these peaceful states and of the European Union peace project are persuasive towards the argument that no conflict should be regarded as unsolvable. The comprehensive regional peace in Western Europe has since ‘spilled over’ into most of Eastern Europe. Historically, Europe has been one of the most violent regions of the world. Its transition to peace after 1945, therefore, has been all the more remarkable. It has not been a utopian type of peace, and has been interrupted by internal state conflicts in Ireland and Spain and dictatorships in Greece, Spain, and Portugal. However, international peace, or peace between states, at the

¹³³ Switzerland has pursued a policy of neutrality since 1674, and its neutrality was officially recognised by the Congress of Vienna in 1815. Swedish neutrality has been effective since 1818.

¹³⁴ While Switzerland only became a member of the UN in 2004, it provided the headquarters of the League of Nations as well as significant facilities for the United Nations, and founded the International Red Cross organisation. Norway provides the Nobel Prize system, and Norway, Sweden and Canada have been among the most consistent supporters of the UN, exemplified by Canadian Lester Pearson, and Swedish Dag Hammarskjöld.

comprehensive level that has been achieved within Europe provides a template towards which the world as a whole can and should strive to attain. Chapter Four, the focal theory chapter, will return to the functionalist aspects of this European peace project.

International peace and security therefore should be defined in the practical empirical sense rather than the philosophical, or academic sense, as something that can and should be attained by all states towards their internal and external relationships. For the purposes of this thesis, international peace and security is defined as follows.

International peace and security is a state of human relationships in which *violent* conflicts¹³⁵ between and within states are prevented or resolved without recourse to all-out war and in which the preponderance of security resources are committed to the prevention and resolution of violent conflict rather than engaging in war or suppression of conflict. Organisations dedicated to the maintenance of international peace should be supported by comprehensive systems of international law and jurisprudence, and any peace enforcement actions should be governed by ‘minimum force necessary’ criteria, and should be undertaken as policing control operations rather than attempts to use war as a means of attempting to enforce peace.

While the concluding chapter will draw on the findings of each of the preceding chapters its purposes are deeper and wider than just summarising these chapters. The conclusions of the three case study chapters will be analysed and compared with a view to establishing the nature and scale of the UN’s failure to achieve its primary objective. It will conclude that the level and scale of the failures of the UN in each of the case studies is so comprehensive that the continuing existence of the UN must be questioned. It will be clear from the scale of the avoidable loss of human life during the lifetime of the UN, that there is an urgent need for an international or global organisation or system to prevent such loss of life. The UN has not achieved this key function so far, and its performance has been so fundamentally flawed, that the UN must be judged to be in urgent need of transformation, in terms of structure, power and resources.

The concluding chapter will then proceed to its normative stage which discusses what ought to be, and how what ought to be can be achieved. It will draw on the

¹³⁵ Conflict in human society is normal and virtually inevitable. However, violent conflict is not inevitable and can be contained in the short term and prevented in the long term if sufficient resources are employed.

theoretical foundations established in the background and focal theory chapters and will suggest that peaceful solutions to human conflicts are the only valid or safe long-term options open to humanity, and such conflict resolution methods should rely on a dynamic functionalist approach to the ever-changing dynamics of human interaction and human conflict.

Methodology Summary

It should be emphasised that this is not a thesis on UN peacekeeping. It is concerned with the fundamental *raison d'être* of the UN, and with whether the UN has succeeded in achieving its primary purpose. I choose to adopt a naturalistic approach to this research project because the core matters being researched are intrinsically interconnected with the dynamic nature of human interaction and therefore more suited to a qualitative and subjective approach with a humanist emphasis, rather than a quantitative approach or the more scientific approach of the natural sciences. The case studies were carefully selected to give as comprehensive an overview of the UN's performance as possible, and over as wide a range of regions and conflict situations as possible. The case studies will show that conflicts throughout the lifetime of the UN cost tens of millions of lives (and possibly up to one hundred million lives), and an inestimable amount of avoidable suffering, thereby demonstrating the need for an international organisation or system to achieve international peace and security. The case studies will also show, however, that the UN, as constituted by its Charter and as constrained by the power structures of the international community, has consistently failed to achieve international peace and security.

Establishing the historical nature of the UN's performance is the relatively easy part of the theoretical equation. This involves establishing what theoretically the UN should be achieving and whether and to what extent it has succeeded. The more difficult task is to establish how what needs to be achieved can, or *might*, be achieved or operationalised. The adoption of a normative rather than a prescriptive approach to the conclusions of this research project has been influenced by the belief that human interaction, including human conflict, is inherently dynamic and relatively unpredictable. Danilo Zolo emphasises this point.

The libraries of the West are full of treaties expounding in minute detail all the rules and regulations to be brought into action in various projected reforms of international institutions that are designed to usher in stable and universal peace.¹³⁶ The 'weak pacifism' proposed by Zolo as an alternative to a more cosmopolitan or global governmental approach has its own shortcomings. This thesis will propose instead that a more flexible but dynamic functionalist approach to international peace is needed to transform the international system. These issues will be addressed in more detail in the concluding Chapter.

¹³⁶ Zolo, Danilo, *Cosmopolis: Prospects for World Government* (Cambridge: Polity, 1997), p. 180.

Chapter 3

A functioning Peace System: Dynamic Functional approach to global peace and UN reform

Functionalism is concerned with the ways of creating ... a working peace system. It involves a diagnosis of the problems of disorder in international society, and a prescription for ways of shaping a better world. ... the central axiom is that form should follow function.¹³⁷

Introduction:

There are two aspects to Groom and Taylor's description of functionalism that appear to be in contradiction, yet are the essence of functionalism – the normative or idealist aspect of shaping a better world and the pragmatic or realist aspect of doing this in a functional way. Functionalism attempts to combine theory and practice, and to bridge the academic-practitioner divides that other theories and ideologies tend to create. This thesis seeks to do likewise. The end of the Cold War brought neither a realist 'end of history' nor a utopian 'perpetual peace'. This chapter will argue that in the current volatile state of international relations, functionalism provides an appropriate explanatory theory, as well as providing an alternative and workable approach towards resolving conflict. It is particularly appropriate towards analysing the past performance and future potential of the United Nations as an international organisation. However a reinvigorated or more dynamic functionalist approach will be necessary if the ambitions of one of its key proponents, David Mitrany, to achieve a working peace system for humanity, are to be fulfilled.

Karn and Mingst emphasise that:

War is the fundamental problem in international relations ... Underlying functionalist theory is the premise that getting states to work together in solving practical problems of international relations will build conditions for enduring peace.¹³⁸

Mitrany emphasised that functionalism was more an approach to international relations and international peace than a strict IR theory, while David Barash points

¹³⁷ A J R Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p. 1.

¹³⁸ Margaret P. Karns and Karen A. Mingst, *International Organisations: The Politics and Processes of Global Governance* (Boulder CO: Lynne Rienner, 2004), p. 279.

out that: "... peace is never fully achieved; it can only be approached".¹³⁹ However, the focus of functionalism on a "working peace system" is far more realistic and achievable than more utopian schemes, including that of Kant's "perpetual peace", yet far more optimistic than theories that advocate maintaining the *status quo*.¹⁴⁰ Conflict in human society is likely to be an ongoing reality, but large-scale violent conflict, that is war, should never be considered inevitable, or acceptable. The potential for conflict can be significantly reduced, and a functional approach can contribute substantially to a reduction in conflicts that develop into wars. Former US Secretary of State Dean Acheson described foreign policy as "one damn thing after another".¹⁴¹ A functionalist approach provides a more flexible response to such uncertainty, and the relative randomness of international and human relationships, than theories that are more rigid or more scientifically focused.

Alex Warleigh advocates a re-look, or a new look, at functionalism from a European integration perspective.

Mitrany held that it was idle to set out a blueprint since politics is about evolution and context, a powerful argument even today. However, as a guide for reform which lays such a stress on normative judgements, functionalists could usefully develop a more detailed, or at least updated, blueprint of the EU and world governance than those developed by Mitrany.¹⁴²

This research project takes up such a challenge on the issue of global governance and opts for a looser roadmap type of framework rather than a blueprint.¹⁴³

Functionalism is one of the less presumptive IR theories, and is therefore more easily translated into a usable or functional roadmap. The European Union as an example of a *functioning*¹⁴⁴ peace system, which will be examined more closely

2. David P. Barash, ed., *Approaches to Peace: a reader in peace studies* (Oxford: OUP, 2000), p. 1.

¹⁴⁰ Mitrany's functionalism is accused of tending towards the utopian. This research project will posit that on the contrary one of the flaws of Mitrany's functionalism was that it was not ambitious enough, particularly in terms of timescale in its approach, and that it placed too much emphasis on a more passive approach. Mitrany himself cited a quotation by Professor Gerda Zellentini that highlighted the difference between a functionalist approach and a utopian one. "What can we do in a given time and within given conditions for the gradual peaceful transformation of society? The question makes functionalism unwelcome to most champions of utopian conceptions, as they feel a natural reluctance to weigh the social costs of the radical changes they have in mind." David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 256.

¹⁴¹ Sam Nunn, "We're failing to meet the nuclear threat". *The Sunday Times News Review* p 4.

UK Prime Minister Harold Macmillan's comment that the most challenging aspect of his job was "events dear boy, events." Both remarks by senior international relations practitioners indicate the inherent uncertainty in matters of international affairs.

¹⁴² Alex Warleigh, *Flexible Integration: Which Model for the European Union?* (London: Continuum, 2002), p42.

¹⁴³ A road map offers a range of options to get from point A to point B, or even to undertake a journey that may take one to unknown or uncertain destinations. A blueprint, presupposes that we know the desired outcome, and there is an inherent danger in presuming the ability to predict the future of human relationships.

¹⁴⁴ The term *functioning* peace system is used here as distinct from functionalist, to denote the fact that, regardless of the causes or circumstances, there has been a profound system of peace functioning, initially in Western Europe since the end of World War II, and more recently extended to most of Eastern Europe since

later, provides one of the strongest arguments for a functional approach towards international peace, albeit, one not necessarily foreseen by Mitrany who was wary of regionalisation.

Methodology of this chapter:

This examination of functionalism will begin by explaining why a functional approach is the most appropriate framework for the hypotheses posited by this thesis. The next section, entitled: *What is Functionalism?* describes the main tenets of functionalism, explaining the key issues and methodology behind the functionalist approach to international relations. This is followed by a critique of functionalism, outlining what criticisms were made of functionalism and how valid they were. The peace system that has been a reality in Europe since the end of World War Two will be examined with a view to establishing whether the European Union is an example of a successful functionalist approach to creating a zone of peace, or an enigma that is unlikely to be easily replicated elsewhere, or extrapolated to the global level. Building on the functional foundation laid down in the foregoing sections, it will then be posited that the future prospects for comprehensive global peace for humanity can best be served by a more progressive functional approach, which I will label *dynamic functionalism*. Since the modus operandi of this research is empirically based, an important aspect of this chapter is to establish how such a dynamic functionalist approach to global peace can be *operationalised*.

The penultimate section will address the main alternatives to a functional approach to global peace. The chapter will conclude that a broad functionalist approach to international relations holds out the best prospect for both understanding and resolving the problems of human conflict. However, it will need to be a more progressive and dynamic type of functionalism than that envisaged by David Mitrany. Circumstances have changed significantly since Mitrany refined his version of functionalism. Mitrany believed that a more passive functionalist approach was likely to lead to a gradual realisation of the benefits of international

1989. This is more than a play-on-words. A negative definition of peace as “the absence of war” is wholly inadequate to describe the comprehensive and deepening peace system that has developed in Europe, and is arguably continue to grow even deeper, to the extent that violent conflicts even *within* European states are becoming less frequent and less acceptable, for example, Northern Ireland, the Basque conflict in Spain and the inter-communal conflict in Cyprus, while inter state conflict in Europe is virtually unthinkable.

cooperation and a consequential withering away of the nation-state system. A dynamic functional approach must positively address the urgency of a more comprehensive global peace system, as well as incorporating existing society structures, including the nation-state system, into its functional approach rather than seeking to render these systems obsolete in practice.

Why Functionalism as a focal theory?

“The development of global governance is part of the evolution of human efforts to organise life on the planet, and that process will always be going on.”¹⁴⁵ This reference to the never-ending nature of human interaction is a truism that has been inadequately addressed in previous attempts to chart out a safer future for humanity, from Kant’s blueprint for perpetual peace, through the Concert of Vienna and the League of Nations’ Covenant and on to the UN Charter. Each in its own way sought to find fixed or permanent solutions to dynamic, unpredictable and developing situations. Collective security was at the core of most of these solutions, but it turned out to be a circular process leading back to violent conflict. Collective security is still seen as the principal way forward towards a more peaceful world, and was the principal mechanism whereby the UN was meant to maintain international peace and security. Such a collective security peace system has inherent contradictions in that it seeks to make peace by threatening war.¹⁴⁶ A dynamic functionalist approach would seek to establish peace by promising and actively developing peace in an incremental, gradual, and non-threatening way.¹⁴⁷ Utopian and realist solutions alike have failed to deliver peace. Functionalism offers an alternative strategy or approach worthy of serious consideration, even if it has been virtually consigned to the theoretical dustbin of history. Why should we rescue it? Are there alternatives to a functionalist approach to peace for humanity, and why

¹⁴⁵ The Commission on Global Government, *Our Global Neighbourhood: Report of the Commission on Global Government* (Oxford: OUP, 1995), p. xvi. The implied progressive nature of this evolution is not however guaranteed and regression or blowback is always a possibility in human relationships.

¹⁴⁶ Collective security is like bluff in a game of poker. The player ideally wants to win the pot of money on the table without having to show his/her hand. If the player’s bluff is called, he/she either has to surrender (do nothing as the UN did at Srebrenica and Rwanda), or hit the opponents with the strongest hand (go to war, as the UN/international community did with the Korean War and the 1991 Iraq/Kuwait conflict 1991. Neither option is acceptable towards the achievement of international peace.

¹⁴⁷ The word “threat” is valid in this context because any comprehensive global peace system will threaten the *status quo* that gives elite status to certain states and groups in the existing international system, and will threaten vested interests such as those of the so-called “military industrial complexes”. While a global peace system implemented in a functionalist way would prevent the US from imposing its wishes and priorities on other states by unilateral and pre-emptive military action, it would also seek to show that a functioning global peace system would be in the best *long-term* interests of all states and all of humanity.

does functionalism provide a more viable alternative than other theoretical approaches?

Ben Rosamond cites Scott Burchill's six criteria against which theories might be evaluated:

1. a theory's understanding of an issue or process;
2. a theory's explanatory power of the theory;
3. the theory's success at predicting events;
4. the theory's intellectual consistency and coherence;
5. the scope of the theory;
6. the theory's capacity for critical self-reflection and intellectual engagement with contending theories.¹⁴⁸

This chapter will seek to show that functionalism meets most but not all of these criteria. It gives a good understanding of the issues and processes at play in human conflict and the UN's attempts, and many failures, to resolve such conflict. The powers of functionalism as an explanatory or meta-theory are good. However, it fails to meet Rosamond's third criteria because functionalism avoids predicting events,¹⁴⁹ but seeks rather to anticipate a range of possible developments. While there may be some intellectual inconsistencies in functionalism as espoused by Mitrany,¹⁵⁰ such inconsistencies can be explained by the state of knowledge and experience at any given time, and partly overcome by Mitrany's willingness to amend his approach in the light of such experience. Any further inconsistencies that develop can be overcome by updating the functional approach in the light of experiences. While functionalism does not set out to be a strict scientific theory, its validity and therefore its coherence has stood the test of time better than most of its contemporaries and successors.¹⁵¹ It is however both a critical and complex theory, with a broad scope and flexibility that is particularly suited to this research project. Functionalism has significant capacity for critical self-reflection, as demonstrated by Mitrany's own capacity to re-evaluate certain aspects of functionalism, including

¹⁴⁸ Ben Rosamond, *Theories of European Integration* (Basingstoke: Macmillan, 2000), p. 9. citing Burchill, 1996, 24.

¹⁴⁹ Dynamic functionalism would not seek to predict the unpredictable elements of human behaviour but would seek to put in place procedures and developments including jurisprudential measures that would limit the most damaging effects of human violence,

¹⁵⁰ For example, Mitrany's earlier works were very critical of the state and saw little role for the state in the future functionalist world order, but his later work accepts that the state is likely to have a continuing role.

¹⁵¹ Realism as a theory reinforces the status quo rather than promotes change. This would be justifiable if the status quo were an acceptable condition for humanity. Yet this status quo includes unacceptable levels of human conflict, and virtual genocides in Cambodia, East Timor, Bosnia, Rwanda, and the Congo. More scientifically focused theories, for example neofunctionalism, have been found either wanting, or falsified, or of value only in a limited time-frame and circumstances. Functionalism, on the other hand, is still a viable option, in part because it has not yet been substantially tested at global level, but, to the extent that it has been tested in Europe, it has proven successful rather than been falsified.

the role of the state and of politics,¹⁵² and not only does it engages intellectually with contending theories, it is to a significant degree a critical theory. In recent times there have been re-evaluations on the role of the state that tend to support Mitrany's earlier critique of the state.

The state remains the fundamental purveyor of security. Yet it often fails to fulfil its security obligations—and at times has even become a source of threat to its own people. That is why attention must now shift from the security of the state to the security of the people—to human security.¹⁵³

A functionalist approach should question why each and every structure of human society, including the state, exists and the functions they perform. If the 'form' known as the state is failing to serve the functions required by humanity's then that form should adapt or be replaced. The same applies to the United Nations.

Dougherty and Pfaltzgraff separate theories by scope into grand, middle range, and small-scale theories, and use three further differentiation categories, historical-descriptive, scientific-predictive, and speculative-normative. They place functionalism in the middle range and describe speculative-normative theories as dealing "... deductively with how things might be or should be improved"¹⁵⁴, which encompasses the functionalist approach. This scale of theory and theoretical approach suits the objectives of this thesis, which, while focused on the international and beyond, it is nonetheless directed at more limited issues – the role of United Nations and UN reform towards the achievement of international peace. The expected outcome of the thesis is also intended to be speculative-normative.

In 1932, before the invention of nuclear weapons, Mitrany wrote:

[w]e have reached a point in communal life where the material forces at our disposal threaten to escape our control and to warp the very civilisation which they were meant to enhance.¹⁵⁵

This remained the underlying driving force of Mitrany's functional approach to international relations. World War II, and its Cold War aftermath, increased the relevance of this rationale for Mitrany. The bright new dawn at the end of the

¹⁵² "In the wider society of the world the problem is how to evolve ways and means of international material co-operation without intruding unduly upon the sensitive and widespread sentiment of nationality." David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 144.

¹⁵³ The United Nations, *Human Security Now: Final Report of the Commission on Human Security* (New York: 2003), p. 2. Examples of states that became a threat to their own citizens include the Chairman Mao regime in China, the Pol Pot regime in Cambodia, and several African state governments including those of Idi Amin in Uganda, Mengistu in Ethiopia, Mobutu in the Congo/Zaire, and Mugabe in Zimbabwe.

¹⁵⁴ James E. Dougherty, and Robert I. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey* (New York: Longman, 2001), p. 17. A speculative/normative approach to international and global relationships is needed to bridge the gap between the short-term fire brigade or crisis management approach, and longer-term preventative approaches that seek to address the root causes of human conflict.

¹⁵⁵ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 85.

Cold War *night* was short lived. The September 11th 2001 attacks on the US, and subsequent international developments including the US retaliatory response against Afghanistan, and the very questionable pre-emptive attack on Iraq, further emphasise the importance of regulating the anarchy of the international system. Attempts to achieve international peace, based on balances of power, alliances, bi-polar or uni-polar hegemony, have either been inadequate, or have not worked at all.¹⁵⁶

Since the end of the Cold War there has been some renewed interest in functionalism. Mark Imber considers that "functionalism deserves re-examination" since its demise as "the dominant theory of the new multilateral institutions of post-Second World War reconstruction." He contrasts the effectiveness of functionalism as an explanatory theory of processes such as development, technological innovation, and the enlarged concept of welfare, against the "nuclear armed bipolar division of the international system in that same period, during which the UN Charter's provisions for collective military security were almost wholly ineffective"¹⁵⁷ He advises that:

we should not throw out the Functional baby with the Fabian bathwater. ... Mitrany advocated a polycentric field of functional activities, the [UN] agencies were one element, NGOs another, direct collaboration among technical and scientific elites yet another. Mitrany also identified early the borderless creativity and organisational skills of transnational corporations.¹⁵⁸

Mitrany's functionalism was not so much before its time; rather, his historical timeframe was artificially frozen due to the particular circumstances of the Cold War. However, his faith in the "borderless creativity" of TNCs has been somewhat dented by the practical results of some of this TNC creativity.¹⁵⁹ In Chapter 7 it will be suggested that international and global governance structures will need the

¹⁵⁶ Wars throughout the 20th Century cost up to 160,000,000 lives (see footnote 8, Chapter One) and with most of these avoidable losses occurring during the lifetime of the UN. The early years of the 21st Century have already seen huge loss of life in the Congo, Sudan, and other parts of Africa, Iraq, the Middle East and Chechnya.

¹⁵⁷ Mark F. Imber, "Functionalism", in David Held, and Anthony McGrew, *Governing Globalization: Power, Authority and Global Governance* (Cambridge: Polity, 2002), p. 290.

¹⁵⁸ Mark F. Imber, "Functionalism", in David Held, and Anthony McGrew, *Governing Globalization: Power, Authority and Global Governance* (Cambridge: Polity, 2002), p. 291.

¹⁵⁹ TNCs – transnational corporations, MNCs – multinational corporations. The Union Carbide Bhopal disaster in India in 1984, and the Seveso pollution incident in Italy in 1976, are just two of the negative results of inadequate controls over and by MNCs. Exploitation by MNCs of the poorer areas of the world for the benefit of Western elite is also exemplified by the exploitation of natural resources in areas such as West Papua (Irian Yaja), and ongoing problems with intellectual property rights over essential food items and use of genetic modification techniques to gain control over the supply of seed, fertiliser and disease control systems by MNCs such as Monsanto. The activities of Haliburton and Blackwater in Iraq also cast multinationals in a different light.

oversight and regulatory mechanism of a comprehensive system of jurisprudence. This should be one of the additional elements in 'dynamic' functionalism.

Paul Taylor writes that a functionalist approach "contributes to an understanding of the broad range of man's political activities" and that "functionalism can indeed claim the status of a general political theory"¹⁶⁰. It is questionable whether functionalism is a "general political theory", or even if it needs to be such.¹⁶¹ Elsewhere Taylor stresses that: "functionalism is an approach rather than a tightly knit theory."¹⁶² While this flexibility and malleability of functionalism may seem contradictory at times, it does provide a non-dogmatic approach towards a discipline sometimes over-endowed with dogma. The nature of functionalism, and one of its advantages, is that it almost defies being pinned down or clearly labelled as a theory within any particular part of the spectrum of the international relations discipline. The value of functionalism from the perspective of this particular research project is that its use and its approach provides workable alternatives to the existing general theories. Mitrany believed that: "functionalism treats the promotion of welfare as an indirect approach to the prevention of warfare". This is arguably the key underlying principle of functionalism and its *raison d'être*, and it is the primary reason for its inclusion in this research project. Functionalism's approach to theory and the problems of international relations go beyond the explanatory functions of theory and proceeds to address real and potential problems of international relations and propose or find creative ways around the most obstinate problems.

The realist Hans Morgenthau wrote in 1966 that: "the future of the civilised world is intimately tied to the future of the functional approach to international organisation."¹⁶³ One of the dichotomies of international relations, that may have influenced such diverse theorists as Mitrany and Morgenthau, is that the Napoleonic Wars, World War I, and, in particular, World War II were all fought by alliances on the basis of implementing collective security of one sort or another. The consequential Concert, League and United Nations were attempts to replace the

¹⁶⁰ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. ix.

¹⁶¹ One of the strengths of functionalism is that it seeks to address specific issues and problems, and to adopt specific and alternative approaches to global peace, rather than going for the scattergun approach of more general theories.

¹⁶² A J R Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p. 1.

¹⁶³ David Mitrany, Introduction by Hans J. Morgenthau, *A Working Peace System* (Chicago: Quadrangle Books, 1966), p. 11.

slaughtering type of collective security with a more peaceful type of collective security, with war only as a last resort. All succeeded for a while, before failing catastrophically. The peaceful interludes in-between allowed the technology of killing to develop exponentially, making the development of a working peace system imperative.

What is Functionalism?

According to Chris Brown:

Functionalism is the most elaborate, intellectually sophisticated and ambitious attempt yet made, not just to understand the growth of international institutions, but to plot the trajectory of this growth into the future, and to come to terms with its normative implications.¹⁶⁴

He goes on to describe it as “an original set of ideas” and the most important approach to international relations to have emerged in the twentieth century. Gene Rainey described functionalism as a “serviceable bridge between theory and reality”.¹⁶⁵ Functionalism is often perceived as just a creative post-World War II response to almost insurmountable problems of international conflict, and perceived to have become irrelevant or inoperable during the Cold War. The much deeper Enlightenment roots of functionalism will be discussed in later sections. Its broader pedigree and World War I origins give it some claim to having been one of the founding paradigms of international relations. It approached issues of international conflict from a new direction, and its focus was more on long-term strategies than short-term stratagems, and more on prevention of conflict than responding to it. Functionalism was founded, or grounded, on the rubble of two world wars.¹⁶⁶ It therefore sought practical and workable solutions to the empirical reality of the times.

The normative aspects of idealism, how human society at macro levels should ideally be organised, were not abandoned. Instead, functionalism provided a long-term set of goals to be reached by more complex indirect routes, rather than the more simplistic solutions offered by more utopian proposals, or by the lack of a substantial normative element in realist *status quo* type solutions. The originality of functionalism also lies in its roundabout and indirect approach to problem solving.

164 Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 129.

165 David Mitrany, *The Functional Theory of Politics* (London: Robertson, 1975) p. 240.

166 Among the most notable early advocates of a functionalist approach to international peace were Norman Angell, *The Great Illusion*, 1911, and *The fruits of victory*, 1921, and Leonard Wolffe, *The intelligent man's way to prevent war*, 1933.

Paradoxically, it is in some respects like the pragmatic, and the arguably functional, approach of Blitzkrieg warfare that sought out the weak points in the opposition, and went around or over, and encircled the opposing strong points, rather than attempting to go through them, or defeat them by costly attrition.¹⁶⁷ Mitrany also tended to use military analogies of how crises tend to force functionalist type strategies and solutions on leaders facing complex problems.

Principles of Functionalism

Paul Taylor lists the major principles of functionalism:

- Man can be weaned away from his loyalty to the nation state by the experience of fruitful international cooperation
- International organization arranged according to the requirements of the task could increase welfare rewards to individuals beyond the level attainable within the state
- Functionalism would encourage the development of an international co-operation ethos undermining the basis of the state, and weaken the loyalty of citizens towards the state
- The functional approach could enmesh national governments in a dense network of interlocking co-operative ventures.¹⁶⁸

Taylor and Groom described functionalism as being concerned with the creation of “a working peace system ... (it) involves a diagnosis of the problems of disorder in international society, and a prescription for ways of shaping a better world.”¹⁶⁹

Functionalism, in the context of international relations, is a theoretical approach not only towards understanding and explaining issues of human interaction at international level, but also, towards resolving such issues, particularly international conflict. It is a practically orientated theory in the sense that it puts more emphasis on practical objectives that can probably be achieved, rather than on what might theoretically be possible. Yet its normative content and critical nature allows for exploration of other avenues of approach that may not be apparent, or that may arise

¹⁶⁷ Edward J. Horgan, Capt., “Blitzkreig”, in Costello, Comdt. Con, (ed.), *An Cosantóir*, May, 1977, pp. 158-160. The destructive creativity of Blitzkrieg defeated the rigid mindset that had led to trench warfare. The constructive creativity of Functionalism, if unleashed on the rigid mindsets of international relations, could also achieve unexpected successes towards global peace, provided that the reins of scientific theory are loosened.

¹⁶⁸ David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. x.

¹⁶⁹ A. J. R. Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p.1.

unexpectedly.¹⁷⁰ It also emphasises a gradual approach to problem solving and conflict resolution, which has been exemplified by the gradual progress of the European project towards European integration that has had the spin-off (or the achieved objective) of a comprehensive peace in Western Europe, now encompassing most of Eastern Europe also.

This gradual functional approach, however, may need to be strengthened with the degree of urgency and dynamism needed to achieve international peace and security. Europe had the advantage of the enforced or negative security of the Cold War and the Marshall Plan economic programme. The United Nations has not provided any comparable level of complex support, including security, economic development, and supportive welfare systems, as that provided by a combination of the US Marshall Plan, NATO and European states for Western Europe. The luxury of a gradual approach, on a similar timescale that worked in Europe, may no longer be an option at global level. The consequences of international and global conflicts are now far greater due to the exponential capacity of post-modern warfare, including its capacity to inflict irreparable damage to the overall living environment.

Principal Tenets:

The core tenet of the functionalist approach is that the form or structure of organisations and systems needed to resolve complex issues of vital importance should be decided on the basis of the tasks or functions that need to be undertaken. Mitrany summarised this as the “form follows function” formula.¹⁷¹ Hence, if human life and existence on a very large scale are at risk, then the rationale for the UN’s structure and task assignments must be based on need, not bureaucratic convenience, or the limited interests of an elite group of states. The functions to be performed are so important that the structure or structures must be tailored to meet the task, not the tasks tailored to suit a seriously inadequate UN. The threats facing humanity have changed significantly between 1945 and the first decade of the twenty first century. If the UN cannot be restructured adequately, then a

¹⁷⁰ The importance of anticipating the unexpected in international relations is demonstrated by events such as the unexpected sudden and relatively peaceful collapse of the communist system after 1989, and by the relative success and unexpected twists in the development of the European Union project.

¹⁷¹ David Mitrany, *A Working Peace System: an argument for the functional development of international organization* (London: Chatham House, 1943).

functionalist solution is to create other parallel international organisations to undertake these vital tasks. Doing nothing is no longer an acceptable option.

Practical and normative focus

This research project combines practical and scientific approaches, in keeping with Mitrany's principles. "The basic propositions of this [functionalist] thought are considered by Mitrany to be both empirical and normative."¹⁷² They are empirical in the sense that they derive from observed events and practical experience, and normative as to their proposals as to how things ought to be in the sphere of international relations. Inis Claude states that:

[functionalism] is essentially an assertion and defence of the proposition that the development of international economic and social cooperation is a major prerequisite for the ultimate solution of political conflicts and elimination of war.¹⁷³

Claude describes this as "a horizontal approach, shifting attention away from the vertical divisions of human society ... towards the various strata of social need which cut across national dividing lines."¹⁷⁴ This is where the functionalism of Mitrany provides a clear alternative approach. A more dynamic functionalism is needed in the twenty-first century to buttress the positive aspects of Mitrany's approach with supporting elements such as a reinforcing web of global jurisprudence and the development of functionalist type of global governance.

Critiques of functionalism:

Criticism and the responses to criticism are a fundamental part of theorising, without which each particular theory would be liable to stagnate and become irrelevant.¹⁷⁵ This section will examine some critiques of functionalism and their validity. Functionalism has its roots and origins in the early half of the twentieth century and its virtual side-lining, since around the time of the death of Mitrany in

¹⁷² John Eastby, *Functionalism and interdependence* (New York: University Press of America, 1985), p. 1.

¹⁷³ Inis L. Claude, *Swords into ploughshares*, fifth edition (New York: Random House, 1971), p. 379

¹⁷⁴ *ibid.*, p. 380.

¹⁷⁵ Ben Rosamond suggests that: "what really matters is not how well the theory fits the reality ... but the extent to which the scholarship is reflective about its own assumptions and how rigorously the process of theorising is conducted." Ben Rosamond, *Theories of European Integration* (Basingstoke: Macmillan, 2000), p. 88 and p. 191.

the mid 1970s,¹⁷⁶ has left a time-lapse during which international society has developed resulting in the need to re-evaluate and update functionalism.

Ernst Haas and Inis Claude were among the earlier critics of functionalism, even though both recognised that the functional approach to international relations did offer some valid alternative perspectives. Haas summarises the criticisms of functionalism made by realists: “they merely assert the primacy of the political and take for granted the presumed hard outer shell of the sovereign nation-state. Further they minimise the chances of penetrating or softening the elephantine epidermis.”¹⁷⁷ He gives more credence to the criticisms by non-realists such as Claude, Sewell and Engle saying that “they reject the theoretical assumptions of functionalism in no uncertain terms simply by denying the adequacy of the separability propositions to sum up the potentialities of human development.” Haas goes on to list the elements of their critique.

- Power and welfare are far from separable
- Specific functional contexts cannot be separated from general concerns
- Lessons learned and successes achieved in one functional sphere cannot be readily transferred to other contexts
- Distinction between the political and the technical, between the politician and the expert, simply does not hold¹⁷⁸
- Loyalties developed from the satisfaction of need cannot be separated and rearranged so as to ignore the state

However, Haas does not reject functionalism in the same manner as others have done: “... if the separability propositions, which are at the heart of Functionalist theory, are not accepted in full, there remains considerable hope that they may be revised and refined so as to get us beyond the blind alley of Realist analysis.”¹⁷⁹

John Eastby says that: “Ernst Haas attempted to rewrite functionalism into scientific language and, in the process, eliminated the normative and ideological parts of functional theory.”¹⁸⁰ According to Haas: “Functionalism is not objective science

176 Karl Deutsch puts the slowdown of the European integration process, and by implication the relevance of functionalism even earlier. “European integration has slowed since the mid-1950s and has stopped or reached a plateau since 1957-58” as cited in James E. Dougherty, and Robert I. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey* (New York: Longman, 2001), p. 543.

177 Ernst Haas, *Beyond the Nation-State* (Stanford: Stanford University Press, 1964), p. 23.

178 Ian Clark arrives at a similar conclusion in the context of globalization, a process closely intertwined with functional international organisations. “Acceptance of the fact that globalization is, at heart, a political process – both domestically and internationally – prevents us from succumbing to notions of globalization as a technical, and hence depoliticised, trend.” Ian Clark, *Globalization and fragmentation: international relations in the twentieth century* (Oxford, 1997), p.197.

179 Ernst Haas, *Beyond the Nation-State* (Stanford: Stanford University Press, 1964), p. 24.

180 John Eastby, *Functionalism and interdependence* (New York: University Press of America, 1985), p.51.

but is tainted with opinion.”¹⁸¹ Since human conflict is almost inevitably tainted with, and often caused by opinion, any attempt to resolve human conflict should take account of and use opinion-forming processes. Haas’ scientific approach tried to impose the techniques of the natural sciences on the more fluid, less predictable, and ‘opinion-contaminated’ human sciences.

On the other hand, Eastby expressed concern that: “a functional world would be a spiritually impoverished world.” Mitrany’s counter argument was that matters of the spiritual are best left to individuals and practical matters of how society is organised left to the technical and administrative experts. The solution may lie between these poles. Issues such as nationalism, culture, perceptions of civilization etc., may be of the spiritual kind, but they can be real issues in the causation of conflict, and must be addressed if conflict is to be avoided. Eastby’s concern on the impoverishment of human society resulting from the elimination or downgrading of differences and cultures is also a valid criticism, which dynamic functionalism needs to address. The capacity to deal with and encourage diversity rather than uniformity and conformity, is also likely to be less threatening and therefore more acceptable to the many groups, including states that should be encouraged rather than obliged to participate in functional global governance. The role or function of ideas and values in the shaping of human societal structures must also be taken into account in any attempt to transform the international system.¹⁸²

Dougherty and Ofalzgaff identify the additional criticism of functionalism by neo-functionalists that: “the road to integration lies through bold acts of political will based on ideological or emotional commitment, rather than simply through functional integration in economic and social sectors.”¹⁸³ Integration, especially at regional level was never Mitrany’s intention or desired outcome and neither was global government. He sought to get around such political machinations rather than reinforce them. The need for “bold acts of political will” have proven valid in the meantime in a European context, and arguably, the lack of such bold acts of political will at global level, or the actuality of inappropriate bold acts, has been a

181 John Eastby, *Functionalism and interdependence* (New York: University Press of America, 1985), p.52.

¹⁸² Paul Pierson emphasise the role of ideas and values in shaping action. Paul Pierson, “The Path to European integration: a Historical Institutional Analysis”, *Comparative Political studies*, 29. 1996.

¹⁸³ James E. Dougherty, and Robert I. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey* (New York: Longman, 2001), p. 544.

feature of international relations since the end of the Cold War.¹⁸⁴ The greatest example of positive ‘bold acts of political will’ in recent history has been the transformation of the Soviet Union from Cold War protagonist to a far more cooperative member of the international community, as a result of Mikhail Gorbachev’s dramatic turnaround of Soviet policies focusing on *glasnost* (openness), democracy and *perestroika* (restructuring) internally, and revived *détente* and nuclear disarmament policies externally.

The objectives of functionalism, like the ideas of Kant, are revolutionary. It is unlikely that this can be hidden from states, or political leaders, if it poses threats to their power and influence. The co-option of states and national leaders is the best way to overcome this problem and this could be achieved if the benefits to states outweigh the drawbacks. This has been a key factor in the gradual development of the European Union, occasionally in unexpected directions.¹⁸⁵ Charles Pentland wrote that the “... relation between the functional need and structural adaptation, central to the theory, is ‘necessary’ only in the sense of being an ideal or norm, not in the sense of predetermining the direction of change”.¹⁸⁶ While this criticism also has validity, it underplays the extent to which Mitrany viewed functionalism as an approach to theory and problem solving rather than a pure theory in itself.

Alex Warleigh focuses on one of the frequent criticisms of functionalism, that is, its claimed scientific weakness and restricted falsifiability, but points out that:

(b)y focusing on issues rather than the development of a specific new form of governance to regulate them, functionalism ensures that scholars devote themselves to the promotion of solutions to problems rather than proselytise for a chosen new political structure.

Functionalism is a non-prescriptive theory that leaves the way open, and provides a structured approach to a range of solutions to whatever problems arise. This has led to its being labelled a non-scientific theory. This argument is only valid if the term “scientific” is used only in the more limited physical sciences sense. The human

¹⁸⁴ The case study chapters will illustrate how lack of political will at international level allowed the situations in Somalia, Bosnia, and Rwanda to deteriorate to catastrophic levels, while the political will displayed in the cases of Kosovo, and Iraq has arguably been misdirected and misplaced.

¹⁸⁵ Paul Pierson stresses: “the need the need to study European integration as a process that unfolds over time” and awareness of “the ubiquity of unintended consequences”. He concludes that: “integration should be viewed as a path-dependent process producing a fragmented but discernible multi-tiered European polity.” Paul Pierson, “The Path to European integration: a Historical Institutional Analysis”, *Comparative Political Studies*, Vol. 29, No. 2, 123-163 (1996).

¹⁸⁶ James E. Dougherty, and Robert I. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey* (New York: Longman, 2001), p. 544.

sciences should take account of the human condition, including human creativity, the extent to which humanity now controls nature rather than being controlled by it, and the relative random nature of some human decision-making processes.¹⁸⁷ Humanity's ability to reason, rather than rely on the natural instinct, brings with it levels of creativity and resultant randomness that defy the strict requirements of the hard sciences. Functionalism is more attuned to the needs and reality of the human sciences and responds to the relatively unpredictable dynamics of human interaction. It provides a flexible set of normative parameters for advancing the cause of peace, and "offers a depth of imagination and intellectual creativity which is screened out by more scientifically cast theories".¹⁸⁸ Such an alternative, imaginative, responsive and normative approach is needed to unlock the stalemate of international anarchy in which the UN is enmeshed.

On the other hand a positivist approach contends that: "the facts are out there to be discovered and that there is only one way to do this, only one form of reliable knowledge, that generated by methods based on the natural sciences".¹⁸⁹ Emile Durkheim promoted a very positivist type of functionalism in the social sciences. "The laws of society are no different from those governing the rest of nature and the method by which they are discovered is identical with that of the other sciences."¹⁹⁰ He also played down the role of the individual in human society, as did Mitrany to a lesser extent in an international relations context. Chris Brown describes the new discourses of critical and post-modern international thought as "above all else, *anti-positivist*".¹⁹¹ He credits the various strands of critical theory as "combining Kantian universalist moral theory and cosmopolitanism" and with "a concern with human emancipation".¹⁹² While functionalism, as espoused by Mitrany, predates the critical theories of more recent times, at least it encompassed the characteristics of critical theories listed above. A more dynamic functionalism, appropriate to the twenty-first century, should reinforce these critical theory aspects

¹⁸⁷ Robert Jackson asks: "How could any one-dimensional theory, no matter what human dimensions it singles out to theorise, capture at all adequately the obvious complexity and notorious contrariness of human beings and their relations?"

Robert Jackson, "Is there a classical international theory?" in Steve Smith, Ken Booth, Marysia Zalewski, eds., *International theory: positivism & beyond* (Cambridge: CUP, 1996), p. 207.

¹⁸⁸ Alex Warleigh, *Flexible Integration: Which Model for the European Union?* (London: Continuum, 2002), p.29, 30.

¹⁸⁹ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 37.

¹⁹⁰ Emile Durkheim, *The Rules of Sociological Method* (Chicago: University of Chicago Press, 1938).

¹⁹¹ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 55.

¹⁹² *Ibid*, p. 57.

with an ongoing healthy critique of functionalism itself. It should also recognise and reinforce the role and the importance of the individual in human society, not only as the creator of the structures of society, but as the primary or sole purpose of human society.

Joseph Nye concludes that: “functionalism has not proven a sufficient design for *world* order, and most states are reluctant to allow themselves to become so interdependent that they become highly vulnerable to others.”¹⁹³ This is exemplified, for example by Eastern European states rushing to join what is at least a partly functionalist European Union, but, in an equal hurry to join NATO, the realist-type US-led military alliance. They are hedging their bets, hoping for a functional peace dividend, but not willing to abandon what they consider to be the pragmatic realism of NATO security. Dynamic functionalism must address such dichotomies. Ukraine is just as entitled to make provision for its genuine security concerns, as was Western Europe during the Cold War.¹⁹⁴ However, Mitrany did not intend functionalism to a “design for world order”, but rather an approach towards world peace. A functionalist approach for the twenty-first century must take cognisance of hard-security realities as well as of the softer human welfare issues, identified by Mitrany as the primary root causes of conflict.

Warleigh lists five generally perceived weaknesses of functionalism.¹⁹⁵ “First there is the paradox of the nation states whose governments are required to vote themselves out of existence.” Accepting the validity of states and moving to co-opt the state rather than seeking its removal may be the best way to overcome this weakness. This would mean treating the state as one of the important levels of human society but not the pinnacle beyond which ‘there be dragons’. Warleigh’s second criticism is that the continuing loyalty to the nation-state and the growth of regional loyalty and territorial belonging are unlikely to be overcome by the “logic of functionalists”. This criticism is only valid if we stick to Mitrany’s limiting version of *international* functionalism, and ignore the possibilities for a functional approach to human interaction at all levels, particularly the political, and

193 Joseph S. Nye, Jr., *Understanding International Conflicts: an introduction to the theory and history*: Third Edition (New York: Longman Classics, 2000), p. 202.

194 However, a human security approach would also consider the risks associated with NATO expansion causing alienation of Russia, and the need to build bridges across borders rather than the creation of new borders.

195 Alex Warleigh, 1996, “Beyond the Double Dichotomy: European Integration Theory and the Committee of the Regions”, Unpublished PhD. Thesis, Nottingham Trent University, p. 41.

particularly at and below the level of the nation-state. Functional methods can be utilised to wean people away from their traditional loyalties to states, and to transfer some of those loyalties first to regional structures, and more gradually towards a more intensive set of loyalties towards humanity as a whole.¹⁹⁶ The third argument is concerned with the resistance to technocratic rule. The technocratic aspects of functionalism may have been overplayed by Mitrany, and arguably need to be countered by more emphasis on devolution of state authority, and of democracy, in addition to evolution towards international organisations and global governance.

The democratic deficit in the European Union, and to a much greater extent in international organisations such as the UN, needs to be overcome, not deepened, by whatever functional structures are put in place to enhance international peace. This is one of the inherent weaknesses of Mitrany's functionalist approach to international relations. If longevity and stability are to be achieved in whatever system is established at global level, then legitimacy and accountability will be necessary components of such a system. Mitrany's courtship of, and faith in, multinational corporations (MNCs) and technological solutions at the expense of the political and the role of individuals and civil society, was a naïveté that needs to be addressed. A more dynamic functionalism should have the flexibility to change course and take account of such shortcomings. Mitrany might have argued that this runs counter to the natural tendencies of a functionalist organisation. However, even functionalist organisations must function ultimately on behalf of people, not just on behalf of organisations. Giving up one set of controlling structures, i.e. the states, just to take on a different set of controlling structures such as MNCs, and other international organisations, is unlikely to create long-term stability as these organisations, including what Eisenhower dubbed the "military industrial complex", are likely to pursue what they perceive as their organisational interests. This has been evident in the so-called war of liberation in Iraq,¹⁹⁷ and within the UN itself, where the functionalist sections of the UN sometimes compete for power, influence and independence. Such organisational priorities can be detrimental to the best interests of humanity individuals. In this respect, there is a need for a

¹⁹⁶ The capacity of individuals to develop and maintain overlapping loyalties to differing levels of social organisation from the local, to the state and beyond should also be recognised.

¹⁹⁷ In the Iraq War, the US and UK and their allies have pursued what they conceived as being their legitimate interests, beyond the controls of international law, and in contravention of the UN Charter.

rationalisation of certain aspects of functionalism to overcome the blind spots that were not apparent to Mitrany, or not addressed by him.

Warleigh's fourth criticism is that Mitrany's functional agencies would need recourse to an overarching political and legal authority. Mitrany recognised this weakness and probably would have addressed it in more detail given time and the experience of practical application of his theoretical approach. The argument is valid, particularly with regard to the need for an overarching legal authority, or jurisprudential system. However, the creation of an overarching political authority runs the risk of developing into a form of global government and the attendant risks associated with absolute power. Any system of political authority above the state would need to be subordinate to the jurisprudential system. This need for an overarching global system of jurisprudence is considered to be one of the most important aspects of this research project, and will be dealt with in more detail later in this chapter and in the concluding chapter. International law at present does not take precedence over many state legal systems or over the actions of states, particularly the most powerful democratic states.¹⁹⁸

Warleigh's fifth criticism is that functionalism suffers from internal contradictions and vagueness and is something of an unhappy marriage of pragmatism and utopianism. A 'dynamic' functional approach to international organisations should be a marriage of elements of pragmatism and idealism. This would not necessarily lead to an *unhappy* marriage. Such a marriage of convenience could help to bridge this gap between the two poles of international relations theory, without falling into the trap of attempting to become an overarching or grand theory. The 'limitations' of functionalism, due to its vagueness and perceived internal contradictions, may be hidden strengths. The vagueness of various proposals for European integration since the earlier days of this European project combined with a flexible time-scale for their achievement probably contributed by default to their successful development over time. A gradualist approach will be less threatening to established interests and gives these interests a chance to adjust

¹⁹⁸ This is evident not only from the recent abuse of the UN Charter and many other aspects of international law by the US and its allies in the case of the Iraq War, but also by the other UN Permanent Members, in previous wars, exercising their veto powers whenever it suited their perceived national interests. Even in the cases of the least powerful states, for example, the Irish High Court ruled against this researcher in a landmark judgement in *Horgan v Ireland*, on the basis that Irish domestic law supersedes international law unless that international law is incorporated into national legislation.

Horgan v An Taoiseach: the Minister for Foreign Affairs; the Minister for Transport; the Government of Ireland; Ireland and the Attorney General [2003] 21.L.R.M., 357.

and respond to any perceived shortcomings.¹⁹⁹ The introduction of elements of trial and error rather than certainty will enhance the chances of long-term success towards establishing more effective global governance. Normative aspirations need to be tempered with an acceptance of what may be pragmatically possible. However, a peace-in-parts approach must not mean that we choose only the easy parts, and leave the difficult parts undone. The difficult parts include peace-enforcing and peacekeeping by the peace agents who have no inappropriate ulterior motives and where peace operations are implemented on genuine humanitarian priority basis. The costs and resources expended on achieving peace should be proportionate to the urgency of implementing wider and deeper concepts of justice.

The functionalist approach has not been falsified.

At international and global levels, the functionalist approach has been delayed, or not implemented, but the prospects of a functionalist approach achieving a significant level of global peace has not been falsified. Contrary to Mitrany's expectations, or even fears, the European Union has not developed, so far, into a larger and more dangerous super-state. J Caporasso categorises the emerging European polity as an international state but one that encapsulates elements of:

three stylized state forms – the Westphalian, the regulatory and the postmodern – ... but approximating more to the regulatory and postnational state forms, than to the Westphalian state model.²⁰⁰

The European experience has provided the most substantial evidence to date that peace can be enhanced through many of the functional areas and structures²⁰¹ at European level that Mitrany had hoped would happen at the wider international or global levels. This indicates that a functional approach could succeed also at global level if it were given the sort of opportunities and resources to do so that Europe has enjoyed.

Functionalism and the state:

Kenneth Thompson wrote that: “David Mitrany propounded an approach called functionalism intended to demonstrate that overlapping social and economic

¹⁹⁹ The gradual and sometimes erratic progress towards a European Union arguably helped this integration process to overcome the intransigence of leaders such as De Gaulle and Thatcher.

²⁰⁰ Chrysochoou, Dimitris, *Theorising European Integration* (London: Sage, 2001), p. 19.

²⁰¹ These European interstate and supra-state structures help to solidify an ‘enmeshment’ of peace.

interests concerning urgent problems might lead to an erosion of sovereignty.”²⁰²

Mitrany went further in his belief that the successful development of international and trans-national organisations would lead to subsidiary structures, particularly the nation-state, withering away. The first part of this complex argument makes sense, but the second part, the withering away of the state, arguably does not and is more likely to be counterproductive. Mitrany appeared to be inflexible in his belief that the state was one of the major problems of human relationships beyond state level. He describes the state as “... the most ubiquitous anachronism” and seems to include regional integration in a similar category.

Political action, integration, knows only the continuous swelling of size, with its implicit hardening of government; functional action means continuous adaptation to changing ends and means.²⁰³

This is one of the weaknesses of Mitrany’s approach as it is desirable that functional action should take place also within and between states as well as at international level, without the necessity to remove or make these structures redundant. A more dynamic functional approach to problem solving should seek to co-opt such resources as the state rather than supplant them. While Mitrany realised in his later writings the impracticality of eliminating the state, he still sought to make it effectively powerless.

Love it or hate it, the Westphalian model of the state has been the primary unit or structure in the architecture of human political governance for over three hundred years, and other forms of state, from city to empire, have existed for millennia. It will not disappear just by willing it to do so, nor is it likely to allow its institutional basis to be demolished unless the controlling interests within states, be they non-representative elites or representative democratic institutions, including political parties, can be convinced that it is in their best interests to evolve and devolve some of the power and influence now held by states. Chris Brown points out that “(t)he sovereign state has been able to ringfence functional cooperation, (and) isolate itself from the supposedly corrosive effects of functionalism.”²⁰⁴ This criticism is partly true so far, especially in the broader international context. In the European context, the state is surviving as a result of a bunch of strategies that include, carefully allowing some areas of sovereignty to be evolved up to European level, co-opting the European project in the broader interests of various actors

202 John Eastby, *Functionalism and interdependence* (New York: University Press of America, 1985), p. vii..

203 David Mitrany, *The Functional Theory of Politics* (London: Robertson, 1975) p. 256.

²⁰⁴ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p.132.

including the state, and allowing the state to be co-opted and transformed by the European project. Only in some respects, such as currency, immigration controls and trade negotiations at WTO level, has the ringfence been pushed out to a European scale. More critical areas of European level actions, such as common defence and common foreign and security policies are more apparent than real.²⁰⁵ At the broader international level evidence of resurgence or deepening of state sovereignty and nationalism is at best variable. The states or aspiring states resulting from the collapse of former USSR and the Eastern European communist system did experience a temporary surge of nationalism but most are eager to allow some of their sovereignty to evolve towards the European Union, and to put some of their trust in military alliances such as NATO. China, Russia and the United States, the three largest permanent members of the UN Security Council, have displayed increasing nationalist tendencies, and demonstrations of sovereignty for differing reasons, but this may also prove to be a passing phase related to the changing status of each.²⁰⁶ The phenomena of failed and struggling states points towards the lack of real sovereignty for a large number of states, especially the smaller and less developed states, some trapped in a failed state status by first world exploitation.²⁰⁷

Brown points out the realist perspective that the loyalty of individuals to the state is “an affective phenomenon rather than purely instrumental.”²⁰⁸ Individuals’ loyalties are complex, multiple and not mutually exclusive. If it could be accepted that the state could be part of an international functionalist society, then these apparent contradictions, rather than the state, should wither away. Coupled with the sovereignty issue Brown highlights what he terms Mitrany’s “essentially apolitical account of functional cooperation.” His view was that “administration can be

²⁰⁵ While there has been some progress in these fields of policy, they tend to be balanced by unilateral actions or multilateral actions outside of an EU framework, for example, British, Spanish and Italian participation in the Iraq War, and French pursuit of Francophone interests in Central Africa.

²⁰⁶ Since the end of the Cold War, China’s economic power has been growing, Russia’s power was in decline under President Yeltsin, but revived under President Putin, thanks to world demand for its energy resources, while the economic and political power of the US in a sort of nervous equilibrium, if not decline, due to injudicious economic and militaristic policies of President George W Bush.

²⁰⁷ Paul Collier writes of the “one billion people who are stuck at the bottom” concentrated in states in Africa and Central Asia. Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OAP, 2007), p. 1.

Chalmers Johnson details the consequences of US superpower abuses that result in ‘blowback’ including terrorists attacks. Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London: Little Brown, 2000),

²⁰⁸ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p. 132

divorced from politics”.²⁰⁹ While such a divorce of governance administration from politics may be possible, it is unlikely to be either achievable in practice or desirable, and to lead to problems with the relationships between power, responsibility and authority. Mitrany’s later works recognised both the resilience of the state and the extent to which all public activity is political.²¹⁰ A more dynamic functionalism should seek to intertwine all such elements, including power within the broader functional global project.

Functionalism and regional integration:

Mitrany’s problems with regional integration included that of the re-creation of borders. “A frontier ... does not become less obnoxious because it is moved ten or a hundred miles”.²¹¹ This remains a very valid argument, particularly with NATO expansion into former Soviet states, being perceived as a threat by Russia²¹² and the possibility that the EU may develop into a superstate. The resolution of this problem may lie in ensuring that physical and mental borders between people and peoples are gradually removed, but this need not necessitate the removal of the various social and cultural structures that go to make up human society. Just as family structures still exist throughout human society in spite of the coming into existence of the state and other social structures, likewise, state structures with more flexible or non-physical borders, can continue to exist and be supportive of global governance structures.²¹³ Joseph S. Nye in his 1971 research found that: “regional organisation does not provide a master key to a peaceful world order. Regional organizations merely contribute small but useful pieces to the puzzle of peace.”²¹⁴ While this understates the peace promotion effects of European integration it does

209 *ibid*, p.132.

²¹⁰ David Mitrany, *A Working Peace System* (Chicago: Quadrangle Books, 1966) and

David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975).

²¹¹ David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. 170. Most of Mitrany’s adult life was spent living and working in an international setting, with limited attachment to a particular state. This is likely to have coloured his attitude to states which included a dislike of nationalism.

²¹² Steven Lee Myers and Thom Shanker, “NATO Expansion, and a Bush Legacy, Are in Doubt”, *New York Times*, 15 March 2008.

“President Bush’s efforts to cement a trans-Atlantic legacy by adding three nations to NATO appear in disarray as the alliance struggles with internal political divisions, new tensions with Russia and the combat mission in Afghanistan that have exposed disparities of might and will among current members”.

²¹³ The physical border between the states of the Republic of Ireland, and the Northern Ireland portion of the United Kingdom state, is a good example of a physical border that is withering away, without either state actually withering away. This has been particularly the case since the Irish peace process has taken hold since the mid-1990s. The passive role played by the functionalist aspects of the European Union in this Irish functioning peace process could perhaps be the subject of a separate PhD. thesis.

²¹⁴ Joseph S. Nye, *Peace in Parts: Integration and Conflict in International Organization* (Boston, MA: Little and Brown, 1971).

reflect the slow progress of the OAU/AU towards integration and peace in Africa. A ‘peace in parts’ approach is a viable prospect, if built brick by brick, on solid foundations, with the clear long-term objective of a comprehensive global peace. The functioning peace in Europe should be one of the corner stones of global peace, as well as a model of success.²¹⁵

The European Union, an example or an enigma?

Winston Churchill described Russia as an enigma “but perhaps there is a key. That key is Russian national interest.” The European Union is something of an enigma but the key to opening this enigma may also be *interest*.²¹⁶ The EU provides a clear example that the best interests of individuals, groups and states can and do coincide if viewed and acted on rationally in the long-term. At national level, the Swiss and Swedish neutrality-based peace systems provide similar positive examples of alternatives to war and force as means of securing peace. Since there is no short-term prospect of a neutral or non-aggression based international peace system, the European Union is the best and only working example of an international peace system on which a global peace system might be modelled. The EU is also an example of successful international *governance* without, as yet, developing into an international *government*. While the Westphalian concept of government is still reality its gradual replacement by more dynamic systems of governance should be more than utopian dreams.

Tim Dunne describes David Mitrany as:

a pioneer integration theorist, [who] argued that transnational cooperation was required in order to resolve common problems. His core concept was ramification ... cooperation in one sector would lead governments to extend the range of collaboration across other sectors.²¹⁷

Alex Warleigh pointed out that in the post-1945 era Mitrany’s belief in the trend towards functionalism “began to flounder on the rocks of the need for hard evidence

²¹⁵ J. P. Olsen compares the development of the European Union with the complexity of the building of St. Peter’s Basilica in the Vatican over many centuries and makes the point that “the project has had a dynamic of its own, constraining both the physical development, the use of, and meaning of, the Basilica.” As cited in Dimitris Chrysochoou, *Theorising European Integration* (London: Sage, 2001), p. 117. Chrysochoou also cites B. Kohler-Koch (p. 28) that European governance “is not just determined by the structural properties of the EC system but also by actors’ perceptions of legitimate organising principles”.

²¹⁶ While the European Union provides the most comprehensive example of a functional approach to peace between states, the peaceful transformation of the failed USSR provides a further but very different example of how such peaceful transformations can happen, and how a similar transformation could be achieved for the UN.

²¹⁷ Tim Dunne, “Liberalism”, in John Baylis, et al, *The Globalization of World Politics: An Introduction to International Relations*, Fourth Edition (Oxford: OUP, 2008), p. 114.

which was not supplied”.²¹⁸ Kate-Kelly Pease agrees.²¹⁹ This was true of Mitrany’s hopes for the development of functionalism in the immediate aftermath of World War II, but subsequent developments of the European project, particularly after Mitrany’s death, do provide hard evidence that a functionalist approach to governance has not only worked in Western Europe, but has helped to produce a very functioning peace system across Europe as a whole, even if it has failed so far, or rather, not been applied or attempted, at the broader international and global level.

The European Union did not develop just by accident or passively. Its gradual evolution involved a tremendous amount of positive political and diplomatic effort, including trial and error, and many temporary setbacks.²²⁰ Likewise, a global peace system will not be established without similar dynamic approaches, risk-taking and setbacks. It is likely that many of the architects of the EU did not fully anticipate the level of success that their efforts would achieve, or did not anticipate the various directions in which the European project would go, or the tribulations to which it would be subjected. Mitrany was sceptical of the functionalist claims being attributed to European integration and feared that Europe would develop into a super-state. Many of the current architects working towards a more peaceful global society may not be ambitious or dynamic enough in their approach to a working global peace system.²²¹

The European project almost defies classification and makes predictions difficult because it has been breaking new ground with each stage of its development, and attempts to label the EU with some traditional political science or international relations labels have proved fruitless. It encapsulates some aspects of most political science and IR theories, but none of these theories, including functionalism, encapsulates the complete EU entity, whatever that may turn out to

²¹⁸ Alex Warleigh, 1996, “Beyond the Double Dichotomy: European Integration Theory and the Committee of the Regions”. Unpublished PhD. Thesis, Nottingham Trent University. p.41.

²¹⁹ “(Functionalism’s) popularity among scholars has waned considerably in the last couple of decades because its predictions have not been borne out”. Kelly-Kate S. Pease, *International Organisations: Perspectives on Governance in the Twenty-First Century* (Upper Saddle River: Prentice Hall, 2003), p. 61.

²²⁰ De Gaulle’s opposition to British entry to the Common Market was one substantial but temporary setback. While some view the difficulties in getting a EU Constitution ratified as a further setback, it can be counter-argued that this constitutional ‘upset’ strengthens the likelihood the European Union will develop into a functional entity rather than Mitrany’s fears of state writ large.

²²¹ The dedication of the technical bureaucrats such as Monnet and Schumann who played key roles in the developments that became the EU, are an example of the type of lifelong, or even trans-generational, dedication necessary to achieve similar success at global level.

be.²²² There are many aspects of the EU that have functionalist aspects including the EMU, the Pillar Structure, and its variable geometry, but there are also aspects that don't fit the functionalist concept, including the moves towards a European army, and a constitution.²²³

The extent to which membership of the European Union has actually empowered many of the small and medium sized states such as Ireland is a good example, of a state enhancing its independence and economic success within the broader European context, to a far greater extent than it could have achieved as a small go-it-alone peripheral state. European mainland states such as Belgium, the Netherlands and Poland, have historically been more put-upon and violated than sovereign within Europe.²²⁴ Within a quasi-functionalist Europe, the peoples of these states arguably enjoy far more real sovereignty²²⁵, than they would have enjoyed in the torn patchwork-quilt of states and borders that represented the map of Europe in the first half of the twentieth century.

Neofunctionalists, integrationists and others put their own labels on the European Union. The danger here is that we risk putting dynamic human interaction into theory boxes of our own design. The EU has many attributes of a functional and functioning reality, regardless of whether it was intended by its promoters as a functionalist project, neo-functionalist regional integration, a European federation or super-state by stealth. The EU provides an example of a functional flow of events, albeit, at times a slow and sporadic one. This European experience does provide an example, but not a rigid blueprint, for a functionalist approach at global level. It is undeniable that Western Europe has developed into a zone of peace that

²²² Phillippe C. Schmitter points out the difficulties in putting accurate labels on the EU. Within the range from intergovernmental organisation to supranational state are a host of labels, including United States of Europe, that do not accurately fit the developing process of European integration. While "European integration has always 'really' been about supranational *political* integration ... the EC/EU may have no strategic design, but will emerge in an improvised fashion from tactical responses to much more concrete and immediate problems." Gary Marks, et al, *Governance in the European Union*, (London, Sage, 1996), p. 2.

²²³ The rejection of the EU Constitution by France and the Netherlands, represents one of the those twists on the road towards Europe's future and the widening of the EU eastwards may impose useful limitations on attempts to deepen the EU towards a super-state.

²²⁴ The only real sovereignty exercised by Belgium and the Netherlands on the world stage was their colonial experiences where each grossly abused their sovereign powers over the peoples they had subjected. These examples of abuse of sovereignty were mirrored by all other "sovereign" colonial powers and suggest that the value of traditional state sovereignty for humanity as a whole is very questionable.

²²⁵ How we define, or envision, sovereignty is one of the keys to unlocking a functionalist approach. In past epochs, the successful warlord, God, monarchs, dictators, were all deemed to be the sovereigns, and the rest of humanity subjects. They were replaced in time, in some cases, by the concept of the sovereign state as the sovereign, with many dictators, and fundamentalist deities still holding claim to sovereignty. The concept of all the individual persons who go to make up what is humanity being the sovereigns has been slow to take root, perhaps because those who succeed in getting their hands on the reins of power tend to usurp the rights and powers of sovereignty with alarming consistency.

has spilled over into Eastern Europe. A continuing functionalist approach towards the European project could ensure that such peaceful spill-over effects continue beyond Europe, rather than Europe solidifying, or “spilling-back” into the sort of dangerous super-state that Mitrany feared.²²⁶ There are no guarantees that the eventual outcome in Europe will be either a clear-cut functionalist entity or a federal super-state. It is likely to fall somewhere in between.²²⁷

Mitrany’s objective was that: “(t)he functional approach ... should help to make frontiers meaningless, as it would gradually overlay them with a continuous growth of common activities and interests, and of common administrative agencies.”²²⁸ What Mitrany had in mind was the wider international or global sphere, not Europe, but the European Union has in the meantime become, to a significant degree, a *de facto* exemplification of his functionalist approach. However, Phillipe C. Schmitter cautions that the “EU is already the most complex polity ever created by human artifice” and that “no single theory will be capable of explaining its dynamics and predicting its outcome.”²²⁹ The word *dynamic* and the reality of the dynamics of human relationships at local, national, regional and global levels are of critical importance in any attempt to understand and explain the negative concept of human conflict and its positive *alter ego*, peace. The acceptance of the existence of such dynamics, as opposed to deterministic laws of nature etc, imposes a reality check and limitations on the value of all theories, including functionalism. Schmitter’s caution is also applicable to the risk of viewing the European project as a blueprint capable of being replicated in other regions, or extrapolated to the global scale. This European project, including its peace promotion aspects, is unique so far and is the most successful such project that humanity has experienced. It was an ‘approach’ towards peace rather than a blueprint, but similar complex approaches towards peace are far more likely to achieve success than simplistic approaches such as ‘peace-enforcement’, or negative approaches such as acceptance of a *status quo* of ongoing violence.

²²⁶ In this respect the eventual admission of Turkey to the European Union could be the positive development that ensures that the EU extends its zone of peace beyond the traditional European borders, and remains a functionalist supra-national organisation of states, or alternatively whether it solidifies its eastern borders and develops into a super-state.

²²⁷ Mitrany cited Altiero Spinnelli on the functionalist roots of the European Union. “Jean Monnet during the war years had elaborated the idea of applying the functional approach to the coal and steel industries ...”. David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. 75.

²²⁸ David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. 120.

²²⁹ Phillipe Schmitter, *Neo-neo-functionalism: déjà vu, all over again?* (European University Institute, 2002), p.26.

While acknowledging the dangers of extrapolating from the particular to the general, the European experience of peace and development since the end of World War II is too significant a phenomenon to be ignored as an example of how a working peace system might be developed, given a particular set of circumstances. This chapter suggests that the functionality of the European peace system has very important lessons for, and indicators towards a global peace system, regardless of how Europe does develop in the future. The tragedy for most of humanity is that the level of peace achieved in Western Europe since the end of World War II, and in Europe as whole with the exception of the Balkans since the end of the Cold War, might also have been achieved globally if the UN had succeeded in achieving its primary objective.

Demise of functionalism: From Functionalism to Neo-functionalism and back?

Functionalism as a theoretical approach fell out of favour for several decades. The Cold War tended to freeze developments towards either genuine international collective security or global governance, and European trends including De Gaulle's pursuit of French nationalistic interests led to the premature conclusion that a functional approach to European integration was failing. Neo-functionalism developed as an offshoot of functionalism, as an attempt to explain the developing process of European integration, which appeared to defy aspects of Mitrany's functionalism as well as defying the more hegemonic realist approaches. Charles Pentland noted that: "while certain functionalist dynamics were clearly at work, the progress of integration could not be explained simply in terms of 'technical self-determination' and the learning of habits of cooperation."²³⁰ He added that: "Hallstein, Spaak and Monnet ... were often described as 'functional federalists' – openly working towards a United States of Europe by functionalist rather than federalist tactics." It was held that the dynamics of integration led to a spill-over effect, leading inevitably to full integration. One of the perceived weaknesses of neofunctionalism was the certainty or inevitability ascribed to it, ignoring the dynamics of human interaction.

230 A. J. R. Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p. 16.

Walter Clements differentiates between functionalism and neo-functionalism by saying that functionalism counts on technical self-determination by experts rather than on the whims of politicians, while neofunctionalism favours cooperation in politically charged domains where there is scope for technocrats. “Jean Monnet ... was a neofunctionalist. He sought to build regional institutions that enshrine cooperation and spill over from one activity to another.” Clements differentiates more fully between functionalism and its neo derivative:

Table 3.1. Assumptions of Functionalism and Neofunctionalism²³¹

Assumptions	Functionalism	Neofunctionalism
Image of the world	Interdependence of states	Globalization operating across state borders
Driving force	Need for technical cooperation by states	Need for supranational authority to coordinate technical cooperation
Attitude to politics	Apolitical, technical orientation; High politics consensus may arise from low politics cooperation	Ready to confront tough political issues, beginning on a regional scale

This is probably an over-simplistic analysis. In practice neofunctionalism was employed more as an explanatory theory to what was then the phenomenon of regional European integration that appeared to defy the perspectives of realist and idealists. Realists believed that short-term power politics would prevail over the long-term objectives of European integration, while some idealists were too focused on global government. Ben Rosamond pointed out that:

the many instances of ‘actual existing’ integration in Western Europe, East Africa, Central America and so on indicated that a multiplicity of outcomes were possible and thus, attempts to theorize on behalf of a particular, common terminal condition might be seriously mistaken.

He later cites Andrew Moravcsik’s suggestion that “the ‘obsolescence’ of neofunctionalism was symptomatic of a wider malaise afflicting most attempts to capture politics in terms of an overarching theory.”²³² Functionalism on the other hand leaves open the possibility of a multiplicity of outcomes, and avoids claims of being an overarching theory. While the more narrowly focused neo-functionalism has been overtaken and to some extent falsified by events, these same events, the

²³¹ Walter Clements, Jr., *Dynamics of International Relations: Conflict and Mutual Gain in an Era of Global Interdependence*, Second Edition (New York: Rowman Littlefield, 2004), p. 514.

²³² Ben Rosamond, *Theories of European Integration* (Basingstoke: Macmillan, 2000), p. 88 and p. 190.

end of the Cold War, further development, deepening and widening of the European Union, and the failure of realist and other theorists to either explain or propose workable solutions to ongoing conflicts at international and sub-national levels, tend to support a new look at the functional approach to international relations.

Functionalist approach to international organisation:

David Mitrany recognised three landmarks on the road to a peaceful world community: “the Hague conferences were concerned essentially with the *manners* of war; the League of Nations tried to restrict the *act* of war; while the United Nations is organised to deal with the very *causes* of war.”²³³ Gerry Simpson identifies “four moments of constitutional design: Vienna in 1815, The Hague in 1907, San Francisco in 1945 and Kosovo in 1999”²³⁴. He omitted the League presumably because of its failure and effective replacement by the UN. In contrast with Mitrany, Simpson sees these landmarks as opportunities taken by the relevant great powers to reshape international law to their own liking. “[Great powers] make and remake (but rarely break) international law.”²³⁵ Simpson calls the reality of international law and relations “legalised hegemony: the realisation through legal forms of Great Power prerogatives”. It is this relative impunity that the great powers assume to themselves that arguably needs to be reined in, or put on leash, by a comprehensive system of global jurisprudence that should both underpin and overarch a dynamic functionalist approach to world peace.

Realists such as Hans Morgenthau recognised the potential of functionalism even if they queried its practical applications. He summarised Mitrany’s functionalism in terms of communities, loyalties and international organisations.

Ultimately, if such international agencies were numerous enough and served the most important wants of most peoples of the earth the loyalties to these institutions and to the international community would supersede the loyalties to the separate national societies and their institutions.²³⁶

Old functionalism seemed to presuppose that the individuals who were citizens of states had one primary loyalty, that is their loyalty to the state, and sought means of

²³³ Mitrany may have been a bit overoptimistic in this assessment of the UN. David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 217, citing paper written in 1952.

²³⁴ Gerry Simpson, *Great Powers and Outlaw States* (Cambridge: CUP, 2004), p. 10.

²³⁵ Simpson’s statement that great powers rarely break international law, seems to be based on the presumption that those who presume they are the authorised makers of international law, are simply remaking international law, when others perceive them to be breaking it. The conclusions of this thesis will suggest that this inadequacy and abuse of international law is one of the core problems in international relations. Gerry Simpson, *Great Powers and Outlaw States* (Cambridge: CUP, 2004), p. x.

²³⁶ John Eastby, *Functionalism and interdependence* (New York: University Press of America, 1985), p.23.

transferring that loyalty to the whatever international organisation performed the necessary welfare functions for those individuals. *Dynamic* functionalism would contend that individuals are capable of multiple and complex loyalties, so loyalty to a particular state or geographical location need not be abandoned and could coexist with loyalties to other levels of human society, such as regional organisations, political concepts, or geographical areas such as Europe or the European Union.

Mitrany argued that a functional-sociological approach to peace was a positive, social and dynamic one, rather than “a view of peace simply as the absence of war”.²³⁷ His positive, rather than positivist, approach to peace was epitomised by his statement that “the task of statesmanship in our time is not to keep the nations peacefully apart but to bring them actively together.”²³⁸ Maurice Bertrand took a similar line to Mitrany on the UN’s direct and arguably non-functional approach to peace. Bertrand concluded that: “an unworkable, direct search for peace should be replaced with an indirect mode, namely, functionalism.”²³⁹ While this functionalist indirect and long-term approach to the quest for peace is a valid alternative approach, it should not mean the abandoning of other approaches including direct methods of peace promotion. Peace is an immediate requirement, as well as a desirable long-term goal, because any short-term threats or disruptions to international peace tend to render the prospects for long-term peace less likely.

Dynamic Functionalism – operationalising the transformation of the international system

Creating an international system of ‘law and order’ – and nowadays one must add, of ‘social security’ – is by far the most difficult task in the history of modern political society ... and is a much more complex task, now that it has become inevitable.²⁴⁰

Mitrany implicitly identifies some of the difficulties and shortcomings of his functionalist approach, but also implies the need to address these difficulties. In a European context, Dimitris Chrysochoou urges “a return to meta-theory, asking that scholars emphasise issues of democracy and legitimacy in order to generate

²³⁷ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 180.

²³⁸ *Ibid*, p. 184.

²³⁹ Richard A. Falk, et al, eds., *The Constitutional Foundations of World Peace* (Albany, NY: State University of New York Press, 1993), p. 139.

²⁴⁰ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 241.

operationalizable models of EU reform”.²⁴¹ This section will urge a similar approach to reform of international, United Nations and global security systems, with the important additional pre-requisite of recognition of the dynamic nature of human interaction at all levels, especially the global. A dynamic type of functionalism is now needed to overcome the significant obstacles that are preventing the sort of “working peace system” at global level that Mitrany so earnestly believed in.

Mitrany was not the only one to propose a functionalist type of approach to international relations. John Hancock had similar proposals, in an almost forgotten book called *Plan for Action*.²⁴² Hancock went further than either Mitrany or the UN Charter. He proposed a form of international government and world citizenship. His world citizenship however had some of the elitist hallmarks of Plato’s republic: “if these privileges are not to be abused, they should be exercised only by those individuals who understand them sufficiently well to value them”.²⁴³ In outlining his principles of international government, Hancock qualifies the principle of self-determination first by including individuals as having the right of self-determination, and secondly by adding the qualification that “due regard is paid to the liberty of others and the welfare of the whole”.²⁴⁴ His simplistic blueprint for legal equality made no provision for subsidiarity. “Each individual, each group and each people shall be equal before the law, and before all tribunals, and each shall be granted equal opportunities and measured by equal standards.”²⁴⁵ Hancock’s principles of collective security were even less realisable than those of the UN Charter. “Each shall contribute to the security of the whole, the whole shall maintain the security of each, and the means to security shall be collectively controlled”.²⁴⁶ His principle of universal justice decreed that: “in domestic matters the law of each nation prevails over its nationals. In international affairs, world law prevails over all.” This has proved otherwise in practice. His suggestions for world law was premature for the mid 20th century, but there is undoubtedly an urgent requirement for a comprehensive system of global jurisprudence at the beginning of the 21st century, as will be discussed further in Chapter 7.

²⁴¹ Alex Warleigh, *Flexible Integration: Which Model for the European Union?* (London: Continuum, 2002), p. 17.

²⁴² John Hancock, *Plan for Action* (London: Whitcombe and Tombs, 1945).

²⁴³ *ibid.*, p. 35.

²⁴⁴ *ibid.*, p. 11.

²⁴⁵ *ibid.*, p. 12.

²⁴⁶ *ibid.*, p. 13.

The principal characteristics of dynamic functionalism, or its differentiation points from traditional functionalism, should include:

- Creating a protective over-layer of global jurisprudence
- Relocating the concept of sovereignty from society's rulers and structures back to the individual and reinforcing the role of civil society
- Combined gradualist/activist approach with short-term and long-term strategies to address the root causes of conflict at international and global level
- Implementation of a menu of peace-enhancing mechanisms, especially conflict prevention
- The principle of subsidiarity should apply to all functions that need to be undertaken on behalf of society, that is, decisions and actions should be taken and implemented at the lowest practicable levels of society.
- Functionalist global governance should be actively promoted by educational and other means, with emphasis on embracing diversity, interdependency, and voluntary participation.

H. G. Wells wrote that “(h)uman history becomes more and more a race between education and catastrophe”²⁴⁷. A multi-track approach is needed, combining education in its broader sense and political education, with Mitrany's gradualist functionalist approach and with a more urgent “functional” approach of a fire-brigade nature to help create the environment under which a functionalist global peace may be established. Some of the more passive aspects of traditional functionalism need to be reinforced by an activist approach commensurate with the urgency of the global peace crisis, while being mindful of the warnings of Mitrany and Jenks that “(c)risis management, however sophisticated, is no substitute for an organised peace system”²⁴⁸.

Dynamic functionalism should build on the functionalist approach of Mitrany in keeping with his “form follows function” rationale. This requires the avoidance of the flawed mechanisms that found their way into the UN Charter that privileged certain states and interests at the expense of others, and were set out in

²⁴⁷ Lucian Ashworth, *Creating international studies: Angell, Mitrany and the liberal tradition* (Aldershot: Ashgate, 1999), p. 1.

²⁴⁸ David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. 230.

such a manner that prevented evolution of those forms and structures. The difficult and critical problem to be overcome is how such strategies can be achieved and operationalised. In the past, such momentous changes were only brought about by catastrophic events. Such methods are still possible and could become the actual levers of change, in spite of the unacceptable costs of wars in this postmodern nuclear era. A dynamic functional approach to global peace is one of the few safe alternatives. However, this can only be achieved if there is broad recognition that, first of all, the present *status quo* is unacceptable, and secondly, that change involving conflict and violence is likely to be catastrophic.

Mitrany points towards a less violent means of achieving reform of the international system:

the function determines its appropriate *organs* ... determines the executive instrument suitable for its proper activity, and by the same process provides a need for the reform of the instrument at every stage.²⁴⁹

A safe and secure environment for change must be created, and this should be one of the most urgent priorities. Europe achieved this peaceful change, but did so under the questionable circumstances of the Cold War, combined with progressive development of European and international legal structures and European economic development. International law and jurisprudence at global level has failed to develop in keeping with human security needs and has in some respects regressed.²⁵⁰ Lucian Ashworth distinguishes between the normative ideas of Angell and Mitrany. “Where Angell was still concerned with the nineteenth century goal of the rule of law, Mitrany shifted towards the issue of need and welfare provision.”²⁵¹ Mitrany’s faith in a functionalist approach on its own has proved inadequate. One of the solutions towards addressing the inadequacies of Mitrany’s functionalism should be to bring back Angell’s emphasis on the rule of law, not as a separate system or strata of international law, but as a more seamless continuation of laws and jurisprudence at local, national, international and global levels.

Global economic development has occurred in a lopsided way resulting in rich states getting richer while some disadvantaged states become failed states. This poses security threats to all. Paul Collier believes that the ‘bottom billion’ who live in the world’s poorest states need a comprehensive and complex response from the

²⁴⁹ David Mitrany, *A Working Peace System* (Chicago: Quadrangle Books, 1966), pp. 72-73.

²⁵⁰ The introduction of International Criminal Court is an example of a significant advance in international law while the pre-emptive military aggression by the US and its allies in the War on Terror, has been in clear breach of the UN Charter and international law.

²⁵¹ Lucian Ashworth, *Creating International Studies*, (Aldershot: Ashgate, 1999), p. 7.

international community. However, his suggestion that it is the heads of the major governments, the G 8 that should address these problems is open to question, given the propensity for these elite states to priorities national interests over the broader interests of humanity.²⁵² More neutral global governance systems are needed to ensure that the ‘bottom billion’ get the supports they need, to prevent them causing ongoing international security crises. What NATO provided for Western Europe during the Cold War is not needed at global level, because there is no USSR-type “them”, beyond the global.²⁵³ The purpose of a functionalist approach to global security should be to overcome the insider/outsider divide and replace this divide with an interdependent holistic approach. Achieving global peace through a dynamic functional approach must also be an integrated approach, combining all aspects of the development of a more complex, interdependent, just, equitable, and safe human living environment. Desperate people beyond the reach of progressive governance, with nothing to lose except an intolerable life, are an immediate threat to the privileged elite of the human society.²⁵⁴ The privileged elites are a threat to the desperate dispossessed if they continue to maintain this unduly elite status.²⁵⁵

Dynamic functionalism would seek to address not only the immediate crises but also place far greater emphasis on medium and long-term prevention of conflict. It would utilise active promotion of peace, rather than the reactive response to conflict and wars that is the hallmark of more realist *status quo* approaches. This strategy would also distinguish dynamic functionalism from its traditional roots that relied more on passive gradualism and on indirect approaches, almost operating by stealth. While the gradual approach would not be abandoned, it would be combined with a prioritisation of measures to promote peace, with the most critical measures

²⁵² Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OAP, 2007), p. 13.

²⁵³ Neo-conservatives have attempted to create new ‘outsiders’ or others to replace the Cold War communism threat by conjuring ‘clashes of civilization’, a war on terror, and an element of Islamophobia. Such divides could become reality unless alternative interdependent and cooperative approaches to global human society are encouraged and developed.

²⁵⁴ The twenty-first century world of material comfort, global travel, and economic inter-dependence will become increasingly vulnerable to these large islands of chaos.” Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OAP, 2007), p. 3.

²⁵⁵ George F. Kennan’s US State Department Memo, 1948, typifies this elite approach.

“We have about 50 percent of the world’s wealth but only 6.3 percent of its population... in this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise a pattern of relationships which will permit us to maintain this position of disparity ... to do so, we will have to dispense with all sentimentality and day-dreaming ... We should cease to talk about vague and ... unreal objectives such as human rights, the raising of the living-standards, and democratisation. The day is not far off when we are going to have to deal in straight power concepts. The less we are hampered by idealistic slogans, the better.” As cited by Noam Chomsky, *What Uncle Sam Really Wants* (Tucson, Arizona: Odonian Press, 1996), 9-10.

being actively and urgently promoted, while the basic workhorses of the functionalist approaches to peace would continue as heretofore by promoting an interdependent web of welfare for all of humanity. The important agency issue, as to who these “workhorses” would be, must also be addressed. They include the Mitrany’s, or visionaries, of the twenty-first century, the essential bureaucratic Monnets and Schumanns, the Marshall planners, the Dag Hammarskjölds who must man the “fire-brigades”, and the billions of individuals who should take back ownership and control of the concepts of sovereignty and democracy.

Top of the list of priority items would be the development of a strong enmeshment of global jurisprudence including enforcement or sanctioning mechanisms. For functionalism to work effectively at global level, it needs to be applied not only at global level but also at various constituent parts of global society, including the regional and the national.²⁵⁶ One of the apparent weaknesses of Mitrany’s functionalism was that he sought to apply functionalism at the international level virtually at the expense of the subsidiary levels of human society, especially the state. A more dynamic functionalism would combine a bottom up functionalist approach with Mitrany’s approach, while avoiding a global top down approach.²⁵⁷ The intellectual and social depth of Mitrany’s functionalism is not always apparent, but is hinted at in a UNESCO lecture he gave in 1959.

Each of us is in effect a bundle of varied functional loyalties; so that to build a world community upon such a conception is merely to extend and consolidate it also between various national groups and societies.²⁵⁸

Much of Mitrany’s emphasis however was focused on a midway up approach, more designed to empower expert groups, functional international organisations and multinational corporations rather than individuals. He either took the role of individuals and civil society somewhat for granted, or assumed that better progress could be achieved by focusing at the higher levels. Brown however does identify a key aspect of Mitrany’s “form follows function” formula.

There is no common form which will [be] appropriate to all examples of functional cooperation. Thus for some functions a global institution will be

²⁵⁶ It does not however need to be applied universally, except in an ideal sense. Mitrany’s concept of a “working peace system” was less ambitious and more practical than Kant’s “perpetual peace”.

²⁵⁷ Chris Brown attributes such a bottom up approach to Mitrany, in Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p.130.

²⁵⁸ David Mitrany, *The Functional Theory of Politics* (London: Martin Robertson, 1975), p. 265, citing Mitrany’s UNESCO lecture, ‘The functional Approach to World Government’, International Associations, Brussels, September 1959.

appropriate ... while for others regional, or even local, institutions are all that is necessary.²⁵⁹

What appears to be left out in this prescription is that there are very many functions that can and should continue to be performed by the “form” we know as the state. There is no point in going for a bottom up or top down approach if we remove a central or intervening portion of the social architecture. Even if we abolished the state we would then have to reinvent something approximating to the state in the same approximate location on the structure of human society. Checks and controls need to be put in place rather than assuming that functionalism would exercise its hidden hand of wisdom, just as the invisible hand of market forces does not, of its own accord, exercise adequate controls over the capitalist economic system.²⁶⁰ Functionalism as envisaged by Mitrany appeared to place too much trust and too few controls on power and influence at international level.²⁶¹ Dynamic functionalism should build on the foundations laid by Mitrany and others.

The Alternatives to a functionalist approach to global peace:

John Burton wrote that:

Mitrany, Haas, Sewell and others have analysed functionalism and suggested that it is offering a practical alternative to more traditional notions of world government under a central political authority, and to power relations such as collective security and alliance structures.²⁶²

It is important to consider what these alternatives to a functionalist approach are.

They vary from accepting the *status quo*²⁶³ to establishing an overarching system of global government. Paul Taylor identifies the development of a ‘working peace system’ as the central theme of functionalism while emphasising that the alternative:

tends more often to involve the assumption that international society is, and will remain, dominated by ‘states and nation states competing, conflicting, and intermittently fighting over questions of national military security’.²⁶⁴

²⁵⁹ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p.130.

²⁶⁰ Adam Smith, published his theory that the invisible hand of market forces was more effective than government regulation in: *An inquiry into the Nature and Causes of the Wealth of Nations*, first published in 1776.

²⁶¹ The controls needed at global level, need to reflect the web of European Union controls, legislation and regulations, that many find infuriating, but that are also an essential part of the glue that holds and entangles the peoples of the EU into a process that ensures a peaceful Europe. These European controls include the wider jurisprudential systems of the Council of Europe, European Court of Justice, etc.

²⁶² John W. Burton, “Functionalism and the Resolution of Conflict” as cited in, A. J. R. Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p. 238.

²⁶³ Accepting the status quo is always the easiest short-term default option as it means doing nothing or implementing no change.

²⁶⁴ Paul Taylor in Introduction to, David Mitrany, *The Functional Theory of Politics* (London: Paul Robertson, 1975), p. xi.

For a brief moment in 1991, in the euphoria that followed the collective security intervention in Kuwait, it seemed that the stranglehold that realism held on international relations might be about to loosen. However, as Ashworth points out:

realism has no notion of change ... is incapable of answering ... issues of state-legitimacy, environmental and resource management, and identity politics. Stuck in a world view that privileges power-maximising states ... [humanity faces] a crisis at the end of modernity, but it is a crisis that realism seems singularly ill equipped to deal with.²⁶⁵

The more utopian theories and ideologies of idealism and liberal internationalism have failed to break this realist logjam. Functionalism opened up the prospect of alternative routes to international peace and prosperity, many of which have not been adequately explored. Dynamic functionalism would introduce a multi-pronged approach to the most serious problems of international relations, reinforcing successes, and containing rather than directly confronting difficult obstacles.

Maintaining the *status quo* of existing international society is the main alternative to a functionalist approach to global peace, and the most likely option to be encountered. This involves the likely repetition of the sort of conflict and violence that has been plaguing humanity over the past several centuries and implies a reluctant acceptance of the broad level of conflict that does occur and a reliance on a limited fire brigade approach to conflicts as they occur. Such a strategy might be an acceptable approach if the international system did have a functioning fire-brigade system in place, and if that fire brigade was authorised to respond on a priority basis that was based on greatest threats to human life. This has not been the case so far, as the case studies will demonstrate. The present *status quo* also makes far too little provision for conflict prevention given that the unacceptable level of violent conflict that has continued since the foundation of the UN.

If collective security were *effective* as a means of maintaining global peace and had proven to be effective historically, then such a system would be a real alternative to a functional approach. Both realists and idealists promulgate versions of this alternative, varying from hegemonic imposition of a global security system to federal or central systems of regional or global government.²⁶⁶ However,

²⁶⁵ Ashworth, Lucian (2003), "The Limits of Enlightenment: Inter-State Relations in Eighteenth Century Political Thought. Studies in Voltaire and the Eighteenth Century". Vol. 9, pp. 110-40.

²⁶⁶ It can be argued that the communist system of central government did impose a form of collective security within its area of control, but it did so at enormous costs to the people of these regions, as documented by Anne

collective security has repeatedly failed to achieve peace in the long-term, and there are no credible arguments that it is likely to achieve peace into the future. As stated earlier other alternatives towards achieving global peace, based on balances of power, alliances, bi-polar or uni-polar hegemony, have either been inadequate, or have not worked at all. The recent failed US attempts at hegemonic, or plurilateral military and political control in Afghanistan and Iraq also demonstrate the need for more innovative approaches to international and global peace for humanity.

Substantial reform of the international system, especially UN reform, would, if it could be achieved quickly and effectively, provide a workable approach to global peace. Chapter 7 will highlight the difficulties involved in any approach to global peace based on direct UN reform. It becomes a chicken and egg situation. Substantial UN reform is unlikely to be achievable expect perhaps by means of an indirect functionalist approach, and as part of a wider functionalist approach to global peace.

An international federalist approach or world government are also alternatives to a functionalist world governance. World government presents a far more stark, and arguably irreversible, option than functional governance. While a good world government system, like a benign dictator, would have many advantages for humanity, one of the many difficulties that it might entail is how subsequent changes or reforms might be achieved, given that such a system of world government would have neither peer nor superior authority. The alternatives to a functionalist system of world governance, therefore, would be either to do nothing or do too little, or to do too much. Functionalism therefore offers a safe, workable, flexible, and importantly, reversible series of options towards the achievement of global peace and reform of the international system.

Conclusion

The purpose of this chapter in particular (and this thesis in general) has been to take up where David Mitrany left off, in the mid 1970s –

at this moment the political prospect looks like the slow inexorable march of Greek tragedy not at the ordering of the Gods, but in the making of man himself.²⁶⁷

Applebaum, *Gulag: A History* (London: Penguin, 2003), and by Chang Jung and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005).

²⁶⁷ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 267.

He feared the growing gap between man's technological and scientific advances and the lack of progress in the fields of human interaction and wisdom. Cold War obstacles to his functionalist approach to peace and international relations fuelled his justified pessimism. The thawing process set in almost a decade after Mitrany's death. However, the opportunities afforded by the end of the Cold War were dissipated by incompetence, lack of vision, the stultification of the dominant realist theory, and by forms and structures that have so far proved to be immune to needs of the functions they ought to be performing.²⁶⁸ A more dynamic functionalism is a way forward from the crossroads, or roadblock, that humanity is negotiating at the beginning of the twenty-first century.²⁶⁹ There are other ways forward, many of which are more dangerous, and humanity can also choose to go backwards as it did most notably during the First and Second World Wars.²⁷⁰ The rational choices that are open to humanity can be a blessing or a curse. Wisdom is the factor that favours the former over the latter. The functionalist approach is a wise approach.

The objective of a functionalist approach to international relations should be to establish or reinforce a system of global governance that will protect and enhance the best interests of the billions of individuals who go to make up humanity. While this does mean reining in the abuses of the power structures of the existing *status quo* it does not necessarily mean destroying or eliminating these structures. Mark Imber writes that: "part of the pervasive nature of functionalism is its stature as the unwritten constitution of international order." Imber lists alternative models of global governance including "Bush's 'new world order' of 1990" and "Cosmopolitan democracy attempts to apply the post-Cold War expectations for the democratisation of domestic politics to the organs of the UN and other international organizations."²⁷¹ He states that: "ten years have elapsed without any [UN] Charter reform" or evidence "of any willing engagement on the part of leading members to advancing the democratisation of international institutions." However he credits

²⁶⁸ The incompetence of current world leaders is documented by Stiglitz and Bilmes in, Joseph Stiglitz and Linda Bilmes, *The Three Trillion Dollar War: The True Cost of the Iraq War* (London: Allen Lane, 2008).

²⁶⁹ In the context of UN reform, the 'crossroads' are the opportunities for progress in international relations while the roadblock is the UN Security Council P-5 veto.

²⁷⁰ For example it can be argued that maintaining the present status quo is a dangerous course of action as is evident from the course of the Iraq and Afghan Wars, the risks of nuclear proliferation and inadequate international legal controls. Totalitarian options have and still are also been used with disastrous effect. US hegemonic control as exercised especially in Latin America has also proved disastrous for many of the peoples of that region.

²⁷¹ Mark F. Imber, "Functionalism", in David Held, and Anthony McGrew, *Governing Globalization: Power, Authority and Global Governance* (Cambridge, Polity, 2002), p. 303.

some progress to the functional programmes and agencies that do exist, “binding together those interests which are common, where they are common, to the extent that they are common.”²⁷²

This incipient global governance should be the starting point for the transformation of international relations. The proposition put forward by this thesis for a more dynamic functionalism is neither intended to be a new theory nor a debunking of existing or old theories. Its purpose is to put forward a particular perspective on international relations without denying the possible relevance of certain aspects of other theoretical perspectives. It is intended to build on Mitrany’s solid foundations, “standing on the shoulders of a giant”, to achieve wider and deeper perspectives on the most critical problems facing humanity. There has been surprisingly little development of Mitrany’s approach since his death in 1975. Frene Ginwala points out that: “states ought not to be the sole or main referent of security. People’s interests or the interests of humanity, as a collective, become the focus.”²⁷³

If the UN is to survive and develop into a worthwhile global organisation, rather than simply providing, at international level, the sort of stop-gap sticking plaster type of solutions to very serious problems, functionalism does provide a way forward, but we must move beyond the passive functionalism of Mitrany to a more dynamic and more progressive functionalism for the twenty-first century. If the “form” of the UN proves too resistant to change, then a functional approach, to the multitude of serious problems (tasks or functions to be undertaken) facing humanity into the future is needed to provide a sufficiently flexible range of options towards transcending the UN with more appropriate forms or macro societal structures. This need not mean removing the UN, which would at best be difficult, but simply bypassing the UN until such time as it can be usefully co-opted into a broader functional global project. Mitrany believed that:

Promissory Covenants and Charters may remain a headstone to unfulfilled good intentions, but the functional way is action itself, and therefore an inescapable test of where we stand and how far we are willing to go in building up a new international society.

²⁷² Ibid, citing Mitrany, 1966, pp. 115-16.

²⁷³ According to the Commission on Human Security: “Human security is concerned with safeguarding and expanding people’s vital freedoms.” Frene Ginwala, Based on a presentation at the “Parliaments Uniting for African Unity Conference”, Cape Town, June 2002 as cited in Commission on Human Security, Final Report, Commission on Human Security (New York, 2003), p. 3.

He cites Bunyan's admonition to Talkative "The Soul of Religion is the Practik part".²⁷⁴ Likewise the soul of functionalism is in its practice not its theoretical concepts. The practice of functionalism is a working peace system.

"(W)e must put our faith not in a protected peace, but in a working peace".²⁷⁵

The following chapters will argue that the UN Charter has proved to be what Mitrany feared: a headstone to unfulfilled promises, or an inscription over the entrances to the still filling graveyards of human conflict. Dynamic functionalism provides a way forward into this *complexe internationale* and provides a responsive flexibility to cope with the uncertainties of future human interaction.

In 1990 Stephen Toulmin wrote:

In both science and philosophy the intellectual agenda today obliges us to pay less attention to *stability* and *system*, more attention to *function* and *adaptability*. ... The task is not to build new, larger, and yet more powerful powers, let alone a 'world state' having worldwide sovereignty.²⁷⁶

Kenneth Waltz wrote that the analysis that "world government is the remedy for world war ... may be unassailable in logic, [but] is unattainable in practice."²⁷⁷ He goes on to summarise Rousseau's analysis explaining the recurrence of wars by the "proposition that wars occur because there is nothing there to prevent them." This is a deeply significant observation that avoids trying to pinpoint the causes of any particular war, because there are usually multiple, complex and varied immediate and remote causes for each war. It also tends to suggest that it is not so much the system of states that makes the occurrence of wars inevitable, but rather the lack of an effective system beyond the state level. The anarchic nature of the international system is arguably the core reason preventing the evolution of a more comprehensive peace and development process. Whereas the state is often identified as the problem in international relations, it can be counter-argued that the state is no more of a problem in human society than the family is. The state and intermediate social structures, that exist beyond the level of the family, help to regulate what would otherwise be, and what was in the past, an anarchic system of tribal conflicts. The state *per se* is not the problem, even if the behaviour of many particular states is often very problematic. It is the lack of effective regulation and

²⁷⁴ David Mitrany, *The Functional Theory of Politics* (London: LSE, 1975), p. 24.

²⁷⁵ *ibid.*, p. 121.

²⁷⁶ Danilo Zolo, *Cosmopolis: Prospects for World Government*, translated from Italian by David McKie (Cambridge: Polity, 1997), citing Stephen Toulmin, *Cosmopolis: the Hidden Agenda of Modernity* (New York: The Free Press, 1990).

²⁷⁷ Kenneth N. Waltz, *Man the State and War* (New York: Columbia University Press, 1959), p. 238.

controls and sanctions beyond the state that allows many wars to occur. The argument that controls beyond the state could lead to dictatorial world government are valid concerns, but these concerns should be addressed by designing any supra-state structures so that the focus is on global *governance* and global *jurisprudence* and regulation, rather than a unipolar form of global *government* imposed by inflexible charter, covenant or constitution. Any such global governance process should be dynamic, developmental, and responsive to the dynamics of human relationships, and to the dynamic and relatively vulnerable nature of human existence within the ecosystem of planet Earth.

The following three case study chapters will focus on the functioning of the United Nations, as it exists at present, and as it has performed since its foundation, in Asia, the Middle East and Africa.

“Wars occur because there is nothing there to prevent them.”²⁷⁸ Rousseau

²⁷⁸ Ibid, p. 232.

Chapter 4

Asian Case Study

From too much, to too little, too late.

‘It is my duty’, wrote the correspondent of *The Times* at the liberation of the Nazi death camp at Belsen, ‘to describe something beyond the imagination of mankind’. That was how I felt [in Cambodia] in the Summer of 1979.²⁷⁹

Section 1: Introduction and aims:

John Pilger voices the incomprehension and disbelief that are frequently used in describing ‘genocide’ and ‘crimes against humanity’. However, the history of human behaviour especially throughout the twentieth century demonstrates that such atrocities are neither “unimaginable” nor beyond comprehension.²⁸⁰ This case study will show that while the people of Cambodia suffered the most severe examples of mass murder and brutality, in terms of intensity and the proportion of the population killed or traumatised, the peoples of most other Asian countries also suffered violent conflicts, very many of which were neither prevented nor adequately mitigated by the UN, which was set up to ensure that such events would ‘never again’ occur.

Mass killings of innocent people throughout the twentieth century were not only imagined but were often planned in great detail by the perpetrators. They are ‘comprehensible’ because of the short-term benefits that they were expected to bring to the individual perpetrators, and the long-term benefits that were expected to accrue to the groups who perpetrated them.²⁸¹ Historical analysis reveals that many of the perpetrators such as Chairman Mao, Idi Amin and Pol Pot,²⁸² benefited

²⁷⁹ John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 401.

²⁸⁰ Samantha Power catalogues these genocides and inaction by the international community. “An estimated 1 million Armenians were murdered or died of disease and starvation ... The Allies resisted denouncing Hitler’s atrocities, granting refuge to Europe’s Jews, and bombing the railroad tracks to the Nazi concentration camps ... Pol Pot’s regime left some 2 million Cambodians dead, but the massacres elicited barely a whimper from Washington ... Some 800,000 Rwandans were killed in 100 days ... By [the time of US/NATO intervention] however, Bosnia’s genocide had been largely completed, and a multiethnic state had been destroyed.” Samantha Power, *A Problem from Hell: America and the Age of Genocide* (London: Flamingo, 2003), pp. xiv, xv.

²⁸¹ The Armenian Genocide, succeeded from a Turkish Muslim perspective, in ridding Turkey of most of its Armenian population. From a German Nazi perspective, the Holocaust successfully solved what many Germans saw as the “Jewish problem”. Mass killings and purges helped to maintain Stalin, Mao and Pol Pot, and their regimes in power. From a Hutu perspective, the Rwandan Genocide has permanently reduced the Tutsi population in proportion to the Hutu population in central Africa. The genocide in Bosnia by Serbs against Muslims has been partly successful in achieving Serbian aims, for a separate Bosnian Serb state.

²⁸² Chairman Mao and Pol Pot, in particular, died of old age and natural causes.

“At ten minutes past midnight on the morning of 9 September 1976, Mao Tse-tung died”. Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005), p. 654.

“[Pol Pot’s] wife heard a gasp of air. ... When she touched him he had already passed away. It was at 10.15 [pm, April 15, 1998].” 69. David, P. Chandler, *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 186.

significantly from their crimes, and died of old age, rather than retribution of human justice systems. The suggestion that such events are historical aberrations, unlikely to be repeated has also been proven false. Primo Levi, a Holocaust survivor emphasised the likelihood of repetition. “If understanding is impossible, knowing is imperative, because what happened could happen again.”²⁸³ Because such crimes *have* occurred again, repeatedly, understanding what causes them becomes important, but preventing further such crimes is imperative. The UN was established – “to save succeeding generations from the scourge of war”.²⁸⁴ Genocide is war against a particular group of people, often unarmed civilians. The relative success of so-called ‘crimes against humanity’²⁸⁵ and the corresponding failures of the UN and others to prevent these crimes and bring the perpetrators to justice have been contributing factors towards the repetition of such crimes.²⁸⁶

Case Study Aims:

The case studies in the following three chapters are intended to analyse the functionality of the UN in the three most conflict prone regions of the world. They will show that large-scale mass killings have been repeatedly imagined, conceived, planned and perpetrated throughout the lifetime of the UN so far. This chapter examines the record of the UN’s performance in Asia, towards the achievement of its primary objective, the maintenance of international peace and security. The primary function of this chapter is to answer the following research question. *Has the UN succeeded in achieving its primary objectives in Asia, the most populous region of the world, and if not, is it likely to do so without substantial transformation?*

This Asian case study chapter will evaluate the nature of the UN’s performance in Asia including its response to internal human rights abuses within states, its

²⁸³ John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 494.

²⁸⁴ UN Charter Preamble.

²⁸⁵ The term ‘crimes against humanity’ is arguably an inappropriate title for such crimes, which are committed primarily against individual human beings, and not against such imagined concepts as nations or ethnic groups or even ‘humanity’. By broadening the scope of the victimisation in this way we risk dehumanising the individual victims, and may even give some undue credence to the justifications for such crimes. Killing individual innocent people may be more difficult to rationalise than wiping out an ethnic group of ‘others’ in the perceived national, or perpetrator group interest.

²⁸⁶ Stalin, Mao Tse Tung, Idi Amin, Pol Pot, Bokasa, Mobutu, Marcos, all died of old age or of natural causes, and none of them were subjected to proper judicial processes for their multiple crimes. In this respect their crimes were successful from their personal perspectives. By contrast, many democratically elected leaders were assassinated or ousted including, Aung San of Burma in 1947, Gusman Arbenz of Guatemala in 1954, Patrice Lumumba of the Congo in 1960, Salvador Allende of Chile in 1973, Aristide of Haiti in 2004. At least some justice was ‘seen to be done’ at the Nuremberg trials.

‘collective security’ response in the Korean War, its interventions, or lack of, in Asia’s international wars, and in conflicts in Cambodia, East Timor and West Papua. It will conclude that at all levels and phases of conflict from one of oldest and the biggest state in the world, China, to one of newest and smallest states, Timor Leste,²⁸⁷ the UN has either failed to achieve peace and security for the peoples of Asia, or achieved these too late, for the millions of humanity who have died violently since the foundation of the UN.

Structure and Rationale of Asian Case Study:

This case study chapter will consist of five main sections as follows:

1. Introduction and Aims of Case Study
2. Asian Case Study Conflict Summary Chart
3. Thematic analysis of UN’s Performance in Asian Conflicts
4. Focal Conflict – Cambodia
5. Conclusions on the UN’s performance in Asia

This chapter will conclude that the UN failed the people of Cambodia catastrophically. The UN also failed to prevent gross human rights abuses, or civil conflicts, within several Asian states that cost millions of lives, including in China, Indonesia, Pakistan/Bangladesh and Burma. While it can be argued that some of these were not within the remit of the UN Charter, the UN also failed in its attempt at collective security in Korea, and failed to prevent or intervene effectively in several international conflicts particularly the French and US wars in Vietnam.

²⁸⁷ The name East Timor will be used when referring to this territory up to its joining the UN in 2002 and the name Timor Leste will be use to describe it after that date.

Section 2.

Table 4.1. Summary of most serious Asian conflicts

No	CONFLICT	SEVERITY (Death Toll)	UN ROLE	UN SUCCESS/FAILURE	WHY
1.	Indonesia 1945-47	Low, but had high potential	Observer/Good Offices Mission	Successful	Timely, mandate, P-5 (US) support
2.	Civil War/Coup 1965-66	Moderate – up to 500,000	None	Failure	Internal state, but US interference
3.	East Timor 1975-99	V/High 250,000+ (20%)	Too late, UNAMET, UNTAET	Failure, belated tactical success	Too late due US, Aus. Interference
4.	West Papua– 1965 -	Moderate – not known	UNSF, UNTAE	Failure	Cold War, poor UN Leadership,
5.	Korean War	Very High > 4 million dead	UN collective security	Failure	UN leadership, flawed intervention
6.	China Civil War 1946-49	Moderate 1.2 million dead	None	Failure	UN excluded from Civil Wars,
7.	Great Leap Forward '58-61	Catastrophic > 38 million	None	Failure	UN failure to monitoring Human
8.	Cultural Revolution '65-66	V. High > 3 million	None	Failure	Rights abuses or to intervene
	Total China	At least 42 million dead			
9.	Indochina/France 1946-54	High 600,000(75,000French)	None	Failure	French P-5 veto powers
10.	Vietnam/US 1964-75	V/High 3 million(58,000 US)	None	Failure	US P-5 veto powers
11.	Cambodia 1964-98	V/High > 2 million, (20%)	Minimal role before UNTAC	Failure – UNTAC part success	Cold War and P-5 abuse of powers
12.	Laos Civil War 1975-87	V/high - 184,000 dead	Minimal	Failure	As for Cambodia
13.	Philippines Insurgency '72	Moderate 120,000	None	Failure	Internal state matter
14.	South Asia Decolonisation	Moderate 1 million dead	None	Failure	Internal 'Commonwealth' matter
15.	Kashmir 1948 to date	Moderate - 40,000 dead	UNMOGIP 1949 to date	Failure	Inadequate resolution role/mandate
16.	Pakistan/Bangladesh/India	Moderate – over 1 million	None except to condemn India	Failure	Priority sovereignty/human rights
17.	Sri Lanka Civil 1983-2002	Moderate – 64,000	No direct role	Failure	Treated as local/regional problem
	Total Asia without China	Approx 13 million deaths			
	Total Asia (1945-2008)	At least 55 million deaths			

Section 3. Thematic analysis of UN's Performance in Asian

Conflicts

In Asia the [Cold War proxy war] losses were even greater – 1.5 million in Afghanistan, 2.3 million in Vietnam and 3 million in Korea.²⁸⁸

Paul Rogers' casualty figures above are conservative estimates, and refer to deaths directly attributable to the wars. Far greater numbers were victims in other ways, including war related injuries, illnesses, hunger and massive property and infrastructure destruction. This section will examine the performance of the UN towards the maintenance of international peace and security in the main conflicts that occurred in Asia, except in the focal conflict area of Cambodia,²⁸⁹ from the perspective of the following six themes:

- UN Trusteeship System and its colonial transition responsibilities in Asia
- UN Conflict Prevention Role in Asia
- The UN's peace-maintenance modus operandi in Asia – collective security v peace-enforcing v peacekeeping
- Timeliness of UN peace missions in Asia
- UN prioritisation of human rights and justice issues in Asia
- Power, exploitation and corruption issues v jurisprudential approach to international peace and security²⁹⁰

Theme 1. Effectiveness of the UN Trusteeship System and of the UN's Colonial Transition Responsibilities

The very act of decolonization was itself a last imperial imposition since it gave to Africans and Asians a system based on a purely European model and alien to their own history.²⁹¹

This theme is given priority, in each of the case studies, because of its critical importance towards the evaluation of the UN's performance and failures in these regions. Robert Cooper's questioning of the validity of the state as a

²⁸⁸ Paul Rogers, *Losing Control: global Security in the Twenty-first Century* (London: Pluto, 2002), p. 35.

²⁸⁹ The conflicts in Cambodia will be analysed separately and in more depth in the focal conflict section of this chapter. Conflicts in Afghanistan will be considered separately under the Middle Eastern case study.

²⁹⁰ The perception of corruption within the UN is perhaps greatest in the US because of repeated US government statements on such matters, often made for reasons of US hegemony in international relations rather than based on accurate statistics. Such allegations also help to blur what is arguably the most serious corruption of the UN perpetrated by members of the P-5 group of states who have corrupted the UN Charter by using their P-5 privileges, especially the power of veto to make war on other states with impunity. Marrack Goulding gives a more balanced view on corruption within the UN, which accords with the reality of this researcher's own UN experiences. "In my experience the charges of inefficiency are better justified than those of corruption. There is minor corruption in the Secretariat, and the temptations in some field missions are great, but I doubt whether it is worse than in the public services of most member states." Marrack Goulding, *Peacemongering* (London: John Murray, 2002), p. 8.

²⁹¹ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 69.

rational form of polity for the peoples of the colonised regions is valid from a twenty-first century perspective but less so from a 1945 perspective. Empires had already been discredited during World War I, and dictatorships discredited, but not eliminated, during World War II. Asia was far from ready for the sort of regional solution that is still developing in Europe. Statehood was all that was on offer as an alternative to colonial or superpower domination. The UN, as an organisation of states, was unlikely to facilitate rival or alternative structures to states. David Mitrany's ideas on the desirability of the state 'withering away' were well before their time.

Asia was subjected to European and even US²⁹² colonisation during the 19th and early twentieth century. With the exception of Thailand and Japan, virtually all of South Asia, East Asia, and South East Asia including the islands archipelagos and Australasia,²⁹³ came under foreign rule. At the end of World War I, only the northern half of East Papua New Guinea qualified as a League of Nations mandate territory. Most of the other territories remained under British, French, US, Dutch and Portuguese, colonial rule. The UN inherited this legacy in 1945 and could only intervene in these colonial territories if invited to do so by the colonial powers.²⁹⁴

Role played by UN in the Asian colonial transition process:

With the exceptions of Dutch/Indonesian transition, and the failed West Papuan transition, the UN exercised virtually no overall oversight, guidance or leadership on this matter in Asia, and at best responded to events rather than using its preventative capacity to foresee potential crises and take appropriate preventative measures. The US divested itself of its main colony, the Philippines, in 1946.²⁹⁵ Of the other colonial powers, Britain managed the colonial transition of its colonies more expeditiously than France, the Netherlands, or Portugal, but its

²⁹² "The US annexed the Philippines in 1898. The Philippine Islands became a Spanish colony during the 16th century; they were ceded to the US in 1898 following the Spanish-American War. ... In 1942 the islands fell under Japanese occupation during WWII, ... On 4 July 1946 the Philippines attained their independence." <http://www.cia.gov/cia/publications/factbook/print/rp.html>, accessed on 2 January 2006.

²⁹³ Australia and New Zealand, like North America, were exceptions to the general colonial pattern, in that European colonisation of these territories has proven to have been successful in the long-term, from a 'European' perspective, albeit at the expense, and partial genocidal extinction of the indigenous populations.

²⁹⁴ France and Britain virtually ignored the UN in their dealings with their Asian colonies. Portugal only involved the UN when its "Empire" collapsed. The Netherlands was the only Asian power that involved the UN in the colonial transition process, and this under pressure from the US.

²⁹⁵ However, the US retained substantial neo-colonial influence over the Philippines especially during the Marcos dictatorship.

precipitous abandonment of some of its colonies caused problems that could have been ameliorated by a more effective UN.²⁹⁶ While the Hong Kong colonial transition process was only completed in 1999, Hong Kong,²⁹⁷ Singapore and Malaysia are the most positive examples of relatively peaceful transition from colonisation.²⁹⁸ While South Asia and Burma fared worse in their transition from British colonial status, India must be given due credit for being the largest democracy in the world, and for maintaining this democratic status continuously since 1947. Pakistan by contrast has been ruled mainly by military dictatorships, as has Burma.²⁹⁹ The role exercised by the UN in these transitions was minimal.

Indonesia – auspicious beginnings

One of the UN's first peace ventures in Asia was its success in facilitating the transition from Dutch East Indies to Indonesian independence. Stephen Ryan states that the UN played a substantial role in this process.³⁰⁰ This appeared to auger well for the UN and for humanity in Asia. This demonstrates that the UN could achieve success in the key areas of conflict prevention, post-colonial transition, and peace maintenance in complex situations, and the timeliness of this mission contributed to its success. It provides an example of what 'ought to have been' the performance of the UN in many other conflict situations. Britain, as a UNSC P-5 member, reoccupied Indonesia to replace the defeated Japanese forces. It restored the colonial *status quo ante bellum* and Dutch sovereignty over Indonesia. The UN Trusteeship System, like the previous League Mandate System, gave the UN no role in the colonies controlled by the victor states, unless invited by those states to become involved.³⁰¹

²⁹⁶ "In its hurry to leave the subcontinent, Britain had left such messy and indeterminate border lines that the two new countries had begun to fight over territory even before the last colonial lieutenant had pulled out." Adrian Levy & Catherine Scott-Clark, *Deception: Pakistan, the United States and the Global Nuclear Weapons Conspiracy* (London: Atlantic Books, 2007), p. 13.

²⁹⁷ Chris Patten, *East and West* (London: Macmillan, 1998), p. 11. "Hong Kong is where the story of Empire really ended, ... was one of Britain's greatest colonies and certainly its richest."

The Hong Kong colonial transition was unusual in that it reverted back to Chinese control rather than advanced to independence, yet this end of colonisation with its return to China has also been for the most part been very successful.

²⁹⁸ Malaysia/Malaya however did undergo a communist insurgency prior to its independence. This insurgency was successfully defeated by the British led counter-insurgency campaign.

²⁹⁹ Pakistan has been ruled directly or indirectly, by military governments for about two thirds of its period of independence, and Burma has been ruled by military dictatorship since 1962.

³⁰⁰ Stephen Ryan, *The United Nations and International Politics* (London: Macmillan, 2000), p 58.

³⁰¹ UN Charter Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
a. territories now held under mandate;

... the fighting that followed would have been reduced if the British had not used the Japanese army to recapture towns ... but the real confrontation was with the Dutch.³⁰² The Dutch deployed 150,000 troops to Indonesia and fought a bitter rearguard action to maintain Dutch sovereignty. US diplomatic intervention became a primary factor in persuading the Netherlands to agree to a ceasefire and an eventual withdrawal from Indonesia. If the US, as the dominant world economic and military power, had subsequently maintained its support for the UN and for peaceful methods of conflict resolution, and if this example had been replicated by the other P-5 UN members, then the performance of the UN over the following half-century could have been much more effective.³⁰³

Korean transition to independence:

The UN Trusteeship System should have been used to supervise the transition from Japanese occupation³⁰⁴ to a united, independent Korea, after negotiating the withdrawal of American and USSR occupying forces. The global strategic importance of the Korean peninsula was arguably exaggerated by the US, as was the strategic importance of Vietnam a decade later. Both are located on the periphery of a large continent. The international system did not fall apart in ‘domino’³⁰⁵ fashion with Vietnam’s victory over the US. Strategically, Korea is within the category of the ‘near-abroad’ of both China and the USSR/Russia, to an even greater degree than Cuba and Central America are to the USA. The loss of up to four million people killed in the Korean War was also a catastrophic price to pay in terms of proportionality. The course and nature of the war entrenched a system of authoritarian government in North Korea that continues to cost

b. territories which may be detached from enemy states as a result of the Second World War, and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Note: The peoples of colonial territories were virtually powerless under the trusteeship system and depended on the goodwill of both the colonial powers and the UN.

³⁰² Bruce Grant, *Indonesia* (Ringwood: Penguin, 1967), p. 32.

³⁰³ US influence and behaviour towards the decolonisation of Indonesia was in marked contrast with its actions towards the decolonisation of Vietnam and South East Asia.

³⁰⁴ Japan controlled Korea for a fifty-year period from 1895 to 1945. It became a Japanese ‘protectorate in 1905, and a Japanese ‘colony’ on 1910.

³⁰⁵ The Domino theory is defined by Encyclopaedia Online as a: “doctrine of U.S. foreign policy during the Cold War, according to which the fall of a noncommunist state to communism would precipitate the fall of other neighbouring noncommunist states. ... The theory was first enunciated by Pres. Harry Truman, who used it to justify sending U.S. military aid to Greece and Turkey in the late 1940s. Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson invoked it to justify U.S. military involvement in Southeast Asia, especially the prosecution of the Vietnam War. <http://www.britannica.com/ebc/article-9362955?query=justify&ct=>; accessed on 17 October 2005.

thousands of lives and human rights abuses up to the present time, and to threaten the international peace in a most serious manner.³⁰⁶

West Papua and East Timor – peoples betrayed?

The UN's role in West Papua and East Timor³⁰⁷ deserves more detailed attention than is within the scope of this research project. In the case of West Papua during the 1960s the UN had the opportunity, given enlightened leadership and support, to achieve a successful pattern of UN transitional management that could have provided an example for the transition to independence for many other colonised peoples. The UN flunked this test, and repeated its failure a decade later in the case of East Timor with disastrous consequences for the indigenous peoples involved. The western halves of both islands were Dutch colonies, while the eastern half of Papua was colonised by Germany and then Britain, and East Timor by Portugal.

West Papua

The exact death toll so far in the West Papuan conflict is unknown, but runs into many thousands, of a small population base.³⁰⁸ However, no quick resolution of this conflict is likely as the sort of circumstances that precipitated East Timor's independence in 1999 are unlikely to be replicated in West Papua in the near future.³⁰⁹ In addition, the mineral wealth of West Papua, and the transmigration there of large numbers from other parts of Indonesia, gives Indonesia a greater incentive to maintain its control over this territory. Furthermore, the nature of the UN's intervention in West Papua has made its international legal status more complex. The most detailed account of the failed

³⁰⁶ The Korean War will be discussed in more detail under the collective security theme below.

³⁰⁷ West Papua has been renamed Irian Jaya by Indonesia, and East Papua, known as the Territory of Papua New Guinea (TPNG) up to its independence in 1975, is now the independent state of Papua New Guinea. East Timor has been known as Timor Leste since independence in 2002. Both territories are located at the eastern edge of the Indonesian archipelago, West Papua being the western half of the island of Papua and East Timor being the Eastern half of the island of Timor.

³⁰⁸ The indigenous peoples of West Papua have suffered a combination of brutal repression and imposed inward migration from other Indonesian regions. "West Papua has a population of 1,800,000, of which approximately 900,000 are indigenous West Papua and 900,000 are Indonesian."

<http://www.unpo.org/member.php?arg=56>, accessed on 18 January 2006.

West Papuans are a Melanesian people composed of at least 240 different tribes or ethnic groups. The 900,000 Indonesians in West Papua are primarily recent migrants moved to West Papua or Irian Jaya by the Indonesian Government under its Transmigration policy.

³⁰⁹ "Faced with the crisis in East Timor today, one can speculate that the US political effort to get Indonesia to consent to UN intervention – which was the basis on which the crisis was contained – would not be forthcoming..." Antonio Donini, et al, eds., *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield: Kumarian, 2004), p. 224.

West Papuan colonial transition process is that by John Saltford.³¹⁰ He cites an unusual Indonesian view by political analyst Soedjati Djiwandono who wrote in 1999:

Would we prefer to have a single nation-state made out of this huge but almost unmanageable archipelago ... or at the risk of being dubbed “blasphemous”, to split into two, three, four or even five smaller nation-states with a greater chance and hope for peace, greater prosperity, equality and justice for all?³¹¹ Such ‘radical’ views have had little support within Indonesia or internationally and run counter to the UN’s behaviour in West Papua and elsewhere.

If the best interests of the indigenous peoples had been prioritised, then, an independent united island state of East and West Papua should have been established under the UN Trusteeship System.³¹² The very underdeveloped and unsophisticated political nature of the tribal peoples of both parts of Papua, and East Timor, would have required a prolonged trusteeship relationship. The Australian post-World War II administration of East Papua should have been extended to West Papua. Percy Spender, Australian Minister for External Affairs in 1950, proposed that Australia should: “become the administering power for the whole island.”³¹³ This would have resolved the West Papuan situation, but the international will, or UN support, was not forthcoming for such a solution.³¹⁴ UN Secretary General Dag Hammarskjöld later provided some leadership on the issue with a proposal “... to place WNG under an internationally agreed trusteeship.”³¹⁵ Shuhei Oguchi argues that because of the UN difficulties in the Congo, “WNG provided an ideal opportunity for the organisation to prove that it could oversee the peaceful resolution of another dispute without the financial and human cost of ONUC.”³¹⁶ Stephen Ryan points out that: “The UN Temporary Executive

³¹⁰ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003). Note: The enforced and geographical isolation of West Papua combined with its relative perceived unimportance in the wider scheme of international relations has resulted in a dearth of academic and other sources on West Papua.

³¹¹ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. 4. citing J. Soedjati Djiwandono, *Jakarta Post*, 9 November 1999.

³¹² Article 73 of the UN Charter states that: “the principle that the interests of the inhabitants of these territories are paramount”. This lost opportunity for an independent united island of Papua could still present a possible resolution of the West Papuan conflict at some time in the future.

³¹³ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. 6.

³¹⁴ The West Papua issue was raised by Indonesia in four separate UN General Assembly draft resolutions between 1954 and 1957.

³¹⁵ Cited in John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. 6.

This would have represented the correct application of Chapters XI, XII and XIII of the UN Charter. The death of Hammarskjöld in the Congo in 1961 removed that element of inspired leadership from the UN.

³¹⁶ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. 9.

Authority established for West New Guinea, created in 1963, was paid for by Holland and Indonesia.”³¹⁷ Unusually, both the US and the USSR supported the eventual Indonesian annexation of West Papua.³¹⁸ The UN failed to act as an independent, neutral referee or honest broker on behalf of the people of a territory over which it had been given very specific responsibility.

UNTEA, the United Nations Temporary Executive Authority administered West New Guinea from 1 October 1962 to 1 May 1963.³¹⁹ This was the first example of the UN administering a territory and could have become an important precedent for other such missions. However, UNTEA turned out to be little more than a smokescreen behind which the UN facilitated the annexation of West Papua by Indonesia using the device of the so-called “Act of Free Choice”. With UNTEA and UNSF, the UN had the tools in place, but failed to use these tools for the benefit of the West Papuans. The actual vote for the ‘Act of Free Choice’ took place on 14 July 1969 amid allegations of coercion. The result was “a unanimous vote by the Merauke Assembly to remain with Indonesia.”³²⁰ Saltford concludes that having failed in their attempts to provide even “the appearance of legitimacy” U Thant, and his representative for West Papua, Ortiz Sanz, “focussed their attention instead on collaborating with Jakarta in its mission to prevent any international criticism of the Act emerging.” He accuses the UN Secretariat of deliberately washing its hands of the West Papuan issue in 1969.³²¹

East Timor

The colonial transition process for East Timor was one of the most prolonged and traumatic. East Timor was colonised by Portugal from the early 16th century. Its people suffered severely under Japanese World War II occupation, because they had cooperated with Australia.³²² Portugal however

³¹⁷ Stephen Ryan, *The United Nations and International Politics* (London: Macmillan, 2000), p. 71.

Holland had a vested interest in divesting itself of its colony and Indonesia in acquiring its resources.

³¹⁸ “The Soviet Union, while less than supportive of UN peacekeeping efforts generally, had joined the US in supporting UNTEA and Indonesia’s claim to West Guinea”. John Terrence O’Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 8.

³¹⁹ The UNTEA mission was assisted by UNSF, the United Nations Security Force in West New Guinea during UNTEA’s period of administration. John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. xv.

³²⁰ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. xxv.

³²¹ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), pp. 183-184.

³²² Up to 60,000 East Timorese people were killed during World War II occupation by Japan.

http://encarta.msn.com/encyclopedia_461510929_2/East_Timor.html#p10, accessed on 2 January 2006. However, in spite of the East Timorese World War II sacrifices, Australia was the only country to formally recognise the Indonesian occupation of East Timor from 1975 up to 1999.

refused to facilitate decolonisation after World War II until near bankruptcy forced it to virtually abandon its colonies precipitously in 1975, resulting in annexation of East Timor by Indonesia. During the Indonesian occupation East Timor lost up to one third of its population in avoidable deaths, due to violent repression, disease and starvation.³²³ While the UN played a significant role in the final stage of this process from 1999 to 2003, the UN failures to initiate decolonisation in 1945 or to intervene appropriately in 1975, or to impose effective sanctions for Indonesian annexation and human rights abuses, were significant causal factors in the trauma suffered by the East Timorese.

South Asian colonial transition

The post-World War II transition from British colonial rule to independence in South Asia was at least achieved quickly (perhaps too quickly), in 1947 for India and Pakistan, and in 1948 for Burma and Sri Lanka, but resulted in heavy loss of life, especially in the Punjab region. Up to one million people died in inter-communal violence between Hindu and Muslim, culminating in the 1947 partition of India and Pakistan, involving the cross-border movement of up to 17 million people.³²⁴ Yet this partitioning process is still not fully resolved especially in the Jammu and Kashmir regions. This South Asian decolonisation process included the further secession of Bangladesh from Pakistan in 1971, which cost a further one million lives, and the ongoing attempted separation by the Tamils within Sri Lanka.³²⁵ The UN has had relatively little influence in this region, apart from the presence of one of its longest peace missions, UNMOGIP in Kashmir. This was due in part to the fact that Britain, like the other major colonial power, France, tended to handle the decolonisation process itself rather than use the good offices of a more neutral UN.³²⁶

French Colonial Transition in Asia:

³²³ “As a direct result of the Indonesian invasion and occupation, which continues, some 200,000, or a third of the population, have died.” John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 234.

³²⁴ In more recent times this would be termed ethnic cleansing.

³²⁵ In January 2008, the cease-fire in Sri Lanka was abandoned and the conflict resumed, including the bombing of a civilian bus in the town of Dambula on Feb 2nd 2008. (BBC world news).

³²⁶ The exception to this British decolonisation procedure was Palestine, where Britain virtually dumped the problem on the UN’s lap with arguably undue haste.

All UN members are obliged to resolve conflicts in a peaceful manner under Article 2 of the Charter.³²⁷ However, as a P-5 veto-wielding member of the UN, France could and did operate with impunity in contravention of the UN Charter. The UN or its Charter failed to clarify the sovereignty issues of countries such as Laos, Cambodia and Vietnam in the aftermath of World War II. The post-World War II logic from UN and US perspectives in the case of Vietnam should have been very similar to that applied to the Philippines and Indonesia. However France insisted on regaining its colonial possessions, and did so without UN interference. The French miscalculated and were defeated in Vietnam by the Vietminh under Ho Chi Minh but left a divided and partitioned Vietnam, and the seeds of further conflicts throughout Indochina, when they withdrew.³²⁸ The role of the UN therefore in the colonial transition process in Asia, was one of failure with the exception of Indonesia, where positive lessons went unlearned.

Theme 2. UN Conflict Prevention Role in Asia

Conflict prevention should be the most important element in the UN's primary role of maintaining international peace and security. The UN's only clear success in conflict prevention in Asia is limited to its role in facilitating Indonesian independence. Of all the other Asian conflicts listed in Table 4.1 above, involving up to 55 millions avoidable deaths, a proportion of the responsibility for failing to prevent these conflicts rests with the UN. While the UN may have saved hundreds of thousands of lives, in preventing or ameliorating some conflicts, the tens of millions of lives avoidably lost leaves a very dismal balance sheet of the UN's conflict prevention performance in Asia. While conflicts and disagreements in all forms of human interaction may be unavoidable, conflict involving massive loss of life should never be considered either acceptable or unavoidable. Prevention of violent conflict therefore should be the primary role of the UN rather than prevention of conflict *per se*. Prevention of war is the key to the UN's primary task of maintaining

³²⁷ UN Charter Article 2.3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Article 2.4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

³²⁸ Michael Field, *The Prevailing Wind: Witness in Indo-China* (London: Methuen, 1965), p. 359. "Over 75,000 French Union troops were reported killed or missing."

international peace and security. The UN failed dismally to achieve this objective in Asia, throughout the Cold War.

East Pakistan/Bangladeshi Independence.

The term conflict prevention is normally applied to preventing a conflict at its initial stages. However, it should also be applied to the prevention of conflicts from spreading or deteriorating. UN took no effective actions to prevent or contain the East Pakistan/Bangladeshi Independence conflict. On the contrary, the UN intervened by passing a General Assembly Resolution condemning the Indian intervention that ended this genocidal conflict. Nicholas Wheeler points out that: “The Pakistani Government’s brutal repression of the Bengali people living in what was then East Pakistan resulted in the deaths of over a million Bengalis.”³²⁹

Samantha Power describes this as a genocidal conflict.

Beginning in March 1971, after Bengali nationalists in East Pakistan’s Awami League won an overall majority in the proposed national assembly ... Pakistani troops killed between 1 and 2 million Bengalis and raped some 200,000 girls and women.³³⁰

The UN and the international community disregarded the most basic human rights of the Bengali people. “(T)he overwhelming reaction of the society of states was to affirm Pakistan’s right to sovereignty and the rule of non-intervention.”³³¹

Following a huge influx of Bengali refugees into India, and Pakistani attacks on Indian airfields, the Indian army intervened, defeated Pakistani forces and facilitated the establishment of the new state of Bangladesh. The UN Secretary General U Thant, the US and the vast majority of UN member states supported the territorial integrity of Pakistan, and criticised the Indian intervention, citing Article 2 (7) of the UN Charter.³³² The predominant view of the UN Security Council, and General Assembly was that: “(the concern for) justice had to be subordinate to that of order”.³³³ President Podgorny of the USSR supported the intervention of India, by contending that: “...there could be no order on the

³²⁹ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 55.

³³⁰ Samantha Power, *A Problem from Hell: America and the Age of Genocide* (London: Flamingo, 2003), p. 82.

³³¹ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 58.

³³² UN Charter, Article 2(7), “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ...”

³³³ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 72.

subcontinent without satisfying the demands for justice.”³³⁴ This was an unusual stance by the USSR in the light of its own repressive policies within the USSR and Eastern Europe, but it was followed seven years later by USSR support for the Vietnamese expulsion of the Pol Pot regime from Cambodia. Due to Soviet use of its UN Security Council veto, the UN General Assembly used a ‘Uniting for Peace Resolution’ to condemn Indian intervention and call for an immediate ceasefire (104 votes to 11 with 10 abstentions).³³⁵

Wheeler and others argue that Indian intervention was justified. “India created an opportunity for the Security Council to reverse the normal policy accorded order over justice in the society of states”.³³⁶ The UN stuck rigidly to a particular interpretation of Article 2 of its Charter on state sovereignty. Since the end of the Cold War this Article has been reinterpreted in what amounts to a ‘customary’ international law amendment to the Charter whereby state sovereignty is no longer considered sacrosanct when serious human rights abuses are occurring within states.

International human rights law has been an important resource in the struggles of many subject peoples against repressive governments and against institutions such as colonialism.³³⁷

In the Bangladeshi situation the UN failed to uphold the rights of individuals within states, or the right of self-determination.

This is just one example of conflict prevention failures in Asia. All violent conflicts represent partial UN failure to prevent such conflicts, because conflict prevention is the first and most important step in maintaining peace. In terms of conflict prevention, therefore, the performance of the UN in Asia proved to be seriously inadequate throughout the Cold War. Its limited successes in conflict resolution after the Cold War in Cambodia and East Timor arose mainly from its Cold War failures, and were more attributable to the ‘negative’ removal of the Cold War factors that fuelled many of these conflicts, than any positive prevention efforts by the UN.

³³⁴ Ibid. p. 67.

³³⁵ UN General Assembly Resolution 2793, 7 December 1971.

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/328/09/IMG/NR032809.pdf?OpenElement>

In effect, the UN used the Uniting for Peace Resolution in support of an act of genocide.

³³⁶ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 65.

³³⁷ Christian Reus-Smit, *The politics of international law* (Cambridge: CUP, 2004), p. 286.

However, a similar situation exists in Darfur in Sudan at present and the UN is still failing to intervene effectively to prevent genocide, as will be discussed in Chapter 6.

Theme 3. The UN's peace maintenance *modus operandi* in Asia – from 'good offices' through collective security, to peacekeeping and complex transitional administrations.

In Asia the UN deployed the full spectrum of its peace mission *modus operandi*, from the 'good offices of the Secretary General' (Indonesia), unarmed military observer missions (UNMOGIP), lightly armed peacekeeping (UNTAET), peace-enforcement (INTERFET), complex peace building missions (UNTAC)³³⁸ and heavy-handed collective security (Korea). Of more significance however was the UN's failure to respond at all in some of the Asia's most serious conflicts.

Nigel White summarises the UN's successful intervention in Indonesia:

The observers, through fulfilling their mandate of reporting on each stage achieved towards Indonesian independence, contributed to the eventual success in achieving these objectives.³³⁹

The UN's success with this first peace mission demonstrated what the UN was capable of doing, when it got its priorities right, and had sufficient support from its Security Council members. However, the lack of independent UN conflict resolution capacity is one of its inherent weaknesses.

The UN Observer Mission in Kashmir:

Its second Asian peace venture was the UNMOGIP military observation mission to India and Pakistan. The UN's involvement in the Kashmir conflict with UNMOGIP³⁴⁰ from 1949, mirrors that of UNTSO³⁴¹ from 1948 in the Israel/Palestine conflict.

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was deployed in January 1949 to supervise, in the State of Jammu and Kashmir, the ceasefire between India and Pakistan.³⁴²

This mission is still in place in 2008 and this conflict between India and Pakistan is still not resolved. The very longevity of this mission shows that the UN has failed to achieve its primary mission in this instance. Marrack Goulding, one of the UN's staunchest supporters, sums up UNMOGIP.

New Delhi ... took the position that the UN's role in Kashmir had been superseded by agreements signed by the two countries in 1972. Pakistan did not

³³⁸ UNMOGIP UN Military Observer Group India Pakistan, UNTAET UN Transitional Administration East Timor, INTERFET International Force East Timor, UNTAC UN Transitional Administration Cambodia.

³³⁹ N. D. White, *Keeping the Peace*, (Manchester: Manchester UP, 1997), p. 249.

UNSC Resolution 27/45, S 459 1 Aug 1947, authorised UN mediation and observation of this conflict.

³⁴⁰ UNMOGIP – The United Nations Military Observer Group in India and Pakistan from 1949 to present time.

³⁴¹ UNTSO – The United Nations Truce Supervisory Organisation from 1948 to present time.

³⁴² UN.org accessed on 10th September 2003.

accept India's view ... So UNMOGIP stayed on as a political symbol without any operational role.³⁴³

Goulding complained of "UNMOGIP's inability to manage even a minor crisis".

UN Collective Security in Korea:

Collective Security was written into the UN Charter as the primary method by which the UN would maintain international peace and security.³⁴⁴

Anatol Rapoport points out that the assumptions underlying collective security are unrealistic. "So-called collective security depended on the willingness of *states* to act in the collective interest of *people*."³⁴⁵ The UN fell heavily at this first collective security hurdle, and was critically damaged by this fall.

The first two Security Council resolutions on the Korea crisis, 82 of June 25th and 83 of June 27th 1950, ... were passed (9-0, 7-1, with Yugoslavia abstaining) only thanks to the temporary boycott of the Security Council by the Soviet Union.³⁴⁶ The Korean War was the UN's most serious failure because it confined the UN's role throughout the remainder of the Cold War to the more limited function of peacekeeping, and then only where the major powers choose to allow it even such a limited role. The Korean War was a significant factor in the deteriorating relationship between the two superpowers, and was one of the initiating or deepening factors of the Cold War.³⁴⁷ This was to have a major impact on other parts of Asia especially South-East Asia.

As in Indochina, the Korean transition process from Japanese occupation went wrong, or was corrupted, by P-5 states, the USSR and US. Korea was occupied, and 'temporarily' partitioned by US and Russian forces in 1945 - "as

³⁴³ Marrack Goulding, *Peacemongering* (London: John Murray, 2002), p. 32.

³⁴⁴ UN Charter Article 1. The Purposes of the United Nations are:

To maintain international peace and security, and to that end: to take *effective collective measures* for the prevention and removal of threats to the peace, and for the *suppression of acts of aggression* or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; (emphasis added).

³⁴⁵ Eric Fawcett, Hanna Newcombe, eds., *United Nations Reform: looking ahead after fifty years* (Toronto: Science for Peace, 1995), p. XV.

³⁴⁶ Rosemary Righter, *Utopia Lost*, (New York, 1995), p. 377.

Russia walked out of the UN Security Council on Jan 10th 1950 in protest over the Security Council's decision to continue to recognise Nationalist China or Formosa as the representative of the Chinese people rather than communist mainland Chinese Government of Mao Tse Tung., Mercer, Derrick, et al, eds., *Chronicle of the 20th Century* (London: Longman, 1988), p. 698.

³⁴⁷ "After the North Korean attack in mid-1950, the Truman administration adopted a more aggressive strategy, known as NSC 68, to counter the grave threat posed by a Soviet Union then developing a nuclear arsenal. ... This policy led to the tripling of the defence budget, the establishing of integrated North Atlantic Treaty Organisation (NATO) forces, and the decision to rearm Germany." Robert R. Bowie, and Richard H. Immerman, *Waging Peace: How Eisenhower Shaped an Enduring Cold War Strategy* (Oxford: OUP, 1998), p. 3.

in Germany, [Korean] partition created a conflict that was central to the Cold War.”³⁴⁸ Geographically Korea is an isolated peninsula, bordered by China to its north, and a very short border with the eastern tip of Russia.

(A) UN Commission was sent to the country at the end of 1947 to supervise national elections. By now the Cold War was firmly established, and the Russians refused to recognise the commission as applying to their zone of occupation.³⁴⁹

Separate elections were held in both sectors in 1948.³⁵⁰ North Korean forces invaded South Korea in June 1950 and quickly captured the Southern capital Seoul. North Korea claimed to be engaged in a struggle for liberation, while South Korea struggled to emerge as a state. On June 27th the UN Security Council passed a resolution that all members of the UN should: “furnish such assistance to the Republic of Korea as may be necessary to meet the armed attack”.³⁵¹ The decision by the US, after the battle of Inchon, to cross the 38th Parallel boundary and pursue the North Korean forces towards the Chinese border, meant that UN forces were now committing aggression against North Korea that was very similar to North Korean aggression against South Korea. “Now it was an American goal, sanctioned, again, by the UN, to unify Korea by force of arms ... that required... the conquest of the entire country”.³⁵² Paul Rogers writes that:

The Korean War ended in stalemate in 1953, as the Indo-China war between the French and the Vietminh was entering its final phase in early 1954 ... Dien Bien Phu fell to the Vietminh early in May 1954.³⁵³

Rather than being a successful collective security operation the Korean War stalemate followed by the French defeat in Vietnam sowed the seeds of the US/Vietnam War, thereby providing a domino effect on international peace and security rather than preventing the domino effect on international freedom that the US was claiming to defend.

Christine Gray writes that:

³⁴⁸ Stephen Ryan, *The United Nations and International Politics* (London: Macmillan, 2000), p. 39.

³⁴⁹ Charles Messenger, *The Century of Warfare: Worldwide Conflict from 1900 to the Present Day* (London: BCA, 1995), 318.

³⁵⁰ Syngman Rhee was installed as head of state in South Korea, and Kim Il Sung in North Korea.

³⁵¹ Mercer, Derrick, et al, eds., *Chronicle of the 20th Century* (London: Longman, 1988), P. 703.

³⁵² Michael Walzer, *Just and Unjust Wars, Second Edition*, (New York: Basic, 1992), p. 118.

³⁵³ Paul Rogers, *Loosing Control: global Security in the Twenty-first Century* (London: Pluto, 2002), p. 29.

(t)his issue of categorization was crucial in the Vietnam and Korean Wars during the Cold War; Western states argued that they were interstate wars ... The Socialist bloc position was that Vietnam and Korea were both unitary states engaged in struggles against colonial intervention.³⁵⁴

The net effect of this was that different interpretations of the UN Charter (Articles 2.4 and 2.7) resulted in the deaths of up to four million people in Korea, and over three million in Vietnam.³⁵⁵ Importantly, there was no obligatory higher jurisprudential institution at which such contradictory interpretations could be adjudicated. The UN Charter is the foundational basis of the UN. If the Charter is flawed then the UN is flawed. The issue of the categorization of conflicts as inter-state or internal conflicts, and the criteria or justification necessary for use of force by states has also concerned international law experts, but their conclusions tend to be ‘inconclusive’, highlighting the need for more definitive higher level jurisprudence.³⁵⁶

UN collectively security failures:

The Indonesian invasion of East Timor in 1975 was comparable to the invasion of South Korea by North Korea in 1950 and the invasion of Kuwait by Iraq in 1991, but the UN failed to act. Alternatives to UN supported collective security measures, could include a UN that would prioritise conflict prevention over all other peace interventions, and that would confine itself to a combination of keeping and creating peace by peaceful means, and limited peace enforcement, rather than all-out international wars. In conflicts such as Korea, and Iraq in 1991 and 2003, the UN should arguably have retained a significant element of neutral referee status, prior to and during these conflicts, and the provision of peacekeeping forces at the conflict resolution stages. If certain wars are unavoidable, due to unjustified aggression by one or more belligerents, then the UN’s role should be to clearly identify the aggressors, (*jus ad bellum*) and lay down firm parameters for any counter military actions by other UN members, or

³⁵⁴ Malcolm D Evans, ed., *International Law* (Oxford: OUP, 2003), p. 592.

³⁵⁵ The US and its allies claimed that the Korean War was a classic example of UN collective security, on the basis that North Korea was in breach of UN Charter’s prohibition on the use of force under Article 2(4). North Korea, and its allies, China and the USSR, claimed that the Korean War was designed to prevent the ‘liberation’ of South Koreans and the unification of Korea, and contended that the North Korean attack on South Korea was an internal state matter, and therefore a matter on which the UN was prohibited from intervening under Article 2.7 of the UN Charter.

³⁵⁶ Christine Gray, “The Use of Force and the International Legal Order”, and Conclusion p. 618 in Malcolm D Evans, ed., *International Law* (Oxford: OUP, 2003).

regional organisations (*jus in bello*), without becoming embroiled in the war. If the fire brigade becomes part of the fire, there is no one left to put out the fire. However, all such military interventions should be undertaken only under UN mandate. If the UN is unable to agree on the necessary mandate then the UN should be reformed so that appropriate UN mandates would be issued in appropriate cases.³⁵⁷

Conflicts to which the UN failed to respond at all.

A further *modus operandi* open to the UN in the event of conflicts is the do-nothing option. Frustration with the UN's poor responses to post-Cold War conflicts such as Somalia, Bosnia, and Rwanda, led many commentators to make the case that the UN was being asked to do too much, and should only take on tasks where it had the capacity to succeed.³⁵⁸ The internal human rights abuses in China are the most serious case of UN failure to respond. The annexation of Tibet, which should have been considered an international conflict and a threat to the international peace, should have warranted UN intervention, if not by the Security Council, then by the General Assembly. The Vietnam Wars and the Cambodian conflicts up until 1990 are also examples of the UN's failure to respond in any substantial way to these very serious threats to international peace.

Theme 4. Timeliness of UN peace missions

Part of the success of the UN mission to Indonesia in 1949 was the timeliness of the UN intervention and the speed with which it concluded its peace-making business. Both of these virtues were in short supply in most subsequent UN missions. The UNMOGIP peace mission in the Kashmir conflict was initiated in a timely manner in 1949 but is still ongoing and unresolved in

³⁵⁷ Boutros-Ghali stated listed the instruments used by the UN for controlling and resolving conflicts including "preventive diplomacy and peacemaking; peace-keeping; peace-building; disarmament; sanctions; and peace enforcement. ... The United Nations does not have or claim a monopoly of any of these instruments. All can be, and most of them have been, employed by regional organizations, by ad hoc groups of States or by individual States". UN Report A/50/60 - S/1995/1, 3 January 1995, "Report Of The Secretary-General On The Work Of The Organization", Supplement To An Agenda For Peace. This is part of the anarchy of the international system that needs transformation. The UN Charter in outlawing the use of military force except in accordance with the principles of the UN Charter does give the UN significant authority but its P-5 members frequently choose to act in breach of that UN authority.

³⁵⁸ Thomas Weiss recommends that the UN should "devolve responsibilities when other institutions are in a position to respond effectively". Rorden Wilkenson, ed., *The Global Governance Reader* (Oxford: Routledge, 2005), p. 6.

O'Neill and Rees recommended that: "The UN, therefore, must be prepared to withdraw or abstain from intervening in conflicts where peacekeeping does not reinforce a broader political process for the resolution of conflict". John Terrence O'Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 207.

2008, making this mission extremely untimely in terms of resolution. The UN failed to respond to the conflicts in Cambodia throughout the US/Vietnam War and the Pol Pot genocide, until 1990 and these UN failures contributed to the huge loss of life.

UN failure to intervene in a timely manner in East Timor Conflict.

... the international community abandoned East Timor allowing Indonesian military to invade and kill 200,000 people with impunity while nations of the world closed their eyes.³⁵⁹

Like Cambodia, the UN failed to respond effectively towards the needs of the East Timorese people throughout the Cold War, and for a decade thereafter. It failed first to facilitate the post-World War II transition of East Timor from Japanese occupation towards independence. The UN then failed from 1975 to 1999 to protect the people of East Timor from destructive effects of the Indonesian invasion and annexation. The belated UN intervention in 1999 did lead to some peace and independence for East Timor, but the delayed intervention cost the people of East Timor up to 200,000 lives. "The territory was invaded in 1975 and annexed in 1976 by Indonesia after Portugal scuttled this and other colonies".³⁶⁰ There were plenty of UN Resolutions, but no UN resolve and effective action was lacking.

This was during a time when the United Nations passed ten resolutions, including a Security Council resolution calling for a withdrawal of Indonesian troops 'without delay', and negotiations to end the conflict.³⁶¹

Australia was the only UN member state that formally recognised the Indonesian annexation, for reasons of national interest, while the US and UK provided military and political support for the Indonesian Soeharto regime. The East Timorese were virtually without allies for the twenty-five years of their occupation, except very limited support from their old coloniser Portugal and various individuals and NGOs.³⁶² The death toll of East Timorese people was

³⁵⁹ E. Keijzer, *Testimony of the International Federation for East Timor to the United Nations Commission on Human Rights*, (Geneva, p. 1, 1999).

³⁶⁰ William Shawcross, *Deliver us from evil: warlords & peacekeepers in a world of endless conflict* (London: Bloomsbury, 2000), p. 336.

³⁶¹ Arnold S Kohen, *From the Place of the Dead: Bishop Belo and the Struggle for East Timor* (New York: Lion, 1999), p. 31.

³⁶² One such NGO was the East Timor Ireland Solidarity Campaign ETISC, headed by Tom Hyland.

catastrophically high: “massacres and famine killed up to 250,000 people, about a third of the population, after annexation.”³⁶³

When the Indonesian economy collapsed in 1998/99 the UN sent a hastily organised and an unprotected mission, UNAMET,³⁶⁴ to oversee a referendum giving the East Timorese the choice of autonomy or independence. The result was overwhelmingly for independence, but pro-Indonesian militias launched a wave of violent attacks against the East Timorese people.

Tens of thousands of people were chased from their homes. Many were forced over the border into West Timor. Thousands were apparently either shot dead or slashed to death by men wielding machetes.³⁶⁵

The UN Security Council authorised an Australian led international force for East Timor, INTERFET to restore order, and supervise the evacuation of the Indonesian military. This mission proved to be a success. INTERFET was succeeded by the United Nations Transitional Administration in East Timor (UNTAET) as an integrated, multidimensional peacekeeping operation fully responsible for the administration of East Timor during its transition to independence. UNTAET proved to be mainly successful. Its mission and mandate were suitable and its resources adequate for most of the tasks that needed to be done.

UNTAET was established on 25 October 1999 to administer the Territory, exercise legislative and executive authority during the transition period and support capacity-building for self-government.³⁶⁶

East Timor became an independent country on 20 May 2002. The relative success of UNTAET has positive implications for the future of the UN, if the lessons learned are applied. However this belated successful intervention by the UN in East Timor between 1999 and 2003 was twenty-five years too late, and this twenty-five year delay was a contributory factor in 200,000 deaths.

Theme 5. Prioritisation of human rights and justice issues

Mao Tse-tung, who for decades held absolute power over the lives of one-quarter of the world’s population, was responsible for well over 70 million deaths in peacetime, more than any other twentieth-century leader.³⁶⁷

³⁶³ William Shawcross, *Deliver us from evil: warlords & peacekeepers in a world of endless conflict* (London: Bloomsbury, 2000), p. 336.

³⁶⁴ UNAMET, UN Mission in East Timor, 29 June 1999 to 11 October 1999. Established by Security Council resolution 1246 on 11 June 1999. http://www.un.org/peace/etimor99/Fact_frame.htm, accessed on 17 October 2005.

³⁶⁵ William Shawcross, *Deliver us from evil: warlords & peacekeepers in a world of endless conflict* (London: Bloomsbury, 2000), p. 356.

³⁶⁶ <http://www.un.org/peace/etimor/etimor.htm>, accessed on 17 Oct. 05.

³⁶⁷ Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005), p. 3.

This research is predicated on the assumption that the right to life is the most primary and basic of human rights, on which all other human rights depend. While the level of culpability and the statistics cited by Chang and Halliday are open to question, it is clear that tens of millions of avoidable deaths occurred under the Communist regime led by Chairman Mao Tse-tung in China during the first thirty years of the UN's existence. Yet, there was no intervention by the United Nations on behalf of these victims. With the exception of border wars with India in 1962, the USSR in 1969, and Vietnam in February 1979,³⁶⁸ and its brutal annexation of Tibet, most of China's aggressive power has been used internally.³⁶⁹ The abuses of power by the regime of Chairman Mao, in the so-called Great Leap Forward and the Cultural Revolution exceeded the atrocities of Hitler's Third Reich. An examination of all the resolutions passed by the United Nations Security Council reveals that not one of these resolutions relates directly to China.³⁷⁰ Not only was the UN not authorised or empowered to intervene on behalf of the victims of the Chinese regime, it appeared to be prevented from doing so by Article 39 of its Charter.³⁷¹

The UN Security Council took no punitive action against China on its annexation of Tibet 1949-1951³⁷².

The United Nations had specifically outlawed genocide, but whatever sympathy the Dalai Lama was able to elicit, the United Nations took no steps to remove China from Tibet: none was proposed and none was in prospect.³⁷³ Gernot Biehler refers to the annexation of Tibet by China as: "a situation where the UN never expressly addressed the forcible incorporation issue."³⁷⁴

The UN, arguably, was never intended to have the capacity to mount a collective security military operation against one of the most powerful countries in the world, and China falls into that category. Any attack by the UN, or by a coalition of other states, on China, would effectively amount to a World War, and would be a very major breach of the peace, with probable catastrophic

³⁶⁸ <http://www.globalsecurity.org/military/world/war/prc-vietnam.htm>, accessed on 17 October 2005.

³⁶⁹ These three border wars were minor by Asian standards, and the UN Security Council did not get involved in any of them.

³⁷⁰ http://www.un.org/Docs/sc/unscl_resolutions.html.

³⁷¹ Article 39 of UN Charter: Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

³⁷² <http://www.tibet.com/WhitePaper/white2.html>, accessed on 17 October 2005.

³⁷³ Martin Gilbert, *Challenge to Civilization: A History of the 20th Century, 1952-1999* (Glasgow, Harper Collins, 1999), p. 217.

³⁷⁴ Gernot Biehler, *International law in Practice: An Irish Perspective* (London: Thomson Round Hall, 2005), p. 179.

consequences, rather than maintaining the peace. The options therefore for maintaining the peace in cases where one of the major powers is involved as a peace-breaker, are, by default, limited to measures under Chapter VI of the Charter, or Chapter VII Article 41.³⁷⁵ “Close to 38 million people died of starvation and overwork in the Great Leap Forward and the famine, which lasted four years.”³⁷⁶ The UN took no action to prevent, ameliorate, or even to condemn these catastrophic abuses of human rights. The UN therefore failed the people of China as a whole and it failed up to 70 million individual Chinese people in the most fundamental sense, by failing to prevent or even acknowledge their untimely deaths.

Theme 6. Power, exploitation and corruption issues V jurisprudential approach to international peace and security

In the broader international sphere the abuse of power has been at the core of the failures of the UN to prevent avoidable deaths caused by conflicts throughout the existence of the UN. O’Neill and Rees point out that “many commentators see the UN as a highly purposeful actor, rather than a complex organisation reflective of its members’ own interests and concerns.” Herein lies the core of the problems with the UN. Firstly, the UN is not in many instances reflective of *all* its member’s own interests and concerns, but reflects the interests of its most powerful elite group of states. It is neither a free agent, nor a neutral referee, nor an independent purposeful actor on the international stage. While too much UN independence from its member states, could lead towards problems of global government, it is the level of UN dependence on its most powerful member states, and the corresponding independence of these states *from* the UN, that results in the critical powerlessness of the UN.³⁷⁷

O’Neill and Rees suggest that expectations of the UN “are often unrealistic” and that the UN “faces a range of crises, some of which may not be

³⁷⁵ The Security Council may decide what *measures not involving the use of armed force* [emphasis added] are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

³⁷⁶ Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005), p. 456-7.

³⁷⁷ “In the Iraq crisis of 2003, the UN was perceived as having ‘failed’ to agree, thus leaving America, along with Britain and Spain, to pursue independent military action against Iraq.” 253. John Terrence O’Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 192.

soluble through the UN, and which may be ultimately resolved through violence, sometimes as part of new state building processes.”³⁷⁸ Robert McNamara and James Blight also emphasise the insolvability of some conflicts: “... we may have to admit that at times some of these conflicts have no solutions, at least no solutions achievable by the application of external military force.”³⁷⁹ While agreeing with McNamara and Blight on the inappropriateness of military force and violence³⁸⁰, as a primary means of resolving conflicts, this research project takes the view that virtually all conflicts are capable of being either prevented, halted or resolved, given sufficient resources, and that failures to do so are usually far more expensive in terms of resources wasted and expended. The problem with the UN is not that it tries to do too much, but that it has been allowed, empowered or resourced to do far too little.

Vietnam wars as example of abuse of power by UN P-5 member states

When the U.S. did intervene militarily in Vietnam ... it acted not to fulfil commitments to another state, but to pursue policies of its own contrivance ... it was an American war, fought for American purposes, in someone else’s country³⁸¹

Historian A.J.P. Taylor writing on the British attempt to retain its Asian empire states that: “Indeed the entire British war in the Far East was fought to recover an empire which they would soon abandon – a somewhat pointless exercise.”³⁸² A more effective UN should have curtailed or prevented the many such ‘somewhat pointless’ wars throughout the Cold War, especially the Vietnam wars fought by France and the US. Robert McNamara acknowledged that the US forces in Vietnam in 1967 were “killing or seriously injuring 1000 noncombatants a week”.³⁸³ The overall death toll in the Vietnam War was about 3 million. Indiscriminate ‘carpet-bombing’ of large areas of North and South Vietnam, and

³⁷⁸ John Terrence O’Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 192.

³⁷⁹ Robert S McNamara, James G. Blight, *Wilson’s Ghost: Reducing the risk of conflict, killing, and catastrophe in the 21st century* (New York: Public Affairs, 2001), p. 222.

³⁸⁰ Examples of the use of war as “politics by other means” as distinct from use of war in a so-called ‘just war’ situation, include the US in Vietnam, USSR in Afghanistan and Iraq in Iran. Robert McNamara’s opposition to military force would have been more credible if it had come in the 1960s.

³⁸¹ Michael Walzer, *Just and Unjust Wars, Second Edition*, (New York: Basic, 1992), pp. 99, 101.

³⁸² A. J. P Taylor, *The Second World War and its Aftermath: 1939–1948* (London: Folio Society, 1998), p. 200.

³⁸³ Robert, S McNamara, *In Retrospect: the tragedy and lessons of Vietnam* (New York: Vintage, 1996), p. 269. US fatalities in Vietnam are ‘accurately’ estimated by US sources at 58,000 while Vietnamese fatalities can only be inaccurately estimated at over three million. That means that for every US soldier killed, over 50 Vietnamese people died.

parts of Cambodia and Laos, was not only unsuccessful, it contravened several of the key rules of war, and international conventions.³⁸⁴ The Vietnam Wars waged by France and the US posed a most serious threat to international peace.

McNamara's memoirs exposed another threat:

On May 20 [1967, the US Military chiefs] sent me another memo repeating their view that invasions of North Vietnam, Laos, and Cambodia might become necessary, involving deployment of U.S. forces to Thailand and, quite possibly, the use of nuclear weapons in Southern China.³⁸⁵

Forty years later the US is repeating many similar mistakes in Iraq. The UN has failed to prevent these most serious abuses of power and the resulting catastrophes.

Threat of Nuclear Weapons Use in South Asia³⁸⁶

The UN Charter was already signed but not yet fully ratified when the first two Atomic bombs were dropped on Hiroshima and Nagasaki in August 1945. The decision to use atomic bombs was political rather than military.³⁸⁷ The UN has been operating under the cloud of nuclear Mutually Assured Destruction ever since. In the important areas of disarmament and proliferation of nuclear weapons, South Asia has been one of the regions most heavily armed with conventional weapons, and since 1998, both India and Pakistan acquired nuclear

³⁸⁴ The Four Geneva Conventions and their agreements are as follows:

First Geneva Convention "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field" (first adopted in 1864, last revision in 1949)

Second Geneva Convention "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" (first adopted in 1949, successor of the 1907 Hague Convention X)

Third Geneva Convention "relative to the Treatment of Prisoners of War" (first adopted in 1929, last revision in 1949)

Fourth Geneva Convention "relative to the Protection of Civilian Persons in Time of War" (first adopted in 1949, based on parts of the 1907 Hague Convention IV)

In addition, there are two additional protocols to the Geneva Convention:

Protocol I (1977): Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts

Protocol II (1977): Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts

http://en.wikipedia.org/wiki/Geneva_conventions, accessed on 17 October 2005.

Additional international conventions and rules of war are contained in the Hague Conventions 1907, and the rules and proceedings of the Nuremberg Trials, The International Court of Justice and the International Criminal Court. The UN Charter is now one of the foundational instruments of international law.

³⁸⁵ Robert, S McNamara, *In Retrospect: the tragedy and lessons of Vietnam* (New York: Vintage, 1996), p. 274.

³⁸⁶ This is not intended to be a comprehensive analysis of the issue of the proliferation of nuclear weapons, which is beyond the scope of this research project.

³⁸⁷ "Eisenhower, when told of the intended use of the bomb during the Potsdam conference, believed that it was 'completely unnecessary' ... MacArthur, who was not consulted, said later that he agreed with Eisenhower." A. J. P. Taylor, *The Second World War and its Aftermath: 1939—1948* (London: Folio Society, 1998), p. 203.

weapons.³⁸⁸ They might not have considered joining the “nuclear club” if the Kashmir conflict had been resolved in its early years, and this conflict provides an ongoing potential flash point in which nuclear weapons might be used.³⁸⁹ It is unlikely that countries such as India and Pakistan could have achieved nuclear weapons without complicity by P-5 member states.³⁹⁰

Robert Cooper writes that in the Korean War “the US gave consideration to the tactical and strategic use of nuclear weapons”. In the French Indochina war the French “requested US aid and Operation Vulture was planned, which would involve conventional and then nuclear strikes by US bombers against Viet Minh position around Dien Bien Phu.”³⁹¹ The award of the Nobel Peace Prize for 2005 to the International Atomic Energy Agency and its Director-General, Mohamed El Baradei, highlights some success in this area of the UN’s work for peace.

However the Carnegie endowment has estimated that:

India possesses the components to deploy a small number of nuclear weapons within a few days and has produced enough weapons-grade plutonium to produce between 50-90 nuclear weapons. ... Pakistan has produced enough weapons-grade uranium to produce between 30-50 nuclear weapons”³⁹²

With P-5 UN member Russia in possession of an estimated 16,000 nuclear weapons and China an estimated 410, all based in or near Asia, and the additional possibility that North Korean may have some capacity to develop if not use nuclear weapons, Asia is the region which presents the greatest threat of nuclear warfare.

³⁸⁸ India tested its first “fission device” in 1974, and carried out a series of five nuclear weapons tests in May 1998. <http://www.fas.org/nuke/guide/india/nuke/>, accessed on 25 Oct. 05. Pakistan also carried out a series of nuclear weapons tests in May 1998. <http://www.fas.org/nuke/guide/pakistan/nuke/>, accessed on 25 Oct. 05.

³⁸⁹ Adrian Levy, and Catherine Scott-Clark, *Deception: Pakistan, the United States and the Secret Trade in Nuclear Weapons* (London: Atlantic Books, 2007), p. 268-269.

³⁹⁰ “Pakistan was proliferating with the kind of candour that came from knowing no one was likely to touch it, least of all its partner in the war on terror, the Bush administration.” Adrian Levy, and Catherine Scott-Clark, *Deception: Pakistan, the United States and the Secret Trade in Nuclear Weapons* (London: Atlantic Books, 2007), p. 447.

³⁹¹ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 28, 29.

³⁹² <http://www.carnegieendowment.org/npp/numbers/default.cfm>, accessed on 25 Oct. 05.

Section 4. Focal Asian Conflict – Cambodia 1964-1998.³⁹³

“In less than four years more than one million Cambodians, or one in seven, probably died from malnutrition, overwork, and misdiagnosed or mistreated illness.”³⁹⁴

William Shawcross describes the popular foreigners’ view of neutral Cambodia in the 1950s and 60s as: “an idyllic antique land unsullied by the brutalities of the modern world”.³⁹⁵ Like the Congo in Africa, Cambodia is a fertile land capable of supporting its population under conditions of peace. Two decades later after the 1978 overthrow of the Pol Pot regime by Vietnam, Shawcross agrees with the Hanoi government’s description that “(i)n Cambodia, a former island of peace ... no one smiles today. Now the land is soaked in blood and tears ... Cambodia is hell on earth.”³⁹⁶ But even then the hell was not over for Cambodia’s people. Instead of welcoming the end of the atrocities, albeit achieved by Vietnamese military force, the international community, including the UN, threw a lifeline to the Khmer Rouge mass murderers (as France and the UN were to do later in Rwanda), thereby ensuring that killing and human rights abuses would go on for a further fourteen years in Cambodia, before an inadequate peace settlement brought some stability to Cambodia under the auspices of UNTAC.³⁹⁷

The killings perpetrated by the Pol Pot regime were only part of the agony suffered by the people of Cambodia. Prior to that they had suffered under French colonialism, Japanese occupation, US bombings and military attacks and Vietnamese/Vietminh/Vietcong military incursions. Throughout these events, the UN gave higher priority to the interests of the states directly and indirectly involved in these events, while giving very little priority to the lives, and human rights of individual Cambodian people. The withdrawal of Vietnamese troops and

³⁹³ 1964 is chosen as the beginning of the Cambodian conflict, because it coincides with the beginning of the US war in Vietnam. The struggle for independence against the French was less intense in Cambodia than it was in Vietnam. 1998 is chosen as the closing date of the Cambodian conflicts due to the death of Pol Pot in that year, and the occurrence of a coup, also in 1998, that gave Hun Sen dictatorial powers. However, it is probable that Cambodia has not yet seen the end of its ongoing series of conflicts.

³⁹⁴ David P Chandler, *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 4.

³⁹⁵ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (New York: Simon and Schuster, 1979), p. 36.

Michael Field wrote in 1965 that: “Cambodia has remained a precarious island of peace and stability in a sea of difficulties”. Michael Field, *The Prevailing Wind: Witness in Indo-China* (London: Methuen, 1965), p. 374.

³⁹⁶ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (1979), p. 389.

³⁹⁷ UNTAC, The United Nations Transitional Administration in Cambodia.

the unexpected end of the Cold War provided opportunities for the comprehensive resolution of Cambodia's complex conflicts. Yet regional and wider global rivalries and vested interests continued to influence the peace process in Cambodia, at the expense of the Cambodian people.

Why focus on Cambodia?

Cambodia involved a series of conflicts in which the UN should have intervened in compliance with its Charter. At most stages of the Cambodian conflicts there were significant international aspects, including foreign military forces from several countries operating on its territory. Michael Field describes the powerlessness of the UN in Cambodia. "United Nations efforts to solve a problem which depends for its ultimate solution on the outcome of the struggle in South Viet Nam inevitably failed."³⁹⁸ Yet, Article 2.4 of the UN Charter, which prohibits the threat or use of force by states against other states, applied, and Article 2.7, which *excludes* UN intervention in matters 'within the jurisdiction of any state', arguably did not apply.³⁹⁹ Even if certain phases of the Cambodian conflict, especially the genocide phase from 1975 to 1978 could be considered as internal state matters, the UN Security Council should have acted anyway under two separate provisions of international law, firstly, the Genocide Convention,⁴⁰⁰ obligating the UN and its member states to prevent and/or stop such acts, and secondly the UN Security Council was entitled and obliged to act under Chapter VII,⁴⁰¹ which should overrule Article 2.7. Opposition from, and threat or use of

³⁹⁸ Michael Field, *The Prevailing Wind: Witness in Indo-China* (London: Methuen, 1965), p. 12.

³⁹⁹ UN Charter Article 2.4: All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Article 2.7: Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

⁴⁰⁰ Genocide Convention 1948: Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

<http://www.preventgenocide.org/law/convention/text.htm>, accessed on 24 October 2005, also: Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 34.

⁴⁰¹ Chapter VII Action With Respect To The Peace, Breaches Of The Peace, And Acts Of Aggression, Article 39: The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in

the veto by, one or more of its P-5 members prevented the UN Security Council from acting in Cambodia before 1990. Martin Shaw points out that:

The Genocide Convention commits states to ‘protecting’ threatened populations and to ‘punish’ those responsible for genocide. But both commitments have been largely neglected by the United Nations itself and by major states since 1948.⁴⁰² Gerard Prunier identifies Communists links to a chain of genocide.

The Communist system with the notion of the ‘New Man’ created a new type of genocide of the political or social kind where the victims belonged to the same racial stock as their killers and were killed because their behaviour was deemed contrary to the dominant ideology of the state. ... Stalin’s ... massive administrative massacres of ‘opponents’ ... showed the way ... followed by the massive ‘political’ genocides in China and Cambodia.⁴⁰³

Multiple crimes against Cambodian people:

In addition to the 1975/78 genocide, mass killings of a ‘non-genocide’ nature that were both unjustified and unlawful took place within Cambodia between 1964 and up to 1990 and beyond. The first line of the UN Charter obligates the UN to “save succeeding generations from the scourge of war”, not just from genocide. It is for these multiple reasons that the Cambodian conflicts are exemplary of chronic failure by the UN. Given the circumstances that prevailed in Cambodia, particularly during the worst stages of the US military interventions and bombings of Cambodia, and during the Pol Pot-led mass killings, the UN and all its member states, were obligated by the UN Charter to intervene and to take “all necessary measures” to prevent these events. Failure to intervene was a fundamental breach of the UN Charter not only by key member states, but also by the UN itself.⁴⁰⁴ The use of, or threat to use, the veto by the US and China during these conflicts to prevent UN intervention was also a serious breach of the ‘The Purposes and Principles of the UN Charter’. The US was in breach of the UN Charter, not only in its Cambodian military violations but also in its Vietnam War, which led to the spill-over of the conflict into Cambodia. This however was not an inadvertent spill-over, or ‘collateral damage’, it amounted to the deliberate, covert, and targeted killing of hundreds of thousands of people, most of them non-combatants, by the belligerents in the Vietnam War, particularly the US.

accordance with Articles 41 and 42, to maintain or restore international peace and security. [Articles 41 and 42 allow the Security Council to take all necessary measures including military enforcement actions].

⁴⁰² Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 35.

⁴⁰³ Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst, 1995), p. 238.

⁴⁰⁴ This issue of the UN being in breach of its own Charter will be raised again in the following case studies on the Middle East and Africa.

The Cambodian conflicts are also exemplary and emblematic of the UN's performance because the UN did eventually send in a considerable peacekeeping mission in 1992/93, and did organise elections in Cambodia that were intended to lead to a transition to democracy in Cambodia. This indicates that such a mission *could* have been implemented in Cambodia much earlier. This belated UN mission has been judged successful by many commentators, and proclaimed a success by the UN Secretary General Boutros-Ghali.⁴⁰⁵ Cambodia therefore provides a good example of a country that provided the UN with very clear reasons and justification for UN intervention on several occasions in the 1960s, 70s, 80s and 90s. The UN failed to intervene effectively until the late 1990s. Yet even in that intervention, in the post-Cold War period, with all the P-5 members ostensibly supporting the UNTAC mission, the performance of the UN was still inadequate in several respects.

Narrative of UN involvement in Cambodian Conflicts:

While estimates of the Cambodian death toll vary considerably, it is likely that the country lost up to one quarter of its population, in the series of conflicts from the 1960s to the 1990s.⁴⁰⁶ To begin the process, a snapshot or perspective on the UN's involvement in Cambodia can be taken by examining the Security Council resolutions that were passed on Cambodia since 1945. The first mention of Cambodia was the resolution in 1955 by which Cambodia and several other states including Ireland gained admission to the UN.⁴⁰⁷ Cambodia was the subject of one only other resolution between 1955 and 1990.⁴⁰⁸ The UN Security Council did not address the Cambodian problems again until a flurry of UNSC resolutions were passed after the end of the Cold War, and long after over two million

⁴⁰⁵ United Nations, *The UN and Cambodia, 1991-95* (New York: UN Blue Books, 1995), pp. 54, 55,

⁴⁰⁶ Most estimates of the Cambodian casualties focus mainly on the period of the Pol Pot led Khmer Rouge government from 1975 to 1978. With regard to the US bombing of Cambodia over a five month period from March 1973 to August 1973 David P. Chandler writes: "The number of casualties inflicted has never been assessed. Estimates run from thirty thousand to a quarter of a million killed." David P. Chandler, *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), P. 96. Chandler puts the number of dead during the three year Pol Pot government as over one million, or one in seven, p. 188. Total casualties over the period, 1964 to the death of Pol Pot in 1998 are likely to have been well in excess of two million fatalities. John Pilger estimates that up to three-quarters of a million people were killed between 1969 and 1975, that is, before the Pol Pot genocide. Pilger, *Distant Voices*, (London: Vintage, 1994), p. 228.

⁴⁰⁷ UNSC Resolution 109: Admission of new Members to the UN (14 Dec 1955).

⁴⁰⁸ This was UNSC Res. No. 189: Complaint concerning acts of aggression against the territory and civilian population of Cambodia (4 Jun) 1964. This involved a complaint by Cambodia concerning military incursions by South Vietnamese troops into Cambodia. The UN was therefore officially aware of breaches of Cambodian sovereignty as early as 1964.

Cambodian people had died. During this intervening period, the physical, cultural, and political systems of Cambodia were virtually destroyed, without any effective actions being taken by the UN, against any of the international or indigenous perpetrators. The UN deployed its first peace mission to Cambodia, the UN Advance Mission in Cambodia (UNAMIC), from Oct. 1991–March 1992 to prepare for UNTAC, a more comprehensive and multifaceted mission from March 1992–September 1993. While these few facts and statistics may hide some additional diplomatic effort that went on in the background, most international community effort towards Cambodia was ineffective, or counterproductive, or knowingly malicious towards the people of Cambodia.⁴⁰⁹

Post World War II Transition:

According to Evans and Rowley “Cambodia and Laos had been acquired by the French for primarily strategic reasons. They were to serve as a buffer protecting the more valuable coastal provinces [of Vietnam] from hostile powers.”⁴¹⁰ France played a key role in defining the borders within what they referred to as ‘Indochina’.

As a result of the colonial experience, therefore, the Indochinese countries found themselves with borders to whose determination none of them had been a party.

This was to become an explosive legacy in the era of victorious nationalism.⁴¹¹ Japan occupied Indochina during World War II, and after its defeat, the Viet Minh seized power in Hanoi. This led to a war of liberation against the French from 1946. This represented the UN’s first failure, in both Cambodia and Indochina as a whole, and exposed some of the weaknesses and contradictions in the UN Charter. Britain and France were able to overrule the provisions of the UN Charter on Trusteeships and ‘non-self-governing peoples’ by use or threat of their veto powers, and their contention that UN trusteeships did not apply to their colonial possessions. In effect, the provisions of the UN Charter relating to international peace and security applied to all UN member states, *except* the P-5 states.

⁴⁰⁹ The deliberate bombing of large areas of Cambodia by the US, using B 52 bombers from a height of over 30,000 feet with disregard for the civilian populations known to be within the target zones, was unlawful under local Cambodian law. It was unlawful under US constitutional law, because it was not approved by, and done without the knowledge of, the US Houses of Congress. It contravened the UN Charter as well as most of the international rules of war, and conventions in the treatment of civilians in war zones. It was malicious in the sense that it was deliberate and with predictable unjustified harmful consequences for tens of thousands of innocent people.

⁴¹⁰ Grant Evans and Kelvin Rowley, *Red Brotherhood at War* (London: Verso, 1984), p. 7.

⁴¹¹ *Ibid*, p. 8.

After the French defeat by the Vietminh, the 1954 Geneva Conference on Indochina “which had not been convened under United Nations’ auspices”,⁴¹² confirmed the independence of Cambodia and Laos. Both were declared neutral or ‘neutralised’ states. Evans and Rowley point out that: “the US treasury paid 80 per cent of France’s war in Indochina.”⁴¹³ This indicates that the US had already reversed the anti-colonial policy it had applied to the Philippines and Indonesia. Cambodia’s neutral status continued theoretically throughout the duration of the French and US Vietnam Wars. France installed what they considered a compliant regime under Prince Sihanouk in 1954. The allies of this mercurial leader at various times included, France, the US and South Vietnam, North Vietnam, Lon Nol, Pol Pot, China, North Korea, and USSR. He reassumed the ceremonial title of King from 1993 to 2004, when he resigned for health reasons. The 1954 Geneva Conference following the French defeat in Vietnam presided over the partition of Vietnam, leading on the next phase of the Indochina wars, the US/Vietnam War.

The US/Vietnam War spill-over into Cambodia:

The geography of Indochina made it almost inevitable that the Vietcong, who were fighting US and South Vietnamese forces, would use Cambodia and Laos as infiltration and retreat routes for their war of liberation/revolution, as the Vietminh had done during their war against the French. Vietcong and North Vietnamese breaches of Cambodian neutrality were matched or exceeded by U.S. and South Vietnamese military incursions. “Cambodia, a neutral neighbour [of Vietnam], was bombed by the US from 1969-75, with 1 million killed or wounded.”⁴¹⁴ The actual numbers killed by US military actions in Cambodia are unknown. If John Pilger’s estimate is accurate, US military actions in Cambodia may have caused more than half the number of deaths as occurred during the Pol Pot genocide.

American pilots falsified their logs in order to fly B52 bombers, in defiance of Congress, over a small, neutral peasant country and drop the greatest tonnage of

⁴¹² James Mayall, ed., *The new interventionism, 1991-1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: CUP, 1996), p. 26. French abuse of its Permanent Membership prerogatives was driven by its desire to maintain its ‘middle power’ status. This issue was later to have a profound effect on Central Africa.

⁴¹³ Grant Evans and Kelvin Rowley, *Red Brotherhood at War* (London: Verso, 1984), p. 13.

⁴¹⁴ Brockhampton, *Dictionary of World History* (Oxford: Brockhampton Press, 1994), p. 612.

bombs in the history of modern bombardment. Between 1969 and 1975, three-quarters of a million people were killed.⁴¹⁵

Marrack Goulding wrote that: "... in 1970 Sihanouk himself was overthrown by his army commander Lon Nol, who promptly received support from Washington."⁴¹⁶ William Shawcross wrote that: "external interests, especially those of the United States, coincided with and supported those who plotted against the Prince inside the country."⁴¹⁷ The UN was silent on the overthrow of the Sihanouk government. The Lon Nol regime was quickly recognised by the UN as the legitimate representatives of the Cambodian people. By contrast, when Pol Pot was overthrown by the Vietnamese backed Hun Sen regime in 1978, the UN refused to recognise the *de facto* government of Hun Sen, and continued to recognise the genocidal Pol Pot regime as the lawful representatives of the Cambodian people for a further fourteen years.⁴¹⁸

Shortly after Lon Nol came to power in mid March 1970, the overthrown Prince Sihanouk formed a left wing alliance "the National United Front of Kampuchea, including the Khmer Rouge to oppose the Lon Nol regime".⁴¹⁹ While the US has been blamed for many of the problems that Cambodia suffered during this period, the complex Cambodian political situation also contributed. Sihanouk had been chosen, not by the Cambodian people, but by the French colonists because of his compliant nature and possibly even his corruptibility. Soviet officials are quoted as describing Sihanouk as "a blundering fool," "finagler," "a spoiled child".⁴²⁰ The following month, April 1970, following attempts by CPK⁴²¹ communist guerrillas to oust Lon Nol, US and South Vietnamese troops invaded Cambodia. This invasion of a 'sovereign' and 'neutral' UN member state by a permanent member of the UN Security Council was in clear breach of the UN Charter, yet, the UN Security Council ignored it. Worse was to come. "In 1973 the Americans ... launched a bombing campaign that dropped more than 250,000 tons of bombs on Cambodia in six months (compared to the 160,000 tons of

⁴¹⁵ John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 228.

⁴¹⁶ Marrack Goulding, *Peacemongering* (London: John Murray, 2002), p. 247.

⁴¹⁷ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (New York: Simon and Schuster, 1979), p. 112.

⁴¹⁸ This conflicting dual standard is indicative of the abuse of the UN by its P-5 members, especially the US in the case.

⁴¹⁹ James Mayall, ed., *The new interventionism, 1991-1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: CUP, 1996), p. 127.

⁴²⁰ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (New York: Simon and Schuster, 1979), p. 123.

⁴²¹ Cambodian Communist Party.

bombs dropped on Japan in six years of war)”.⁴²² The UN Security Council remained silent on these matters. The consequences of such US interventions included intended and unintended consequences. Chalmers Johnson writes that:

the unintended consequences of American-supported coups and bombings in Cambodia in the early 1970s were unimaginable chaos, disruption, and death for Cambodians later in the decade.”⁴²³

Overthrow of Lon Nol and installation of Pol Pot Regime – from civil war to genocide

The installation of the US-backed Lon Nol regime led to civil war. This civil war caused the deaths of tens of thousands of Cambodians and lasted for five years until the defeat of the US in Vietnam. The US abandonment of South Vietnam following their defeat by North Vietnam and the Vietcong in 1975 also removed the primary military and political support for Lon Nol. The Pol Pot-led Khmer Rouge/Sihanouk left-wing alliance was supported by, China, the USSR, and North Vietnam/Vietcong.⁴²⁴ The Lon Nol regime was overthrown by the Khmer Rouge on 17th April 1975.

The following details are reminiscent of the Armenian genocide 1915, and were echoed in Rwanda 1994.

The real killings of Vietnamese began in the village of Prasaut, in the Parrot’s Beak; ... Then about 800 Vietnamese men were taken from their riverside village of Chruï Changwar. Their hands were tied behind their backs, they were pushed into boats, shot and thrown into the Mekong ... for days their swollen bodies floated downstream getting caught in the ferries and in fishermen’s nets, staining the muddy waters the colour of rust.⁴²⁵

These events occurred in Cambodia in 1975, but were not committed by Pol Pot’s Khmer Rouge soldiers, but by the soldiers of the US-supported Lon Nol government that had overthrown the Sihanouk government in 1970. Shawcross raises the possibility that the targeting of the Vietnamese and Chinese communities, who had lived in Cambodia for generations, may have been influenced by Indonesian officers who were advising the Lon Nol government.

Rather as Soeharto had unleashed hatred of the Chinese population after the coup against Soekarno [Indonesia, 1965/66], so Lon Nol tried to compensate for lack

⁴²² Grant Evans, and Kelvin Rowley, *Red Brotherhood at War* (London: Verso, 1984), p. 102.

⁴²³ Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London: Little Brown, 2000), p. 18.

⁴²⁴ Chandler, David, P., *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999). Chandler gives the most detailed account of Pol Pot’s life (whose original name was Saloth Sar’s), including his relatively comfortable ‘retirement’ in north western Cambodia, and his death from old age and natural causes on April 16th in 1998.

⁴²⁵ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (New York: Simon and Schuster, 1979), p. 132.

of peasant support by exploiting the Khmers' traditional fear of the Vietnamese.⁴²⁶

The subsequent Pol Pot regime also played the racist card against ethnic Vietnamese in Cambodia when he came to power. Evans and Rowley identify the background reasons that handed power to the Pol Pot regime.

The Khmer Rouge came to power as a result of the social disintegration and political collapse that occurred when Sihanouk was overthrown and the country was abruptly plunged into the vortex of the Indochina war, rather than as a deep-seated movement of social protest and political change.⁴²⁷

They describe the complex conflicts that occurred following the US defeat in Vietnam, and including the Vietnamese overthrow of the Pol Pot regime and the Chinese attack on the northern province of North Vietnam as the 'Third Indochina War', following on from French and US Indochina wars.

The communist movements of Indochina have their roots in the nationalist revolt against Western colonialism, and the Third Indochina War has its basis in the dynamics of that revolt rather than in a mysterious revival of ancient antagonisms.⁴²⁸

Throughout these events in Cambodia, the UN was virtually silent and inactive.

Autogenocide in Cambodia

Chandler sums up Pol Pot's strategy after his victory.

But as Pol Pot declared in 1977, "class and national hatred" rather than the prospect of building a just and happy country had produced the victory. To follow through, hatred had to be maintained; enemies were to be treated as they deserved. Overnight they became "new people," or "April 17 people"—less than human, without privileges or rights.⁴²⁹

Over two million people were immediately forcibly expelled from the towns, including Phnom Penh, into an already devastated and impoverished countryside.⁴³⁰ The US, as a UN P-5 member had played one of the primary roles in this physical destruction of the Cambodian countryside, and its political system, in the interests of its war against Vietnam. Both the war in Vietnam and the US bombings and military incursions into Cambodia were contrary to the UN Charter, but the UN took no actions or sanctions against the US⁴³¹. This

⁴²⁶ Ibid, p. 132.

⁴²⁷ Grant Evans, and Kelvin Rowley, *Red Brotherhood at War* (London: Verso, 1984), p. 103.

⁴²⁸ Grant Evans, and Kelvin Rowley, *Red Brotherhood at War* (London: Verso, 1984), p. 281.

⁴²⁹ Chandler, David, P., *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 103

⁴³⁰ This was reminiscent of the Chinese Cultural Revolution. Jung Chang and Jon Halliday, *Mao: The Unknown Story* (London: Cape, 2005). "In Peking [1966], nearly 100,000 were expelled in less than a month".

⁴³¹ There are no UNSC resolutions at all on Vietnam, in spite of the loss of over three million Vietnamese people in the US/Vietnam war.

‘liberation’ of Cambodia led to a three-year period of repression, killing, starvation, and gross violations of human rights by the Pol Pot-led Khmer Rouge regime. Prince Sihanouk, was ‘used’ as titular head of state for part of the period, and continued to support the Khmer Rouge even after the Pol Pot regime was in turn overthrown by the Vietnamese backed regime Hun Sen regime in 1978. Shawcross wrote that: “Khmer Rouge decisions were grounded both in a grotesque communist philosophy which carried Stalinism and Maoism to extremes and an obsessional fear and hatred of Vietnam.”⁴³²

The international community, and the UN in particular, stood silently and inactively by while about one and half million people died or were killed.⁴³³ While the structural flaws of the UN, particularly the Security Council veto system, can be put forward to explain why the Security Council failed to act on the mass killings in Cambodia, these flaws neither excuse nor justify these failures. Even so the UN General Assembly could have acted. The device of the ‘Uniting for Peace Resolution’ had already been used during the Korean War and the Suez crisis in 1956.⁴³⁴ The mass graves and buildings full of skulls provide the *de facto* evidence of the UN’s failures. Such sights had not been seen since the liberation of the Holocaust death-camps in central Europe in 1945, and the UN had been set up to prevent such events happening, ever again. The ‘Uniting for Peace Resolution’ is of particular importance in the case of Cambodia,

⁴³² William Shawcross, *Deliver us from evil: warlords & peacekeepers in a world of endless conflict* (London: Bloomsbury, 2000), p. 34.

⁴³³ The total numbers of people killed in Cambodia is probably in excess of two million, but it is likely that less than half of these were killed or died during the Khmer Rouge period of control from 1975 to 1978. The rest were killed during the other periods of the conflict(s), before and after the 1975-78 Pol Pot regime, and a very considerable number of these, probably over half a million people, were killed as a result of US military actions in Cambodia. Accurately proportioning responsibility, however, is impossible. While the UN bears no direct responsibility for these deaths, it bears considerable indirect responsibility due to its failures to assert and achieve its primary function of maintaining international peace.

⁴³⁴ The Uniting for Peace Resolution was passed by the General Assembly at its 302nd plenary session, 3 November 1950. It contains the following clause: “The General Assembly ... *Resolves* that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective security measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.” This resolution got around the Security Council veto provision by specifying that: “Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations.” This clause gave two options for the calling of such a General Assembly ‘Emergency Special Session’, first in the event of a P-5 member of the Security Council using a veto to prevent action to restore the peace, a simple majority of the Security Council (a vote of any seven members in 1950) could request the General Assembly to discuss and deal with the matter. Secondly, in the event that a majority of the Security Council members do not approve referring the matter to the General Assembly, the General Assembly itself could approve such an emergency special session of the General Assembly by a majority of its members, that is a majority of all UN members.

because it gave the UN an alternative option for intervention in the event of Security Council deadlock on such issues. From the Cambodian conflicts perspective, the following paragraph of the Uniting for Peace Resolution is of particular importance:

Conscious that the failure of the Security Council to discharge its responsibilities on behalf of all the Member States, ... does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security.⁴³⁵

The problem with any UN intervention in Cambodia however was that all five permanent members of the UN Security Council had direct or indirect involvement in the series of conflicts, although some (US and China) changed sides at different phases.⁴³⁶ With all five permanent members opposed to UN intervention, there was no possibility of getting a majority of the Security Council to support General Assembly action, and little chance of a General Assembly majority. The Security Council *and* the General Assembly were deadlocked on the Cambodian issue. These facts support the argument for higher level and more authoritative structures and jurisprudence above the UN.

The period following the Khmer Rouge capture of Phnom Penh was also marked by complex and shifting alliances. Pol Pot quickly fell out with his earlier Vietnamese backers, who were in turn backed by the USSR, and the Khmer Rouge now depended more on Chinese support. Due to improving Chinese relations with the US, a highly improbable alliance of China, the US, the Pol Pot-led Khmer Rouge and Prince Sihanouk, developed.⁴³⁷ David P. Chandler questions the term *autogenocide* or the uniqueness of the Cambodian genocide attributed to French author Jean Lacouture.

But was what happened autogenocide, without forerunners elsewhere? Clear parallels, and probably inspiration can be found in China's Great Leap Forward in the 1950s, in the Soviet collectivisation of Ukraine twenty years before that, and in purges in both countries of 'elements' considered dangerous to revolutionary leaders.⁴³⁸

Chandler suggests that what happened in Cambodia under Pol Pot "was standard operating procedure in countries whose politics Pol Pot ... admired." The failure

⁴³⁵ United Nations General Assembly Resolution 377, "Uniting For Peace". A/RES/377 (V), November 3, 1950.

⁴³⁶ Pol Pot was one of the principal Cambodian enemies of US during the Vietnam War. However, because Vietnam, who had defeated the US, overthrew Pol Pot after he had perpetrated the genocide, the US changed sides, and thereafter supported Pol Pot in spite of his crimes against humanity.

⁴³⁷ This alliance included the Chinese left-wing communist dictatorship, democratic right-wing capitalist US, Royalist Prince Sihanouk, and extreme left-wing, genocidal Pol Pot Khmer Rouge regime.

⁴³⁸ Chandler, David, P., *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 4.

of the UN to challenge the impunity of Stalin, Mao and others guilty of crimes against humanity contributed to the causes of the Cambodian disaster. The UN's failure to take any action to stop or ameliorate the genocide in Cambodia and its catastrophic failure to comply with its obligations under the Genocide Convention indicate fundamental flaws in the UN. Its failures to even condemn these killings, or to have the perpetrators prosecuted in an appropriate and timely manner, are likely to have contributed to similar crimes elsewhere, including Bosnia, Rwanda, the Congo and the Sudan, thereby allowing a loose chain of genocide to develop.

Chandler states that: "without the [Vietnam] war, Pol Pot's coming to power, like Sihanouk's demise, is inconceivable."⁴³⁹ Analysing and seeking to understand and explain events in Cambodia is essential towards understanding the performance of the UN throughout its existence so far, because the Cambodian conflicts and experiences cover such a complex range of international and internal state circumstances, as well as covering a significant portion of the life-span of the UN so far. Amnesty International puts the death toll of Pol Pot's Cambodian genocide at between one and two million.⁴⁴⁰ Pol Pot carried out almost continuous purges not only of potential opposition elements in Cambodia, but also of his own party and Khmer Rouge military forces. Chandler describes his purges of the military in 1978 as "reminiscent of those that swept through the Soviet army in the 1930s. Perhaps as many as 100,000 [soldiers] ... were gathered up and put to death." He cites a survivors report to Stephen Heder. "We fought the Vietnamese and they killed us for not fighting the Vietnamese."⁴⁴¹

Vietnamese Intervention and overthrow of Pol Pot:

Almost as soon as the Pol Pot regime was established in Phnom Penh with strong military and political support from Hanoi, he began a series of border disputes with Vietnam. This illogical behaviour by the Pol Pot regime towards Vietnam was very similar to the behaviour of Idi Amin towards Tanzania, also in 1978. Pol Pot's military incursions into Vietnam may have been encouraged by the Chinese who were by now concerned at the growing significance of Vietnam

⁴³⁹ Ibid, p. 5.

⁴⁴⁰ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 78.

⁴⁴¹ Chandler, David, P., *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 147.

as a regional power, and who had their own border disputes with Vietnam, on land and sea. Wheeler recounts the drift toward the Khmer Rouge war with Vietnam.

...on 24 September 1977 Khmer Rouge forces killed hundreds of civilians in an attack on Tay Ninh province. ...in December the Vietnamese launched an attack with 50,000 troops and then withdrew.⁴⁴² Vietnam feared a war on two fronts, so chose to take the initiative with a quick but large-scale attack on Cambodia. “On Christmas 1978, Vietnam launched twelve divisions (around 100,000 soldiers) against Pol Pot’s forces.”⁴⁴³ The Khmer Rouge forces, weakened by purges, collapsed very quickly. Within 12 days, the Vietnamese had captured Phnom Penh, and Pol Pot had fled.⁴⁴⁴ Hun Sen, who had been a Khmer Rouge soldier, was installed as Prime Minister. Hun Sen would prove to be as tenacious a political survivor as Prince Sihanouk.

Following a request from Ieng Sary, foreign minister of the ousted Khmer Rouge regime, the UN Security Council met to discuss the Vietnamese intervention in Cambodia.⁴⁴⁵ Vietnam’s foreign minister justified its intervention on Vietnamese self-defence grounds on the one hand and on Kampuchean revolutionary or freedom fighter reasons on the other, but not on humanitarian grounds. “He argued that there were ‘two wars’ taking place, ‘one, the border war started by the Pol Pot–Ieng Sary clique, against Vietnam ... the other, the revolutionary war of the Kampuchean people’.”⁴⁴⁶ Klinworth, and Evans and Rowley make the case that Vietnam should have argued humanitarian justification, and could therefore have avoided international condemnation.⁴⁴⁷

The United Nations Security Council had failed to condemn the US supported overthrow of Prince Sihanouk by the Lon Nol regime in 1970, or US carpet-bombing and military incursions of Cambodia over several years, or over three years of mass killing in Cambodia by the Pol Pot regime, or the Cambodian attacks on Vietnam, that led to the 1978 war, or over a decade of war waged by the US in Vietnam, in which up to three million Vietnamese had been killed. Yet, when Vietnam retaliated, with significant self-defence, and humanitarian

⁴⁴² Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 81.

⁴⁴³ *Ibid*, p. 84.

⁴⁴⁴ The speed of the victory helped minimise the loss of life, in contrast with the prolonged conflicts that Cambodia have endured over the previous decade and half.

⁴⁴⁵ The UN Security Council had never met to discuss the Cambodian genocide.

⁴⁴⁶ Nicholas, J Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (Oxford: OUP, 2000), p. 85, citing SCOR, 2108th meeting, 11 Jan. 1979, 12.

⁴⁴⁷ *Ibid*, p. 86.

justifications, and successfully put a stop to the killings in Cambodia, the UN Security Council met immediately and would have passed a resolution condemning the Vietnamese action, if the USSR had not exercised its veto. The UN General Assembly did however meet and did condemn the Vietnamese action.

The recognition of the new government in Cambodia by over sixty states at the end of 1980 contrasts starkly with the decision of the UN General Assembly in Resolution 34/22 to deny recognition to the new government in Cambodia.⁴⁴⁸ Vietnam, the USSR and India were the only significant supporters of the Hun Sen regime.

Eight months earlier US President Jimmy Carter had named the DK (Cambodia under Pol Pot's regime) as the "worst violator of human rights in the world".⁴⁴⁹ Yet, knowing this, the US, as the world's most powerful state, and all the other UN member states who knew of these events, did nothing about the Pol Pot regime and failed to honour their obligations under the Genocide Convention. The UN took no action against Pol Pot. The sole exception was the action taken by one UN member state, Vietnam. Yet the UN General Assembly condemned Vietnam for doing what Vietnam was arguably obliged to do under the Genocide Convention 1948.

Nicholas Wheeler points out that:

(m)any states in the Security Council and General Assembly recognised the terrible suffering of the Khmer people under Pol Pot, but they also affirmed the principle that human rights violations could not justify the unilateral use of force.⁴⁵⁰

The continuing support by the UN and the vast majority of the UN member states, for the ousted Pol Pot regime, from 1978 right up to the UNTAC intervention in 1992, and attempts to rehabilitate the Khmer Rouge even right up to Pol Pot's death in 1998, are indicative of the inherent flaws in the UN system. The behaviour of Vietnam in removing the Pol Pot regime should have been commended rather than condemned by the UN. Vietnam achieved what the UN should have achieved, and the argument that Vietnam's reasons for doing so were mainly self-interest, or reasons of state, do not take from the justifiable and beneficial outcome of the Vietnamese action. Vietnam's eventual peaceful and unilateral withdrawal from Cambodia in 1989 also confirms its lack of long-term

⁴⁴⁸ Ibid, p. 125.

⁴⁴⁹ Ibid, p. 78, citing Ronzitti, *Rescuing Nationals Abroad*, 190,

⁴⁵⁰ *ibid*, p. 79.

territorial ambitions or claims over Cambodia. It is therefore to Vietnam's credit that it persisted not only in the overthrow of Pol Pot, but also, in the face of very strong UN and international community criticism and economic sanctions, that it continued to support the Hun Sen regime or government in Cambodia, thereby preventing the return of the Khmer Rouge and Pol Pot.

Marack Goulding sums up the involvement of the P-5 in the Cambodian conflicts.

... most of them had been directly involved in Cambodia – China as the patron of the Khmer Rouge and enemy of Vietnam, France as the former colonial power, the Soviet Union as the ally of Vietnam and the government it had installed in Phnom Penh and the United States as the enemy of the Soviet Union and Vietnam. Even Britain was reported to have been providing covert military support to the forces of the CGDK.⁴⁵¹

Ironically, it was the cooperation of these same five powers that helped to resolve the Cambodian conflict, belatedly and partly. Having helped to cause the almost complete destruction of Cambodia, and about a quarter of its people, the P-5 group of states then became part of the effort to try and put it back together again.

End of Cold War and UN intervention:

The UN had legalistic difficulty describing the mass killings caused by the Pol Pot-led Khmer Rouge regime in Cambodia between 1975 and 1978.

Pérez de Cuéllar did not like this misuse of language [the term genocide] and coined a euphemistic alternative which was eventually incorporated into the Paris agreement on Cambodia – ‘the policies and practices of the past’.⁴⁵²

Goulding's account of the infighting, and emphasis on personal status, among the most senior UN ‘peacekeepers’, including the Secretary General, reflects very poorly on all concerned. Pedro Sanjuan explains that the appointment of unsuitable individuals such as Kurt Waldheim and Pérez de Cuéllar to the UN's highest position has the result, if not the intention, that they are more easily controlled.⁴⁵³ Such leadership deficiencies contributed to the UN's failures in Cambodia.

Prince Sihanouk's 1979 explanation of events in Cambodia seeks to shift the blame on to the people of Cambodia for their poor choice of leaders.

⁴⁵¹ Marack Goulding, *Peacemongering* (London: John Murray, 2002), p. 250.

⁴⁵² *Ibid*, p. 247.

⁴⁵³ Pedro Sanjuan, *The UN Gang* (New York: Doubleday, 2005). He cites incidents of Pérez de Cuéllar's possibly corrupt acceptance of the use of a private jet for several years, p. 187, and Waldheim's Nazi war crimes record, p. 92.

The humble people of Cambodia are the most wonderful in the world. Their great misfortune is that they always have terrible leaders who make them suffer. I am not sure that I was much better myself, but perhaps I was the least bad.⁴⁵⁴ This belies the reality that the people of Cambodia never got to choose their own leaders but had leaders imposed on them, either by foreign manipulation or internal violence. Even the level of freedom of choice provided by the UNTAC administration and elections in 1992/3 is questionable. The fact that many of the Cambodian abusers of human rights have been restored to power and influence in the post-UNTAC period is indicative of this lack of choice. John Pilger supports this view. “The UN spokesman, Eric Falt, a Frenchman, was more to the point. ‘The peace process ... was aimed at allowing [the Khmer Rouge] to gain respectability’.”⁴⁵⁵ Pilger describes the UN-run Cambodian election in 1992. “This ‘triumph for democracy’ was in fact a triumph for the United States, similar to the American ‘win’ in the Nicaraguan elections in 1990 that got rid of the Sandinistas.”⁴⁵⁶

United Nations Secretary General Boutros Boutros-Ghali wrote that: “The United Nations articulated its position on the Cambodian situation consistently through the late 1970s and into the 1980s”⁴⁵⁷. This diplomatic statement seeks to avoid the reality that the UN took no action against the violations of Cambodian neutrality and sovereignty by the US throughout the Vietnam War, and took no effective action to prevent or stop the genocide, perpetrated on Cambodia by the Pol Pot regime. According to Boutros-Ghali: “(t)he international community can take satisfaction from the peace-keeping operation it mounted and supported in Cambodia”. This empty boast is not supported by the facts. Many of the individuals in the UNTAC⁴⁵⁸ peacekeeping operation in Cambodia did do a relatively good job with an inadequate mandate and resources, and demonstrated that the concept of UN transitional administrations could work, if adequate resources were applied in a timely manner.⁴⁵⁹ However the quality of many of the UNTAC personnel was poor.

⁴⁵⁴ William Shawcross, *Sideshow: Nixon, Kissinger and the destruction of Cambodia* (New York: Simon and Schuster, 1979), p. 392.

⁴⁵⁵ John Pilger *Distant Voices*, (London: Vintage, 1994), p. 484.

⁴⁵⁶ *Ibid*, p. 490.

⁴⁵⁷ United Nations, *The UN and Cambodia, 1991- 95* (New York: UN Blue Books, 1995), p.54.

⁴⁵⁸ United Nations Transitional Authority in Cambodia.

⁴⁵⁹ “The case of the United Nations in Cambodia, despite its extensive shortcomings, included a number of innovations, such as the Human Rights and Civil Administrations Components. Jarat Chopra, *Peace-Maintenance, The Evolution of international political authority* (London: New York, 1999), p. 111.

The first Bulgarian battalion, and to a lesser extent contingents from Tunisia and Indonesia, are unofficially regarded as having done as much to damage as to advance the cause of UNTAC.⁴⁶⁰

The UN was never an independent actor in Cambodia. It was forced to follow the dictate of its most powerful members. Mats Berdal and Michael Leifer explain the origins of the UNTAC mission:

At a cost of around US \$1.7 billion, 22,000 military and civilian personnel were deployed to implement the Comprehensive Political Settlement of the Cambodia Conflict which had been concluded at an international conference in Paris on 23 October 1991.⁴⁶¹

In spite of its costs and size the UNTAC mission was poorly planned and managed except for its electoral component, which represented its main eventual success.⁴⁶² Its peacekeeping mandate was not robust enough to enable it to achieve its overall ambitious strategy. Berdal and Leifer point out that: “throughout the entire period of the UN operation in Cambodia, fighting continued within the country. Moreover, UN forces ... sustained 56 fatalities.”⁴⁶³ The title ‘Transitional Authority’ also proved a misnomer and “the United Nations had not assumed a trusteeship role with UNTAC as a provisional government.”⁴⁶⁴ The level of authority and freedom of action that UNTAC was supposed to achieve was never reached. Even though peace-enforcement was not part of UNTAC’s mandate, it also failed to achieve a significant amount of its peacekeeping tasks: “it had been unable to demilitarise and demobilise the armed factions, to protect human rights and to create a genuine ‘neutral political environment’ before conducting elections.”⁴⁶⁵ It was denied access to most Khmer Rouge controlled areas, and was unable to achieve control or oversight over the governance and administration of the country as it was supposed to. That allowed the Hun Sen regime to maintain significant influence and control and resulted in Hun Sen retaining long-term power even though his party came second in, or lost, the elections.

The most controversial aspect of the mission was the assumption by UNTAC that “in order to bring an end to the civil war, the Khmer Rouge had to

⁴⁶⁰ James Mayall, ed., *The new interventionism, 1991-1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: CUP, 1996), p. 52.

⁴⁶¹ *Ibid.*, p. 57.

UNTAC was established by UNSC Resolution 745 (1992).

⁴⁶² The success of the UNTAC electoral component was due in no small way to the dedication of its UN volunteer component. This was to be a feature of subsequent UN missions in East Timor and elsewhere. However, even its electoral success was only partial.

⁴⁶³ Mats Berdal and Michael Leifer, “Cambodia”, in James Mayall, ed., *The new interventionism, 1991-1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: CUP, 1996), p. 57.

⁴⁶⁴ *Ibid.* p. 57

⁴⁶⁵ *ibid.*, p. 36.

become a legitimate party to the Agreement”⁴⁶⁶ in spite of its past record, and its ongoing armed activities. Fortunately for the people of Cambodia in the long-term, the Khmer Rouge refused to join the peace and electoral process. This led to its gradual marginalization. The election process itself was mainly successful. FUNCINPEC, a coalition that included Prince Sihanouk and his son Prince Rannariddh won 45.47% of the votes and Cambodian People’s Party led by the outgoing Prime Minister Hun Sen won 38.23%. In spite of his defeat, Hun Sen still managed to get UN agreement to form a national government and be appointed as joint Prime Minister with Prince Rannariddh. The Khmer Rouge had continued military resistance with a significant offensive in 1994. “Thus, within a year of the elections, Cambodia had reverted to civil conflict”⁴⁶⁷.

After Pol Pot was removed from the Khmer Rouge leadership the Royalist party FUNCINPEC opened negotiations with the new Khmer Rouge leader Ta Mok. However, Hun Sen of the CPP staged a sudden and brutal coup in the capital and elsewhere in which over a hundred FUNCINPEC members were killed and the royalist party was effectively removed from power. The outcome so far of the UNTAC intervention in Cambodia is that it did not succeed in halting the civil conflict within Cambodia, even while its 22,000 personnel were in the country. The ‘successful’ elections that UNTAC organised did *not* result in the winning party gaining power, and the subsequent coup in 1997 has meant that democracy has not yet come to Cambodia. The Cambodian leader that ousted Pol Pot in 1978 has retained power in Cambodia in spite of the fourteen-year campaign by the UN from 1978 to 1992 to have him removed from power.

In their otherwise valid analysis of UN peace missions in Cambodia and El Salvador, Michael Doyle *et al*,⁴⁶⁸ credit the UN with “recognizing the continuing political significance of national sovereignty” of these countries, and achieving significant if qualified successes by means of complex transitional administrations. Yet, they fail to acknowledge the underlying causes of the turmoil in both countries or the failures of the UN to intervene earlier when it should have. This ‘political significance of national sovereignty’ combined with abuses by external actors for reasons of ‘national interests’ were some of the main

⁴⁶⁶ *ibid.* p. 57.

⁴⁶⁷ *ibid.* p. 57

⁴⁶⁸ Michael Doyle, et al, eds., *Keeping the Peace in Multidimensional UN operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997).

causes of the Cambodian conflicts. They highlight the importance of the support of the five UNSC permanent members (P-5) for this mission. Yet it was the role of one of the P-5, the US, which sent Cambodia over the edge and into chaos.

The UNTAC mission was necessary primarily because UN conflict prevention failed and there was no effective UN conflict intervention until 1992. Even then, UNTAC failed to stop the civil war, which ended only because of the demise of the Khmer Rouge and the death of Pol Pot. Notwithstanding the above critical comments, the importance of the relative success of the UNTAC mission in Cambodia should not be underestimated. Jarat Chopra, while critical of some aspects of UNTAC, acknowledges its achievements. “UNTAC is a historical watershed in the expanding scope of the United Nations authority, which in turn is the first exercise of *global authority* in all of history.”⁴⁶⁹

Martha Gellhorne quotes John Pilger’s view of US culpability in the tragedy of Cambodia.

Like John, I think that Nixon and Kissinger were father and mother to Pol Pot and that successive US governments, tirelessly punishing Vietnam for having won the war, have extended their vengeance to the Cambodians.⁴⁷⁰ Pilger describes what he regards as the synthesis in culpability in Cambodia: “... between Nixon and Kissinger on the one hand and Pol Pot and his gang on the other. What the former began from afar, the latter completed”⁴⁷¹

Marrack Goulding places UNTAC’s performance in Cambodia in 1992/93 somewhere in between “the top division of acclaimed successes such as Namibia, Mozambique, El Salvador and Guatemala; ... (and) the bottom division of admitted failures such as Angola, Somalia, Bosnia and Rwanda.”⁴⁷² Such comments by Goulding and others apply to the limited mandates, and to the limited timescale of the particular peacekeeping missions, rather than to the success or failure of the UN’s performance as a whole over the full timescale of each particular conflict. In that limited sense his assessment of UNTAC’s performance is accurate, i.e. it was about as good as it could have been, given the mission’s and the UN’s limitations. Goulding perceptively separates the value of successful peacemaking and peacekeeping from peace-building.

⁴⁶⁹ Jarat Chopra, “Report on the effectiveness of the United Nations Authority in Cambodia”, Occasional Paper #15, p.13, Occasional Papers is a series published by The Thomas J. Watson Jr. Institute for International Studies, Brown University, Providence, RI.

⁴⁷⁰ John Pilger, *Distant Voices*, (Vintage: London, 1994), p. xii.

⁴⁷¹ *Ibid*, p. 5.

⁴⁷² Marrack Goulding, *Peacemongering* (London: John Murray, 2002), p. 265.

...peacemaking and peacekeeping are not enough. There is also a need for peacebuilding – that is, international action to help a society torn by civil war to identify the root causes of the conflict that has just ended and to devise means of eradicating those root causes.⁴⁷³

Such an analysis is valid for conflicts whose root causes are primarily located within the bounds and the control of the communities most directly affected, for example, the Sri Lanka civil war, where foreign interference is relatively limited or historical in nature.⁴⁷⁴ The Cambodian conflicts were exceptional in the extent to which the root causes were externally imposed or influenced. Goulding's assessment therefore is over-optimistic.

Cambodia may still be a corrupt and violent society. But there is no longer a civil war fuelled by major powers; ... procedures are being defined admittedly with great difficulty, to bring to justice those responsible for the crimes of the Pol Pot years;⁴⁷⁵

The major powers are no longer fuelling conflict in Cambodia, not because the UN stopped them, but simply because it no longer suits their perceived national interests. Pol Pot was allowed to die of old age in the bosom of his family after a mock trial conducted by his fellow mass-murderers. This failure to bring the mass murderers to justice in a timely manner encourages further injustices because of the exemplary effect of this impunity on others.⁴⁷⁶

Summary of UN's performance in Cambodia:

The tragic Cambodian conflicts were unique in many respects, yet they were both emblematic and typical of the performance of the UN and the international community in other respects. The failures of the UN to protect and defend the interests of the Cambodian people may have had an exemplary detrimental effect on conflicts in other regions, in that it demonstrated the powerlessness of the UN in either preventing mass killings of people, or stopping such killings once they have begun. The subsequent crimes that were committed in the former Yugoslavia, Rwanda and Darfur indicate that the lessons of Cambodia were more influential on future war criminals than on the UN. Pilger

⁴⁷³ Ibid, p. 265.

⁴⁷⁴ India did attempt to assist or impose peace in Sri Lanka with an Indian military peace mission IPKF from 1987 to 1990. However attempted peace-enforcement against the Tamil Tigers failed, and was a factor in the assassination of former Indian Prime Minister Rajiv Gandhi in 1991.

⁴⁷⁵ Ibid, p. 265.

⁴⁷⁶ On 20 November 2007, the trial of the first of the Cambodian genocidaires began in Phnom Penh. "The U.N.-backed genocide tribunal opened its first formal hearing in the Cambodian capital on Tuesday with the alleged chief torturer of the Khmer Rouge the first to appear."

<http://www.cnn.com/2007/WORLD/asiapcf/11/20/khmer.rouge/index.html#cnnSTCText>, accessed on 1 March 2008.

condemns the UN attempts to ‘restore’ Pol Pot: “The lesson for Saddam Hussein here was patience. Just as Pol Pot has been restored, if not completely absolved, so the Iraqi ‘Hitler’ could reasonably expect to be left alone”⁴⁷⁷ Pol Pot had learned some of his lessons from the impunity enjoyed by China’s Mao, and the USSR’s Stalin.

The direct intervention by the UN in Cambodia lasted less than two years, and came after over three decades of violent conflict that cost about two million lives. Even the UN’s belated intervention after the conflicts were over failed to ensure that the people of Cambodia achieved a good standard of justice, democracy and freedom. The UN failed the people of Cambodia and the UNTAC mission cannot wipe out those failures or compensate for them. In Cambodia, ‘the policies and practices of the past’ perpetrated by French colonisation, the United States, the Vietnamese, the regimes of Sihanouk, Lon Nol, and especially Pol Pot, caused the unjustified premature deaths, or murder, of over two million people, during the 1945 to 1992 period of the UN’s existence, without any effective intervention by the UN. The Cambodian series of conflicts therefore represent a catastrophic failure by the UN to achieve its primary objective in this part of South East Asia.

Niall Ferguson identifies the madness of the Pol Pot regime, and the complicity of the international community with this madness citing a Khmer Rouge government radio announcement on May 10, 1978.

‘Thirty Vietnamese killed for every fallen Kampuchean ... So we could sacrifice two million Kampucheans in order to exterminate the fifty million Vietnamese – and we shall still be six million.’ Here was a bizarre fulfilment of American aspirations to exploit discord within the Communist bloc.⁴⁷⁸

The United Nations did virtually nothing to stop this madness, or to challenge US abuse of Cambodian sovereignty and neutrality. The Paris Peace Accord in 1991 that set up the UN intervention “euphemistically mentioned ‘policies of the past,’ but other than this, the recent history of autogenocide was not addressed.”⁴⁷⁹

Section 5. Conclusions of the Asian Case Study:

The Summary Chart of Asian Conflicts at Section 2 of this chapter lists at least 55 million conflict deaths in Asia during the existence of the UN so far.

⁴⁷⁷ John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 429.

⁴⁷⁸ Niall Ferguson, *The War of the World* (London: Penguin, 2006), p. 625.

⁴⁷⁹ Lise Morjé Howard, *UN Peacekeeping in Civil Wars* (Cambridge: Cambridge University Press, 2007), p. 157.

With the exception of the Korean War, and West Papua, the UN does not bear direct responsibility for these deaths. However, since the purpose of this case study is to evaluate the relative success or failure of the UN towards the maintenance of international peace and security, the number and seriousness of the conflicts that occurred in Asia during the 'watch' of the UN provides an important yardstick to evaluate the UN's performance. The UN may have saved thousands of lives, in many of its peacekeeping missions, but it failed to prevent the loss of many millions of lives in several of the most serious conflicts, especially the Korea and Vietnam Wars and the internal conflicts within China. The UN demonstrated that it could do a good job at certain stages in certain conflicts (Indonesia in 1949 and East Timor *after* 1999). These very few successes indicate what the UN should have done throughout Asia.

The UN's record in Asia has been that, it either did not, or was not allowed to, respond to the most serious conflicts that did occur, and these conflicts took their course until exhaustion of one or both sides forced the belligerents to stop fighting. Even then, the performance of the UN in managing the subsequent peace processes was sometimes very poor, as demonstrated especially by Bangladesh and Cambodia. The UN's performance in Asia, therefore, evaluated both on the crises it responded to and on its 'no shows', must be judged a very serious failure. The operational failures or successes of particular UN missions are not of critical importance to this judgement, because, the few real successes that the UN achieved in Asia show that such operational flaws could be overcome. The most serious aspect of the UN's flawed performance relates to what the UN *did not do* rather than what it did. Many analyses of UN peace missions fail to pick up on this essential evaluation point. For example, while the eighteen-month UNTAC mission in Cambodia in 1992/93 saved some thousands of lives, the UN's failure to respond at all to the continuing conflicts in Cambodia from 1964 to 1991 represents a failure to prevent the loss of about two million lives. Most of these chronic failures were due to inherent structural problems within the UN and its Charter, and within the international community.⁴⁸⁰ It is these problems that tend to lead to repeated catastrophic failures by the UN to achieve international peace and security.

⁴⁸⁰ The UN was unable to respond at all the catastrophic loss of life in China because its Charter 'appeared to' debar it from intervening in conflicts within states. In Vietnam and Afghanistan US and USSR powers of

Given the huge cost in human lives lost in Asia since 1945, it is clear that there is still a very urgent need for the ‘maintenance of international peace and security’ in Asia. The UN has failed to achieve this task, which is its primary assigned function, in Asia. From a functionalist perspective therefore the UN failed to function in Asia in the critical matters of conflict prevention and peace maintenance. The Middle East Case Study in the following chapter will track some of the conflicts in west Asia into the Middle East, and will seek to evaluate whether the very poor performance of the UN in Asia was exceptional or part of a broader global pattern of UN failure.

Pol Pot: “went back to seek the old road again” and started talking about fighting “till the end of the world”.⁴⁸¹

veto prevented the UN from intervening. In Cambodia, the *Realpolitick* of the Cold War, allowed the UN to evade its responsibilities to the people of Cambodia.

⁴⁸¹ David P Chandler, *Brother Number One: A Political Biography of Pol Pot* (Boulder CO: Westview Press, 1999), p. 179.

Chapter 5

Middle Eastern Case Study

UN's performance in most volatile region

From injustice—never justice
From justice—never injustice
Dag Hammarskjöld⁴⁸²

Introduction

This chapter will analyse the performance, or functionality, of the UN in Middle Eastern conflicts. In contrast with Asia, the UN has had significant international security involvement in the Middle East, especially the Israel/Palestine conflict, so it cannot be accused of ignoring the region. The central geographical and geopolitical location of the Middle East gives it special significance as a historical migrational cross roads for Asia, Africa and Europe, and the concentration of oil resources in this region gives it wider global significance. Roger Adelson states that: “The very term [Middle East] was invented in the early twentieth century (1902) as a function of imperial strategy.”⁴⁸³ Its geographical boundaries are unclear. Fred Halliday lists sixteen Middle Eastern states in which he included the Palestinian Territory.⁴⁸⁴ For the purpose of this case study, Afghanistan, in central Asia, will be included as if it were part of the Middle East because of the ‘tentative’ and real connections between the conflicts in Afghanistan and other conflicts more central to the Middle East.

However, the interconnectedness of these regions and the conflicts taking place in them does not always translate to their interdependence.

The Middle East remains one of the most insecure regions of the world ... [it] has two explosive sub-regions, the Arab-Israeli and the Gulf, between the two of which there is a tenuous but persistent interconnection.⁴⁸⁵

Halliday highlights the problem of rigid relations between states and the “persistence of military and economic confrontation and fragmentation”.⁴⁸⁶ This

⁴⁸² Dag Hammarskjöld, *Markings*, translated from Swedish by Leif Sjöberg & W.H. Auden (New York: Random House, 1964), p. 120.

⁴⁸³ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p.77, citing Roger Adelson, *London and the Invention of the Middle East* (New Haven: Yale University Press, 1994), p. 22.

⁴⁸⁴ Fred Halliday includes the following states in the Middle East: Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Palestinian Territory, Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates, Yemen. Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), Table 1, p. 335.

⁴⁸⁵ *Ibid*, p. 207.

prevents the sort of functionalist developments, including economic cooperation at trans-national level, that helped to achieve peace in Europe, and it also militates against a coordinated Arab, or Islamic approach to the conflict with Israel, or to comprehensive peace initiatives. This disparity is even greater within the wider Islamic fraternity, that includes many non-Arab states⁴⁸⁷ and a significant divide exists between Shia and Sunni Muslims, so much so that it is questionable whether a “community” of Islamic states even exists. This may explain how the small Jewish state of Israel has managed to survive, particularly before massive US military and economic support was made available to it.⁴⁸⁸ The complexity of conflicts in the Middle East makes them difficult to resolve and emphasises the need for both a neutral referee and an effective system of international arbitration and jurisprudence. This case study will show that the UN has failed to fulfil these critical roles in the Middle East.

Fred Halliday’s analysis of Middle Eastern conflicts suggests that there has been a valid basis for a certain priority to be given to conflict resolution in this region.

Even if the incidence of inter-state war is taken as the sole basis of comparative judgement, of any region of the world, the Middle East had the most conflict-ridden record in the second half of the twentieth century.⁴⁸⁹

However, a listing of the seventeen Middle Eastern states (with Palestine and Afghanistan included) in order of population size, combined with an analysis of UN missions, reveals an undue focus by the UN and the international community on the conflicts involving the smaller states in the region, with relatively little focus on conflicts involving the larger states.⁴⁹⁰

⁴⁸⁶ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 209.

⁴⁸⁷ The largest Muslim country is Indonesia, the fourth most populous state in the world with over 220 million people, while other non Arab states with majority Muslim populations include Pakistan, Bangladesh, Turkey, Iran and Nigeria.

⁴⁸⁸ The Yom Kippur war in 1973 saw a very major increase in US military and economic support for Israel.

⁴⁸⁹ *Ibid.*, p. 173.

⁴⁹⁰ All significant Egyptian conflicts had their roots in the Palestine/Israel conflict.

Table 5.1

Middle Eastern Countries by Population – Total 342.6 million			
Country (Large)	Population	Country (Small)	Population
Egypt	73.4 m	Israel	6.4 m
Turkey	66.3 m	Jordan	5.2 m
Iran	66.1 m	Lebanon	4.3 m
Afghanistan	28.5 m	Palestinian	3.3 m
Iraq	23.6 m	Territory	
Saudi Arabia	21.1 m	United Arab	3.3 m
Yemen	18.0 m	Emirates	
Syria	17.1 m	Oman	2.4 m
		Kuwait	2.3 m
		Bahrain	0.7 m
		Qatar	0.6 m. ⁴⁹¹
Total 8 large states	274.1 m	Total 9 small states	28.5 m

Table 5.2

UN involvement in Eastern Conflicts					
Middle					
Israel/Palestinian Conflicts			Other Middle Eastern Conflicts		
UN Mission	Mission Type	Duration Years	UN Mission	Mission Type	Duration Years
UNTSO	Observer	60	UNIKOM Iraq/Kuwait	Observer	17
UNRWA	Relief	60	UNFIY Yemen	PK	1.25
UNIFIL	PK	30	UNMII Iraq/Iran	Observer	2.5
UNDOF	PK	34	UNAMA Afghanistan	P-Build.	7
UNEF 1	PK	10.5			
UNOGIL	Observer	0.5			
UNEF 2	PK	5.5			

Table 5.1 above shows that the combined populations of the nine smallest states, including Israel, is the same as the population of Afghanistan, and less than half the population of Iran. Table 5.2 shows that the UN has expended far more of its peace resources and attention on conflicts involving Israel and the Palestinians than other Middle Eastern conflicts.⁴⁹² In spite of this imbalance, this case study will show that the UN's success rate in the Middle East has been poor, especially

⁴⁹¹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 335.

⁴⁹² While Egypt, Syria and Jordan were involved in some of these conflicts with Israel, their involvement was in the context of the Israel/Palestine conflict. Also, the financial costs of these conflicts are broadly in line with their duration. The current (2008) annual budget for UNIFIL is \$713 586 800 which is over 10% of the UN Total Peacekeeping budget of \$6 746 805 700. <http://daccessdds.un.org/doc/UNDOC/GEN/N08/223/16/PDF/N0822316.pdf?OpenElement>, accessed on 12 April 08.

in case of the Israel/Palestinian conflict. The evaluation of the UN's performance in the Middle East therefore should take account of the priority that it gave to the greater numbers of people at risk.

Milton-Edwards and Hinchcliffe challenge the suggestion that the Middle East is exceptional and "characterised by a Hobbesian state of nature where war and conflicts are inevitable and endemic" and identify conflict causes including "the legacy of colonisation and superpower rivalry, as in other parts of the globe."⁴⁹³ Fred Halliday identifies some of the complexities of Middle Eastern conflicts.

Rather than being the expression of *one* root conflict, the Middle East ... is, rather, a mosaic of discrete but increasingly intersecting conflicts, and alliances, now the 'Greater West Asian Crisis'.⁴⁹⁴

He describes the Afghanistan/USSR War of the 1980s as being on 'the margins' of the Middle East. However, the subsequent phase of the Afghanistan conflict that began in 2001 is far more intrinsically interconnected not only to events in the Middle East but to wider international affairs "as Saudi Arabia and others were to reap what they had sown"⁴⁹⁵ in the Afghan-USSR and the Iran-Iraq wars. He describes the events of 11 September 2001 as: "a moment when issues with different origins, above all Palestine, Iraq and Afghanistan, fused into one regionally and globally explosive event."⁴⁹⁶ The failure by the UN to prevent or resolve conflicts such as the Iran/Iraq and USSR/Afghanistan Wars, and the interference in these wars by key players in the international community, especially the US and the USSR, contributed to instability across the region and 'blowback' consequences.⁴⁹⁷ Fred Halliday explains the limited Cold War impact on the region.

⁴⁹³ Beverley Milton-Edwards, and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abingdon: Routledge, 2004), p. 1.

Note: The suggestion that certain regions are prone to endemic conflict also arose during the conflicts in the former Yugoslavia during the 1990's but such suggestions were arguably put forward as an excuse for conflict prevention failures. An alternative view supported by this research project is that all conflicts are either preventable or stoppable given a timely input of adequate resources, and that conflict prevention is a far more cost effective way of maintaining international peace and security than the variety of conflict response mechanisms, especially collective security, applied by the international community.

⁴⁹⁴ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 321.

⁴⁹⁵ *Ibid*, p. 126.

⁴⁹⁶ *Ibid*, p. 322.

⁴⁹⁷ Chalmers Johnson details the consequences of inappropriate interference in regions such as the Middle East in his research study 'Blowback'. Examples include the transformation of the US supported anti-Soviet Mujahadin of the 1980s into the Al Qaeda that attacked the US in 2001, and the bombing of the UN HQ in Iraq in July 2003. Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London: Little Brown, 2000).

Apart from inter-Yemeni rivalry, the major inter-state conflicts – Arab-Israeli, Iran-Iraq (from 1975), Syrian-Lebanese – had only an indirect relationship in their origins and outcomes to the Cold War. ... The upheavals that rocked the region, be they the Zionist drive for a state in the 1940s, the revolutions of Iraq and Iran, or the rise of Palestinian or Kurdish guerrillas, were themselves largely autonomous.⁴⁹⁸

Middle East Case Study Aims and Format:

The purpose of this case study is to evaluate whether the UN has succeeded in performing its primary function of maintaining international peace and security in the Middle East, the most complex and most volatile region of the world. This case study will follow the same format as Chapters 4 and 6, with six main sections. The summary of Middle Eastern conflicts below will be followed by a thematic analysis of UN's performance in the wider Middle Eastern conflicts, except in the focal conflict area of Israel/Palestine. The focal conflict section will analyse the performance of the UN in the series of conflicts between Israel and Palestinians and between Israel and its Arab neighbours. The concluding section will summarise the performance of the UN towards the achievement of its primary objectives – the maintenance of international peace and security in the Middle East.

⁴⁹⁸ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p.128.

Table 5.3 Summary of most serious Middle Eastern conflicts

No	CONFLICT	SEVERITY	UN ROLE	UN SUCCESS/FAILURE	WHY
1.	Arab/Israeli Wars 1945-2007	Moderate c. 80,000 dead	UNTSO, UNEF I&II, UNDOF, UNIFIL,	Failure	Multiple complex reasons, including leadership and mandates.
2.	Arab/Israeli War 1947/49	Low - 21,373	UNGA res. Peace negotiations	Short term success only	Unjust treatment of Palestinians
3.	Suez Crisis 1956	Low – 3,231	UNEF I first PK mission	Short term success	Good UN leadership, no resolution
4.	Six-Day War 1967	Low – 21,000	UNEF withdrawal	Failure	Poor UN leadership,
5.	Jordan-PLO expelled 1970	Low	None	Failure	Failed to act on Palestinian needs
6.	Oct War/Yom Kippur 1973	Low c. 21,000	UNEF II,	Short Term Success	Good PK, no conflict resolution
7.	Iran/Iraq War 1980-88	V. High 1 million dead	No effective UN role	Failure	Superpowers support for Iraq
8.	Israeli/Lebanon 1982	Moderate up to 19,000 dead	UNIFIL ignored	Failure	Unsuitable mandate, US/Israel support
9.	Lebanon Civil War 1975-90	High 150,000 dead	No effective UN role	Failure	UN Charter + foreign interference
10.	Intifada 1 – 1987-92	Low	No effective UN role	Failure	Past failures of UN peace missions
11.	Intifada 2 – 2000-2005	1000 Isr. 3000 Pal.	No effective UN role	Failure	contributed to UN Intifada failure
12.	Kurds v Iraq 1961-2003	High 180,000 dead	Belated UN intervention	Failure	UN action only due to spill-over
13.	Kurds v Turkey 1980-99	Moderate 30,000	None	Failure	UN Charter, internal state problem
14.	Kurds v Iran	Low	None	Failure	UN Charter, internal state problem
15.	Afghanistan/USSR 1979-88	V.High 1.3 million dead	No effective UN role	Failure	Flawed UN Charter. USSR veto UN
16.	Afghanistan Civil 1988-2001	High – 400,000	No effective UN role	Failure	Charter, internal state problem UN
17.	Afghanistan/US 2001 to date	Moderate up to 20,000	UN ignored by US	Failure	failed to condemn US abuses
18.	N.Yemen Civil War 1962-70	High- 100,000	UNYOM 1963/64	Limited Success	Egypt and Saudi also involved
	S.Yemen Civil War, 1986	Moderate 10,000	None	Failure	UN Charter, internal state problem
19.	Gulf War 1991	Moderate 85,000	2 nd UN Collective Security War	Short term success / failure	UN exercised no controls
20.	UN Sanctions Iraq 1992-03	High up to 1.5 million deaths	Sanctions imposed by UN	Failure	Inadequate UN control/leadership
21.	Iraq War 2003 +	High – up to 1,000,000 dead	No UN approval for war	Failure	UN failed to exercise control
22.	Israeli/Lebanon 2006	Low – about 1,500 dead	UNIFIL ignored again	Failure	Unsuitable mandate, US support
	Total (1945-2008)	Over 5 million deaths			

Thematic analysis of UN's Performance in the Middle East

This section will examine the performance of the UN towards the maintenance of international peace and security in the main conflicts that occurred in the wider Middle East,⁴⁹⁹ using the same themes as used in Chapter 4.

Theme 1. Effectiveness of the UN Trusteeship System and the UN's colonial transition responsibilities

The collapse of the Ottoman Empire during World War I left virtually the whole of the Middle East up for grabs by the victors.⁵⁰⁰ The subsequent flawed transition process from colonial or subservient status in the Middle East has had a damaging effect on the political stability and the propensity for conflict in the region. The League of Nations took an unduly idealistic view:

The wishes of these communities must be a principal consideration in the selection of the Mandatory.⁵⁰¹

Britain and France as perceived victors of World Wars I & II, attempted to fill the vacuum left by the decline, first of the Ottoman Empire, and later of the Axis powers.⁵⁰² In 1919 the Treaty of Versailles awarded mandates over Palestine and Iraq to Britain, and France was awarded a mandate over Syria, which included the present territory of Lebanon. "The new state of Great Lebanon was torn from the body of Syria and inaugurated by General Henri Gourand on 30 August 1920."⁵⁰³ At the end of World War II Egypt, Libya, Iraq and Palestine fell into the British 'zone of influence' while Lebanon, Syria and the Magreb region of northern Africa fell into the French 'zone of influence'. Borders had been decided with minimal consultation towards 'the wishes of these communities'.

⁴⁹⁹ The Israel/Palestine conflicts will be analysed separately and in more depth in the following focal conflict section.

⁵⁰⁰ The term 'victors' is probably a misnomer in the case of WW I, because it is difficult to identify any real winners in this war.

⁵⁰¹ League of Nations Covenant, Article 22.4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

⁵⁰² "An Anglo/French agreement of 1916, while accepting the principle of Arab independence ... divided the area into zones of permanent influence ... and a British document of 1917, the Balfour Declaration, stated that the government viewed with favour the establishment of a Jewish national home in Palestine. ... Under the terms of the mandates, formally granted by the League of Nations in 1922, Britain would be responsible for Iraq and Palestine and France for Syria and Lebanon." Albert Hourani, *A History of the Arab Peoples* (London: Faber and Faber, 1991), p. 318.

⁵⁰³ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 367.

The taproots of genocide?

The Armenian, Kurdish and Palestinian peoples have suffered most from the flawed transition from Ottoman domination. One of the consequences of the disintegration of the Ottoman Empire was the introduction of the divisive aspects of nationalism, with serious consequences for many groups including large population transfers between Greece and Turkey and pogroms amounting to genocide against the Armenian people. The two interconnected conflicts, involving Armenians and Kurds,⁵⁰⁴ are important towards understanding not only some root causes of Middle Eastern conflicts but also towards understanding the repeated failures of the international community and the UN to prevent or adequately deal with crimes against humanity and genocide. While atrocities committed against the Armenian people occurred prior to the foundation of the League and United Nations, the failure of the international community to achieve justice for the Armenian people during or after the genocide, set an example that encouraged future acts of genocide. Adolph Hitler posed a rhetorical question to his generals as they planned the invasion of Poland in 1939. “Who after all is today speaking of the destruction of the Armenians?”⁵⁰⁵ The lesson that the Nazis took from the Armenian massacre was that genocide pays, and they went on to perpetrate the Holocaust. Other acts of genocide or gross violations of human rights were perpetrated by Stalin, Chairman Mao and Pol Pot, and also in East Timor, Srebrenica, Rwanda, and more recently in Burma, Zimbabwe and Darfur. In all these cases the actions of the UN and the international community to prevent or respond to these events were seriously inadequate. The Armenian and Kurdish conflicts also represent the beginning of the post-empire/post-colonial process, and represent two very significant failures in this transition process.

Colonial subdivision:

The subdivision of the southern and eastern coastal strips of the Arabian peninsula into small states, dependent on Western (initially British) support for their

⁵⁰⁴ The Armenian and Kurdish conflicts were interconnected in the sense of taking place over some of same territory, and the active participation of Kurdish people as perpetrators of the genocide against the Armenian people in 1915. “The Kurds played the same role as executioners for the Turks that the Lithuanians and Ukrainians and Croats would later assume for the Nazis.” Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), Chapter Ten, The first Holocaust, p. 398.

⁵⁰⁵ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 405

survival, has ensured Western access to the abundant oil resources in this region, but has also resulted in non-democratic Sheikdoms whose vast oil wealth is mainly invested in Western states.⁵⁰⁶ A similar strategy of establishing Western dependent “royal” families as non-democratic rulers in most other Arab states and in Persia, has been successful from a Western perspective in Saudi Arabia, was successful for several decades in Persia/Iran, but quickly failed in Libya, Egypt, and Iraq. The French were less successful in their efforts to manipulate the future of Syria and the Lebanon, but the establishment of the state of Lebanon prevented the development of a greater state of Syria, contributing to fragmentation in the region.⁵⁰⁷ The boundaries and political system in Lebanon were manipulated to give the Christian community political control for a while, until Muslim population growth and the influx of Palestinians upset the contrived balance and destabilised the fledgling state.

Colonial transition and conflicts in southern Arabia

About 115,000 people were killed in Yemen during the period of the UN’s stewardship from 1945. Yet the UN played very little part in resolving these conflicts. The independence struggle between Aden/South Yemen and Britain that cost about 1000 lives. Civil wars in North Yemen in 1948 and from 1962-70 cost over 100,000 lives, including 1000 Egyptians and 1000 Saudi Arabian soldiers, fighting on opposing sides. The civil war in neighbouring South Yemen in 1986 cost at least 10,000 lives.⁵⁰⁸

Yemen has a long and complex history, unlike most other Middle Eastern states that were cobbled together by the two colonial powers. “North Yemen was a kingdom in the 2nd millennium BC, followed by successive periods of rule by Egypt, Rome, and Ethiopia.” Halliday described Yemen as “the Vietnam of the Ottomans”.⁵⁰⁹ It was also one of the turning points in British influence in the Middle East. Aden and the Federation of South Arabia merged as a Republic in 1967 after an insurgency

⁵⁰⁶ The current states along this L-shaped strip are Yemen, Oman, United Arab Emirates, Qatar, Bahrain, and Kuwait. Yemen is a net importer of oil while all the others are net exporters of oil.

⁵⁰⁷ Britain and France considered the Middle East essential towards the continuance of their global imperial power. However, the reality was that World War II had already broken these imperial ambitions. “France was in a weaker position than Britain. ... for Britain ... investments, oil, markets, communications, the strategic interests ... seemed to make it more important to retain its position”. Albert Hourani, *A History of the Arab Peoples* (London: Faber & Faber, 1991), pp. 356, 357.

⁵⁰⁸ Source for these estimates is <http://users.erols.com/mwhite28/warstat1.htm>, accessed on 1 November 2005.

⁵⁰⁹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 81.

against British rule. The present state of Yemen emerged “when the two Yemeni states, North and South [PDRY], separate since the early eighteenth century, had merged in 1990 into one state.”⁵¹⁰

Saudi Arabia, Jordan, and Iraq were states established largely by Britain, using the device of supporting selected tribal chiefs, who were dependent on British military and political support for their survival.⁵¹¹ British influence in Saudi Arabia was later replaced by US support, while the ‘royal’ lineage in Iraq was soon overthrown by revolution, leading on to Baathist rule under Saddam Hussein. Iraq has proved to be an unstable nation state, held together by brutal repression of the majority Shia group and the Kurds by Saddam’s minority Sunni group.⁵¹² The current Iraqi virtual civil war, unleashed by the US-led invasion of March 2003, could yet destabilise the wider Middle East even further.

The Kurdish people have been one of the main losers in the self-determination process. Kurdish efforts to achieve independence or autonomy from the four states within whose territory they mainly live, Turkey, Iraq, Iran and Syria, have been expensive in terms of life and hardship. Neither the League of Nations nor the UN had any real influence on deciding the borders of the post-colonial states. This has led to endemic instability and frequent conflicts particularly in the Middle East and Africa.

US diplomats and missionaries spread across the old Ottoman empire argued eloquently that the Arabs of the empire should be set up – without Turkey – as one ‘modern Arab nation’, as they called it, to develop and progress in the world.⁵¹³ These Wilsonian ideals could have provided a viable framework for the peaceful development of the Middle East. However, Fisk argues that because of American isolationism after World War I: “(w)e Europeans took over the area, and we failed. When the United States re-entered the region a quarter of a century later, it did so for oil”.⁵¹⁴ A federation of Arab states in the Middle East would have rivalled both Britain and France and impinged on their imperial or neo-colonial and economic interests. The colonial transition process for Palestine including the subsequent establishment of

⁵¹⁰ *ibid*, p. 76.

⁵¹¹ “The preservation of Jordan – as artificial a country as Britain ever invented – became the be-all and end-all for the Hashemites.” Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 989.

⁵¹² The divide and rule strategy that worked for colonial control was a poor recipe for democratic independence. “The Kurds, like the Shia, were regularly betrayed by both the west and Iraq’s neighbours”. Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 197.

⁵¹³ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 408.

⁵¹⁴ *Ibid*, p. 409.

the state of Israel will be discussed in more detail in the focal conflict section. This transition problem was foisted abruptly on the UN by Britain in 1947.⁵¹⁵

Theme 2. UN Conflict Prevention Role in the Middle East.

In the first few years of its existence the UN was faced with conflicts that had been developing before the UN was founded, especially the Israel/Palestine and Kurdish conflicts, so conflict response was the only option open to it. This UN response included, the use of its good offices, the appointment of a special representative, Count Bernadotte, the establishment of UNTSO to observe and report back on conflict issues, and the establishment of UNRWA to provide humanitarian aid to the consequential refugees. However, the UN's subsequent conflict prevention performance throughout the Middle East was based primarily on its peacekeeping activities that had the effect of postponing conflict rather than preventing it. UNEF I, in the Sinai Desert was the most obvious example. Conflict prevention by the UN was lacking particularly in the Iran/Iraq War. There was probably little the UN could do to prevent the Iraq/Kuwait War, given the headstrong and irrational Iraqi leadership. The provision of peacekeeping operations did have a preventative effect in some cases, and UNEF II and UNDOF are examples of successful PK operations that at least prevented conflicts from deteriorating, after the UN and the international community had failed to prevent the Yom Kippur War. The UN's performance in its conflict prevention role has arguably been poorest in the Lebanon. Lebanon suffered an influx of Palestinian refugees during and after the 1948 war. The failure of the UN to resettle these refugees back in their original lands in Palestine, or elsewhere, has resulted in these refugees and subsequent generations of Palestinian refugees still being imposed on Lebanon sixty years later, with huge destabilising effects on Lebanon.

The already fixed borders of Turkey, Syria, Iraq and Iran, combined with the provisions of Article 2.7 of the UN Charter prevented the UN from engaging in effective conflict prevention on behalf of the Kurdish people. However, these excuses do not change the reality that the UN failed to prevent the conflicts and persecution that afflicted the Kurdish people, particularly in Turkey, Iraq and Iran. The fact that

⁵¹⁵ "American pressure on Britain increased, and Jewish attacks on British officials and installations in Palestine came near the point of open revolt. In 1947 Britain decided to hand the matter over to the United Nations." Albert Hourani, *A History of the Arab Peoples* (London: Faber & Faber, 1991), p. 359.

these UN conflict prevention failures are beyond the scope of the UN to remedy reinforces the need for UN transformation.

Each UN conflict prevention failure in Palestine has been a factor in each subsequent round of these conflicts. The failure to prevent or resolve earlier conflicts in the Middle East and Afghanistan (USSR/Afghan War) was a factor in the 9/11 attacks on the US⁵¹⁶, leading to the US/Afghanistan War. Having failed to prevent this Afghan war, the UN failed to ensure that this military intervention was conducted in accordance with the UN Charter and in accordance with the Geneva Conventions.⁵¹⁷

Theme 3. The UN's peace maintenance *modus operandi* in the Middle East – Collective Security v Peace-enforcing v Peacekeeping

The UN did achieve some success in the case of the North Yemen conflict when the Secretary General U Thant intervened and offered his 'good offices' as an intermediary, and proposed the establishment of a UN peace mission. UN Security Council resolution 179 (1963) approved the setting up of UNYOM. UNYOM drew on the established resources of both UNTSO and UNEF. It was operated on a relative 'shoe-string' in a difficult climatic environment but it achieved a considerable degree of success. This success was partly due to the desire of the international belligerents, Saudi Arabia and Egypt, to resolve this dispute, but the timely nature of the UNYOM peace mission and the speed with which the small mission was deployed were crucial to its success. The UN's intervention in this particular Yemen dispute was therefore a success that should have provided valuable lessons for other missions. However, this UNYOM mission only resolved the international aspects of this North Yemen conflict. The internal civil war within North Yemen continued until 1970 at a cost of over 100,000 lives. This demonstrates the UN Charter limitations and failures with regard to conflicts within states, and its failures to prioritise the value of human life.

Collective Security

The Gulf War in 1991 involved a broad coalition of the international community in a UN approved collective security military operation that expelled Iraqi

⁵¹⁶ Chalmers Johnson's *Blowback* was written a year before the 9/11 2001 attacks on the World Trade buildings. However, he listed the 1993 attacks on this same building as examples of blowback. "A group of these mujahideen, who only a few years earlier the United States had armed with ground-to-air Stinger missiles, grew bitter as a result of American acts and policies in the Gulf War and vis-à-vis Israel." Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London: Little Brown, 2000), p. 13.

⁵¹⁷ The US did not seek UN approval for this war, and the treatment of civilians killed by US actions and prisoners taken in this war by the US involved serious breaches of the Geneva Conventions on War.

forces from Kuwait. It was hailed as a watershed and a huge success for the UN and the international community. President George H Bush spoke of “a brave new world” following the end of the Cold War. However, some critical thinkers took a different view. Danilo Zolo wrote that: “neither the theory of ‘just war’, ... nor more broadly, theories of ethics in international relations could provide any justification for this war and, in particular, for the actions of the United Nations.”⁵¹⁸ Phyllis Bennis believed that: “in terms of real decision-making the coalition was a fraud and the UN was out of the loop”.

The Security Council had to learn from a UN security guard and CNN — not from the UN’s military Staff Committee or the secretary-general or even the UN ambassador — that the “UN’s war” had begun.⁵¹⁹ Fred Halliday’s estimate of casualties in the Iraq-Kuwait War of about 15,000 may be a significant underestimate.⁵²⁰ Some estimates go as high as 200,000.⁵²¹ Halliday’s figures probably do not include the Shia Muslims killed by Saddam after the Basra uprising in late 1991.

Operation Desert Storm, owed in the end little to the (U.N.) Chapter VII rules for enforcing collective security. The American-led international coalition was neither assembled on the order of the Security Council nor sent into action under the U.N. flag.⁵²²

The decision by the US and the UK to abandon support for the Shia and Kurdish uprisings resulted from their desire to maintain a weakened Iraq under a defeated Saddam Hussein. The UN was a party to this *Realpolitick* by default, because: “it suited the US to have the neighbourhood bully still at large, thus justifying its position as the policeman on the block.”⁵²³

A. Cordesman describes the role of the US as the world’s policeman.

Like it or not, the US is the only nation that can assemble and project enough power to meet any aggressor. While Americans may not want to be the world’s policeman, they must consider what it would be like to live in a world without any policeman at all.⁵²⁴

While there is clearly a need for policing at world level Cordesman’s argument that the US is the only option, and therefore the best option, is disproved by events in Iraq

⁵¹⁸ Danilo Zolo, *Cosmopolis: Prospects for World Government*, translated from Italian by David McKie (Cambridge: Polity, 1997), p. xi.

⁵¹⁹ Phyllis Bennis, *Calling the Shots: How Washington Dominates Today’s UN* (New York: Olive Branch Press, 2000), p. xx.

⁵²⁰ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 189.

⁵²¹ John Pilger, *Distant Voices*, (London: Vintage, 1994), p. 3.

⁵²² Rosemary Righter, *Utopia Lost* (New York, Twentieth Century Fund, 1995), p. 311

⁵²³ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 105.

⁵²⁴ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 104.

and elsewhere. The ‘international policeman’ role of the US is mainly self-interest driven and often seriously flawed in its application. The US assisted international law-breakers, in the case of the Lebanese invasions in 1978, 1982, and 2006, it led a seriously flawed ‘policing’ mission to Somalia in 1992, stood idly by during the Rwanda genocide in 1994, and perpetrated international crimes in Guatemala, Vietnam, Cambodia and elsewhere. The world needs a policeman to police the US, and other abusers of international law, rather than the US or other states as its self-appointed policemen. The collective security mission against the Iraqi occupation of Kuwait in 1991 did restore sovereignty to the Kuwaiti government, but subsequent developments, including the UN imposed sanctions on Iraq, and the developments in Iraq from March 2003, indicate that the collective security operation of 1991 did virtually nothing to improve international peace and security, and has led to the serious destabilisation of the wider Middle Eastern region.

Peace-enforcing:

While UN peace-enforcing has had some successes in East Timor, and Liberia, it has never been implemented in the Middle East, even though the Israel/Palestine conflict did justify assertive peace enforcement on several occasions.⁵²⁵ Instead the UN has been forced to rely on an ineffective mixture of unarmed military observers and traditional lightly armed and neutral peacekeeping. The Israeli invasions of Lebanon in 1978, 1982 and 2006 were in breach of international law, involved crimes against humanity, particularly the attacks on refugee camps at Sabra and Chatila, and also involved the killing of UN peacekeepers, actions that should have justified peace-enforcement actions against Israel. However, any such actions by the UN either were or would have been prevented by the US using its power of veto.

US Coalition/Iraq War and Occupation 2003 – to date

When I am back in Nellis [US air force base, in California] I can fly a mission over Iraq with the Predator [remote attack aircraft], and then go and take my children to a ball game⁵²⁶

⁵²⁵ Peace-enforcement in Lebanon by neutral UN missions was needed during the civil war in Lebanon and to counter Israeli and Syrian occupations of Lebanon. The interventions by non-UN international forces in Lebanon were partisan and UN forces had neither the mandate nor resources to achieve peace-enforcement.

⁵²⁶ Stephen Grey, US takes fight to rebels, Sunday Times, October 3, 2004, p. 25. Grey quotes Kurt Scheible, Commander of the Nellis US air force base in Las Vegas, USA, on the use of unmanned Predator spy planes piloted firing missiles on targets in Iraq while piloted by individuals located 7,000 miles away in Las Vegas.

A report published in the Lancet medical journal estimated that for the 17.6-month period after 20th March 2003, there were 100,000 war-related deaths in Iraq. While this figure includes military deaths, the report estimated that 46% of those deaths were children under 15 years of age, that is, 46,000 Iraqi children killed.⁵²⁷ Since then some of the estimates for Iraqi dead as a result of the 2003 war have risen to over one million. This war was initiated in contravention of the UN Charter.⁵²⁸ Robert Cooper writes that: “the business of creating or reconstructing a state – nation-building – is much more difficult than that of destroying a regime.”⁵²⁹ Iraq and Afghanistan are proving the accuracy of this statement. The UN failed to curb these excesses of its P-5 members.

Peacekeeping:

The UN has used peacekeeping more widely in the Middle East as a peace maintenance mechanism than anywhere else in the world. As will be discussed in the focal conflict section peacekeeping was used very extensively in the Israeli/Palestine conflict, often with initial successes in the early stages of these peacekeeping missions, but, with some exceptions such as UNEF II, these peacekeeping missions proved long-term failures. The peacekeeping option was not used in the Iran/Iraq war or in any of the wars in Afghanistan, where large-scale loss of life occurred, and where peacekeeping might have succeeded if international support had been forthcoming for such missions. The UNYOM mission in Yemen in 1963 is one example of successful peacekeeping. The UN and the international community have failed to give similar priority to the lives of people in Iran, Iraq and Afghanistan, as it has given to the lives of people in specific conflicts such as those involving Israel and the former Yugoslavia.

Theme 4. Timeliness of UN peace missions in the Middle East

The various and multiple UN missions deployed for the Israel/Palestine conflicts were usually deployed in a very timely manner. However, the long duration

⁵²⁷ Les Roberts, Riyadh Lafta, Richard Garfield, Jamal Khudhairi, Gilbert Burnham, “Mortality before and after the 2003 invasion of Iraq: cluster sample survey”, Published online October 29, 2004 <http://image.thelancet.com/extras/04art10342web.pdf>, <http://web.mit.edu/humancostiraq/reports/lancet04.pdf>.

⁵²⁸ “On the morning of 20 March, 2003 the first American and British air strikes were launched against Baghdad without any explicit authorisation from the UN Security Council.” Neil Fenton, *Understanding The UN Security Council: Coercion or Consent?* (London: Ashgate, 2004), p. 199.

⁵²⁹ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 115.

of most of these missions proved counter-productive and they therefore proved untimely in the sense that the lengthy duration contributed to the failures to resolve these conflicts. By contrast, the UNYOM mission to Yemen in 1963 was timely both in its initiation and in its conclusion. Other peace mission elsewhere in the wider Middle East, were either untimely, in that they were not initiated at all when they should have been, or they were initiated only when the belligerents had stopped fighting due to exhaustion of one or both sides. This applied in particular to the USSR/Afghan and the Iran/Iraq conflicts.⁵³⁰

US support for Saddam Hussein's regime in Iraq continued throughout the Iran/Iraq war, in spite of his known gross abuses of human rights within Iraq, and his support for Palestinian terrorists attacks against Israel. Iraq "was seen as bulwark for Western interests".⁵³¹ The UN did not intervene due to such superpower involvement.

There can be little doubt that this external contribution [provision of arms, agricultural credits and intelligence to Baghdad by both East and West] played its part in sustaining Iraq and, thereby, in forcing Iran, after eight years of war, to accept the ceasefire in August 1988.⁵³²

The death toll in the Iran/Iraq War, at up to 1 million, was of such a magnitude that it should have been a major priority for the UN to intervene with all available peace maintenance and conflict resolution resources. It failed to do so in a timely manner due to P-5 interests in prolonging this war.⁵³³

USSR/Afghanistan and US/Afghanistan Conflicts.

The UN did deploy a variety of missions to Afghanistan.⁵³⁴ However, while several of these missions provided good humanitarian relief, such assistance could be provided by other organisations such as the International Red Cross. While humanitarian relief may be part of complex UN peace-building missions it is not the primary UN mission, and can distract from this primary mission.⁵³⁵ Donini *et al* refer

⁵³⁰ The UNIIMOG (UN Iran/Iraq Military Observer Group, Aug. 1988–Feb. 1991) was one such mission, launched only after the belligerents had stopped fighting due to mutual exhaustion, and after up to one million people had been killed.

⁵³¹ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 104.

⁵³² Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 181.

⁵³³ The US was not alone in its 'self-interest' support for Iraq. The Irish Government approved the export of large amounts of beef to Iraq during this period, underwrote a payment insurance scheme for these exports that resulted in the Irish taxpayer eventually paying for a large amount of these exports.

⁵³⁴ UN missions to Afghanistan have included, UNAMA (UN Assistance Mission in Afghanistan), UNSMA (UN Special Mission in Afghanistan) that became operational in 2002, UN involvement in the Bonn agreement on Afghanistan, UNOCHA UN Office for the Coordination of Humanitarian Assistance for Afghanistan, SF Strategic Framework experiment and UNGOMAP Afghanistan.

⁵³⁵ UNPROFOR in Bosnia was an example where the UN mandate to provide humanitarian aid was often in direct conflict with its obligations to maintain international peace and security.

to “Afghanistan’s quarter century of crisis” and stress the significance of the Afghanistan conflict in 2001 as “a defining moment (post-Kosovo—pre-Iraq) in the evolution of the theory and practice of global ordering.”⁵³⁶ The indications so far point only to increasing disorder. These Afghan conflicts could be considered separate conflicts, over a decade apart, involving two separate superpowers. However, on closer analysis, the people of Afghanistan have suffered continuous conflict conditions, or a ‘chain of conflict’ for over thirty years since the overthrow of the monarchy in 1973. In this respect it resembles Cambodia, in both the duration and scale of conflict damage inflicted on the people and infrastructure. In both cases, the UN failed over the full duration of these conflicts. Like Vietnam and Cambodia, the UN did not intervene in the Afghanistan War in the 1980s because one of the main belligerents, the USSR was also a permanent member of the UN Security Council. Following the defeat and withdrawal of the USSR from Afghanistan, the UN failed to intervene effectively to ensure recovery and democracy in Afghanistan.

Theme 5. Prioritisation of individual human rights and justice issues and crimes against humanity.

For this Middle Eastern case study theme the focus will be on the crimes of genocide and gross violations of human rights against individuals and groups of individuals. While terms such as genocide, or ‘crimes against humanity’ tend to focus on crimes against groups the impact of the actual crimes against the individual members of these groups can be overlooked. Genocide, amounts to a multitude of separate crimes of murder against each of the victims. The UN therefore should play a vital role in defence of such individuals within member states who are targeted for persecution and extermination by those UN member states.

The Armenian Genocide and the Kurdish Conflicts:

In the ensuing [World War I] hostilities the Kurds were used by the Ottomans to play an ignoble part through their involvement in comprehensive ethnic cleansing, amounting to genocide, of Armenians in Anatolia.⁵³⁷

The Armenian genocide is important in the Middle East, and in the wider international conflict context, because it was the first clearly recognisable large scale

⁵³⁶ Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. 2.

⁵³⁷ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 74.

act of genocide that was widely reported as it was happening,⁵³⁸ and the failure by the international community to prevent, respond to, ameliorate, or even acknowledge with hindsight that it was genocide, has arguably been a contributory factor towards such crimes being repeated elsewhere in the meantime, including within the Middle East. An examination of Robert Fisk's map of the Armenian genocide reveals that it occurred to a significant degree across the region that includes the areas occupied by the Kurdish people in Turkey, Syria and Iraq.⁵³⁹

The complex histories and suffering of the Armenians, the Kurds and the Palestinians in the Middle East are comparable in certain respects with the suffering of the Jewish people. While the Jewish people did eventually get substantial support from the United States, and the remnants of the Armenian people got substantial support from Soviet Russia,⁵⁴⁰ the Palestinians and Kurds have been far less favourably treated and sometimes used as pawns in power-games.⁵⁴¹ A study of the region in which the Kurds live, reveals that an even greater tragedy occurred across this same region in 1915. Up to one and half million Armenian people were massacred by the revolutionary Young Turk regime in 1915, in a region that encompasses north-eastern Iraq, eastern Turkey, and northern Syria. "The killing of over a million Armenians in the Ottoman Empire in 1915 has been described as 'the first of the modern ideologically motivated genocides' (Chalk and Jonassohn 1990: 249)".⁵⁴² If this crime of genocide against the Armenian people had been properly investigated, and its perpetrators brought before some system of justice, then the likelihood of such crimes being copied and replicated by others would have been significantly reduced.

⁵³⁸ The massacre of up to three-quarters of the Herrero tribe in what is now Namibia by German colonists in the late 1800s is now acknowledged as one of the first act of genocide in the modern era. Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003).

⁵³⁹ See Robert Fisk's map of the Armenian genocide sites Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 389, and the Milton-Edwards/Hinchcliffe Map D – Distribution of the Kurds across Turkey, Syria, Iran and Iraq, in Appendix A and B attached this chapter. Beverley Milton-Edwards, and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004).

⁵⁴⁰ The present Armenian Republic exists primarily because it was recognised as a republic within the USSR throughout the existence of the USSR.

⁵⁴¹ Jordan and Egypt have at times used the Palestinian refugee problem and Palestinian territories inappropriately, and various local and external powers have used, and abandoned, the Kurds when it suited them. Jordan annexed the West Bank after the 1948 war, and subsequently expelled the Palestinian refugees in 1970. Iran and Iraq supported Kurdish separatist movements in their neighbours states while they were persecuting them in their own states.

⁵⁴² Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 32.

Robert Fisk quoted Pope John Paul II as “daring to refer to ‘the Armenian genocide, which was the prelude of future horrors’”.⁵⁴³ Fisk writes that: “tens of thousands of Armenians were massacred – amid scenes of rape and mass pillage – by the Kurds, the very people upon whom Saddam Hussein would attempt genocide just over sixty years later.”⁵⁴⁴ Fisk connects some historical dotted lines.

Germans, too, bore witness to the massacres because officers of the Kaiser’s army had been seconded to Turkey to help reorganise the Ottoman military ... The Germans ... saw with their own eyes the first use of cattle trucks for human deportation⁵⁴⁵ Fisk goes on to trace significant connections between German knowledge of the Armenian genocide and the Nazi perpetrators of the Holocaust, including Rudolf Hoess, who joined the German forces in Turkey as a teenager. “In 1940 he was appointed commandant of Auschwitz, and he became deputy inspector of all Nazi concentration camps at SS headquarters in 1944.”⁵⁴⁶ He cites Hitler’s rhetorical question to his generals: “Who after all is today speaking of the destruction of the Armenians?” Fisk writes that:

What was so chilling about Hitler’s question to his generals, however, was ... his ... important knowledge that the perpetrators of these war crimes were rewarded with impunity.⁵⁴⁷

It is for the purpose of historically locating this aspect of impunity that the 1915 Armenian genocide is included in this research project, even though it preceded the foundation of the UN by 30 years. Fisk emphasises the parallels with the Holocaust genocide, but Cambodia, Rwanda and Srebrenica all followed very similar patterns.

Enver Pasha, the Turkish war minister, told [US ambassador] Morgenthau that the Armenians were being sent to ‘new quarters’, just as the Nazis later claimed that the Jews of Europe were being sent east for ‘resettlement’. Armenian churches were burned like the synagogues of Nazi Europe.⁵⁴⁸

A further parallel between all these crimes of ‘ethnic cleansing’ and genocide is their relative success and impunity. Otherwise they would not have been worth perpetrating and repeating. Mass murder creates historical facts that cannot be reversed. Hitler did solve what the Nazis called ‘the Jewish problem’ by murdering up to six million, and the Rwandan genocide ‘succeeded’ in its objective of further diminishing the numbers and proportion of Tutsis in central Africa by killing almost one million of them. The ‘ethnic cleansing’ of Palestinians from their lands, though less murderous in scale, has

⁵⁴³ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 417.

⁵⁴⁴ *Ibid.*, p. 396.

⁵⁴⁵ *Ibid.*, p. 400.

⁵⁴⁶ *Ibid.*, p. 400.

⁵⁴⁷ *Ibid.*, p. 406.

⁵⁴⁸ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 398.

given Israelis de facto control and use, if not ownership, of large areas of Palestinian land and property. The UN and its various agencies and officials have a duty to be aware of these facts and interconnections, and had a duty to take all necessary steps to prevent a repetition of acts such as the Armenian genocide and the Jewish Holocaust. It has failed catastrophically to do so.

While genocide was just one of the reasons for the foundation of the UN, the inter-relationship between genocide and war, and the inexcusability and seriousness of genocide, makes prevention of genocide an important yardstick towards judging the UN's success or failure. Shaw uses the Genocide Convention 1948 definition of genocide. He points out that the Convention:

... commits states to 'protecting' threatened populations and to 'punish' those responsible for genocide. But both commitments have been largely neglected by the United Nations itself and by major states since 1948.⁵⁴⁹

These case studies, and the examinations of the crimes against the Armenian and Kurdish peoples are intended to demonstrate the extent to which the UN neglected its duties in these matters, in spite of the historical knowledge of both the Armenian genocide and the Holocaust.

The Kurdish People:

The estimated Kurdish population in the Middle East is about twenty-six million.⁵⁵⁰ Their problem from a UN perspective is that they are not recognised as a state or even as a 'non-self-governing territory' under Article 73 of the UN Charter. They are considered subject peoples of various states. Fred Halliday outlines some of the difficulties they have encountered due to the arbitrary drawing of borders in the region.

Each of the three main Kurdish nationalist movements – in Iran, Iraq and Turkey – has sought support from other states, even though these latter have themselves been oppressing their own Kurds.⁵⁵¹

The Kurds have also been used by external powers in pursuit of other interests.⁵⁵² Being trapped within states therefore has resulted in the UN largely ignoring their

⁵⁴⁹ Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 34.

⁵⁵⁰ The Kurdish population includes, 13 million in Turkey, 6 million in Iran, 4 million in Iraq, 1 million in Syria, 500,000 in former Soviet Union and about 700,000 in a wider Kurdish Diaspora. Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), Chapter Ten, pp. 388-436.

⁵⁵¹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 237.

⁵⁵² In the 1990s the US and UK used Kurds in North Iraq as a means of curtailing the power of Saddam Hussein. However, after the overthrow of Hussein, US relations with its ally Turkey have put limitations on its support for Iraqi Kurds.

plight even when Saddam Hussein used banned chemical weapons, including cyanide and mustard gas, to kill thousands of Kurds in the town of Hallabja in north-east Iraq in 1988. Halliday writes that: “Kurdish opposition to the new centralising states was crushed in the 1920s but revived in Iraq after 1958, in Iran after the revolution of 1979 and Turkey in the insurrection of 1984-2000.”⁵⁵³ He lists some of the Kurdish attempts to achieve autonomy or independence:

The revolution in Iraq in 1958 was followed by a Kurdish uprising ... In 1991, following the Iraqi defeat over Kuwait, a new Kurdish uprising took place in northern Iraq ... In Iran, ... it was the 1979 revolution that provided the context for the emergence of Kurdish opposition, only for this to be bloodily crushed by the Teheran government in the early 1980s. ... [In Turkey] the PKK launched a struggle in 1984 that was to last fifteen years...⁵⁵⁴

This summary does not include the repeated broken promises to Kurdish groups by western powers, and internal struggles within the Kurdish movements. The only significant UN intervention on behalf of the Kurds occurred following the 1991 Iraq War, when the Kurds in northern Iraq and the Shia in southern Iraq rebelled against the Saddam Hussein regime, with US and British encouragement, to facilitate Iraqi expulsion from Kuwait. The US and Britain then abandoned their Kurdish and Shia allies while Saddam Hussein brutally suppressed them. According to Noam Chomsky, support for Saddam’s suppression of the Kurds in 1991 came from Israel, who feared that “Kurdish autonomy might create a link between Damascus and Teheran”.⁵⁵⁵

Paul Rogers castigates the West and by implication the UN for the persistent refusal to:

take action against the Iraqi use of chemical weapons, even when this included the killing of thousands of civilians in an attack on the Kurdish town of Hallabjah in March 1988.⁵⁵⁶

Crimes against humanity have been committed against the Armenian and Kurdish people in the Middle East. In the case of the Armenians in 1915 these crimes amounted to genocide. While the Genocide Convention of 1948 was a very significant response to the Holocaust, the failure of the international community to address the Armenian genocide sowed the seeds of impunity that spawned further similar acts of genocide.

Iraq Sanctions 1990 – 2003

⁵⁵³ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 171.

⁵⁵⁴ *Ibid.*, p. 184.

⁵⁵⁵ Noam Chomsky, *Middle East Illusions*, (Lanham: Rowman & Littlefield, 2003), p. 189.

⁵⁵⁶ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London, Pluto, 2002), p. 104.

While the Rwandan genocide was one the UN's greatest failures, the death toll caused by the UN sanctions imposed on Iraq represents one of the UN's most culpable actions.⁵⁵⁷ The sanctions were imposed at the behest of the US and the UK. Robert Fisk records that 1990 was the: “(s)tart of UN sanction against Iraq which in the next eight years will cause the deaths of 500,000 children.”⁵⁵⁸ At least as many adults are also likely to have died prematurely as a result of these sanctions.⁵⁵⁹ The UN cannot put forward the excuse that it did not know the effects of its sanctions. The two most senior UN officials in Iraq during these sanction, Under Secretary General Denis Halliday and his successor Count Hans von Sponek, resigned from their careers in the UN in protest at effects of these sanctions. Before doing so, and by doing so, they informed the UN at the highest levels of the catastrophic results of these sanctions. Denis Halliday has described UN sanctions on Iraq as genocidal.⁵⁶⁰ While this may not accord with the terms of the Genocide Convention, the UN failed to prioritise individual human rights and justice issues, and was complicit in perpetrating crimes against humanity, in clear contravention of the UN's own Charter.

Theme 6. Power, exploitation and corruption issues V jurisprudential approach to international peace and security

Our armies do not come into your cities and lands as conquerors or enemies, but as liberators. Lt Gen F.S. Maude, Baghdad, 1917.⁵⁶¹

The post-imperial/post-colonial formation of most of the states in the Middle East involved abuses of power by the mandated countries, Britain and France, both before and after the UN was founded. During the Cold War period French and British interference was reinforced by superpower rivalry, including USSR occupation and war in Afghanistan. The supply of armaments by these powers led to the prolongation of the USSR/Afghan and Iran/Iraq Wars and unduly high casualty rates. There were

⁵⁵⁷ UN Security Council Resolution 669, August 6th 1990.

⁵⁵⁸ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 1331.

⁵⁵⁹ The death rate of children and adults in post-1991 Iraq was significantly increased due to the deliberate destruction of water and sewerage treatment plants by US and UK air forces and by the extensive use of depleted uranium (DU) munitions. “During the Gulf War (Operation ‘Desert Storm’), the US armed forces used ... at least 315 tons of DU”, Anne Gut & Bruno Vitale, *Depleted Uranium* (Nottingham: CADU, 2003), p. 93.

⁵⁶⁰ Hans von Sponeck described Denis Halliday as: “an honourable civil servant who had no longer been willing to be part of what he believed was ‘a criminally flawed and genocidal UN Security Council Iraq policy’”. Hans C. Von Sponeck, *A Different Kind of War: The UN Sanctions Regime in Iraq* (New York: Berghahn Books, 2006), p. 10.

⁵⁶¹ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 172.

These claims by General Maude to be the saviour of the people of Iraq in 1917 were echoed by the words of US Presidents George H, and, George W, Bush in 1991 and 2001.

also significant abuses of power within several states in the Middle East, and by external states, both during and after the Cold War. The occupation and subsequent retention of Palestinian lands by Israel during the 1948 and 1967 wars was contrary to international law and contributed to the continuation and intensification of the Israel/Palestine conflicts.⁵⁶² Exploitation of the oil resources of the Middle East by the developed Western states has also contributed to the promotion of abuses and corruption in the wider Middle East, especially in Saudi Arabia, and in the oil-producing Gulf States.⁵⁶³

Throughout the period from 1945 to 2008, war has been one of the primary instruments of governmental foreign policy employed by Middle Eastern states, not only in the Palestine and Arab/Israeli conflicts but also in the conflicts within and between Arab states, and conflicts involving non-Arab states and both superpowers.⁵⁶⁴ What has been significantly lacking in the Middle East has been a jurisprudential approach to international peace and security. The UN has been misused in the Middle East by inappropriate use of long-term peacekeeping rather than conflict prevention and resolution, and the UN has perpetrated abuse on Iraqi people by damaging sanctions.

Kofi Annan's concerns on the interconnectedness of threats to security, including the nuclear threat, is particularly relevant to Middle East, and to South Asia as mentioned in the last Chapter.

In our interconnected world, a threat to one is a threat to all, and we all share responsibility for each other's security. If this is true of all threats, it is particularly true of the nuclear threat.⁵⁶⁵

Fred Halliday writes that in the post-Cold War era that: "The fear that grew with time was of a 'nuclear breakout' whereby states other than Israel would acquire nuclear weapons." Halliday reminds us of:

⁵⁶² In March 2008, Israeli Prime Minister Olmert approved further Jewish settlements in occupied Palestinian lands in the West Bank. FOX News, Sunday, March 09, 2008, "Olmert Approves New Construction in West Bank Settlement: Israeli Prime Minister Ehud Olmert on Sunday approved new construction in a West Bank settlement near Jerusalem, setting off another crisis in embattled peace negotiations ahead of the arrival of a key U.S. mediator." Accessed at <http://www.foxnews.com/story/0,2933,336274,00.html>, on 27 March 2008.

⁵⁶³ "The arms company BAE secretly paid Prince Bandar of Saudi Arabia more than £1bn in connection with Britain's biggest ever weapons contract", David Leigh and Rob Evans, The Guardian, Thursday June 7 2007.

⁵⁶⁴ Conflicts involving Arab States included Saudi Arabia and Egyptian participation in the Yemeni civil war, and the Iraq Kuwait War in 1990/91, conflicts involving Arab states and non-Arab states included the Iran/Iraq War, and conflicts involving Arab states and the superpowers were the USSR/Afghan War, in the 1980s, and the US Coalition wars with Iraq in 1991 and 2003.

⁵⁶⁵ The Secretary-General, Address To The Nuclear Non-Proliferation Treaty Review Conference, New York, 2 May 2005, <http://www.un.org/events/npt2005/statements/npt02sg.pdf>, accessed on 9 November 2005.

the continued imbalance between an Israel believed to have up to three hundred nuclear warheads and Arab states which possessed no nuclear capability. For its part Israel declined to sign the Nuclear Non-Proliferation Treaty.⁵⁶⁶ The widespread use of depleted uranium munitions against Iraq from 1991 to date also represents significant abuse of power, and breaches the threshold of use of radiation materials in warfare.⁵⁶⁷

⁵⁶⁶ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 153.

⁵⁶⁷ “the battlefield use of depleted uranium in the 1991 Gulf War, which broke a 46 year long taboo against the intentional use or induction of radioactivity in combat, has created military and legal precedent”. Anne Gut & Bruno Vitale, *Depleted Uranium* (Nottingham: CADU, 2003), p. 126.

Focal Conflict – Israel/Palestine

That summer [1952] there were still 1,845 [mainly Jewish] Displaced Persons, ... living in what – seven years earlier – had been Dachau concentration camp. ... Work was also in full spate that year by the United Nations Works and Relief Agency for Palestine (UNRWA) which was responsible for the feeding and welfare, including education, of 873,000 Arab refugees who had fled from Palestine during the Israeli War of Independence.⁵⁶⁸

Overview and origins of Israel/Arab Conflicts

Martin Gilbert's account above contains the root causes of the Israel/Palestine conflict. First, the Holocaust was the main remote cause, and the expulsion of Palestinian people from their long-term homes and lands in Palestine in 1948 was the main immediate cause. One of the problems with the Middle East is that for mainly geographical reasons it has been, and arguably still is, a migration and civilization crossroads. The gift of the written word, the legal code of Hammurabi, the teachings of the classical Greek scholars, the Torah, the Bible, and the Koran, all either had their origins, or took root in this relatively small region. Globalisation does not seem to have diminished the importance of the region as a focal point of international relations. Indeed, it appears to have intensified its relevance, as industrialised nations compete for Middle Eastern oil resources.

Theodor Herzl, one of the principal architects of Zionism, entitled his novel based on a future Jewish state 'Altneuland', meaning Old-Newland in German.⁵⁶⁹ He outlined the project for a Jewish state, *Der Judenstaat*, in 1896. Others call it the Holy Land and the Promised Land. For many centuries it was simply Palestine. David Hirst writes that: "the ethnic connection between nineteenth-century European Jewry and the Ancient Hebrews was a myth".⁵⁷⁰ However the concept of ethnicity includes elements of myth and reality.

There have been five full-scale wars between Arabs and Israelis—in 1948, when the Jewish State came into being, in 1956, 1967, 1973 and 1982—but the history of one of the world's most implacable and dangerous conflicts reaches

⁵⁶⁸ Martin Gilbert, *Challenge to Civilization; a history of the 20th century 1952-1999* (London: Harper Collins, 1999), p. 13,14.

⁵⁶⁹ 'Altneuland', Title of novel by founder of Zionism, Theodor Herzl, 1897. David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 137.

⁵⁷⁰ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 136.

back into the 1880s, when the earliest Zionists pioneers began to settle in Palestine.⁵⁷¹

The Middle East has been the UN's most prolonged involvement in a complex series of conflicts. The ongoing failure to resolve these conflicts has had greater consequences for wider international peace and security than any other conflict, since World War II. Paul Rogers argues that:

(t)he al-Qaida motivation against the United States arises only marginally from US support for Israel and much more fundamentally because of opposition to the US military presence in Saudi Arabia ... and the huge geo-strategic importance of the Persian Gulf region.⁵⁷²

This may underestimate the effect of the Israel/Palestine conflict in the broader Middle East context, but the complex interconnectivity of these issues makes them difficult to resolve. As world oil resources are being depleted, the importance of the Middle East from a geopolitical perspective will continue. Other interrelated factors such as history, geography, religion and forced migration add to the complications of conflicts in this region. Rogers' contention is that what he calls the "Western security paradigm" which seeks to maintain Western control and domination over international security, and in which the "unstable *status quo* is rigorously maintained" will become untenable or illusory and that there is a need "to develop a far more rounded approach to common security".⁵⁷³ Put another way, the perceived short-term national interests of Western states are counter-productive towards their real long-term interests, and towards the short-term interests of the peoples of this region. Peace in the Middle East is in everyone's interest. The issue of 'common security' will be revisited in the concluding chapter, where a global common human security strategy will be suggested.

Migration or Return to Promised Land?

The conflict and instability that has plagued the Middle East over the past century coincided with the break-up of the region into states, although few of these can be described as 'nation states'.⁵⁷⁴ The objectives of Zionism were not unlike

⁵⁷¹ Ibid, p. 133

⁵⁷² Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 149.

⁵⁷³ Ibid, p. 149.

⁵⁷⁴ Of the 17 Middle Eastern states listed in Table 5.1. above, only Egypt, Israel, Iran and Yemen, can claim to be nation states to a significant degree, and even Iran and Israel have significant minorities.

European colonial objectives of that era: ““promotion, on suitable lines, of the colonization of Palestine by Jewish agricultural and industrial workers.””⁵⁷⁵ Israeli Defence Minister General Moshe Dayan concurred with this view. “[The Arabs] see us, rightly from their point of view, as Westerners, foreigners, even invaders who seized an Arab country to create a Jewish state”.⁵⁷⁶ The extent to which this has been achieved is borne out by the statistics:

At that time [1882] there were already about 24,000 Jews, mostly immigrants, in Palestine. ... by 1914, they ... raised the Jewish population to 85,000. As a result of World War I, it fell to a mere 56,000 in 1918. By that time the immigrants had managed to acquire some 165,000 acres, or about 2% of the land area of Palestine.⁵⁷⁷

By 1929 this had risen to 156,000 Jewish people and 4% of the land, which amounted to 14% of the arable land.⁵⁷⁸ Lord Balfour mentioned “the 700,000 Arabs who now inhabit this ancient land” in a letter to the British cabinet in 1921.⁵⁷⁹

According to the 2006 Israeli census, Israel's population of 7,116,700 includes 5,394,400 of Jewish ethnic group, 1,413,300 Israeli Arab, and 309,900 others or unaffiliated groups.⁵⁸⁰ If the 1918 estimate of 56,000 for the Jewish population in Palestine is accurate, this amounts to just over one percent of Israel's present population. This demonstrates that the Zionist project behind the establishment of the state of Israel included and still includes elements of, annexation of territory, and migration of over five million Jews into Palestine/Israel, as well as the removal/expulsion of large numbers of non-Jewish people out of areas and lands that they or their ancestors had occupied and owned for many centuries. In addition

As will be discussed also briefly in the African case study chapter, the European system of nation states, arguably did not transplant easily into the Middle Eastern sands. Like Africa, not enough attention was paid to ethnic boundaries in a region where natural boundaries were few, especially in the Arabian Peninsula, and where not enough priority was given to the nomadic nature of some communities in these regions.

⁵⁷⁵ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 136.

⁵⁷⁶ Beverley Milton-Edwards, and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abingdon, Routledge, 2004), p. 8. Moshe Dayan is reported to have remarked: “I have only one eye. What do you want me to watch, the speedometer or the road?” as quoted by Udoh Elijah Udom, *Adminisprudence* (Ibadan, Spectrum Books, 1998), p. ix. This reflects the pragmatic tunnel-vision type view of many Israelis who fail to see the interconnection between Israeli and Palestinian long-term interests. Moshe Dayan later died in an accident, in which his visual impairment may have been a factor. Visualisation impairment, by the various participants, or failure to take a long-term perspective, is also a factor in Middle Eastern conflicts.

⁵⁷⁷ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), pp. 140,141, citing Yehoshua, Porath, *The Emergence of the Palestine-Arab Nationalist Movement 1918-1929*, Frank Cass, London, 1974.

Albert Hourani estimates similar population figures. “In 1922 Jews had formed about 11 per cent of a total population of three-quarters of a million ... by 1949 they formed more than 30 per cent of a population which had doubled.”

⁵⁷⁸ Hirst, p. 184.

⁵⁷⁹ *ibid*, p. 163

⁵⁸⁰ Source, Wikipedia http://en.wikipedia.org/wiki/Demographics_of_Israel#Ethnic_groups accessed on 20 February 2008.

Palestinians living in the occupied West Bank and Gaza regions have been denied basic human rights especially since 1967.⁵⁸¹

Hirst cites two key documents that shaped the modern history of the Middle East. These were the Sykes-Picot agreement of 1916, and the Balfour Declaration of 1917. In the former Britain and France agreed to “divide the former Arab provinces of the Ottoman empire between them”⁵⁸², in violation of earlier promises to the Arabs. The Balfour Declaration simply declared that: “His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people.”⁵⁸³ Milton Edwards and Hinchcliffe put the matter bluntly. “It soon emerged that the British had promised more than they could deliver and had engaged in what later emerged as duplicitous behaviour described as a ‘disgusting scramble for the Middle East’”.⁵⁸⁴

A key indirect factor in the Arab/Israeli conflicts since the end of World War II has been the reality of the Holocaust, but this is seldom listed as a primary cause. It is as if it were the Holocaust is the ‘elephant in the room’ everyone is trying to ignore. “The Palestinians complained that their land was being given away as a means of appeasing European guilt over the Holocaust.”⁵⁸⁵ Not only is it arguably a key factor, it is an irresolvable factor, between Arabs and Jews, because the Arabs, particularly the Palestinians, played no part in the Holocaust, so there are no acts of reparation or compromise which the Palestinians can use to negotiate with, in connection with the Holocaust. From a Palestinian perspective, they were violently expelled or forced to flee from their land by conquest in the 1948/49 Arab/Israeli war, and they have been the main losers ever since.

On the other side of this conflict, the Jews of Central Europe have suffered catastrophically by being expelled and virtually wiped out, first by pogroms throughout Europe, and then by deliberate mass murder in the Holocaust. It was the

⁵⁸¹ “Palestinian Refugees and the Politics of Peacemaking”. International Crisis Group, Middle East Report N°22, 5 February 2004, “While there is considerable controversy over the statistics, the number of Palestinian refugees today, if defined to include the descendants of 1948 refugees and those displaced from the West Bank and Gaza Strip as a result of the 1967 war, probably stands at between four and six million, comprising some two-thirds of the Palestinian people.” Accessed at <http://www.crisisgroup.org/home/index.cfm?id=2511&l=1>, on 27 March 2008.

⁵⁸² David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 158.

⁵⁸³ *Ibid*, p. 159.

⁵⁸⁴ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 11, citing E. Monroe, *Britain’s Moment in the Middle East* (London: Chatto & Windus, 1963), p. 66.

⁵⁸⁵ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 12.

19th and early 20th century pogroms in Europe that prompted the Zionist to seek a homeland for the Jews, and it was the Holocaust that forced them to make this quest a reality.

Morally incapable of return to the ruined homes where their kindred had been slaughtered, ... physically unable to enter countries of greater opportunity because of stringent immigration laws, they could see no conceivable future except Palestine.⁵⁸⁶ Europeans on the other hand, including Lord Balfour, encouraged European Jews to seek such extra-European solutions to their survival problems. Hirst cites Balfour's Aliens Act, which restricted Jewish immigration to Britain, almost two decades prior to the 'Balfour declaration'. To a significant degree, Hitler's murderous death camps, combined with anti-Semitism throughout Europe 'successfully' solved the so-called 'Jewish problem' for European states⁵⁸⁷ by killing almost six million of them, and by foisting a large number of the surviving European Jews on the Palestinian people.⁵⁸⁸ The resulting problems and conflicts cannot be resolved within the limited Middle Eastern geographical framework, and cannot be resolved in the longer-term without justice being done as far as is possible for all concerned, or at least those now living.⁵⁸⁹

The UN was set up partly to resolve such issues, and specifically with the Holocaust of the Jews in mind, to prevent such atrocities ever occurring again.⁵⁹⁰ The Arab/Israeli conflict was the UN's most immediate, most direct, and most serious testing ground. In the sixty years following its foundation the UN has been provided with opportunities in each decade to prove that it was capable of achieving its primary

⁵⁸⁶ Cecil Roth, *A History of the Jews: From Earliest Times Through the Six Day War* Revised Edition (New York: Schocken, 1970), p. 410

⁵⁸⁷ This is not intended to justify in any way the perpetration of the Holocaust, but to emphasise the malicious rationality behind it, and the inadequate response by the international community in the immediate aftermath of the Holocaust. No attempt was made to adequately protect or compensate the Jews within Europe after World War II, and the setting up of the state of Israel provided European states with a convenient 'non- or extra-European' solution, which included the transfer of Jewish populations out of Europe, even if this was partly with the consent of Jews. It did not have the consent however of the peoples of the 'host' region, the Middle East, and no effort has ever been made to compensate them. This makes the Palestinian people victims, once removed, of the Holocaust. The lack of any real justice towards the Jewish people in Europe, and subsequent injustices towards Palestinians provides an indirect example to other potential genocidaires that the creation of 'facts' such as the elimination of large numbers of people, cannot be reversed, and such crimes and ethnic cleansing are unlikely to be recompensed. Rwanda and Srebrenica are the clearest recent examples.

⁵⁸⁸ "Without anti-Semitism—the hatred and persecution of Jews in Europe in the past ... the Palestine problem would not have come into being." E.L.M. Burns, Lt. General, *Between Arab and Israeli* (London: Harrap, 1962), p. 6.

⁵⁸⁹ A first step towards achieving peace should be an acknowledgement that adequate justice can never be achieved in the present or future for those already killed unjustly in the past. However, John Rawls argues that consideration must also be given to "the problem of justice between generations", and while he focuses more on the issue of distributive justice, the history of the Jews and the history of the Middle East indicate that a trans-generational approach to justice must also be considered.

John Rawls, *A Theory of Justice*, revised edition (Oxford: Oxford University Press, 1999), pp. 251-258.

⁵⁹⁰ A real issue that does exist, especially for the Jewish people, is the possibility of a second genocide being perpetrated against the Jewish people. On the basis of its record so far, the UN is not likely to be capable of preventing this if it arose. This is a very serious matter of justice that could be overlooked until it is too late.

objective, the maintenance of international peace. The six wars, or phases of the ongoing Arab/Israeli conflict, discussed below, will demonstrate the extent to which the UN succeeded or failed in this objective or function. Fred Halliday estimates that:

(t)otal casualties in the Arab-Israeli wars were round 50,000, far less than those in the wars of Algeria or Yemen, or the Iran-Iraq war, and small compared with those of the wars of East Asia and southern Africa.⁵⁹¹

However, the significance of this series of conflicts goes beyond the numbers killed so far. The potential for international spill-over of Middle Eastern conflicts will remain as long as these conflicts remain unresolved. Stopping a war, and maintaining some peace for a decade or so thereafter, without resolving the underlying conflict and building a more permanent peace, inevitably leads to a new war, and escalating risks of wider conflagrations.⁵⁹² Fred Halliday emphasises the interconnectedness of the Middle East conflicts to what he calls the ‘wider West Asian Crisis’ and to the wider international sphere.

(A) new mosaic of conflict binding Turkey/Arabs, Israel/Arabs, Iraq/Kuwait and Iran/Afghanistan into one interlocked structure, and extending outwards from Sarajevo to Kashmir had been created. It was the growth, at inter-state and popular levels, of this regional crisis that led to the events of 11 September 2001 and their consequences, and to the wars of Afghanistan and Iraq that were themselves subsumed into the new global US strategy of a ‘war against terrorism.’⁵⁹³

It is this ‘mosaic of conflict’, described in the following sections, towards which the UN should arguably have given top prevention and resolution priority, rather than expending most of its efforts in deploying monitoring and peacekeeping forces that tended to maintain the conflict *status quo* rather than maintaining international peace and security.

The 1948 Arab/Israeli War

This war followed on from several years of insurgency against British ‘mandate’ occupation troops by both Jewish and Palestinian groups. The UN General Assembly recommended in November 1947 that:

“Palestine be divided in three – a Jewish state and an Arab state, with Jerusalem given international status under UN administration. The British mandate was to end in May 1948.”⁵⁹⁴

⁵⁹¹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 126.

⁵⁹² In the Middle East in particular, conflicts have tended to have an accumulative detrimental effect on the long-term prospects for peace by increasing the numbers of Palestinians who are dispossessed or denied their human rights, and by entrenching Israeli attitudes towards their need to secure their survival by force of arms.

⁵⁹³ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 154.

⁵⁹⁴ Derrik Mercer, et al, eds., *Chronicle of the 20th Century* (London: Longman, 1988). p. 360.

This flawed recommendation combined with the precipitous British withdrawal as soon as its mandate ended in May 1948, made no provision for a transition period and made war almost inevitable. “British withdrawal from Palestine after World War II precipitated the Arab-Israeli war of 1948-9”.⁵⁹⁵ The Jews in Palestine immediately declared an independent State of Israel, and the newly formed Arab League consisting of Egypt, Syria, Lebanon, Iraq, Jordan, Saudi Arabia and Yemen sent 30,000 troops into Palestine. “This proved to be a political disaster in almost every respect and contributed directly to a compounding of the Palestinian tragedy of exile and occupation.”⁵⁹⁶

In the first Arab/Israeli War the UN arranged a truce and peace negotiations on the island of Rhodes in February 1949. A compromise agreement was subsequently reached that gave Egypt control over Gaza, and Jordan control over the West Bank region. In 1950 Jordan annexed the West Bank. This territorial division denied the Palestinians any immediate prospects of statehood, and left them as a ‘captive’ nation scattered either within the new state of Israel, in Egyptian occupied Gaza, or ‘Jordanian’ West Bank, or as refugees in all the Arab states bordering Israel. This solution temporarily ‘bought-off’ Egypt and Jordan, by granting them control over additional territories. David Hirst describes Israel as “the child of the UN”⁵⁹⁷ in the sense that it watched over its birth. A more accurate analogy was that, Israel was left as a foundling on the steps of the UN, by Britain its official guardian, while Britain’s other stepchild, Palestine, was simply left out in the cold. 750,000 Palestinians were ejected from their lands,⁵⁹⁸ and have since been denied permission to return.

The initial operational arm that the UN deployed in the Middle East was UNTSO – the UN Truce Supervisory Organisation. This was an unarmed military observer group with no powers of direct intervention, and too reliant on the limited status and authority of the UN. The truce that was established in 1949 was broken by major Middle Eastern international wars in 1956, 1967, 1973, 1978, 1982 and 2006 as well as by many lesser confrontations and internal clashes within Palestine, Israel and

⁵⁹⁵ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 178.

⁵⁹⁶ Jean Allain, ed., *Unlocking the Middle East: The Writings of Richard Falk* (Moreton-in-Marsh: Arris, 2003), p. 22.

⁵⁹⁷ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 272.

⁵⁹⁸ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 1330.

Lebanon, yet UNTSO, which was ostensibly set up to ‘supervise’ this ‘truce’ does little more than observe and report.⁵⁹⁹ Defenders of UNTSO argue that it has provided the useful function of enabling the rapid initiation and deployment of peacekeeping forces such as UNEF I & II, in 1956 and 1973, and UNDOF in 1974. This was only partly true.⁶⁰⁰

In parallel with UNTSO, established under the UN Security Council, the UN General Assembly established UNRWA as a special agency to provide ‘temporary’ assistance to Palestinian refugees.⁶⁰¹ While UNRWA has provided substantial support and services for these refugees, its continuing existence over a period of sixty years is a further indication of comprehensive UN strategic failures to resolve the plight of these refugees by resolving the Palestinian/Israel conflict. Because a substantial number of these refugees have been born outside of Israel or Palestine, their plight and prospects for return to their land becomes more difficult with each passing decade. An international organisation such as the UN should be ensuring that all refugee problems are resolved as quickly as possible, and not prolonged for several generations.

From the Suez Crisis 1956 to the 1967 War:

The UN’s first armed peacekeeping mission arose from the 1956 Suez crisis. Britain and France launched a combined assault on the Suez Canal zone while Israel captured the Sinai Peninsula. This was a direct breach of the UN Charter by two UN Security Council P-5 members. UN Secretary General, Dag Hammarskjöld, supported by the US, handled this serious international crisis more effectively than most other international crises that the UN has been involved with since 1956. His leadership and innovation led to the circumvention of the UN Security Council vetoes. The General Assembly used the ‘Uniting for Peace Resolution’, to establish UNEF I.⁶⁰²

⁵⁹⁹ The value of its observation duties were brought into question, especially in October 1973, when its military observers, failed to ‘observe’ or report the preparations for the October/Yom Kippur War.

⁶⁰⁰ An example of this was the appointment of Lt. General Burns, who had been Chief of Staff of UNTSO from 1954 to 1956 as Force Commander of UNEF I in November 1956. This researcher experienced the interface between UNTSO and UNEF II in 1973, as the Logistics Officer for one of the first battalions of UNEF troops to be deployed into Israeli occupied Sinai, and found serious shortcomings in the support provided by UNTSO for its UNEF colleagues due to interagency rivalry, demarcation and bureaucracy issues.

⁶⁰¹ Following the 1948 Arab-Israeli conflict, UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for [over 4.1 million] Palestine refugees, <http://www.un.org/unrwa/overview/index.html>, accessed on 4 November 2005.

⁶⁰² UNEF I, UN Emergency Force in Sinai, was the first UN military peace-keeping operation (previous UN peace operations were either diplomatic peace missions, military observer missions or the Korean collective security

The USSR supported the establishment of UNEF I, even though at this time it had just invaded Hungary, and used its veto to prevent a Security Council resolution calling for Soviet withdrawal from Hungary.⁶⁰³ The UNEF I mission in Sinai was tactically successful for eleven years. Israel was persuaded to hand back the Sinai Peninsula to Egypt. UNEF was then installed along a narrow buffer zone on the Egyptian side of the Egyptian/Israeli border. Yet the UNEF I mission ultimately failed the crucial test of conflict prevention, when its precipitous expulsion/withdrawal in 1967 led to the Six Day War. Egypt's President Nasser once again demonstrated Arab miscalculation and careless brinkmanship, but the leadership of UN Secretary General U Thant also proved inadequate.⁶⁰⁴

The ultimate failure of UNEF I raises the questions on the value of UN long-term peacekeeping missions. Primary responsibility for keeping the peace between states should rest with states. The UN should act as a neutral but superior referee backed up by a comprehensive system of global jurisprudence and the use of significant punitive sanctions against transgressors. The UN, as a global police force, should arguably enforce the rule of law consistently across all 'neighbourhoods' rather than acting as a buffer, or isolating force, between rival gangs of international law breakers. UNEF I should have intervened as a temporary 'policeman' between the warring factions along the Suez Canal in 1956, facilitating the extraction of the British and French forces, and the withdrawal of Israeli forces from the Sinai Peninsula. The UNEF mission should have ceased shortly after the last Israeli forces crossed back into the Negev Desert. This is what should have happened also with UNEF II, two Sinai Desert Wars later, and with UNDOF in the Golan Heights in 1974. UNEF II was replaced by a non-UN multinational force that is still in place in 2008,⁶⁰⁵ as is UNDOF on the Golan Heights. Prolonged peacekeeping missions such as UNEF I, UNFICYP in Cyprus, and UNIFIL in Lebanon arguably achieved very little after their first year of deployment, but were counterproductive in the longer-term by allowing the belligerents to avoid the vital conflict resolution phase.

war). UNEF I set a standard for UN peacekeeping that was touted as an ideal type, involving consent of both sides in a conflict. Its relative success over an eleven-year period came to an abrupt end in 1967 when the fundamental weakness of UN peacekeeping was exposed by the withdrawal of the consent of Egypt for the mission, thereby precipitating the 1967 Arab/Israeli war.

⁶⁰³ Stephen Ryan, *The United Nations and International Politics* (London: Macmillan, 2000), p. 67.

⁶⁰⁴ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 343. Hirst concluded that Nasser fell into an Israeli trap. He contends that Nasser aimed only for a partial withdrawal of UNEF I. "The stratagem backfired. The UN Secretary General clumsily insisted that it had to be all or nothing. Nasser had no way out. He made it all."

⁶⁰⁵ Multi National Force and Observers, Sinai. <http://www.mfo.org/2/homepage.asp>, accessed on 3rd March 08.

Six Day War – 1967

In May 1967 President Nasser of Egypt demanded the withdrawal of UNEF. Secretary General U Thant complied with Nasser's request and with the letter of international law, as he understood it, thereby precipitating the 1967 Arab/Israeli Six Day War.⁶⁰⁶ Arguably, if someone of Hammarskjöld's leadership skills had been in place in 1967 creative diplomacy might have averted this war, although conflict was likely given Nasser's belligerence and the depth of Palestinian and Arab grievances. Not only was the UNEF I failure a contributory cause of the Six Day War, but it led to a deepening of the Arab/Israeli conflict, ongoing in 2008. Israel launched a pre-emptive blitzkrieg armoured strike across the Sinai Desert and captured the whole of the Sinai Peninsula and Gaza from Egypt, the West Bank from Jordan, and the Golan Heights from Syria.

The role of the UN during the hostilities was minimal. However, on 22 November after five months of bargaining, the UN passed SCR 242 which required a withdrawal of Israeli forces from the territories occupied ...the recognition of all states in the region ...⁶⁰⁷

It took another war in 1973 and a further UNEF mission (UNEF II) to secure Israeli withdrawal for Sinai, and Gaza was partly returned to the Palestinians in August 2005. The West Bank and Golan Heights are still occupied by Israel.

However, Israeli military success and expansion in the 1967 war brought little long-term peace or security to Israel. The Palestinian people were now becoming more desperate, and began resorting to terrorist tactics, including the hijacking of commercial airliners. This included the multiple hijacking of passenger aircraft in 1970 and their destruction in an airfield in northern Jordan called Dawson's Field. This in turn led to a clash between the PLO⁶⁰⁸ and Jordan and the expulsion of the PLO from Jordan. The resulting influx of PLO into Lebanon destabilised Lebanon, and was a contributing factor in the subsequent complex Lebanese civil war. Throughout most of this the UN remained inactive, or ineffective.

Yom Kippur/October War 1973

⁶⁰⁶ Robert, R Bowie, *Suez 1956* (Oxford: Oxford University Press, 1974), P 16.

⁶⁰⁷ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 16.

UN Security Resolution 242 was passed on 22 November 1967.

⁶⁰⁸ PLO, the Palestine Liberation Organisation.

Jericho missile warheads were prepared for possible use at the Dimona nuclear weapons plant near Beersheba. ... There is also some evidence that the Soviet Union was prepared to provide Egypt with a balancing force of nuclear warheads for its Scud missiles⁶⁰⁹

This war occurred because the 1967 war remained unresolved. The UN's clearest or nearest success in the Middle East was its involvement in the resolution of this particular phase of the conflicts, known as the October or Yom Kippur War. The UNEF II peacekeeping mission, has been one of the few UN peace missions that can be judged a clear tactical success. It had a clear mandate, specific goals, and was initially limited in time-scale, and helped to lead on to a relatively stable peace at least between Egypt and Israel. It succeeded because all the major powers and the local belligerents had a vested interest in this particular peace process and cooperated with the UN. However, when viewed in the longer-term perspective, these temporary UNEF successes are also indicative of UN strategic failures. In each of the series of Middle East wars towards which the UN provided peace missions, each of the Arab states, and the Palestinians, lost people⁶¹⁰, land, status, and Israel lost the prospect of peaceful co-existence.⁶¹¹ The Middle East also became the most potent breeding ground for international terrorism. UNEF I and II were temporary peacekeeping successes but long-term peace-maintenance failures, more like sticking plaster solutions. The most important part of the peace-maintenance process is conflict prevention, followed by conflict response and resolution, if prevention fails. UN conflict prevention in the Middle East has failed repeatedly.

The Palestinian refugee problem created in 1948 has not been addressed in the meantime and has intensified, as both the population and the radicalisation of these refugees and displaced people have increased. The UN response to this Palestinian refugee crisis was, and remains, the establishment of UNRWA, which has provided a further sticking plaster solution to Palestinian problems since 1948, but has avoided resolving the problems. In the meantime also, several of the Arab states have virtually abandoned their roles as defender of the rights of the Palestinian people. “[The Camp David Agreement] took the most populous Arab country out of the

⁶⁰⁹ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 30.

⁶¹⁰ Egyptian fatalities in its wars with Israel are estimate by Israeli sources at about 20,000.

<http://www.jewishvirtuallibrary.org/jsource/History/casualties.html>. Accessed on 31 May 2005.

⁶¹¹ Israel, on the other hand, lost a significantly smaller number of people killed in each war, gained substantial land and property in the 1948 war, made temporary gains in the 1956 war, made more substantial gains in the 1967 war, and has used subsequent wars to entrench its settlements on Palestinian lands and property within Israel itself and in the Jerusalem region and the West Bank. It did hand back most of the Gaza Strip to the Palestinians but now attempts to use this piece of territory as a virtual prison camp.

Arab-Israeli conflict.”⁶¹² Throughout this period also the UNTSO observer mission maintained its overlapping presence throughout the region, without achieving any notable success. Marrack Goulding described UNTSO’s Egyptian sub-group, Observer Group Egypt as having “... no military *raison d’être*”.⁶¹³ Goulding also explained that the UNEF II mission in the Sinai was wound up when its mandate lapsed because of Soviet and other Arab states objections to the Israeli/Egyptian peace treaty. UNEF II was then replaced by a non-UN Multi-national Force and Observers, called MFO, which still exists in 2008.

Israel made no substantial effort to get a more permanent peace agreement with the Palestinians, and tried instead to achieve separate peace deals with individual neighbouring states. It continued to expand the Jewish settlements in Gaza and especially in the West Bank and East Jerusalem areas, thereby provoking a sense of desperation among Palestinians, leading to increasing terrorist type attacks. In September 1978 Presidents Sadat of Egypt and Begin of Israel signed a peace agreement, facilitated by US President Carter, just six months after Israel had invaded Lebanon. Israel gained most from this unequal peace, and the Palestinians were ignored. “The peace treaty also left Egypt isolated in the Arab world, declared a pariah and shunned by the other Arab states.”⁶¹⁴ It also led to the assassination of Sadat in 1981.

Israeli invasions of Lebanon 1978, 1982, 2006 and Lebanese Civil Wars

16 to 18 September, massacre of up to 1,700 Palestinian civilians after Israeli defence minister Ariel Sharon sends Israel’s Lebanese Militia allies into the refugee camps of Sabra and Chatila to destroy ‘terrorists’.⁶¹⁵

Lebanon is a small state, arguably non-viable, created by France, carved out of part of the Middle East that is contested by Syria, just as Kuwait, viable only because of its oil resources, was carved out by Britain from territory contested by Iraq. It has been subjected to repeated international interventions for questionable reasons. US

⁶¹² Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 182. Egypt’s Camp David agreement with Israel signed by Sadat and Begin, was overwhelmingly favourable to Israel with no gains for the Palestinians. The expulsion of the PLO from Jordan in 1970, and alliance of Iraq’s Saddam Hussein regime with the Lebanese Christian Militia against the Syrian and Iranian backed Lebanese and Palestinian Muslims are further examples of fragmentation of Palestinian external support that has enabled Israel to avoid addressing the underlying causes of the Middle East conflict.

⁶¹³ Marrack Goulding, *Peacemongering* (London: John Murray, 2002), p. 42.

⁶¹⁴ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 18.

⁶¹⁵ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 1331.

forces were deployed in Lebanon in 1958 and in 1983-84. The 1958 US intervention was undertaken to support the Christian led government, in its potential civil war against Lebanese Muslims and Druze, who were seeking closer alignment with Syria and Egypt. A UN observer mission UNOGIL⁶¹⁶ was deployed for a six-month period ostensibly to: “to ensure that there was no illegal infiltration of personnel or supply of arms or other materiel across the Lebanese borders.”⁶¹⁷ This was in spite of the fact that the US had intervened in the first place in direct support of one side in this conflict.

UNIFIL

The 1967 and 1973 wars increased the desperation of Palestinians inside Palestine and its refugees in neighbouring states. The expulsion of the PLO from Jordan further destabilised Lebanon to which most expelled Palestinians migrated.

In March 1978, following the most murderous of the guerrillas’ suicide missions, Israel had invaded Lebanon up to the Litani River. It had made only a partial withdrawal and confined the newly created UNIFIL buffer force to small portion of the invaded territory.⁶¹⁸

These few words sum up the contribution of the UN to peace in the Lebanon. The UNIFIL mission from 1978 to date (2008) has been the longest and one of the most expensive UN peacekeeping forces yet its real achievements are limited to the humanitarian benefits it brought to the communities in its small area of operations.⁶¹⁹ From a peacekeeping perspective, the very limited UNIFIL mandate did not enable it to achieve peace between most of the warring factions in Lebanon, and all sides used UNIFIL’s presence as a human shield behind which to operate.

After the 1978 Israeli invasion, “it was not the UN but Israel, the state whose aggression had led to the UN presence, which dictated exactly where the ‘front-line’ peacekeepers would deploy.” Marrak Goulding acknowledged that UNIFIL “had been unable to carry out its mandate, but noted that its presence had brought succour to the people of South Lebanon.”⁶²⁰ O’Neill and Rees agree but ask a question that arguably should be asked of all UN peace missions – was this the primary purpose of peacekeeping? However, peacekeeping is not the primary purpose of the UN either.

⁶¹⁶ UNOGIL (June - December 1958) UNITED NATIONS OBSERVATION GROUP IN LEBANON

⁶¹⁷ http://www.un.org/Depts/dpko/dpko/co_mission/unogil.htm, accessed on 2 November 2005.

⁶¹⁸ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 531.

⁶¹⁹ 268 UNIFIL peacekeepers have been killed up to March 08, while its current annual budget is \$713, 586,800.

⁶²⁰ As cited in John Terrence O’Neill, , and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 26.

The costs of UNIFIL, financially and in terms of UNIFIL peacekeepers killed on duty, was inordinately high compared with the relative meagre benefits that it brought to a relatively small number of Lebanese people. Of far more importance is the number of Lebanese people, living in all parts of Lebanon, especially in Beirut, who were killed in the civil conflicts, and in the three Israeli invasions, and numerous other Israeli attacks. UN failures to maintain international peace and security in Lebanon have been a factor in the deaths of up to 200,000 people, killed in the Lebanese civil wars and Israeli and Syrian attacks and occupations.

1982 Israeli invasion of Lebanon

According to Hirst, the 1982 Israeli invasion of Lebanon “grew out of the Israeli-Egyptian peace treaty”⁶²¹ The Begin/Sadat bilateral peace agreement left Israel free to pursue a strategy of advantageous peace deals where possible, combined with military coercion and annexation by settlements wherever they could get away with it. Military coercion was the option chosen for Lebanon, justified on the pretext of ongoing Palestinian attacks on Israel. However:

apart from occasional, spectacular ‘suicide’ missions, the guerillas’ trans-frontier raids had been small-scale and sporadic ... the Israeli retaliation had been massive ... thousands – more civilian than military, more Lebanese than Palestinian – had died⁶²²

The UN took no effective action to deal with the root causes of Palestinian grievances, apart from its humanitarian actions which also helped to perpetuate the Palestinian refugee camps, and it imposed no sanctions on Israel for its annexation and settlements of Palestinian lands, and its cross border raids into Lebanon, thereby indirectly encouraging further such actions by Israel. The statement by Israel’s Chief of Staff that its “‘war on terrorists’ was one that knew ‘no limits, rules of law’”⁶²³ has become a viable *modus operandi* for Israel only because the UN’s failures to apply and enforce international law, especially in the case of Israel. “On Sunday, 6 June [1982] Israeli ground forces crossed the frontier at three points and pushed, unresisted, through UNIFIL lines.”⁶²⁴ UNIFIL was neither mandated nor equipped to prevent an Israeli invasion. Israel made little attempt to avoid a wider war in Lebanon.

⁶²¹ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 529.

⁶²² Ibid, p. 531.

⁶²³ Ibid, p. 531, citing *Maariv*, 25 May 1979.

⁶²⁴ Ibid. p. 539.

“On 11 August the Israeli air force ... took out the SAM missiles in the Beka Valley and shot down some eighty aircraft, about a quarter of the Syrian air force”.⁶²⁵ US support for the invasion was implicit. “Former President Jimmy Carter was later to claim that Haig ... had given the green light for the invasion.”⁶²⁶ The UN’s performance throughout this time was dictated by the US power of veto: “the Reagan Administration refused, again and again, to go along with Security Council draft resolutions calling for Israel’s immediate withdrawal.”⁶²⁷

The invasion of Lebanon by Israel in 1982 was as clear a breach of the UN Charter and ‘the international peace’ as the Iraq invasion of Kuwait in 1990. The actions by Israeli forces and their allies around Beirut were in clear breach of the rules of war and in particular the Geneva Convention on the treatment of civilians and non-combatants in a war zone.⁶²⁸

every day of the bombardment about 200 or 300 were killed. ... the international community looked on impotently ... The European Economic Community (EEC), the UN Security Council and other bodies issued condemnations, while the United States remonstrated ineffectually with [Israel] ... ‘the most feeble reaction came from the Arab world which seemed petrified into silence and inaction.’⁶²⁹

The defeated PLO were eventually forced to withdraw from Lebanon, leaving the Palestinian refugees defenceless in the refugee camps many of them had occupied since 1948. Instead of providing a neutral UN protection force for the refugee camps, the so-called international community sent in a multinational force of US, French and Italian troops, to supervise the removal of the PLO who were the only protection the refugees had.

11,500 Palestinians and 2,700 Syrians trapped with them finally did [evacuate Beirut]... A few days later the American, French and Italian contingents of the multinational force set up to supervise the evacuation had also departed—even earlier than, under their mandate, they need have.⁶³⁰

The security vacuum at the refugee camps has consequences.

On 30 August 1982 the PLO admitted defeat and the leadership and guerrillas left Lebanon in shame. ... On 16 and 17 September Israeli troops moved into West Beirut, and their Phalangist allies massacred at least 2,000 children, women and

⁶²⁵ Ibid. p. 541.

⁶²⁶ Ibid. p. 540.

⁶²⁷ Ibid. p. 543.

⁶²⁸ Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949.

⁶²⁹ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abingdon: Routledge, 2004), pp. 19,20. citing D. Gilmore, *Dispossessed: The Ordeal of the Palestinians* (London: Sphere Books, 1980), p. 224.

⁶³⁰ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 546.

elderly men in the refugee camps of Sabra and Chatilla. Israeli collusion in the massacres appalled the world.⁶³¹ Yet the ‘appalled’ world, including the UN, did nothing to either stop these very publicly committed crimes against Palestinians and Lebanese people or take effective and exemplary punitive actions against the perpetrators, Israel, and its ‘Christian’ militia allies. The Israel illegal occupation of southern Lebanon continued for a further eighteen years while:

United Nations forces [UNIFIL], mandated in 1978 to act as peacekeepers until Israel withdrew found themselves embroiled in various battles between Lebanon’s militias and the SLA and IDF.⁶³²

US President Reagan ordered US marines to deploy in Lebanon again in 1983-84, ostensibly “to protect the Palestinian survivors of the Sabra and Chatila camps massacre”⁶³³, yet Fisk points out that “the United States was turning Beirut into a NATO base in 1983, and using its firepower against Muslim guerrillas in the mountains to the east.”⁶³⁴ This 6000 strong multi-national ‘peacekeeping’ force “was perceived by the radical Muslim groups to be one-sided in its support for the Christian-led government.”⁶³⁵ Little seemed to have changed since the 1958 US intervention in Beirut. On 23 October 1983, suicide bombers killed 241 US personnel at the US Marine Headquarters in Beirut and 100 French Paratroopers seven seconds later at the French military base.⁶³⁶ This multi-national force was withdrawn shortly afterwards.

In maintaining its ‘peacekeeping’ forces in Lebanon the UN was putting its troops in mortal danger yet achieving almost nothing in the cause of international peace. The UNIFIL mission was neither mandated nor equipped to keep the peace, and inadequately equipped to protect themselves. Eventually Lebanese resistance, particularly the Hizbullah group, not UN ‘peace-maintenance’, forced Israel to abandon southern Lebanon in 2000. That same year, the second Intifada began. Milton-Edwards and Hinchcliffe identify the extent of Israeli failure in Lebanon.

⁶³¹ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 20.

⁶³² Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 20. SLA South Lebanese Army (Israeli sponsored Christian Militia), IDF – Israeli Defence Forces.

⁶³³ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 976.

⁶³⁴ Ibid. Fisk, p. 588.

⁶³⁵ Milton-Edwards and Peter Hinchcliffe (2004), p. 69.

⁶³⁶ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 1030.

While Israel's original motives in invading and subsequently occupying Lebanon in 1978 and 1982 were to rout the PLO, once the PLO had left the country the Israeli Defence Force (IDF) remained as an occupying force and made themselves the principal enemies of the Lebanese Shi'a population.⁶³⁷

Israel's reputation was damaged internationally and the myth of its invincibility was exposed.

Lebanese Civil Wars 1975-90

The Lebanese civil wars were complex affairs that continued throughout Israeli invasions. While the conflict with Israel deepened the complexity of these civil wars there were also multiple local and regional factors.

Internal religious rivalries ... allied with ideological and class hostilities and old tribal feuds, had been exploited by outside powers. In this international battlefield Syria, the PLO, Israel, and Iran had been major contenders; America, Saudi Arabia, Russia, France and Iraq also stirred the pot.⁶³⁸

Lebanese Christian allies included the right-wing Israeli Jewish government, and the somewhat Marxist dictatorship of mainly Muslim Iraq. "After the [Iran/Iraq] war's end, Iraq moved to support Christian forces in Lebanon against Syrian and Iranian-backed Muslims."⁶³⁹ This was a conflict where a resourceful but neutral UN, if such had existed, should have intervened to prevent outside support for this civil war, imposed arms embargoes and sanctions on all the external participants, and inserted a robust peacekeeping force to facilitate internal reconciliation. The mandates of UNIFIL and UNTSO were inadequate and inappropriate. This civil war according to Moorcraft "... killed at least 150,000 people. A quarter of its 3.5 million population had fled the country".⁶⁴⁰ It ended or petered out more as a result of the exhaustion of its participants than any proactive conflict resolution. The underlying animosities are still largely unresolved, even if parts of Lebanon's infrastructure have been rebuilt. Israel withdrew the bulk of its troops from Lebanon by June 1985 but it took a further twenty years for Syria to withdraw its forces in 2005. Israel again invaded Lebanon in July/August 2006, and for the first time suffered a humiliating defeat at the hands of Hizbollah fighters in southern Lebanon.⁶⁴¹

⁶³⁷ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 10.

⁶³⁸ Paul Moorcraft, *Guns and Poses; Travels with an occasional war correspondent* (Guildford: Millstream, 2001), p. 261.

⁶³⁹ Brockhampton, *Dictionary of World History* (Oxford: Brockhampton Press, 1994), p. 298

⁶⁴⁰ Paul Moorcraft, *Guns and Poses; Travels with an occasional war correspondent* (Guildford: Millstream, 2001), p. 261.

⁶⁴¹ This Israeli defeat however may be a root cause of further Israeli incursions or invasions of Lebanon into the future.

Intifada

David Hirst argues that the first Intifada in 1987, nicknamed the ‘uprising of stones’ was more effective “in terms of its political impact on Israeli society or the international community, than the ‘outsiders’ Kalashnikovs had done.”⁶⁴² Richard Falk points out that Israel has been in breach, not only of the UN Security Council Resolution 242, but it has also been guilty of “a long list of flagrant violations, both of international humanitarian law and human rights law” and that its failure to negotiate a withdrawal created “at least a right to non-violent resistance. In that sense the Intifada represented a legitimate form of resistance against a pattern of prolonged illegality.”⁶⁴³

If the first Intifada could be described as the ‘uprising of stones’ the second Intifada could be described as the uprising of suicide bombers.

“Within two months [of the collapse of the Camp David Agreement], on 29 September 2000, the second Intifada broke out.”⁶⁴⁴ Sparked off by the Sharon ‘right-of-ownership’ walkabout, suicide bombings, called ‘martyrdom operations’ by Palestinians “became a principal, systematic and strategic weapon in the Palestinians’ arsenal.”⁶⁴⁵ The underlying causes of the second Intifada included increasing Jewish settlements in the West Bank area of Palestine. According to David Hirst:

Between 1967 and 1982, a mere 21,000 settlers had moved into the West Bank and Gaza. In 1990, the figure stood at 76,000. By 2000, it had risen to 213,000, and that did not include the 170,000 who had settled in Arab East Jerusalem ... General Ariel Sharon summed up matters ... Everything we don’t grab will go to them.⁶⁴⁶

Contributory causes of the ongoing Israeli/Palestinian violence included repeated failures by the international community, including the UN and neighbouring Arab states, to achieve justice for Palestinian grievances.

Summary of the UN’s performance in the Israel/Palestine conflicts

The emergence of Al Qaeda, and its use of Palestinian grievances as part-justification for its terrorist actions are indicative of the widening scope of these

⁶⁴² David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), 19.

⁶⁴³ Jean Allain, ed., *Unlocking the Middle East: The Writings of Richard Falk* (Moreton-in-Marsh: Arris, 2003), pp. 12-13.

⁶⁴⁴ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), 25.

⁶⁴⁵ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 26

⁶⁴⁶ *Ibid*, p. 24.

conflicts. The failure of the UN and the international community to resolve these conflicts since 1948 has had a cumulative effect leading to significant deterioration of international security in the Middle East. The imposition of a Jewish state on the Palestinian people, partly as a result of the Holocaust, remains the main underlying cause of Palestinian/Israeli conflicts. These causes can only be addressed by comprehensive international agreements involving compensation and justice for all involved, in so far as this is possible. By default, a significant part of the cost of Holocaust reparations has been imposed on innocent Palestinian people.⁶⁴⁷ Because the UN is structured as an organisation of states, it has not had the capacity to mediate at the complex supranational level demanded by this conflict. In the Israel/Palestine conflict at least it can be argued that the UN did all it was capable of doing to maintain international peace and security, given its structural and resource limitations. However, this was not nearly enough. The UN's performance in the Palestinian/Israeli conflict has been more akin to the maintenance of conflict rather than the maintenance of peace.⁶⁴⁸

Conclusions on the UN's performance in Middle East

The primary question to be answered by this case study is: Has the UN succeeded in achieving its primary objectives in the Middle East? While the UN carried out many functions in the Middle East over extended periods, especially peacekeeping and humanitarian relief for refugees and displaced persons, it failed to achieve its primary function, the maintenance of international peace in the Middle East. In addition to its failures in the Palestinian/Israeli conflicts, its performance in the wider Middle East was even worse. The UN at least responded to a significant degree to the Palestinian/Israeli conflicts, albeit unsuccessfully. The civil war in Yemen, the Iran/Iraq War, the USSR and US wars in Afghanistan and the US/UN conflicts involving Iraq all had disastrous results in terms of loss of human life. The performance of the UN in these conflicts has been abysmal, with the low point being the period of UN imposed sanctions against Iraq from 1990 to 2003. Therefore the

⁶⁴⁷ This amounts to attempting to achieve justice unjustly, in contravention of Dag Hammarskjöld's principle included at the beginning of this chapter.

⁶⁴⁸ Beverley Milton-Edwards and Peter Hinchcliffe, *Conflicts in the Middle East since 1945*, second edition (Abington: Routledge, 2004), p. 10. "While major military confrontation between Israel and its Arab neighbours has not occurred since the Israeli invasion of Lebanon in 1982, the absence of meaningful peace and the maintenance of conflict continued to the end of the century."

UN has failed in its primary task of maintaining international peace in the Middle East, since its foundation, over a wide range of conflicts and circumstances.⁶⁴⁹

The UN would have needed a complex matrix of peace-maintenance measures to achieve peace and security in the Middle East. Inadequate and sometimes counterproductive peacekeeping was its main *modus operandi* when conflict prevention should have been the priority. Its use of other mechanisms such as collective security and sanctions proved deeply flawed. John D'Arcy May identifies a core issue of this thesis. "The contempt for the UN by the present US administration at the height of the [Iraq 2003] crisis showed just how fragile and – lets face it – unconvincing the UN is as the guarantor of world peace."⁶⁵⁰ Chalmers Johnson's view is too optimistic. "Surely after Iraq the chances of a wealthy country attempting military intervention to transform a badly governed resource-rich country are zero."⁶⁵¹ The people of Iraq have been brutalised and bombed into the bottom billion. Phillip Allot reminds us that in the Middle East, "we can now see that the Gulf War, another anachronistic war, was an end and a beginning, the beginning of a new kind of world order and of a new kind of world disorder."⁶⁵² In Rome Pope John Paul II lamented that "war had been declared on peace".⁶⁵³ Robert Fisk alludes to the unacknowledged terror suffered by the civilian populations of states reduced to pariah status.

No [trauma] counselling for the poor and huddled masses that were left to Iraq's gas, Iran's rockets, the cruelty of Serbia's militias, the brutal Israeli invasion of Lebanon in 1982, the computerised death suffered by Iraqis during America's 2003 invasion of their country.⁶⁵⁴ Dag Hammarskjöld's motto at the beginning of this chapter is a reminder that justice for the Jewish people following the Holocaust cannot be achieved at the expense of injustices perpetrated on the Palestinian people.

"Everything we don't grab will go to them." General Ariel Sharon⁶⁵⁵

Oy, a balagan! (Hebrew – what a mess.)

⁶⁴⁹ The reasons for the UN's failures are multiple including: the complexities and intransigence of the conflicts, inappropriate interference of the UN veto powers, inappropriate use of the UN and the use of inappropriate means of peace-maintenance by the UN, and because of the UN's structural and resource limitations.

⁶⁵⁰ John D'Arcy May, "UN sowed seeds of doubt about its own legitimacy in West Papua", Irish Times September 18, 2004, p. 13.

⁶⁵¹ Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London, Little Brown, 2000), p. 179.

⁶⁵² Philip Allot, *Eunomia; new order for a new world* (Oxford, OUP, 2001), p. viii.

⁶⁵³ Jarat Chopra, Under Siege: Trapped in Ramallah, a teacher finds himself unable to return to his students, Brown Alumni Magazine Online, July/August 2002.

⁶⁵⁴ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. xxiii.

⁶⁵⁵ David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East* (New York: Nation Books, 2003), p. 24.

Chapter 6

African Case Study

Expendable Communities?

The last battle of the colonised against the coloniser will often be the fight of the colonised against each other' Frantz Fanon, *The Wretched of the Earth*⁶⁵⁶

Introduction

Of the three regions analysed in these case studies, the African region is the one that has been most comprehensively damaged by its colonial experiences. David Rieff writes that:

In the aftermath of decolonisation, the hope burned brightly that colonial domination would be replaced by a just world of effective law-abiding nation-states. ... But in many [countries] neocolonialism replaced colonialism ... in others the horrors of colonialism were replaced by a horror without even some of the material benefits of imperial rule.⁶⁵⁷

This bleak but accurate analysis is compounded not only by the shortage of 'effective law-abiding nation-states' in Africa, but also, by the inadequacy of the international system and international laws by which these few law-abiding African states, and other UN members, might abide. "The 'scramble for Africa' ... in the 1880s and 1890s saw nearly the whole continent subjected to European rule."⁶⁵⁸ This happened partly because the anarchic international system provided no jurisprudential controls above state level to prevent the colonial abuses, and provided no neutral crisis response system for the conflicts that arose from such abuses. While many hoped that the UN would succeed where the League of Nations failed, this case study will conclude that the UN, like the League, has failed in Africa.⁶⁵⁹

Erik Doxtader writes that "(t)he Rwandan and Great Lakes conflicts are complex and have no obvious short-term solutions."⁶⁶⁰ Gerard Prunier disagrees. "What we have

⁶⁵⁶ As quoted by Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst, 1995), p. xi.

⁶⁵⁷ David Rieff, in Foreword to, Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. ix.

⁶⁵⁸ R. I. Moore, et al, eds., *The Hamlyn Historical Atlas* (London: Hamlyn, 1981), p. 123. Bill Freund points out that: "Scholars have disputed which of the events of the late 1870s and early 1880s actually set off the scramble for Africa, but nobody would deny that by the time the Berlin Conference broke off it was well under way." Freund, Bill, *The Making of Contemporary Africa: The Development of African Society since 1800*, Second Edition (Basingstoke, Macmillan, 1998). p. 84.

⁶⁵⁹ O'Neill and Rees point out that the League of Nations failed to restrain or penalise Japan's invasion of Manchuria in 1931, Italy's invasion of Ethiopia in 1935 or Germany's aggression in Europe after 1936 and that: "(i)n the light of these experiences, the commitment to collective security in the UN Charter was unlikely to provide a particularly good basis for ensuring peace", p. 264. John Terrence O'Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 4.

⁶⁶⁰ Erik Doxtader, Charles Villa-Vicencio, eds., *Through Fire with Water: the Roots of Division and the Potential for Reconciliation in Africa* (Claremont: David Philips, 2003), p. 9.

witnessed in Rwanda is a historical product, not a biological fatality or a ‘spontaneous’ bestial outburst.”⁶⁶¹ Portraying problems as insoluble provides a convenient excuse for failures to take appropriate actions. There were, and are, short-, medium- or long-term solutions to virtually all of the conflict-related problems in Africa and elsewhere. The international community has had the resources to address these problems, but has failed to make these resources available to the UN or to apply them in other ways towards conflict prevention, or towards conflict resolution when prevention failed.⁶⁶² The long-term costs of failing to prevent conflicts are far greater than short-term prevention or remedial costs would have been.⁶⁶³ In the concluding chapter it will be argued that the international community has had access to sufficient resources to prevent the acts of genocide and gross human rights abuses that occurred since the UN was founded.

Aims of African Case Study

This chapter sets out to answer the research question:

Has the UN succeeded, or is it likely to succeed, in maintaining international peace and security in Africa, the most disadvantaged region of the world?

There are multiple direct and indirect causes for African conflicts, including indigenous African causes such as greed and corruption, causes attributable to European and other international exploitation, and indirect causes attributable to neglect by international organisations such as the League of Nations and the United Nations. It will be argued that neglect by the UN was twofold; first, the UN neglected its responsibilities under the trusteeship system towards facilitating the transition of African peoples from colonial subjugation;⁶⁶⁴ and second, it failed in its primary function to maintain international peace and security in Africa. It will find that while the UN was not the direct cause of any conflicts in Africa, its conflict prevention and

⁶⁶¹ Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst, 1995), p. xi.

⁶⁶² The alleged lack of resources for conflict prevention, and for emergency response and conflict resolution, contrasts with the level of resources made available by the US for the post-World War II reconstruction of Europe, and is contradicted by the availability of resources for wars such as those in Korea, Vietnam, Afghanistan and Iraq, as well as the massive proportion of national budgets spent on armaments, worldwide.

⁶⁶³ The cost of financing the United Nations, even with its existing inefficiencies and alleged high levels of corruption, is still miniscule compared with the costs of waging wars and the costs of destruction caused by those wars.

⁶⁶⁴ UN failures under its Trusteeship system compounded the failures of the League of Nations Mandate system that it replaced.

conflict resolution failures have been of critical importance because the UN has been the primary organisation tasked with maintaining international peace and security in Africa.⁶⁶⁵

African Case Study Format:

This African case study will follow the format of the Asian and Middle Eastern case studies. The conflicts chart summarising the role of the UN in African conflicts will be followed by a thematic analysis of the UN's performance in preventing or responding to African conflicts. The focal conflict section will analyse the performance of the UN in the conflicts that afflicted the people of the Congo. The concluding section will summarise the performance of the UN towards the achievement of its primary objectives, the maintenance of international peace and security for the people of Africa.

⁶⁶⁵ In contrast with Africa, most other major regions of the world have had alternative organisations or major states providing elements of international security. In the Americas, US hegemony eclipsed the UN, especially during the Cold War. In Europe, NATO and the Warsaw Pact did likewise by providing stability of sorts, if not security, and the European Union has played an even more significant role towards providing more comprehensive 'human security' in the post-Cold War era. In Asia, the superpowers and large states such as China, India and Indonesia provided an enforced type of security, albeit at an enormous cost in human rights and human lives. Africa in contrast had all the disadvantages but none of the advantages of external interference, and had no effective pan-African security system, and, this case study will argue, the UN also failed dismally to perform its international peace and security functions in Africa.

Table 6.1: Summary of most serious African Conflicts

No	CONFLICT	SEVERITY	UN ROLE	UN SUCCESS/FAILURE	WHY
1.	Colonial Transition 1945 -	Moderate eg. Kenya 20,000	UN Charter, Chap. XI, XII, XIII	Partial success only	Colonial powers in control, not UN.
2.	Congo 1886s to 1908	V/High up to 8m. dead	Prior to UN/League of Nations	Internat. community failure	<i>Greed exploitation by Belgium</i>
3.	Colonial transition 1960-64	Moderate	ONUC Peacekeeping 1960-64	Partial Failure	European/US/USSR interference
4.	Congo Civil War 1996-97	Moderate 800,000 dead	Very limited UN involvement	Failure	Charter (internal), Rwanda spill-over
5.	Civil/Internat. 1998 –2007	V. High 5.4 million dead	MONUC	Failure	UN response far too slow and inadequate
6.	Congo Braz. Civil 93-97	Moderate 100,000	None	Failure	Internal civil war and French interference
7.	South Africa 1960-1990	Low	UN Sanctions –	Partial success	US/UK support for SA hindered UN
8.	Namibia colonial transition	Low	UNTAG Transitional Assistance	Belated success	Failed/flawed trusteeship system
9.	French/Algeria 1954-62	V. High 1 million dead	None	Failure	P5 veto, flawed colonial transition
10.	Algeria Civil War 1992-98	High 150,000	None	Failure	UN Charter - Internal state matter
11.	Nigeria/Biafra 1967-70	V. High up to 1 million	None	Failure	UN Charter - Internal state matter
12.	Uganda (Idi Amin)1969-79	High 300,000 dead	None	Failure	UN Charter - Internal state matter
13.	Angola/Portugal	Moderate	None	Failure	Inadequate UN decolonisation effort
14.	Angola Civil War 1975-02	V. High up to 1.5 million	UNAVEM I, II, III - MONUA	Failure	Repeated UN flawed interventions
15.	Mozambique/Port.1962-75	Moderate 10,000/25,000	None	Failure	Inadequate UN decolonisation effort
16.	Civil War 1976-93	V. High up to 1 million	ONUMOZ 1992-94	Belated success	UN delay due to Cold War factors
17.	Rhodesia 1972-79	Moderate – 30,000 dead	UN sanctions.	Partial success –	Sanctions difficult to enforce
18.	Zimbabwe	Moderate – up to 50,000	World Food Programme	Failure	UN Charter - Internal state matter
18.	Somalia Civil 1988-2007	V. High 500,000 dead	UNASOM I, UNASOM II,	Failure	Flawed PK. failed peace-enforcement
20.	Ethiopia Civil War	Very high – 2 Million dead	None	Failure	Flawed UN Charter and Cold War
21.	Menghitsu repression	1.5 million dead	None	Failure	Flawed UN Charter and Cold War
22.	Ethiopia/Eritrea 1998-2000	Moderate 75,000	UNMEE 2000 to date	Partial success	More conflict resolution needed
23.	Burundi Civil War – 1972	High – 300,000 dead	None	Failure	No UN intervention
24.	1993-2005	High – 200,000 dead	ONUC,	Initial failure but improving	Improved Cooperation with AU
25.	Sudan Civil Wars in South	High –	Humanitarian aid only	Failure	Inadequate UN response
26.	and in Darfur 1983-2007	V. High > 2 million dead	Reluctant UN intervention	Ongoing failure	Failure to acknowledge seriousness
27.	Ivory Coast civil war 2000	Low 1000 dead	MINUCI 2003, UNOCI,	Partial success	Interference - inadequate UN response
28.	Liberian Civil War 1989 –	V. High, up to 220,000	UNOMIL, ECOMOG, UNMIL, UN smart sanctions	Initial failure, some belated success	Local, regional and international factors, prevention failures
29.	Sierra Leone, 1991-2000	V. High, up to 100,000.	UNOMSIL, UNAMSIL	Initial failure, some success	Conflict allowed deteriorate too far
30.	W. Sahara/Morocco 1975 –	Low	UN PK mission, MINURSO	Limited success	Failure to sanction Morocco
	Total Africa (1945-2008)	Approx. 17 million deaths	About 8 m during Cold War	About 9 m post-Cold War	

Thematic analysis of UN's Performance in African Conflicts

Europe's new colonial territories enclosed hundreds of diverse and independent groups, with no common history, culture, language or religion. ... By the time the scramble for Africa was over, some 10,000 African polities had been amalgamated into forty European colonies and protectorates. Thus were born the modern states of Africa.⁶⁶⁶

This colonial carve-up was one of the significant root causes of conflict in Africa. Guy Arnold points to internal African problems, and to three external factors that quickly curtailed African independence, and fuelled conflict.

The Cold War was brought to Africa through the 1956 Suez crisis and the 1960 Congo crisis ... At the same time the departure of the colonial powers was more apparent than real as they increased their economic grip on their erstwhile colonies.⁶⁶⁷

The UN was drawn in to this complex matrix of local issues, regional politics, and international relations circumstances, first to facilitate the transition from colonial rule, and then, sporadically to intervene in those conflicts in which it was allowed to intervene. This section will examine the role and performance of the UN in Africa using the same six themes that were used in the Asian and Middle Eastern case studies.

Theme 1: Effectiveness of the UN Trusteeship System and the UN's colonial transition responsibilities in Africa

When Winston Churchill and President Roosevelt drew up the Atlantic Charter in 1941, supporting the right of all peoples to choose their own government, Churchill had in mind self-determination only for the conquered nations of Europe, not for the British territories.⁶⁶⁸

In this African themed section priority will be given to this first theme because of the comprehensive damage done by colonialism to Africa and failure of the UN to adequately address or compensate for this damage. Because the scope of this thesis does not allow for a full evaluation of Africa as a whole, this thematic section on colonial transition will focus primarily on western and southern Africa. Central Africa will be examined in more detail in the focal conflict section. While northern Africa has a mixture of colonial transition experiences, the very violent efforts by France to

⁶⁶⁶ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), pp. 1,2.

⁶⁶⁷ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 118.

⁶⁶⁸ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. 9. The Atlantic Charter in 1941 was the basis for the UN Charter in 1945. However, while the British and the Americans reneged on promises of self-determination of the states of Eastern Europe through out the Cold War, American pressure insisted on decolonisation of large parts of Africa.

prevent the Algerian people from escaping from colonialism resulted in severe damage both to France and to the people of Algeria that continues to the present time.⁶⁶⁹ Portugal and its colonies suffered a similar fate. The ongoing conflicts and failing states in eastern Africa, especially the so-called Horn of Africa, are also a testimony to very flawed colonial transition process for which the UN must bear some responsibility.

Decolonisation and UN Trusteeship in Africa as a whole

Guy Arnold credits the United Nations with playing “a vital role in bringing about African independence”.⁶⁷⁰ However it was vital more in the sense of helping to precipitate the rush to independence that took place in the 1960s than its role in preparing Africans for independence. The UN’s role in facilitating colonial transition was limited by the UN Charter Trusteeship System and by the relatively limited number of territories that came directly under the UN Trusteeship system.⁶⁷¹ Colonial states evaded their responsibilities for facilitating the transition process either by claiming the colonies were an integral part of their ‘European’ state, or by simply dumping problematic territories on the UN. Portugal used both strategies, refusing to countenance decolonisation until 1975, and then belatedly abandoning its unprepared African colonies. “The Portuguese ... had prepared nothing they could bequeath to their successors because they had no intention of quitting the continent.”⁶⁷² Stephen Ryan hints at what might have been, when he refers to the extensive tour of Africa by Dag Hammarskjöld that led him to believe that “the UN should play a leading role in the ‘proper development’ of this continent”⁶⁷³ Such creative policies ended with Hammarskjöld’s death in 1961.⁶⁷⁴

⁶⁶⁹ “Independence had been secured [in 1962] but at great human cost to all concerned. A large part of the Muslim population had been displaced, perhaps 200,000 or more had been killed ... the French had lost perhaps 20,000 dead”. Albert Hourani, *A History of the Arab Peoples* (London: Faber & Faber, 1991), p. 372.

⁶⁷⁰ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 13.

⁶⁷¹ In Africa, UN Trusteeship territories were limited to the former German territories of South West Africa (Namibia), Tanzania, Ruanda/Urundi (Rwanda and Burundi), Kamerun (Cameroon), and Togoland (Togo), and the former Italian territories of Eritrea and Italian Somaliland. The other African regions, covering most of Africa, were colonies of the ‘victorious’ or neutral powers in the two World Wars, and therefore fell outside of the scope of the League and UN trusteeship systems.

⁶⁷² Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 307.

⁶⁷³ Stephen Ryan, *The United Nations and International Politics* (Basingstoke: Macmillan, 2000), p. 68.

⁶⁷⁴ “[Dag Hammarskjöld] was born in Jonkoping, Sweden, in 1905 and died near Ndola, Northern Rhodesia, on 18 September, 1961, in an air crash while en route to negotiate a cease-fire between the United Nations and Katanga forces.” Dag Hammarskjöld, *Markings*, translated from Swedish by Leif Sjöberg & W.H. Auden (New York: Random House, 1964), p. 196.

Because Africa was more afflicted by colonialism than any other continent, the UN's response to the needs of Africans should have been directed towards the specific requirements of the peoples of Africa rather than the interests of the wider international community.⁶⁷⁵ Because much of Africa was almost a *tabula rasa* from the political development point of view, the United Nations should have been empowered to play a far more significant role in the colonial transition process especially in the areas of conflict prevention, education and training. "In the years that followed it was often suggested that independence had been granted too soon to countries that were not ready for it."⁶⁷⁶ Arnold however cites Sir John Johnson's advice that: "once consent is withdrawn, you can't rule by force in the middle of the twentieth century" as one of the reasons for the eventual haphazard nature of the decolonisation process. The issue was not so much one of timescale, but lack of preparation for independence. Between 1945 and 1970 the underdeveloped political status of Africa presented a huge challenge to the United Nations, but also presented unique opportunities, that required visionary leadership. Conflicts of interests by European states and superpower rivalry prevented the UN from rising to the challenges of African freedom.

The resource shift is a centuries old phenomenon that stems from the original industrial revolutions ... In the past century, the industrialised North has become progressively more dependent on physical resources from the South.⁶⁷⁷ Cultural colonialism was also a factor. Additional imposed divisive factors have now been created in many parts of Africa by European languages and religions.⁶⁷⁸ A neutral UN transitional administration system would have been far more

⁶⁷⁵ The League Covenant drawn up primarily by European colonial powers, appeared to pay lip-service to the interests of Africans yet prioritised the wider international interests. Article 22, League of Nations: "Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, ... and will also secure equal opportunities for the trade and commerce of other Members of the League."

The UN Charter, Article 74 reinforces this aspect of the wider international trade interests: "Members of the United Nations also agree that their policy in respect of the territories ... must be based on the general principle of good-neighbourliness, *due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.* [Emphasis added]."

⁶⁷⁶ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 52.

⁶⁷⁷ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 90.

⁶⁷⁸ Cameroon, a former German colony, is just one example of what could be described as cultural neo-colonialism. It passed from German to a combination of British and French trusteeship and was then united as an independent state in 1960. However, the French and English languages and cultures remain divisive factors, and France, anxious to keep Cameroon in its Francophone area of influence, supports a dictatorial regime. The Francophone/Anglophone issue has been a contributory factor to conflicts in areas such as Burundi and the Congo, and especially in Rwanda, which was seen as the interface or frontline between Francophone and Anglophone Africa. The Chad/Sudan border has become the focus for Francophone/Anglophone rivalry in more recent times, with France supporting the dictatorial regime of General Edris Debre.

appropriate than the flawed trusteeship system operated by the colonial powers.⁶⁷⁹

UN transitional administrations, or improved versions of them, could have provided a more suitable system of trusteeship for the transition of Africa from colonialism. However, this would have required a more dynamic United Nations than its Charter allowed for.

In 1914 Ethiopia and Liberia were the only independent states in Africa.⁶⁸⁰ By 1945 there were only four nominally independent states in Africa, Egypt dominated by Britain, the restored feudal empire of Ethiopia, the “decaying republic” of Liberia, “a fiefdom of the American Firestone company” and South Africa under white minority rule.⁶⁸¹ At the end of World War I the German African colonies passed, as virtual spoils of war, to the victors, Britain, France and Belgium as League of Nations Covenant mandate territories, while these powers retained their exclusive control over their pre WW I colonies.⁶⁸² This exemption applied to most of Africa, and continued under the UN Charter.⁶⁸³ Where the UN did try to exert positive influence on borders, it proved counterproductive. Its attempt to give Ethiopia an outlet to the Red Sea coast failed to take account of the reality on the ground, and failed to confront European colonists vested interests.

The UN’s decision to federate Ethiopia and Eritrea in 1950 and the subsequent Ethiopian incorporation of Eritrea in 1962 produced what was for years to be described as Africa’s longest war.⁶⁸⁴

⁶⁷⁹ Transitional administrations were used by the UN belatedly but with significant successes in Cambodia (UNTAC), East Timor (UNTAET), Namibia (UNTAG) and Croatia (UNTAES). The first example of a transitional administration was UNTEA in West Papua, the United Nations Temporary Executive Authority from 1 October 1962 to 1 May 1963, which, as discussed in Chapter 4 was a failure.

⁶⁸⁰ The rest of Africa was carved up into the colonial possessions of seven European states, Belgium, Britain, France, Germany, Italy, Portugal and Spain and the additional Dutch/Afrikaner settlements in South Africa.

⁶⁸¹ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), p. 10.

⁶⁸² Mandate or Trustee territories after 1945 were limited to British – Tanganyika, French – Cameroon, Togoland, Belgian – Ruanda-Urundi, South African – South West Africa, and Italian Somaliland, representing less than 10% of African landmass and population. Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. vii.

⁶⁸³ The terminology changed from the pre-League of Nations term ‘protectorate’ to the League of Nations term ‘mandate’ territories, to the UN ‘trusteeship’ system. However, these terms were often used interchangeably, and the practice remained much the same with the colonial powers allowed to exercise undue power over the territories they controlled. (Bechuanaland, now Botswana, was listed as a British Protectorate in Louise Creswicke, *South Africa and the Transvaal War: South Africa and its Future* (London: The Caxton Publishing Co., 1902), p. viii, map insert.

League of Nations Covenant, Article 22.8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council

Article 22.9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

⁶⁸⁴ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 240.

The rush to independence began in earnest in the 1950s and reached a peak in 1960 when the UN Security Council passed resolutions approving the admission of seventeen new African states.⁶⁸⁵ “(B)y 1970, 43 African states were independent and members of the United Nations.”⁶⁸⁶ The UN Charter prioritised the interests of its member states, including newly emerged states,⁶⁸⁷ at the expense of the individuals and the ‘peoples’ within those states who might desire self-government.⁶⁸⁸ Colonial powers, especially France and Portugal took this a stage further by insisting that their colonial ‘possessions’ were outside the remit of the UN, and that their colonies were parts of metropolitan France and Portugal. The UN Trusteeship Council was heavily weighted in favour of the colonial powers.⁶⁸⁹

The interstate borders still applicable to Africa today were largely decided at the Conference of Berlin⁶⁹⁰, during which no Africans were consulted. When Africa was being carved up into artificially engineered states in the 1960s, Western Europe itself was recognising that the state system had been one of the underlying causes of conflict in Europe, and European leaders were working to transcend Europe’s states into an eventual European Union.⁶⁹¹ The colonisation process was achieved by gross violations of human rights, including the genocide of more than three-quarters of the Herero people of Namibia by German colonists⁶⁹² and Belgian human rights abuses in the Congo.⁶⁹³

⁶⁸⁵ <http://www.un.org/documents/sc/res/1960/scres60.htm>.

⁶⁸⁶ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 75.

⁶⁸⁷ The people of the new African states had virtually no influence over those states’ borders and therefore had not decided who their fellow citizens would be.

⁶⁸⁸ The aspirations of Article 2.2. of the UN Charter specified “The Organization is based on the principle of the sovereign equality of all its Members”. In reality power and influence within the UN was exercised proportionally by its most powerful members, with the caveat that Britain and France got to exercise an undue proportion of power due to their P-5 membership. Article 2.7 of the Charter virtually forbids the UN from intervening in matters considered to be “within the domestic jurisdiction of any state”.

⁶⁸⁹ Article 86, UN Charter: “...the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.” In addition the remaining members of the P-5 group must also be members, the additional members coming from UN member states elected by the General Assembly. Since the peoples of the “non-self-governing territories” were not yet UN members, they had no representation on this Trusteeship Council.

⁶⁹⁰ Conference of Berlin: “conference 1884-85 of the major European powers (France, Germany, the UK, Belgium, and Portugal) called by Chancellor Otto von Bismarck to decide on the colonial partition of Africa.” Brockhampton, *Dictionary of World History* (Oxford: Brockhampton Press, 1994), p. 66.

⁶⁹¹ Mark Mazower cites Joseph Roth 1937 quote: “Why then do the European states claim for themselves the right to spread civilization and manners to different continents? Why not to Europe itself?”. Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin, 1998). The nation-state was part of this civilizing influence, which Europe continued to spread to Africa, even as it was evolving beyond the nation-state into the Common Market in Europe itself.

⁶⁹² Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. 3.

⁶⁹³ Adam Hochschild, *King Leopold’s Ghost* (London: Papermac, 2000).

Even though Britain was the ‘least worst’ of the colonisers it still left its colonies poorly prepared for independence.⁶⁹⁴ France tried to incorporate its African possessions into metropolitan France – *la plus Grande France* – while “neither Belgium nor Portugal permitted any significant political activity in their colonies”.⁶⁹⁵ Meredith cites one British official’s description of the move towards independence as ‘like laying down a track in front of an oncoming express’. Statehood for the Francophone and Anglophone colonies brought two related but contrasting problems. In the larger states such as (British) Nigeria and (Belgian) Congo, diverse ethnic groups were forced together in involuntary associations, whereas the French colonial regions were subdivided into economically non-viable mini-states, or larger land-locked semi-desert states, such as Mali, Niger and Chad,⁶⁹⁶ most of which were beholden to France thereafter for their survival. “It seems almost a rule of thumb that the smaller an African country, the greater the likelihood of political fragmentation.”⁶⁹⁷ For the most part the British endeavoured or resolved to leave relatively quickly and amicably,⁶⁹⁸ the French tried very hard not to leave at all, or arranged continuing neo-colonial presence,⁶⁹⁹ while the Belgians and Portuguese were forced out unwillingly. In virtually all cases, the transition to statehood has been painful and incomplete.

The role played by the UN in the transition of the British and French African colonies was minimal, in the Portuguese colonies it was only reactive and too late, and in the case of Belgian Congo, the initial response was quick but flawed, and the UN subsequently abandoned the Congo to a French and US supported Mobutu dictatorship.⁷⁰⁰ In the rush and euphoria of African independence the role of the UN

⁶⁹⁴ Guy Arnold cites the address by W. Johnson to the Sixth Pan-African Conference in Manchester 1945: “Mr. W. Johnson dwelt on what he stated as the main problems in Sierra Leone. The first was mass illiteracy. After 157 years of British rule only five percent of the people were literate”. Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p.15.

⁶⁹⁵ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), p.12.

⁶⁹⁶ Paul Collier identifies “the trap of being landlocked with bad neighbours” as one of the four traps that result in the “bottom billion” being prone to conflict and endemic poverty.

Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OAP, 2007), p. 5.

⁶⁹⁷ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 815.

⁶⁹⁸ The exception included white settler resistance to the Mau Mau insurgency in Kenya and in Rhodesia this white settler problem led to the Unilateral Declaration of Independence (UDI) by the Ian Smith regime.

⁶⁹⁹ Mazower points to the contradictions in European colonial policies. “Some liberals were concerned at the double standard. ‘France cannot in effect show two faces’, wrote Albert Sarraut, a leading colonial commentator, ‘that of liberty, turned towards the metropolis, that of tyranny towards its colonies.’ Of course it did; the Anglo-French belief in assimilationism only made sense viewed within their national borders.” Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin 1998), p. 57.

⁷⁰⁰ “By [1963] US influence, which sought the integration of Katanga into a reunified ‘Katangalised’ Congo in which American interests could vie effectively with those of Belgium and Europe generally, was in the ascendent.”

seemed confined to one of rubber-stamping the applications for independence by granting UN membership to the new states.⁷⁰¹ Neither the colonising states, the League nor the UN, honoured their role as altruistic mentor, the ‘sacred trust of civilization’⁷⁰². Some African leaders did have a pan-African vision. Egypt’s Nasser tried to include North Africa within a pan-Arab alliance, and was a leading player for a while in the wider Non-Aligned Movement.⁷⁰³ Nkrumah in Ghana said that: “(o)ur independence is meaningless unless it is linked up with the total liberation of the African continent.”⁷⁰⁴ Others however had a very different perception.

In Southern Rhodesia the white population, numbering no more than 33,000, had won internal self-government as far back as 1923. In Kenya they had vigorously pursued the same aim.⁷⁰⁵

However the Mau Mau rebellion, and Britain’s shrinking imperial capabilities, forced Britain to retreat.

The UN played a passive, but significant role, in the transition from colonialism that reached a climax in 1960. The prospect of UN membership, provided an alternative structure to colonialism, and acted as a magnet towards independence. Christian Reus-Smit identifies UN General Assembly Resolution 1514 (XV) *The Declaration of Granting Independence to Colonial Countries and Peoples, 1960*, as critical in “facilitating the wholesale decolonisation of the European empires.”⁷⁰⁶ Thomas Turner writes that: “Europeans exported a new concept of the state, with clear boundaries and equal subdivisions, and a particularly lethal subtype, the ‘nation-state’”⁷⁰⁷. On the other hand Weiss *et al* point out that: “politically aware persons outside the West adopted the notion of the state to resist domination by European

Bill Freund, *The Making of Contemporary Africa: The Development of African Society since 1800*, Second Edition (Basingstoke: Macmillan, 1998), p. 202.

⁷⁰¹ Freund writes that: “(t)he die was cast by 1951 and decolonisation began to look like a European scramble out of Africa” Bill Freund, *The Making of Contemporary Africa: The Development of African Society since 1800*, Second Edition (Basingstoke: Macmillan, 1998), p. 186.

In the case of French Controlled African territories, the decision to decolonise rapidly came from Charles de Gaulle, rather than the UN. “De Gaulle reversed his policies entirely, and announced plans for independence to come in all the black African colonies in 1960”, *ibid.* p. 197.

⁷⁰² League of Nations Covenant Article 25.

⁷⁰³ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), pp. 114/115. “in [1958] Egypt and Syria came together to form a United Arab Republic, ... while in 1961 Nasser had identified with third world radicalism at the Afro-Asian Solidarity summit in Bandung, Indonesia, in 1956 he formed, with India and Yugoslavia, the core of a new Non-Aligned Movement”.

⁷⁰⁴ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), p. 29.

⁷⁰⁵ *ibid.*, p. 11.

⁷⁰⁶ Christian Reus-Smit, *The politics of international law* (Cambridge: CUP, 2004), p. 282.

⁷⁰⁷ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 52.

states.”⁷⁰⁸ However, the UN structure was not backed up by necessary levels of power, influence and support that the colonial powers had at their disposal.⁷⁰⁹ As a result, the newly independent African states began to founder. Rival groups within the new African states were also fuelled ideologically and armed physically by Cold War superpower rivalry. The UN and the international community failed to give Africa the necessary priority or resources towards the achievement of the UN’s objectives in Africa,⁷¹⁰ and ongoing internal local and African regional factors combined with external interference to destabilise many regions of Africa. Leadership failures and structural problems within the UN also contributed.⁷¹¹

Colonial transition in western Africa:

World War II precipitated the decolonisation process.

Huge changes in world power structures were about to take place. . . . These included the marginalization of Europe by the emergence of the two superpowers, the coming of the Cold War and, everywhere, nationalist demands for independence.⁷¹²

Taylor and Curtis write that:

the process of decolonization has privileged statehood over justice. . . The UN . . . had elevated the right to statehood above any tests of viability . . . or a prospect for achieving justice for citizens.⁷¹³

This was to prove a key aspect of the UN’s failures in Africa. Arnold identifies the damaging effect of European post-colonial rivalry especially in west Africa.

A factor of permanent importance before, during and after the independence era in Africa was the rivalry between Britain and France . . . as declining imperial powers, [they] nevertheless wished to perpetuate what influence they commanded.⁷¹⁴

⁷⁰⁸ Thomas G Weiss, *et al.*, *The United Nations and Changing World Politics* (Boulder CO: Westview, 2001), p. 4.

⁷⁰⁹ Paul Collier points out that “during colonialism many countries experienced decades of enforced peace.” Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: OAP, 2007), p. 19.

However, the colonial powers, for the most part, used their power and influence for their own metropolitan interests rather than to support of the indigenous populations of the colonies.

⁷¹⁰ The UN’s objectives in Africa were those laid by its Charter, primarily: to maintain international peace and security, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

⁷¹¹ As discussed in Chapter 4 in the context of West Papua, the difficulties encountered by the UN’s ONUC peace mission in the Congo in the 1960s were followed by a reluctance by subsequent UN leaders to intervene in African conflicts for the remainder of the Cold War, and their short term reluctance to commit resources to peace building and nation building elsewhere. John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: RoutledgeCurzon, 2003), p. 9.

⁷¹² Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 1.

⁷¹³ Paul Taylor and Devon Curtis, *The United Nations*, in John Baylis, *et al.*, *The Globalization of World Politics: An Introduction to International Relations*, Fourth Edition (Oxford: OUP, 2008), p. 320. Taylor and Curtis cite the General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960 and point out that: “(t)here emerged a convention that the claims of elites in the putative states could be a sufficient indication of popular enthusiasm, even when the elites were crooks and the claims misleading.”

⁷¹⁴ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 37.

Note: French interference in Rwanda (Operation Turquoise) in 1994, and French support for the military dictatorship of Lt. Gen. Idris Deby in Chad from 1991 to date (2007), emphasise this post-colonial abuse.

The fragmentation of the west African region was one of the most damaging outcomes of this rivalry. A more proactive and more influential UN could have intervened to prevent some of this.

Table 6.2. West African States (Centrifugal and centripetal fragmentation)

State	Coloniser	Population	Type/Location
Nigeria	Britain	137,000,000	Coastal
Ghana	Britain	21,000,000	Coastal
Cote d'Ivoire	France	17,300,000	Coastal
Cameroon	France/UK/Germany	16,000,000	Coastal
Burkina Faso	France	13,600,000	Landlocked ⁷¹⁵
Mali	France	12,000,000	Landlocked
Niger	France	11,400,000	Landlocked
Senegal	France	11,000,000	Coastal
Chad	France	9,500,000	Landlocked
Guinea	France	9,200,000	Coastal
Benin	France	7,300,000	Coastal
Sierra Leone	Britain	5,900,000	Coastal
Togo	Britain/Germany	5,600,000	Coastal
Central African Republic	France	3,700,000	Landlocked
Liberia	Not colonised	3,400,000	Coastal
Mauritania	France	3,000,000	Coastal
Congo Brazzaville	France	3,000,000	Coastal
Gambia	Britain	1,500,000	Coastal
Guinea Bissau	Portugal	1,400,000	Coastal
Gabon	France	1,400,000	Coastal
Equatorial Guinea	Spain	500,000	Coastal
Western Sahara	Spain (Morocco)	250,000	Coastal
São Tomé and Príncipe	Portugal	200,000	Island
Total 23		295,150,000	

Eleven of the states in Table 6.2 above contain less than six million people, and the population of Nigeria almost equals the total populations of the other twenty states. Three separate mistakes were made in deciding on west African state borders.⁷¹⁶ The first was to condemn the peoples of the five landlocked and resource impoverished states to a future of poverty and dependency. The dual problems of impoverished landlocked states and small unviable territories in Africa owed their origins to a combination of the colonial carve-up and the vagaries of the UN Charter. With regard to the former French colonies: "...France fragmented its empire into a number of

⁷¹⁵ The five landlocked states are included as West Africa because their only practical economic outlets are through their neighbouring West African states.

⁷¹⁶ It can be argued that these actions were deliberate policy decisions made in interests of European states, rather than incidental mistakes.

colonies with the result that a French Community, inevitably, would mean a Community dominated by France – empire in another guise.⁷¹⁷

These [League of Nations mandates] continued to be administered by Britain, France, Belgium and South Africa, but the new [UNO] format refused to allow the amalgamation of smaller territories into the neighbouring colonies and established a commitment to eventual independence.⁷¹⁸

The second mistake was the creation of so many small unviable coastal states (nine of the coastal West African states have less than 3.5m people).⁷¹⁹ Virtually none of these states can claim to be ‘nation-states’ due to their ethnic mix of populations, and most of these ethnic groups have footholds in several states. A third mistake was the decision to form one unitary state from the multiple peoples of Nigeria, now approaching 140 million.⁷²⁰ Whichever way outsiders drew rigid boundary lines was likely to be problematic due to religious, tribal, cultural and historical differences.⁷²¹ This rigidity of the state system may have been the undoing of Africa. The colonial carve up, was virtually the only criteria used in deciding boundaries.⁷²² The lack of alternative visions of macro human community structures and the fact that the existing international community of states, including the UN, were unlikely to countenance competing alternatives structures, made a flawed system of African states inevitable. The example of European integration was an alternative, but this was not necessarily transportable to Africa at its immature stage of political development.⁷²³ The impoverished landlocked regions should have been combined with more fertile coastal regions, for reasons of infrastructure, resources and viability, and a more

⁷¹⁷ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 40.

⁷¹⁸ Bill Freund, *The Making of Contemporary Africa: The Development of African Society since 1800*, Second Edition (Basingstoke: Macmillan, 1998), p. 183.

Note: The one exception to this rule was the amalgamation of British and French Cameroonian territories into one state of Cameroon. “The United Nations General Assembly agreed unanimously to the holding of a second plebiscite for the British Cameroons between September 1960 and March 1961, in which the people would have a choice of either union with Nigeria or union with an independent (French) Cameroon.” Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p.51. However, even this amalgamation has led to problems because the opposing British and French European cultures had already taken root.

⁷¹⁹ The UNDP Report for 2004, Human Development Index clearly demonstrates the extent to which the peoples of states of Africa as a whole, and West Africa in particular, have failed to develop compared to the rest of the world. Of the 33 states at the bottom of this table (Low Human Development category) 32 are African, and 15 are West African. UNDP, Human Development Report, 2004, Cultural liberty in today’s diverse world, p. 279. http://hdr.undp.org/en/media/hdr04_complete.pdf, on 12 April 08.

⁷²⁰ Nigeria has as many as 250 ethno-linguistic groups.

⁷²¹ Equatorial Guinea, one of three West African states bearing the name Guinea, is one the more pronounced examples of this carve-up phenomenon. With a population of less than half a million people, it has abundant mineral resources, especially Bauxite, and off shore oil reserves, and has been ruled by a brutal dictatorship.

⁷²² “Superior power allowed the European nations to carved up Africa, and the subsequent control of colonial peoples gave rise to the belief on the part of Europeans that they were innately superior”. Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 37.

⁷²³ Pan-African options have been considered at various times, but even within Africa, the quest for local power has also influenced the fragmentation of African system of states. “The concept of pan-Africanism was born at the beginning of the twentieth century when the first Pan-African Congress ... was held in London during 1900.”

complex system of regional governance should have been developed in addition to a system of state governments. A multi-tiered system of governance rather than a rigid states system could have avoided the sort of problems that beset landlocked sub-Saharan states, and the coastal mini-states, on the one hand, and problems of internal regional rivalries that have afflicted larger states such as Nigeria, Cameroon and the Congo, on the other hand. Similar complex boundary, access and ethnic problems have beset east Africa.⁷²⁴ A more independent system of transitional administrations should have been set up under the United Nations rather than the Trusteeship System that was controlled by the former colonial states. This was not attempted in Africa until the UNTAG mission in Namibia in 1989, but the concept was known and operated (although unsuccessfully) even in the 1960s, as was discussed in the Chapter 4 in the case of West Papua.⁷²⁵

The UN's Role in Colonial Transition in southern Africa:

The Transvaal had her stubborn Kruger; Germany had her shrewd and energetic agents and explorers preparing the way to annexation in different portions of the Dark Continent; while even Portugal had her D'Andrade.... Cecil Rhodes took his place in South African affairs but just in time.⁷²⁶

Colonial acquisition, the struggles for freedom from European domination, and subsequent civil conflicts within the resulting states are the defining events of the history of southern Africa over the past two centuries. The Boer War, the Herero genocide, Portuguese abuses in Angola and Mozambique, and the abuses of the Smith and Mugabe regimes in Zimbabwe are all directly or indirectly associated with its colonial past. Portugal, South Africa and Southern Rhodesia helped create a white minority and racist region in southern Africa that was determined to resist all attempts by indigenous Africans to achieve majority rule.

⁷²⁴ In the Horn of Africa, similar problems are still creating conflict, due to denial of Ethiopian access to the sea, which goes back to Italian efforts to carve out its own colonial territory in Somalia, and its less successful attempts to colonise Ethiopia. British, French and Italian interests, combined with local Eritrea and Somali interests to block Ethiopian access to the Red Sea. Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 9.

⁷²⁵ John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969* (London: Routledge Curzon, 2003).

⁷²⁶ Louise Creswicke, *South Africa and the Transvaal War: Vol. VIII, South Africa and its Future* (London: The Caxton Publishing Co., 1902), p. 55.

Note: Kruger's stubbornness led to the Boer War where the British set up proto-type 'concentration camps', German agents committed genocide of the Herero in South West Africa, Portugal settled up to half a million Portuguese in their territories, and the problems arising from the settlements 'planted' by Cecil Rhodes are still unsettled in present day Zimbabwe.

Angola and Mozambique were two of Europe's oldest colonies in Africa,⁷²⁷ while Namibia and Tanzania were trust territories under Article 25 of the League of Nations and Article 77 a of the UN Charter.⁷²⁸ This limited the UN's role in Angola and Mozambique. "Like France, Portugal regarded its African colonies as overseas 'provinces', as inalienable a part of the Portuguese nation as metropolitan Portugal."⁷²⁹ Virtually no attempt was made to prepare the indigenous Africans for freedom.⁷³⁰ The Portuguese 1958 Overseas Development Plan stated that: 'We must people Africa with Europeans who can assure the stability of sovereignty and promote the "Portuguesation" of the native population.'⁷³¹ While the UN did exert diplomatic pressure on Portugal to move its colonies towards self-government these efforts had minimal effect.⁷³² No effective UN action was taken until after 1975, when a virtually bankrupted Portugal dumped its colonies on the UN's doorstep. The UN response was also inadequate as these fledgling states drifted into devastating civil wars, fuelled by the Cold War, and by white racist minority regimes in South Africa and Rhodesia.⁷³³ The inadequacy of the UN Charter, particularly its Trusteeship System, was a significant reason for the flawed UN response.

Special Significance of South African Colonial Transition.

The southern African region presented the UN with some significant variations, as well as challenges and opportunities, towards achieving successful colonial transition, as compared with the other regions of Africa. European colonisation of southern Africa, especially South Africa, was much more intensive agriculturally, industrially and economically than elsewhere in Africa. The long-delayed transition of South Africa to democratic majority rule was exceptional in

⁷²⁷ Portugal colonised Angola in about 1491, and Mozambique in about 1505. R. I. Moore, et al, eds., *The Hamlyn Historical Atlas* (London: Hamlyn, 1981), p. 74.

⁷²⁸ UN Charter Article 77 "The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;"

⁷²⁹ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. 134.

⁷³⁰ "Portugal's approach to its African Empire in the 1930s and 1940s took little account of Africans". Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 15.

⁷³¹ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 16.

⁷³² "On 9 June 1961... the UN Security Council voted ... to call on Portugal to end repressive measures against the African people of Angola. ... On 17 December 1962, the UN General Assembly, ... condemned Portugal's colonial policy as 'inconsistent with the Charter of the United Nations'" Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 310.

⁷³³ "In Angola the transition from Portuguese rule turned into a major disaster. ... three rival nationalist factions competed for power, transforming a colonial war into a civil war, and drawing the Soviet Union and the United States into a perilous confrontation by proxy." Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. 312.

terms of both its relative success and timeframe. Its colonial experiences were different from all other African regions. Its mineral wealth, benign climate, and easy access from the coast, encouraged earlier settlement, and the industrialisation necessary for its mineral extraction also led to the establishment of more advanced systems of administration. The Boer War created very different historical contexts leading to ‘independence’ from the colonial system. The Duke of Argyll is quoted as asking in 1902: “Emigration of white men and women to South Africa – how can we best secure this?”⁷³⁴

Britain ... set out to take over two independent Boer republics, the Transvaal and the Orange Free State ... Women and children were rounded up and placed in what the British called concentration camps. ... All this became part of a Boer heritage ... spawning a virulent Afrikaner nationalism that eventually took hold of South Africa.⁷³⁵

Southern Africa differed from the other African regions in a second significant way also, that is, the entrenched apartheid and racist systems of government and administration that existed in the Portuguese territories until 1975, Southern Rhodesia/Zimbabwe until 1980,⁷³⁶ and South Africa/Namibia until the early 1990s. This virtually excluded the UN from any significant role, apart from passing resolutions, until the collapse of the Portuguese ‘empire’ in 1974/75.⁷³⁷ This situation was further entrenched by Cold War rivalries in this region. Britain and the US were tolerant of South Africa’s abuses of the democratic and the UN trusteeship systems.

One of the paradoxes of the South African situation was that the enforced delay in its colonial transition, combined with its industrial development created a better set of circumstances for an independent democratic South Africa when it emerged into the post-Cold War era. These complex circumstances also point to what might have been achieved elsewhere in Africa, if the UN had been given far greater

⁷³⁴ Louise Creswicke, *South Africa and the Transvaal War: Vol. V111 South Africa and its Future* (London: The Caxton Publishing Co., 1902), p.1.

⁷³⁵ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London, Free Press, 2005), p. 3. South Africa was exceptional in the sense that the colonists forcefully colonised an existing colony that had deeper roots than most other African colonies, thereby creating a historical setting that subsequently became more entrenched and more intransigent, as the Boers or Afrikaners re-established control.

⁷³⁶ In Southern Rhodesia/Zimbabwe, it can be argued that the white racist system was replaced by an indigenous African racist system that discriminated not only against the relatively small minority white European origin population, but also against the much larger African minority population of the Ndebele group in southern Zimbabwe. Mugabe threatened to behave like a ‘black Hitler’. “If that be Hitler, then let me be Hitler ten times over”. Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), p. 646. See also, Ian Smith, *Bitter Harvest: The Great Betrayal and the Dreadful Aftermath* (Johannesburg: Jonathan Ball, 1997), and, Catherine Buckle, *African Tears: The Zimbabwean Land Invasions* (Wolvevredenpark, Covos Day Books, 2001).

⁷³⁷ “[Britain and the United States] supported an increasingly impossible [Portuguese] stand since this suited their pro-white, anti-communist policies in South Africa.” Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 311.

powers and resources, including time, to establish a more comprehensive transitional administration and development system for Africa, prior to delayed independence. The failure of the UN to facilitate the early transition of the South African people to freedom resulted in delays that helped to ensure that the people of South Africa were more capable of establishing a stable democracy when they eventually achieved freedom than their more northerly neighbours.⁷³⁸ This was UN success by default rather than by design.

Normative Alternatives to Precipitated Independence

Some normative alternatives to the rushed unprepared independence that many African states experienced in the 1960s could have included, delayed independence under transitional UN administrations, federations⁷³⁹, regional organisations,⁷⁴⁰ the equivalent of an African Marshall plan, funded by European reparations and development funding, and use of IMF and World Bank to provide comprehensive support for emerging states.⁷⁴¹ Since many African states are still in the failed state category, state rebuilding is an urgent priority. Edward Best and Thomas Christiansen detail the progress of the Organisation of African Union (OAU), and its evolution through the African Economic Community (AEC) to the African Union (AU) in 2002. They list 14 African regional economic communities, many of which developed along neo-colonial fault-lines, but point out that: “there remains a general unwillingness to consider sharing sovereignty”.⁷⁴² British attempts to create a Central African Federation out of what subsequently became the three states of Zambia, Zimbabwe

⁷³⁸ However, it is taking some time for democracy to stabilise and put down firm roots in South Africa. Tom Lodge raises the concern that “Mbeki’s challenge to ‘put behind us the notions of democracy and human rights as peculiarly Western’ ... could become debased into a series of self-congratulatory myths in which the recollection of the African identity ... becomes the founding myth for a new imagined community in which racial sentiment rather than political principle is the animating right.”

⁷³⁹ The idea of federations of states was attempted by Nasser, who attempted to create an Arab federation that included Egypt, Syria and Libya, and the Federation of Rhodesia and Nyasaland. However these federations failed for a variety of reasons. Southern Rhodesian Prime Minister described the proposed Federation of Rhodesia and Nyasaland as “the partnership between the horse and its rider.” Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), p. 79.

⁷⁴⁰ The Organisation of African Unity (OAU), did evolve into the AU, but its progress towards emulating the successes of the European Union have been very slow. Meredith describes “the Organisation of African Unity, hitherto regarded as little more than a club for dictators” and cites Kofi Annan’s caution on the hopes for the African Union: “Let us be careful not to mistake hope for achievement”. Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), pp. 680, 681.

⁷⁴¹ On 21st January 2008, UK Prime Minister Gordon Brown who was on a state visit to India called for reform of the international financial institutions including the International Monetary Fund and World Bank. Such a call is better late than never, but still arguably over sixty years too late.

⁷⁴² Edward Best and Thomas Christiansen, “Regionalism in International Affairs”, in John Baylis, et al, *The Globalization of World Politics: An Introduction to International Relations*, Fourth Edition (Oxford: OUP, 2008), p. 442.

and Malawi, also failed. However, the concept of such federations of states for reasons of economic and political stability is a valid one. A UN transitional administration system could have avoided the predatory and self-interested nature of the European colonial powers and could have overseen and provided training for an indigenous administrative system that the colonists failed to provide. Such altruistic UN orientation was stymied by the make up and power structures of the UN.⁷⁴³ UK Chancellor Gordon Brown's suggestion in 2004 of a Marshall-type Plan for Africa came fifty years too late, but could still be important. It was most needed, and would have been most effective in the 1954 period, and should have been implemented under the auspices of the World Bank and the IMF, or the Economic and Social Council, if these branches of the UN system had not also been "doctored" by the *Realpolitick* of P-5 control. Such a role for the UN was envisaged, but failed to take root.

The Economic Commission for Africa (ECA) was established ... to promote economic and social development in Africa in real terms. The ECA was an advisory body with only limited resources at its disposal ... it became a source of African statistics ... From its inception the ECA became involved in arguments between Anglophone and Francophone Africa.⁷⁴⁴

A group of mainly Anglophone states suggested that:

Africa should create an African Common Market ... to counter the stratagem of France and Belgium to maintain an economic stranglehold over their former possessions.⁷⁴⁵

This French stranglehold and the Anglophone/Francophone divisions were evident in the Rwanda conflict and in the border regions of Chad and Sudan, the scene of ongoing UN failures to maintain peace.

Summary of UN's role in the African colonial transition process:

UN Report A/59/565, A more secure world: our shared responsibility, states that: "Assisting new states into being was a seminal contribution of the United Nations during [the first 30 years of the United Nations]."⁷⁴⁶ However, the foregoing analysis of the UN's involvement in the colonial transition process in Africa indicates

⁷⁴³ The P-5 group stranglehold on the Security Council was compounded after the 1960s by the influence of the new elite African leaders group in the UN General Assembly.

⁷⁴⁴ Guy Arnold, *Africa: A Modern History* (London, Atlantic Books, 2005), p. 148.

⁷⁴⁵ *Ibid.*, p. 149. Arnold points out that: "at this time few people foresaw the extent to which the multilateral agencies would become the tools of the rich Western nations led by the United States". Since the principal multilateral agency is the United Nations, this corruption of the role of the UN impacted most severely on Africa.

⁷⁴⁶ UN Report A/59/565, "A more secure world: our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change", 2004, p. 18

that while the UN precipitated dozens of African states into independence, it failed to exercise any effective oversight, or influence, towards the preparation of the African peoples for independence. In many cases the UN should have slowed down the independence process and provided some form of “transitional assistance” to the emerging states. In other cases, especially South Africa and Namibia, but also Rhodesia/Zimbabwe, Western Sahara, and the Portuguese colonies, the UN should have intervened earlier and more effectively to address the delayed colonial transition processes, and should have installed a more neutral UN transitional process. The flawed colonial transition process, which the UN should have overseen, was a significant root-causal factor in virtually all of the subsequent African conflicts. The degree of independence or sovereignty that the peoples of Africa achieved has also been limited, even if many African states took on elaborate trappings of independence.⁷⁴⁷

The African states have not succeeded in any consistent way in freeing themselves from the clutches of economic dependence still similar to that which operated under British, French, Portuguese and Spanish colonisation.⁷⁴⁸

Theme 2: UN Conflict Prevention Role in Africa.

“We the peoples of the United Nations determined to save succeeding generations from the scourge of war ...”. Preamble, UN Charter

The first line of the UN Charter Preamble represents a clear aspiration towards preventing conflict, but is then diluted by the Articles that prioritise the sovereignty (Article 2.1.) and inviolability of states (Article 2.7.) over the rights of the individual citizens of states, and by Article 27.3 that gives the P-5 member states virtual impunity if they wish to make war on other states.⁷⁴⁹ Paul Rogers points out that: “(i)n the [Cold War proxy wars] 750,000 died in Angola, 1 million in Mozambique, and over 900,000 in the Horn of Africa.”⁷⁵⁰ As the casualty estimates in Table 6.1. above indicate, the total Cold War conflict death toll for Africa is 8 million, over forty years. During the eighteen-year post-Cold War period a further 9 million conflict related

⁷⁴⁷ The Central African Republic under the rule of Emperor Bokassa was one of the more notorious examples, but Uganda under Idi Amin, the Congo/Zaire under Mobutu and the regime of Mugabe in Zimbabwe are further examples of people betrayed not only by their own leaders, but also by the international community and the UN, who stood relatively idly by while such atrocities were being perpetrated.

⁷⁴⁸ Ralph I. Onwuka and Timothy Shaw, eds., *Africa in World Politics* (Basingstoke: Macmillan, 1989), p. 65.

⁷⁴⁹ Article 27.3 specifies that all decisions of the Security Council require “the concurring votes of the permanent members”, thereby giving these five states an effective veto over all enforcement actions of the Security Council.

⁷⁵⁰ Paul Rogers, *Losing Control: global Security in the Twenty-first Century* (London: Pluto, 2002), p. 35.

deaths occurred in Africa.⁷⁵¹ The UN has therefore clearly failed to save succeeding generations of Africans ‘from the scourge of war’. While Cold War constraints can be used to explain some of the UN prevention failures in Africa between 1945 and 1989, it should follow that its performance after the end of the Cold War should have significantly improved. Most analyses of the UN’s performance in Africa focus primarily on how it performed in each of the specific peace missions that it mounted in Africa, or on its broader peacekeeping performance, without questioning its overall strategic peace maintenance and conflict prevention performance.⁷⁵² This holistic examination of the UN’s conflict prevention performance in Africa regions will show there are more fundamental reasons behind the UN’s very poor performance.

The UN’s successes in Africa tended to be small scale ones, while its failures had disastrous consequences. In north Africa the UN did have some success with its United Nations Aouzou Strip Observer Group (UNASOG) in 1994 in the Libyan conflict with Chad. However, one of its largest African prevention failures was in Algeria, where the UN failed to intervene either in the Algerian Independence War or the subsequent civil war, due to Charter limitations.⁷⁵³ These UN Charter flaws also led to UN conflict prevention failures in other parts of Africa also particularly in the French and Portuguese spheres of influence.

Robert Cooper identifies the conflict prevention advantages that accrued to Europeans from the widening of the contexts that the development of the European Union provided, and the corresponding disadvantages in Africa of ‘narrowing the context’.

If enlarging the context sometimes solves problems, narrowing the context is often a way of creating or exacerbating a problem. ... Conflicts are created instead of being resolved. This process of decay into a pre-modern status can be observed today in many disintegrating African states: Somalia, the Congo and Sierra Leone, to name but a few.⁷⁵⁴

This complex analysis points to both the short-term problem and the long-term solution to many African conflicts, and also points to one of the core reasons for the UN’s failure in Africa. The UN’s level of conflict analysis, prevention and response

⁷⁵¹ These statistics show that the rate and consequence of conflict in Africa increased and the UN’s conflict prevention performance in Africa deteriorated in the period since the end of the Cold War.

⁷⁵² For example, Inis Claude 1971, Denis Jett 2001, N. McQueen 1999, O’Neill and Rees 2005.

⁷⁵³ Articles 2.2 and 2.7, and the Trusteeship system prevented UN involvement.

UN Charter Article 2.7. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter;...”

⁷⁵⁴ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 146, 147.

in Africa was frequently focused only at state level. It was virtually debarred by its Chapter from addressing conflicts within states and often prevented by *Realpolitik* from intervening in conflicts between states, and the UN failed to take an effective conflict prevention role at supra-state level. In other words it failed to apply the lessons that should have been obvious from the Western European example, and only in the latter end of the 20th century did it start to apply its peacekeeping and state-building efforts to conflicts within states in Africa.⁷⁵⁵ A more enlightened UN could and should have applied its resources to facilitate wider peace maintenance contexts in Africa, thereby becoming the guiding force for an African supranational organisation, as the US and its Marshall Plan was for western Europe, and as the European Union later became for much of eastern Europe.

The UN's limited status as an organisation of states forced a 'narrowing of the contexts' on to very many African communities, both within the 'manufactured' African states and the communities that stretched across so many African imposed borders. The UN failed to use its Trusteeship System to create this wider context, and it allowed the colonial and post-colonial powers to create a flawed, fractured, and externally dominated wider or cosmopolitan context. An indigenous pan-African context failed to take root.⁷⁵⁶

Conflict Prevention in Western Africa

Robert Cooper points out that chaos, left unattended, spreads like a disease. This has applied especially to west Africa, a region potentially rich in resources.

Sierra Leone's collapse into anarchy helped destabilise Liberia; the growing lawlessness in Liberia has in turn endangered its neighbours – including Sierra Leone itself, just as it seemed to be on the road to recovery. In Central Africa the chaos of the DRC (the former Belgian Congo) is linked to the tragic events in Rwanda and the fragility of Burundi.⁷⁵⁷

West Africa, following its rush through the independence process, was then left largely unattended by the UN from a peace maintenance point of view. With some exceptions, such as Ghana under Nkrumah, the west African states had neither the educational, administrative, nor legislative background and skills-base to enable these new states to avoid the grab for internal power and resources, which are inherent risks

⁷⁵⁵ The UN did intervene internally in the Congo in 1960, but this conflict was also part international, and the UN performance and difficulties in the Congo ONUC mission were one of the reasons for its failure to intervene anywhere in Africa for the rest of the Cold War.

⁷⁵⁶ This fragmentation and European 'cosmopolitan' approach is illustrated by Table 6.2. above.

⁷⁵⁷ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 66.

in any new state or society. This led to internal coups by military cliques, and the subsequent mal-administration and corruption led to spill-over into neighbouring states.

So Ivory Coast is suspended between war and peace, its economy in shambles, its infrastructure crumbling and its future uncertain. Ethnic divisions have hardened into deep hatreds, setting off attacks and massacres.⁷⁵⁸

Several of the small West African states particularly Sierra Leone and Liberia, and to a lesser extent Cote d'Ivoire, Ghana and Togo have experienced internal conflict and serious loss of life. UN peacekeeping missions were deployed, often too late, and under-resourced.⁷⁵⁹ A Global Policy Forum report highlights the complex and interconnected series of conflicts that have afflicted this region.

Since 1991, the civil war between the Sierra Leone government and the Liberia-backed rebel Revolutionary United Front (RUF) has crippled the country. ... despite UNAMSIL's presence fighting continued ... The civil war in neighboring Liberia complicates the Sierra Leone conflict ... In May 2001, the Security Council imposed "smart" sanctions on Liberia ... In January 2001 the Guinea-backed rebel group LURD (Liberians United for Reconciliation and Democracy) invaded the north of Liberia.⁷⁶⁰

The Economic Community of West African States (ECOWAS) led by Nigeria deployed peacekeeping troops (ECOMOG) to this region in 2000, but their effectiveness was limited. In recent years, more robust UN peace-enforcement missions have replaced ECOMOG and a greater level of success is being achieved. However, a timely and more effective response by the UN would have saved tens of thousands of lives.

The initial deployment of UN peacekeepers (UNOMIL in Liberia, and UNOMSIL in Sierra Leone) did little to improve the situation due to inadequate resources. In 2003 the UN deployed a more robust peacekeeping/peace-enforcing force called UNMIL, with over 15,000 multinational troops. UNOMSIL was deployed in July 1998 and replaced in October 1999 by a better-resourced UNAMSIL. However, not all the international community interest is purely humanitarian.

⁷⁵⁸ <http://www.nytimes.com/2005/10/31/international/africa/31ivory.html?pagewanted=2>, accessed on 4 November 2005.

⁷⁵⁹ UNOCI (Cote d'Ivoire), UNOMIL and UNMIL (Liberia), UNAMSIL (Sierra Leone),

⁷⁶⁰ <http://www.globalpolicy.org/security/issues/slindex.htm>.

The discovery of deepwater oil reserves is driving a boom in exploration and production in West Africa. Estimates place potential reserves in the Gulf of Guinea at between 20 billion and 30 billion barrels. ... Britain, France and the United States already are involved in the region militarily.⁷⁶¹

Post-colonial interference in the west African states has continued to be a serious destabilising problem. War deaths in Liberia are estimated at up to 200,000, and in Sierra Leone up to 100,000.⁷⁶² Paul Rogers identifies resource acquisition as one of the key factors in the African conflicts. "Elsewhere in Africa illicit trading in diamonds has fuelled conflicts in Sierra Leone and Angola".⁷⁶³ The UN is failing to act as an international regulator to prevent such abusive resource acquisition in Africa.⁷⁶⁴

West Africa seemed to heading in the right direction in 1973 when Liberia's President Tolbert inaugurated the Mano River Union with Sierra Leone.

Liberia participated in a commission on co-operation with Cote d'Ivoire and entered into a defence agreement with Guinea. Liberia became a founding member of the Economic Community of West Africa (ECOWAS), which came into being in 1975.⁷⁶⁵

This proved to be a relative high point from which West Africa rapidly declined. "In April 1980 Tolbert himself was killed in a bloody coup that saw Master Sgt Samuel Doe seize power."⁷⁶⁶ A combination of military coups and dictatorial one-party states became the fate of most newly independent African states. The UN was unable to prevent these conflicts within African states and its responses were slow and inadequate. Nigeria, Africa's largest and one of its most resourceful states, should be leading Africa in development and conflict prevention. "In Nigeria President Obasanjo won a second term in the elections of 2003 and, hopefully, the long period of military dominance was a thing of the past."⁷⁶⁷ This limited progress was reversed in the 2007 Nigerian elections where widespread electoral fraud and violence reversed the progress towards democracy in Nigeria.⁷⁶⁸ The UN has played virtually no part in

⁷⁶¹ <http://www.globalpolicy.org/security/natres/oil/2002/0802mili.htm>, accessed on 24th May 2005.

⁷⁶² <http://users.erols.com/mwhite28/warstat3.htm#Liberia>,

⁷⁶³ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 91.

⁷⁶⁴ The conflicts in Sudan, whereby superpower rivalry for oil resources is preventing effective UN intervention in Darfur, is the current most serious manifestation of resource acquisition interfering with conflict prevention and conflict resolution.

⁷⁶⁵ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 377.

⁷⁶⁶ *Ibid*, p. 378.

⁷⁶⁷ *Ibid*, p. 819.

⁷⁶⁸ European Union Election Observation Mission, Federal Republic of Nigeria, 14/21 April 2007, Statement of Preliminary Findings and Conclusions. "Elections fail to meet hopes and expectations of the Nigerian people and fall far short of basic international standards". Accessed at http://ec.europa.eu/external_relations/human_rights/eu_election_observ/nigeria/preliminary_statement_23_04_07.pdf, on 27 March 2008.

conflict intervention in Nigeria due to the ‘internal’ nature of its conflicts especially the Biafra secession war 1967-70.

Conflict prevention in Southern Africa

Paul Rogers identifies ‘resources’ as a cause of conflict prevention failures in southern Africa:⁷⁶⁹ “much of the western support for South Africa during the Apartheid years was a consequence of South Africa’s dominance of the gold and platinum markets.”⁷⁷⁰ Robert Cooper points to the use of sanctions as an alternative to conflict towards achieving change. While conflict did occur in South Africa, the level of conflict was far less than in most other African states.

Sanctions do not always fail. Where [sanctions] succeed it is rarely on their own but as part of a wider policy involving other pressures or inducements. More importantly they have to be pursued over a long period. This has been the case in South Africa, Rhodesia, and Serbia – where military force and many other factors probably played an important role in bringing down the regime.⁷⁷¹

However, the effects of sanctions as a conflict prevention mechanism can be both direct and indirect, and in the cases such as southern Africa, where sanctions are difficult to enforce, the indirect effects may be more significant.⁷⁷² First, sanctions provide an alternative to violent conflict as a change mechanism, especially if these sanctions are imposed effectively. Secondly, the threat of sanctions can have significant conflict prevention effects, provided the threat is credible. The UN can claim some limited success therefore in the use of sanctions to prevent or limit conflict in southern Africa, and this should have positive lessons for the future.

Conflict Prevention in east and central Africa

In east and central Africa, the UN has consistently failed to prevent conflicts, particularly in Somalia where cold war factors prevented UN intervention.

⁷⁶⁹ Lack of resources, including authority, by the UN played a major role in conflict prevention and conflict response failures in Africa. Lack of natural resources in certain poverty stricken states such as Somalia, and across sub-Saharan Africa, also contributed to conflicts. Paradoxically, the abundance of natural resources in many African states have also been a major contributory factor in conflicts, including Nigeria, South African, Angola, Sudan, and the smaller west African states.

⁷⁷⁰ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 91.

⁷⁷¹ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 119.

⁷⁷² Guy Arnold explains some of the complex nature of sanctions on Rhodesia in the 1970s. “Economic sanctions were the only pressure being exerted upon the illegal regime although Western countries evaded many sanctions altogether. However, economic growth was limited and this contributed to demands for a settlement.” Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 509.

Even Ian Smith recognised that sanctions created difficulties. “While we were coping with sanctions better than most had anticipated, they were a hindrance and we would have preferred them out of the way”. Ian Smith, *Bitter Harvest: The Great Betrayal and the Dreadful Aftermath* (Johannesburg: Jonathan Ball, 1997), p. 135.

By 1977 Somalia [with USSR assistance] had acquired an army of 37,000 men ... But ... the Russians decided to switch sides, preferring to back Mengistu's Marxist regime ... During the 1980s the United States provided \$800 million worth of aid (to Somalia)".⁷⁷³

Somalia disintegrated into chaos and famine following the overthrow of the regime of Siad Barre, as rival clan leaders and warlords fought for dominance in a country awash with Cold War supplied weapons. The UN's attempts at conflict prevention began almost a generation too late.

In Central Africa, the UN did engage in conflict prevention strategies in Rwanda, by setting up the Arusha peace accord, and by sending in the UNAMIR peacekeeping mission. However these efforts were inadequate and ultimately failed catastrophically. The Rwanda genocide was preventable,⁷⁷⁴ but the UN, as the primary international conflict prevention agency, not only failed in its conflict prevention efforts in Rwanda, but this failure led on to conflict spill-over and further conflict prevention failures in the Congo and was a significant causal factor in the Congo conflicts.⁷⁷⁵ The record of UN conflict prevention in Africa shows that the peoples of most African states, with some few exceptions such as Tunisia and Botswana, have suffered serious conflicts that have resulted in about seventeen million deaths, since the foundation of the UN in 1945. This reflects the reality of large-scale conflict prevention failures by the UN in Africa with very few equivalent or counterbalancing conflict prevention successes.

Theme 3: The UN's peace maintenance *modus operandi* in Africa – Collective Security v Peace-enforcing v Peacekeeping

Collective Security in Africa:

The UN never employed collective security in Africa even though many of the conflicts involved serious breaches of the UN Charter by various UN members, including P-5 members and African states.⁷⁷⁶

⁷⁷³ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), pp. 467, 468.

⁷⁷⁴ "according to Dallaire, and other military experts 5,000 experienced troops could have ended the genocide". Allison des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), p. 22.

⁷⁷⁵ French Operation Turquoise helped the defeated Rwandan government army to escape into the Congo where they regrouped and were reportedly re-equipped by France. "It was estimated that the ex-FAR, Habyarimana's former army, now had up to 50,000 soldiers in a dozen refugee camps [in the Congo/Zaire] from where it was already launching murderous raids into border villages in Rwanda." Andrew Wallis, *Silent Accomplish: The Untold Story of France's Role in Rwandan Genocide* (London: I.B. Tauris, 2006), p. 189.

⁷⁷⁶ Apart from colonial, neo-colonial and superpower interference in Africa, several African states engaged in military interventions in neighbouring states, including South Africa in Angola and Mozambique, and intervention by Rwanda, Uganda, Zimbabwe, Angola, Tanzania, and Zambia in the Democratic Republic of the Congo.

Peace-enforcement:

Peace-enforcement was however used in the ONUC mission in the Congo (1960-64), with some temporary success, but long-term failure. Peace-enforcement was also tried in Somalia in the early 1990, but was unsuccessful due mainly to flawed implementation and lack of persistence by the US as the main potential enforcer⁷⁷⁷ and the failure to provide the UN with the necessary mandate and resources to enforce peace. In the twenty-first century, more robust peacekeeping missions have been employed in west Africa, particularly Liberia and Sierra Leone that have amounted to justified peace-enforcement at times, with a reasonable degree of success, but these successes were not always attributable to the United Nations and in several cases were employed much too late.

In 2000 the RUF rebels took 500 of [the ragtag United Nations force in Sierra Leone] hostage and stripped them of their military equipment. . . once a few hundred British troops arrived a few months later, willing to take casualties, the whole rebel army rapidly collapsed.⁷⁷⁸

Peacekeeping:

Throughout the Cold War, with the exception of ONUC in the Congo, the UN failed to intervene in any African conflicts. Thereafter it relied mainly on traditional peacekeeping, often in conflicts where there was no peace to keep such as Somalia and west Africa. The UNAMIR peacekeeping mission in Rwanda was the worst example of a UN peacekeeping failure, but the UN's peacekeeping performances in Angola, Mozambique, the Congo, and its early missions in Liberia and Sierra Leone were also seriously flawed. Dennis Jett points out that: "The four successive PKOs in Angola went through variations of all three possible outcomes — continuing indefinitely, declaring victory and withdrawing, and failure."⁷⁷⁹ The eventual resolution of Angola's conflict came not because of the UN's success but because the fall of Mobutu in Zaire/Congo removed the principal supporter of the main rebel group UNITA. "For UNITA, Mobutu's overthrow represented the loss of its principal

⁷⁷⁷ Following the killing of 18 US soldiers in Mogadishu in October 1993, "[US President] Clinton appeared on television next day, called off the manhunt for Aideed, and announced that all U.S. forces would be home within six months." Samantha Power, *A Problem from Hell: America and the Age of Genocide* (London: Flamingo, 2003), p. 317.

⁷⁷⁸ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 127.

⁷⁷⁹ Dennis C. Jett, *Why Peacekeeping Fails* (New York: Palgrave, 2001), p. 162.

foreign ally”.⁷⁸⁰ The UN’s peace maintenance efforts in Angola therefore must be judged a significant failure, as was the case also with Mozambique.

When the UN does declare victory and the peacekeepers leave, there is hardly a look back, let alone any sustained effort to sustain the peace. Mozambique, from which the peacekeepers departed in December 1994 ... the peace held ... but not because of attention from or efforts by the UN.⁷⁸¹

Arnold makes similar points on peacekeeping in west Africa:

The war in Sierra Leone raised many questions that had not been answered when officially it came to an end. They concerned the efficiency – or otherwise – of the United Nations in its peacekeeping activities, what should be expected of regional intervention forces such as ECOMOG, and how long Britain would be required to prop up the government of Sierra Leone once the fighting had stopped.⁷⁸²

Since ECOMOG was one of the first regional African armed peacekeeping missions, it is not surprising that its performance raised some questions, particularly given that the lead nation in ECOMOG was Nigeria, a local state, with a history of military rule, corruption and conflicts. Mercenaries and arms fuelled these conflicts in spite of UN embargoes, as in the Congo in the early 1960s.⁷⁸³ While the subsequent performance of the UN in west Africa, including Sierra Leone and Liberia, did improve substantially, its total performance throughout these conflicts was poor.

The UN did far too little to promote peace after the Portuguese withdrawal from Mozambique and Angola. Chaos ensued over the following twenty-five years, fuelled initially by superpower rivalry, and later aided and abetted by South African attempts to stem the tide towards majority rule in southern Africa.

Angola needs up to \$30 billion to rebuild its war-shattered infrastructure over the next decade, according to a World Bank official ... Angola is enjoying its third year of peace after a devastating 27-year civil war ended in April 2002. Despite the end of the conflict and massive oil reserves, the vast majority of the population of 13 million continues to live in dire poverty.⁷⁸⁴

The Angolan war of independence claimed about 9,000 Portuguese lives and 30,000 Angolan lives. The subsequent Angolan civil war cost up to 1,500,000 lives.⁷⁸⁵ About 10,000 Portuguese, and 25,000 Mozambicans were killed in the Mozambique war of independence between 1962 and 1975. Up to one million people died in the subsequent Mozambique civil war from 1975 to 1992. Great Power rivalry and South African interference played significant roles in these wars, and there was no effective

⁷⁸⁰ Ibid, p. 163.

⁷⁸¹ Ibid, p. 157.

⁷⁸² Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 868.

⁷⁸³ “At the height of the fighting in 2000 a British airline and a Gibraltar-based arms trader were accused by the United Nations of exporting arms to the rebels in Sierra Leone.” Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 868.

⁷⁸⁴ <http://allafrica.com/stories/200505240716.html>, accessed on 24th May 2005.

⁷⁸⁵ Source, CIA World Factbook, <http://www.cia.gov/cia/publications/factbook/geos/ao.html>.

UN intervention until the ONUMOZ peacekeeping mission was deployed from 1992 to 1994. The war was already over at this point, so while the UN mission was successful in its limited mission, the UN as a whole had failed to prevent over a million fatalities in the Mozambique wars. In Angola, the UN deployed four consecutive UN missions that have been judged failures.⁷⁸⁶ Between Angola and Mozambique well over two and half million people died as a result of wars of independence and civil wars. UN interventions were either too late, or inadequate. The UN failed the peoples of Angola and Mozambique catastrophically as it did the peoples of most other regions of Africa because it failed to prevent conflicts or to achieve collective security, peace-enforcement, or peacekeeping.

Theme 4: Timeliness of UN peace missions in Africa

The Congo in 1960 was the first UN peace mission in Sub-Saharan Africa. The UN responded in a very timely manner to a rapidly developing crisis, and compared with many subsequent peacekeeping missions, the UN concluded the ONUC mission relatively quickly (1960-64). In these respects at least it augured well as an indicator of the UN's priorities in Africa at the critical decolonisation phase. The focal conflict section below will deal with the ONUC mission in more detail and why it failed, but timeliness was not one of the reasons for its failure. However, the ultimate failure of the ONUC mission in the Congo resulted in the UN failing to intervene in any Africa conflict throughout the remainder of the Cold War. As a result, not only were the UN responses untimely, there were virtually no UN peacekeeping responses to conflicts in Africa between 1964 and 1988.⁷⁸⁷

Table 6.3 Completed UN peace missions in Africa⁷⁸⁸

Dates	Peace Mission	Mission
1960–1964	United Nations Operation in the Congo	ONUC
1964-1988	<i>NO UN Peace Mission in Africa (Except UNEF in Sinai/Middle East)</i>	
1988–1991	United Nations Angola Verification Mission I	UNAVEM I
1989–1990	United Nations Transition Assistance Group Namibia	UNTAG
1991–1995	United Nations Angola Verification Mission II	UNAVEM II
1992–1994	United Nations Operation in Mozambique	ONUMOZ
1992–1993	United Nations Operation in Somalia I Somalia	UNOSOM I

⁷⁸⁶ UNAVEM I, military observer mission from December 1988 to May 1991, UNAVEM II military observer mission, from May 1991 to February 1995, and UNAVEM III, peacekeeping mission from February 1995 to 30 June 1997, and MONUA, a military observer mission from 1997 to 1999.

⁷⁸⁷ The African portion of the Middle East, i.e. Egyptian Sinai Desert, is treated separately in Chapter 5.

⁷⁸⁸ Compiled from www.un.org, website.

1993–1997	United Nations Observer Mission in Liberia	UNOMIL
1993–1994	United Nations Observer Mission Uganda-Rwanda	UNOMUR
1993–1996	United Nations Assistance Mission for Rwanda	UNAMIR
1993–1995	United Nations Operation in Somalia II	UNOSOM II
1994	United Nations Aouzou Strip Observer Gp. Chad/Libya	UNASOG
1995–1997	United Nations Angola Verification Mission III	UNAVEM III
1997–1999	United Nations Observer Mission in Angola	MONUA
1998–1999	United Nations Observer Mission in Sierra Leone	UNOMSIL
1998–2000	United Nations Mission in the Central African Republic	MINURCA
1999–2005	United Nations Mission in Sierra Leone	UNAMSIL
2004–2006	United Nations Operation in Burundi	ONUB

This twenty-four year gap in UN peacekeeping missions to Africa is of critical importance, because it does not signify a period of blissful peace across Africa, but rather a period of violence, corruption, exploitation, brutal dictatorships, and Cold War proxy-wars. The Cold War thaws allowed belated and flawed peacekeeping responses in Angola, Mozambique, Somalia, Liberia, Rwanda, and Sierra Leone. The UNASOG mission in Chad in 1994 was the exception, where a timely and brief UN mission achieved its limited objectives.

The UN’s ongoing peacekeeping missions in Africa are as follows:

Table 6.4 Ongoing UN peace missions in Africa 2008⁷⁸⁹

Initiated	Peacekeeping Mission	Mission
1991	UN Mission for the Referendum in Western Sahara	MINURSO
1999	UN Mission in the Democratic Republic of the Congo	MONUC
2000	United Nations Mission in Ethiopia and Eritrea	UNMEE
2003	United Nations Mission in Liberia	UNMIL
2004	United Nations Operation in Côte d'Ivoire	UNOCI
2005	United Nations Mission in the Sudan	UNMIS
2007	United Nations Mission in Centr. African Rep and Chad	MINURCAT
2007	Joint AU/UN Hybrid Mission to Darfur, Sudan	UNAMID

These ongoing UN missions show a belated twenty-first century improvement in response by the UN to conflicts in western Africa, but all of these conflicts should have been addressed much earlier, by appropriate conflict prevention and conflict response interventions. Therefore, with the exception of the first UN peacekeeping response in the Congo in 1960 and the minor conflict in Chad, all the UN’s peacekeeping responses in Africa throughout the twentieth century were either too late, or non-existent. The improvement in the timeliness of the UN peace missions to

⁷⁸⁹ Ibid.

Africa in the twenty-first century are indicative of what could and should have been achieved between 1945 and 2000.

Theme 5. Prioritisation of human rights and justice issues

The UN's performance in Africa has failed to adequately protect or prioritise the value of individuals' human lives. The international community as presently structured has a hierarchy of human rights prioritisation which appears to privilege the peoples of the so-called 'civilised' Western states, over the peoples of less developed states. UNAMIR troops were used to protect and evacuate foreign, mainly European, nationals from Rwanda in 1994, while at the same time the UN Security Council refused to allow the same UNAMIR troops to protect or rescue African Rwandans who were being killed in large numbers.⁷⁹⁰ Twelve days later Dallaire received a fax confirming that the UN Security Council had passed Resolution 912 reducing the UNAMIR peacekeeping force to about 454 all ranks.

The [UN Security] Council had finally voted for the skeleton option ... Ultimately, led by the United States, France and the United Kingdom, this world body aided and abetted genocide in Rwanda.⁷⁹¹ Yet, on June 21 "the UN Security Council approved Resolution 929, which provided France with a chapter-seven mandate to assemble a coalition and intervene in Rwanda."⁷⁹² Andrew Wallis concluded that "France did everything possible to keep its Rwandan extremists in power for as long as possible – and in holding up the RPF advance it again allowed the genocide to continue."⁷⁹³

Bishop Desmond Tutu sums up failures of the UN and the broader international community in Africa writing in the context of the Darfur conflict in the Sudan.

Our [African]genocides tend to happen away from television cameras. Almost 1m people were killed in Rwanda in 1994; 2m died in southern Sudan in the past two decades; and 4m people in the Democratic Republic of the Congo have died since 1997. The totals are staggering, and hardly a column inch or minute of airtime have marked them. ... in

⁷⁹⁰ "UNAMIR would organise the [expatriate evacuation] convoys to and from the airport, and French troops [Operation Amaryllis] would guard the assembly points and provide escorts. I raised with Luc [Colonel Luc Marchal, Belgian contingent Commander] the issue of his [UNAMIR] airport company having been unilaterally ripped from my command and given to Operation Silverback, which was the Belgian portion of the expatriate evacuation." Romeo Dallaire, Lt. Gen., *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003), p. 287.

⁷⁹¹ Romeo Dallaire, Lt. Gen., *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003), pp. 322, 323.

⁷⁹² Romeo Dallaire, Lt. Gen., *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003), p. 436.

⁷⁹³ Andrew Wallis, *Silent Accomplice: The Untold Story of France's Role in Rwandan Genocide* (London: I.B. Tauris, 2006), p. 211.

Darfur 2m people have been ethnically cleansed since 2003, women and girls are systematically raped and tortured daily, there is cholera in the refugee camps and the violence is spilling over into Chad, and all without the attention, or response, it deserves. ... After 3 1/2 years, and an estimated 300,000 to 400,000 dead in Darfur, it is still unclear if a United Nations force will be sent. We Africans conclude that double standards apply to our continent.⁷⁹⁴

The UN has failed to prioritise human rights and justice issues in Africa at enormous cost to African people.

Theme 6: Power, exploitation and corruption issues V

jurisprudential approach to international peace and security

The 1990s witnessed more than a dozen wars in Africa, most of them civil, some ongoing like those in Sudan and Somalia. They were explained in multitude ways: ... But in reality they were about power – who had it and who lacked it.⁷⁹⁵

This power/conflict nexus involved abuses indigenous within states, between African states, and interference by European and other non-African states. However, even the indigenous abuses still had many of their roots in the colonial past, and neo-colonial present. While the apartheid regime in South Africa was technically an internal South African issue, the origins of this white racist regime were distinctly European, and superpower rivalry prevented any serious UN efforts to overcome apartheid until towards the end of the Cold War. Portuguese abuses of power in Angola and Mozambique were on a very large scale, and were interconnected with abuses of power by other white racist regimes in both South Africa and Southern Rhodesia (now Zimbabwe). Zimbabwe in turn has become symbolic with internal African abuse of power. The abuses inflicted by the Mugabe regime go way beyond the power abuses of the previous white Smith regime.⁷⁹⁶

While Britain endeavoured to leave its colonies in Africa relatively peacefully, its hurried withdrawal led to local regimes that had neither the skills nor the

⁷⁹⁴ Desmond Tutu, “A blind eye to genocide”, Sunday Times, September 17, 2006.

⁷⁹⁵ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 821.

⁷⁹⁶ Ian Smith, *Bitter Harvest: The Great Betrayal and the Dreadful Aftermath* (Johannesburg: Jonathan Ball, 1997).

There is a marked contrast between Mugabe’s ideals expressed at the 1986 NAM summit in Southern Africa: “common ‘mental liberation’ is a prerequisite for both security and development” and the reality of developments in Zimbabwe over the past decade. Ralph I. Onwuka and Timothy Shaw, eds., *Africa in World Politics* (Basingstoke, Macmillan, 1989), p. 3.

Catherine Buckle writes that: “(W)hat had begun in February 2000 as a land question affecting only a tiny white minority, had blazed across the entire country, spreading like an uncontrolled bushfire to every facet of Zimbabwean life.” Catherine Buckle, *African Tears: The Zimbabwean Land Invasions* (Weltevredenpark: Covos Day Books, 2001), p. 235.

inclination to rule either democratically or justly. The abuses by Idi Amin in Uganda were notorious but were probably surpassed by others, especially, the self-styled Emperor Bokassa in the Central African Republic. Most of the indigenous African abusers came to power as a result of military coups, including Amin and Bokassa, Mobutu in the Congo, successive Nigerian and west African leaders. The abuses of power in the Central Lakes region of Africa, especially, Rwanda, Burundi and the Congo/Zaire are dealt with in more detail in the focal conflict below. The extent to which these abuses had deeper roots in the colonial and neo-colonial systems vary from failed-state to failed-state. Such problems appeared endemic in most of the Francophone colonies from the Congo right up to Algeria. In the English speaking colonies, west Africa suffered worst over the past decade. The abuse of superpower rivalry was also very considerable across Africa, and had a very serious effect on the lives and deaths of very many individuals, in southern Africa, the Congo, Ethiopia, Somalia and Egypt, up to the end of the Cold War. Now that the super-powers may be declining into just major power status the number of such major powers who are interfering in Africa has increased to include China and the European Union, as the urgency of scarce energy resources impinges on rapidly growing economies.

Just as power tends to be abused within states, and anywhere the rule of law is inadequate, the gross abuses of power that have been occurring in Africa during the lifetime of the UN have happened to a significant degree because the rule of law within African states was inadequate, and also because the rule of international law, as it was applied to Africa, was very inadequate. Since the UN, its charter and the various jurisprudential conventions that are recognised by the UN, particularly the Genocide Convention 1948, are foundational parts of the international legal system, failures by the UN to apply and to enforce these aspects of international law, allowed serious breaches of international laws to continue in Africa, and the resultant impunity encouraged others to commit crimes against humanity. This applied especially throughout the first fifty years of the UN's existence.

The Arusha Tribunal on the Rwandan genocide, and the trial of former President Taylor of Sierra Leone at The Hague are welcome advancements in international law enforcement, and will hopefully form part of the progressive development of global jurisprudence that includes the International Criminal Court. If these positive trends continue and are intensified, then international law and global

jurisprudence could and should become a vital part of the way forward for the maintenance of international peace and security.

Section 4. Focal Conflict – The Congo

(O)n one of these days the killing had gone on close to the Mission-house ... she had then, along with her husband, gone out and seen with her own eyes, the [severed] hands, four of which were those of infants, and Mr. Clark ... told me it had contained seventeen human hands.⁷⁹⁷

This focal conflict section will examine the UN's performance in the Congo (Zaire) 'chain of conflicts' that are of importance not only in an African context, but also in a wider global context. The six themes as used in these three case study chapters will also help to focus this analysis. Geographically and geo-politically the Congo is the heart of Africa. Its population exceeds that of Britain or France and within Africa: "(w)ith an estimated population of 62,660,550, it trails only Nigeria, Egypt and Ethiopia."⁷⁹⁸ This section will not be a detailed critique of the causes of these related central African conflicts, but rather an analysis of the UN's performance in preventing and/or responding to the conflicts in the Congo.

The problem of too much resources

Like Nigeria, abundance of resources rather than poverty or lack of resources has been one of the Congo's 'problems'. After nearly forty years of the Western supported Mobutu dictatorship, the people of the Congo are among the most impoverished in the world. Even a cursory knowledge of history should have made international and UN leaders aware that the resources of the Congo were likely to attract external interference, and that its history of violent exploitation posed a serious risk that such violent exploitation would continue, if an organisation such as the UN could not provide a neutral stabilising influence, some protection, and, especially, guidance through its colonial transition process. The main 'tap-roots' of the Congo conflict, or series of conflicts, predate the founding of the UN, and were set in the conflict-fertile soil of colonial exploitation.

At the root of these [Congo] conflicts have been the formidable mineral deposits of Shaba [formerly Katanga]. Of these, the best known may be copper and industrial

⁷⁹⁷ Seamus O'Siochan and Michael O'Sullivan, *The Eyes of Another Race: Roger Casement's Congo Report and 1903 Diary* (Dublin: University College Dublin Press, 2003), p. 163/4.

⁷⁹⁸ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 24.

diamonds, but of at least as great significance are the cobalt mines around Kolwezi and Mutshatsha.⁷⁹⁹

Colonial Transition Process

King Leopold II of Belgium laid claim to Congo at the Conference of Berlin, and the territory was taken over by the Belgian Government as a Belgian colony after the international outcry over human rights abuses initiated by campaigners such as Roger Casement. Belgian atrocities in the Congo under Leopold's personal stewardship for the purpose of exploiting its human and natural resources are estimated to have caused between eight and ten million deaths. Yet the League of Nations confirmed Belgium's continued control over the Congo, and added former German colonies Burundi and Rwanda to the Belgian mandate.⁸⁰⁰ Article 23 of the League of Nations state:

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory [Belgium] must be responsible for the administration of the territory ... and will also secure equal opportunities for the trade and commerce of other Members of the League.

In practice the League of Nations gave greater priority to the commercial interests of the developed nations and made no effective efforts to monitor or mitigate the continuing abuses by Belgian administrations in central Africa. Turner emphasises the importance of culture and ideology in the Congo conflicts, including the ideology of racial differences. He states that: "The Congolese state, like Rwanda, is the work of Europeans. Yet the Congolese have internalised this alien creation."⁸⁰¹ The superimposed European ideas included the conviction:

that Burundi and Rwanda were over-populated. ... this conviction dovetailed with the Belgian idea that parts of the Congo were under-populated ... This led to programmes to transfer families from Rwanda to Eastern Congo, with consequences that are still being felt.⁸⁰²

In the case of the Congo, there was virtually no colonial transition process. Belgium permitted no political activity in its African colonies and "regarded the Congo essentially as a valuable piece of real estate that required good management".⁸⁰³

The Congo went from repressive Belgian colonial control straight into the chaos of pseudo independence. At the independence ceremony in 1960 Belgian King

⁷⁹⁹ Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto, 2002), p. 90.

⁸⁰⁰ The British Consul to the Congo Free State, Roger Casement produced a report in 1903 detailing abuse by Belgian colonists in the Congo. Seamus O'Siochan and Michael O'Sullivan, *The Eyes of Another Race: Roger Casement's Congo Report and 1903 Diary* (Dublin: University College Dublin Press, 2003), p. 163/4

⁸⁰¹ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York, Zed Books, 2007), p. 74.

⁸⁰² *Ibid*, p. 29.

⁸⁰³ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 12.

Baudouin said: “The independence of the Congo is the crowning of the work conceived by the genius of King Leopold II”.⁸⁰⁴ The Belgian plan for Congo was a gamble that independence would “provide Congolese politicians with the trappings of power while ... [enabling Belgium] to continue running the country much as before”.⁸⁰⁵ Apart from attracting the Congo and other African regions into independence, the UN played virtually no other part in the pre-independence process, and thereby had no opportunity to prevent the conflicts that arose from unprepared independence. Belgium’s attempts to manipulate the Congo’s independence failed almost immediately. General elections were held in May 1960. Patrice Lumumba’s group won the largest number of seats (37 out of 137) and became Prime Minister of a divided minority government. With almost no indigenous administration, army or police force leadership, and with Belgium attempting to retain effective control by encouraging secession of Katanga, the Congo moved quickly into chaos.⁸⁰⁶ Lumumba called in the UN and ONUC was established by the UN Security Council. In spite of its limitations and being the UN’s first peace-enforcement peace mission, ONUC did succeed in preventing Katangan secession. “Belgium’s neo-colonial strategy failed when the UN ended secession”.⁸⁰⁷ However, France and the US took up where Belgium left off. Lumumba was assassinated by a conspiracy that probably included local Congolese (especially Mobutu), Belgium, the US and elements of the United Nations.⁸⁰⁸ Arnold points out that the overthrow of Lumumba by Mobutu:

was done with the connivance of the West and the United Nations under Western pressure, ... Nigerian and Ghanaian army officers who served in the Congo under UN auspices saw at first hand the power of the soldiers to arbitrate and coerce politicians and took such lessons home with them.⁸⁰⁹

Adam Hochschild supports the suspicion of Western involvement in Lumumba’s death.⁸¹⁰

The Congo’s transition from colonial rule has arguably still not been fully achieved. It moved from Belgian mal-governance to temporary chaos, to neo-colonial

⁸⁰⁴ Ibid, p. 22.

⁸⁰⁵ Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 101.

⁸⁰⁶ Unwilling to lose control through this ill-prepared transfer of power, they demonised the nationalist, Patrice Lumumba.

Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 50.

⁸⁰⁷ Ibid, p. 32.

⁸⁰⁸ Guy Arnold, *Africa: A Modern History* (London, Atlantic Books, 2005), p. 26.

⁸⁰⁹ Ibid, p. 115.

⁸¹⁰ “In a Leopoldville apartment, I heard a CIA man, who had too much to drink, describe with satisfaction exactly how and where the newly independent country’s first Prime Minister, Patrice Lumumba, had been killed a few months earlier.” Adam Hochschild, *King Leopold’s Ghost* (London: Papermac, 2000), p. 3.

exploitation, under its Western client dictator, Mobutu.⁸¹¹ It moved back into chaos, or deeper chaos after the overthrow of Mobutu, and is only emerging slowly from this latest chaos. “A national army staffed by war criminals is unlikely to provide any security to its citizens whether during elections or thereafter.”⁸¹²

UN Conflict Prevention Role in the Congo

The UN missed the opportunities that existed for conflict prevention before the Congo was declared independent in 1960. Thereafter it has been largely confined to responding to events in the Congo, or failing to respond. The ONUC mission was intended to prevent internal conflict within the Congo, and as such it was a creative attempt by the UN to intervene internally within a state to prevent civil conflict and the break-up of the state. If it had been more successful, then it could have led to more effective use of the UN to prevent or contain civil wars in other countries.⁸¹³ The death of Dag Hammarskjöld during, and connected with the Congo crisis may have been one of the important factors in the long-term failure of the ONUC mission, because it removed the most effective and most creative UN Secretary General.

Martin Shaw points to the risks that:

over a number of years chains of conflicts create extensive regions of war... A particular concentration could be seen in the Congo, dubbed by some ‘Africa’s Great War’, where a multi-layered civil war was compounded by interventions by states such as Rwanda, Uganda and Angola, all involved in their own civil wars, and Zimbabwe, where political conflict threatened to produce civil war.⁸¹⁴

The UN should play a crucial preventative role in breaking such chains of conflict.⁸¹⁵

Shaw concluded that: “the Congo civil war that began in the late 1990s was also a regional war between states like Zimbabwe and Angola, on one side, and Rwanda and Uganda, on the other.”⁸¹⁶ The chain of conflict in the Congo however goes back to King Leopold II.

⁸¹¹ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), p. 294.

⁸¹² Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York, Zed Books, 2007), p. 198, citing Alison Des Forges, Human Rights Watch.

⁸¹³ There would of course have been opposition from many states to such internal state interference by the UN, citing Article 2.7 of the Charter. However, successful intervention by ONUC would have strengthened the hand of the UN that such interventions were necessary to maintain international peace, and in any wider interpretations of Article 2.7. The phrase “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state” can be interpreted as meaning that while the UN is not obliged to intervene in internal conflicts, it may do so with UN Security Council approval.

⁸¹⁴ Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 95.

⁸¹⁵ Yugoslavia, South East Asia, West Africa and Central America are further examples of chains of conflict that could and should have been prevented by the UN and the international community.

⁸¹⁶ Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), p. 217.

The UN had significant opportunities to prevent conflicts in the Congo following the Rwandan genocide. Basic knowledge of the history and ethnic distribution of the Lakes Region of central Africa indicated that any influx of Hutus and/or Tutsis from Rwanda into eastern Congo would likely lead to violent conflict. Yet the UN, by authorising Operation Turquoise and by facilitating refugee camps in the Congo rather than within Rwanda, helped to spark off further conflicts rather than preventing conflicts. Throughout the conflicts in the Congo from 1994 and into the early years of the twenty-first century the UN had various opportunities to engage in conflict prevention in the Congo. It failed to do so, first because France as a P-5 UN member supported its client dictator Mobutu, and then maintained a vested interest in this Francophone state. Competing African states also complicated the conflicts, and other UN powers including the US, were distracted elsewhere from Kosovo, to Chechnya to Iraq. The UN therefore limited its intervention to belated conflict response and to peacekeeping missions that were at best inadequate.

The UN's peace maintenance modus operandi in the Congo

ONUC: from peacekeeping to peace-enforcing

The UN's first intervention in the Congo in 1960 was its second venture into peacekeeping.⁸¹⁷ The conflict included a complex mix of superpower interference, colonial and neo-colonial factors, as well as local African factors, and was complicated by the presence of European mercenaries. UN Secretary General Dag Hammarskjöld took an active role in resolving this conflict, and was killed in a plane crash in Northern Rhodesia while negotiating a ceasefire for Katanga. While Hammarskjöld's death may have been accidental, the death of the Prime Minister of the Congo, Patrice Lumumba was not, and US involvement was suspected due to Lumumba's left-leaning policies. Thomas Turner also implicates the UN in Lumumba's overthrow.

The UN Secretary General Dag Hammarskjöld came to share the Western antipathy for Lumumba, and the international body collaborated or at least acquiesced in the elimination of the prime minister who had sought its intervention.⁸¹⁸ The failure of the UN to protect and adequately support Patrice Lumumba and his treatment (and assassination) by the Western dominated international community contrasts with their subsequent compliance and complicity with the dictatorship of

⁸¹⁷ UNEF I in Sinai beginning in 1956 was the UN's first peacekeeping mission.

⁸¹⁸ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p.148.

Mobutu. Elizabeth Cousens however has a more favourable view on the outcome of the ONUC mission.

The UN operation in the Congo (ONUC) ... helped prevent the collapse of the Congolese state, and at least created the possibility for future state-building (that the Congo was subsequently plundered by years of the Mobutu Sese Seko regime is a separate issue, related more to Cold War dynamics than to the legacy of UN intervention).⁸¹⁹

Yet the Mobutu dictatorship was one of the legacies of the UN's Congo intervention. The ONUC mission appeared to achieve partial short-term success, but has failed to bring peace and stability to the Congo. Either by its actions or by default the UN had contributed to the overthrow of the democratic government and Prime Minister of the Congo and took no action to restore freedom and democracy to the people of the Congo. The UN's ONUC 1960's Congo mission therefore achieved partial but only very short-term success. It failed to bring peace or stability to the Congo, and the installation of the Mobutu regime ended any success it might have achieved. The performance of the UN in the Congo right up to end of the 20th century has been even less successful.

The Mobutu corrupt dictatorship was supported by UN P-5 powers, the US and France over the following four decades. The installation of this regime was more representative of the collapse of the Congo state, rather than preventing its collapse, but it was a collapse that allowed the West to continue to exploit its resources. The plundering by the Mobutu regime was not "a separate issue" to the legacy of UN intervention, as Cousens suggests. UN intervention facilitated this regime change. Adam Lebor wrote that: "Under the rule of Mobutu Sese Seko, a kleptomaniac despot who had taken power in 1965, Congo (then named Zaire) fell apart."⁸²⁰ Turner links Laurent-Désiré Kabila as a supporter of the murdered Lumumba: "he and his close associates certainly had not forgotten the role of the UN in the early 1960s, and their hostility towards the international body influenced their decisions in 1996 and thereafter."⁸²¹ The chain of conflict continues into the twenty-first century because the UN failed to intervene effectively to break this chain.

⁸¹⁹ David M Malone, *The UN Security Council: From the Cold War to the 21st Century* (London: Lynne Rienner, 2004), p. 107.

⁸²⁰ Adam Lebor, *Complicity with Evil: The United Nations in the Age of Modern Genocide* (New York: Yale University Press, 2006), p. 215.

⁸²¹ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 149.

From Mobutu's Zaire to the Congo DRC

The performance of the UN in the Congo during the 1990s has been even less successful than its 1960s performance and this has had serious international implications for Africa as a whole. Thomas Turner's analysis is severe but probably accurate:

Many of the millions of people dead since 1998 have died since MONUC was deployed. The United Nations is responsible for ... people killed by MONUC troops (relatively few), people killed in the presence of MONUC troops (many more), and more generally, many of those who died due to perpetuation of the war.⁸²²

There has also been a direct relationship between the UN's failures in Rwanda, and the subsequent conflicts within the Congo, and the international aspects of the Congo conflict. The UN did not ignore the Congo, but it has failed the Congolese people, on several counts, including its Trusteeship/decolonisation mandate, its socio/economic and development responsibilities, and especially in its primary function to maintain international peace and security. Both Michael Barnett and Thomas Turner agree that the UN failed the peoples of Rwanda and the Congo, but while Barnett blames the Secretary General, Secretariat and Department of Peacekeeping, Turner is more critical of the Security Council, and two of its P-5 members, France and the US.⁸²³ Turner cites the 'convergent catastrophes' of the Rwandan civil war and genocide, and the resultant flight of more than a million Hutus into the Congo. The decline and collapse of the Zairian/Congolese state, led on to the Congo becoming a chaotic battleground not only for Rwandan Hutus and Tutsis, but also for competing groups within the Congo, and drawing in military intervention from most of the Congo's neighbouring states. The UN's flawed responses to these crises between 1994 and 2002 may have intensified rather than resolved them.⁸²⁴

George Monbiot attributes the civil war in the eastern Congo to its effective statelessness and the deprivations inflicted by neighbouring states and militias. These

⁸²² Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 158.

⁸²³ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), and Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (New York: Basic Books, 2002).

⁸²⁴ The UN behaved like a bad referee at a football game, by failing to control foul play, leading to a free-for-all brawl, drawing in spectator countries from the sidelines.

are the immediate or proximate causes only.⁸²⁵ The root causes are related to the failures of the international community, and the UN, to implement effective systems of international law, justice and security. The UN failed to apply sanctions on any of the local African states that intervened in the Congo conflicts in the late 1990s just as it had failed to sanction the support that France and the US had provided to the Mobutu dictatorship. This international lawlessness in central Africa involved clear breaches of the UN Charter and customary international laws, and was indicative of systemic failures by the UN not only to apply and promote compliance with such existing international jurisprudence, but also the failure of the UN to promote and strengthen international jurisprudence where it was shown to be inadequate.⁸²⁶

Conclusions on Role of the UN, and the ‘International Community’ in Congo (DRC)

The crisis in the Congo arose in part because UN failures and French intervention in Rwanda in 1994. French Operation Turquoise, approved by the UN Security Council, rescued the genocidal Hutu government of Rwanda and its troops after they had already perpetrated the mass killing of over 800,000 Rwandans. Turner identifies the Francophone interconnection between Operation Turquoise in Rwanda and the Operation Artémis in the Congo: “(as during Operation Turquoise in 1994) France is willing to practice geopolitics behind a screen of humanitarianism.”⁸²⁷ Turquoise ushered the Hutu genocidaires into the eastern Congo, causing destabilisation, leading to violence and foreign intervention by at least six other African states, more intent on plundering the resources of the Congo than bringing peace to its people. In Bunia 2003, the UN and the international community appeared to have learned little from the debacles in Somalia and Rwanda. The Congo crisis was allowed to deteriorate with catastrophic loss of life. UN Security Council Resolution 1484 (30 May 2003) authorised the deployment of up to 1,400 troops (Operation Artémis) under Chapter VII of the UN charter, but had failed to provide UN forces with adequate

⁸²⁵ With the exception of Rwanda, the intervention of the Congo’s neighbouring states in the Congo conflicts may have been as much to take advantage of the opportunities created by the conflicts rather than being a cause of the conflicts.

⁸²⁶ Geoffrey Robertson QC refers to “the failure of the UN, with its bureaucratic, politicised machinery, to implement the promises of Universal Declaration, in its first half century”. Geoffrey Robertson, QC, *Crimes Against Humanity: the Struggle for Global Peace* (London: Penguin, 2002), p. 535.

⁸²⁷ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 159.

mandate or resources. The very limited success of Artémis only demonstrated what could and should have been done by the UN on a much larger scale. “In short, the Artémis intervention demonstrated that it was possible to intervene more rapidly and more effectively than the UN had done.”⁸²⁸ In terms of prevention it was a drop in the ocean, but it did help to salve the consciences of the so-called international community.

An IRC Crisiswatch report issued in 2007 highlights the anarchy and complications of the conflicts in the Congo. “We now estimate the excess death toll in DR Congo since 1998 to be 5.4 million”.⁸²⁹ This death toll covers the period 1998 to 2007 inclusive but not the period from 1994 to 1998. While only a small proportion of the deaths were due to direct conflict violence, the excess death toll of over 5 million was due to conflict related “infectious diseases, malnutrition and neonatal- and pregnancy-related conditions.”⁸³⁰ When the death toll of over 800,000 for the period 1994 to 1998 is added to this 5.4 million the Congo death toll may exceed that of the Holocaust.

A separate report compiled by Thomas Turner for IRC details some of the complex and cynical external motives involved in the Congo wars.

On the regional level, two alliances faced off. Angola, Zimbabwe, and Namibia backed the Kabila government, with Rwanda, Burundi, and Uganda as opponents. ... Each of the foreign participants has multiple motives. Rwanda and Uganda intervened to combat rebel groups fighting from Congolese territory but their officers apparently became involved in exploiting mineral wealth. Kabila gave Zimbabwe and Namibia control of diamond deposits. Angola initially regarded the Congo war as an extension of its own civil war ... but later established a controlling interest in Congo's oil industry. ... The Congo war also has an intercontinental dimension. ... France interpreted events in Central Africa in terms of threats to the French-speaking world from "Anglo-Saxons." It backed Mobutu and Rwanda's Habyarimana, up to the eve of 1994's genocide. ... When the second [Congo civil] war began, the U.S. provided a degree of support to the "Anglophones," France backed first Laurent Kabila and then Joseph Kabila.”⁸³¹

While the Congo was being devastated by the above machinations the UN was denied the resources needed to cope with the complex conflicts. The UN's performance in the Congo however over a forty year period is an example of how the UN, by its inappropriate actions and inactions, first failed in its task of facilitating the process of transition from colonialism to state formation, failed to promote democracy

⁸²⁸ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 159.

⁸²⁹ http://selfdetermine.irc-online.org/crisiswatch/0208congo_body.html turner report IRC accessed on 8 March 08.

⁸³⁰ International Rescue Committee, “Report Mortality in the Democratic Republic of Congo: An ongoing crisis”, accessed on 7 March 2008 at http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf

⁸³¹ http://selfdetermine.irc-online.org/crisiswatch/0208congo_body.html

in the Congo, failed to anticipate the civil war which broke out following, and partly as a result of the Rwandan genocide, failed to intervene effectively to mitigate the effects of that civil war, failed to curb inappropriate international intervention in the Congo, from 1994 up to at least 2004, and allowed inappropriate intervention under UN mandates.

Under the watch of the UN about 100,000 died in the civil war 1960-64, and up to six million may have died as result of civil wars and foreign interventions since the Rwandan genocide of 1994.⁸³² The interconnected chain of conflicts in the Congo includes Rwanda and Burundi.⁸³³ Thomas Turner describes the Congo conflicts that began in 1996 as the “bloodiest war since the Second World War ... The International Committee estimated the total at 3.8 million for the period 1998 to 2004”.⁸³⁴

Implications of UN failures and prospects of UN reform for Africa

The total population of Africa is about one seventh of the population of the world (Table 6.5. below). Nigeria has almost twice the population of any other African state. Three countries have been mentioned as possible contenders for modified Permanent Membership of the UN Security Council, Nigeria, South Africa and Egypt. It is difficult to justify giving UN Security Council permanent membership to any other African state except Nigeria, due to its population. It would also be unrealistic to expect Nigerian membership to be adequately representative of Africa as a whole, given the wide regional variations across Africa. There is therefore a strong case to be made for regional membership of the UN Security Council for Africa as a whole by an organisation such as the African Union (AU). However, the UN, as an organisation of states has no provision so far for such regional membership.⁸³⁵

Having no permanent African representation on the Security is clearly a serious disadvantage. However the history of UN Security Council permanent membership tends to indicate that each of the five permanent members tend to

⁸³² “The United Nations later estimated that since 1998 an estimated 3.5 million people had died in the Congo, mostly as indirect casualties of the war, through hunger and disease.” Adam LeBor, *Complicity with Evil: The United Nations in the Age of Modern Genocide* (New York: Yale University Press, 2006), p. 216.

⁸³³ Because of the scale of conflict-related deaths in both Rwanda and the Congo, the ongoing conflict in Burundi tends to get ignored. “In Burundi in the spring and summer of 1972, after a violent Hutu-led rebellion, members of the Tutsi minority hunted down and killed tens of thousands of Hutu. The rate of slaughter reached 1,000 a day.” Samantha Power, *A Problem from Hell: America and the Age of Genocide* (London: Flamingo, 2003), p. 82.

⁸³⁴ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 2.

⁸³⁵ Regional membership would also be a better option for Latin America and Europe, if such an amendment could be agreed for the UN Security Council.

prioritise their own national interests, rather than the wider regional interests. The prospects therefore for substantial reform of the UN Security Council that would be beneficial towards Africa are very limited.

Table 6.5. Population of Africa and its largest 10 states

Africa Total Population	982,407,084
1. Nigeria	145,040,187
2. Egypt	84,348,070
3. Ethiopia	81,754,116
4. Congo (Kinshasa)	69,576,554
5. Sudan	45,485,037
6. South Africa	43,332,530
7. Tanzania	40,382,314
8. Kenya	38,382,810
9. Morocco	35,300,887
10. Algeria	34,554,588
Total Ten Largest States	618,157,093

Conclusions on the performance of the UN towards the achievement of international peace and security in Africa:

Martin Meredith paints a bleak picture of Africa after half a century of UN ‘peace maintenance and security’:

In reality, fifty years after the beginning of the independence era, Africa’s prospects are bleaker than ever before. Already the world’s poorest region, it is falling further and further behind all other regions of the world. ... Most states are effectively bankrupted.⁸³⁶

Marina Ottaway goes further: “many of the states that emerged from the colonial period have ceased to exist in practice”.⁸³⁷ The disastrous failures by the United Nations and the international community in Rwanda should have created a watershed for the United Nations and should have been a turning point. Subsequent humanitarian disasters in the Congo and partial UN failures in the west African states of Liberia, Sierra Leone and Ivory Coast indicate that the UN is at best a slow learner. The unfolding disaster in the Darfur region of Sudan should remove any doubts about

⁸³⁶ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence*, (London: Free Press, 2005), pp. 681, 683.

⁸³⁷ Marina Ottaway, Testimony to Prepared for the Hearings “Conflicts in Central Africa”, Subcommittee on Africa, US Senate, 8 June 1999.

the UN's ability either to respond effectively to serious humanitarian disasters, or undergo reform that would enable it to respond. David Clark argues that Darfur illustrates that "the UN system is singularly ill-suited to upholding its own stated values". He argues that the UN veto is proving as deadly as the gun and "the aspiration for global justice will always lose out to the reality that there is one law for the 'great powers' and their client states, and another law for the rest".⁸³⁸ The complex mix of overlapping ethnic tribes and groups in the lakes region of Africa defies the subdivision of this region into neat nation states. The failure of the UN and the international community to resolve the conflicts between Hutu and Tutsi in Rwanda and Burundi led to spill-over of these conflicts into neighbouring Congo, and may be leading to spill-back into Burundi and Rwanda, both states now governed, or unsustainably controlled, by undemocratic minority military-backed regimes.

Given the range of conflicts that have beset Africa since the foundation of the UN, costing over seventeen million African lives, and given that over half of these lives were lost through conflicts since the end of the Cold War, it must be concluded that the UN has failed to achieve its primary objectives in Africa with catastrophic results. These failures resulted from many causes including, colonial and neo-colonial abuses, the UN being inadequately resourced by its members, superpower rivalry during the Cold War, failure to give Africa the necessary priority or resources and ongoing internal African corruption and conflicts within and between states. The UN has failed therefore to serve the most needy of the world's people.

The UN had some limited successes in Africa,⁸³⁹ but these usually came after significant failures to address these particular crises in an effective and timely manner. These successes therefore serve to highlight what the UN was capable of doing if adequately resourced and structured. When its African successes are evaluated against its failures, the result is that the UN failed catastrophically. There are many reasons for these UN failures, but there are no justifications. From a functionalist perspective, the UN failed to function in Africa, to an even greater degree than in Asia and the Middle East.

⁸³⁸ David Clark, "The UN veto is proving as deadly as the gun." *The Guardian*, August 14 2004, p. 26.

⁸³⁹ UN successes towards achieving international peace and security in Africa include post conflict reconciliation, peacekeeping and peace-enforcing in many conflicts that had colonial and Cold War roots, and in conflicts that had indigenous African post-Cold War roots. While this list of conflicts covers virtually the whole of Africa, the conflicts in which the UN can claim even belated successes are far fewer than the whole, and the belatedness of the UN's response is problematic even in these 'successful' cases such as South Africa, Namibia, Mozambique, the Congo DRC, Liberia and Sierra Leone. It is virtually impossible or wrong to attribute any significant degree of success to the UN's performance in some conflicts such as Rwanda, Somalia and Darfur.

Craig N. Murphy summarises the factual results of the UN's failures in central Africa.

the UN's failures to stop the devastating conflicts after the end of the Cold War, the worst of which have been in Africa. ... at least three quarters of the entire Tutsi population of Rwanda were systematically slaughtered. ... The consequences of the failure to avert the genocide have mounted from year to year. The Tutsi military government that seized power to stop the slaughter went on to trigger a cascade of continuing wars across central Africa.⁸⁴⁰

Gellatley and Kiernan make a persuasive counterfactual argument that places responsibility on the UN and the international community. "If not for the military victory of the RPF no Tutsi or moderate Hutu ... would likely have survived".⁸⁴¹

The Marshall Plan for Europe in the post-World War II era was an example of creative conflict prevention in a north Atlantic context that is still valid from a north/south perspective into the twenty-first century,⁸⁴² and is especially appropriate towards Africa, to which Europe owes significant debts and reparations due to unjust exploitation over past centuries. Niall Ferguson cites the African estimate on reparation debts owed to Africa, but goes on later to conclude that the role of the British Empire was mainly beneficial to humanity.

The sum suggested as adequate compensation – based on estimates of 'the number of human lives lost to Africa during the slave-trade, as well as an assessment of the worth of the gold, diamonds, and other minerals taken from the continent during colonial rule' – was \$777 trillion.⁸⁴³

The quote from Frantz Fanon that: 'The last battle of the colonised against the coloniser will often be the fight of the colonised against each other' is epitomised by the developments in the Congo/Zaire, but applies to Africa as a whole. This is where a more effective trans-national organisation than the UN should have stepped in to mediate and to provide a protective layer of jurisprudence combined with expertise and resources to enable humanity in the disadvantaged regions to bridge the

⁸⁴⁰ Rorden Wilkinson and Steve Hughes, eds., *Global Governance: Critical Perspectives* (New York: Routledge, 2002), p. xii.

⁸⁴¹ Robert Gellately and Ben Kiernan, eds., *The Spectre of Genocide: Mass Murder in Historical Perspective* (Cambridge: CUP, 2003), p. 334.

⁸⁴² UK Chancellor, Gordon Brown recommended a 'Marshall Plan' for Africa like that which rebuilt post-war Europe at the 2005, Edinburgh G 8 Summit. http://news.bbc.co.uk/1/hi/uk_politics/4149679.stm.

⁸⁴³ Niall Ferguson, *Empire: How Britain made the modern world* (London: Penguin, 2003), p. xii. Ferguson suggests that the US now plays a similar 'altruistic' role as a twenty-first century empire builder. "And just like the British Empire before it, the American Empire unfailingly acts in the name of liberty, even when its own self-interests is manifestly uppermost... The technology of overseas rule may have changed – the Dreadnoughts may have given way to F-15s. But ... empire is as much a reality today as it was ... when Britain ruled, and made, the modern world." Ferguson, p. 380-381. Ferguson goes on in his subsequent book to confirm his view of the need for the US to 'take up the white man's burden'. "I believe the world needs an effective liberal empire and that the United States is the best candidate for the job." Niall Ferguson, *Colossus: the rise and fall of the American empire* (London: Penguin, 2004), p. 301.

disadvantage gap, in the long term interests of all of humanity. President John F Kennedy's belief in the primacy of the rule of law over the use of force is particularly applicable to twenty-first century Africa.

“we will persist until we prevail, until the rule of law has replaced the ever dangerous use of force.” US President John F. Kennedy ⁸⁴⁴

⁸⁴⁴ John F. Kennedy, XXXV President of the United States: 1961-63, Annual Message to the Congress on the State of the Union, January 11th, 1962, accessed at <http://www.presidency.ucsb.edu/ws/index.php?pid=9082>, on 27 March 2008.

Chapter 7

Concluding or Transforming the United Nations?

But arms alone are not enough to keep the peace--it must be kept by men. Our instrument and our hope is the United Nations-and I see little merit in the impatience of those who would abandon this imperfect world instrument because they dislike our imperfect world. US President John F Kennedy ⁸⁴⁵

Introduction

This final chapter begins with a summary of the research project including the case study findings before going on to evaluate the successes and failures of the UN using the same themes as were used in the case studies. A further five criteria are used to evaluate the scale and significance of the UN's failures at macro level towards the achievement of international peace and security for humanity. The issue of UN reform is then be discussed, followed by sections on normative recommendations, evaluation of this research project, suggestions for future research, and a summary of the thesis conclusion.

Thesis summary

The objective of this thesis was to evaluate whether the United Nations achieved its primary function, so as to establish if the UN is in need of reform, and whether such reform is likely to be achieved in the timescale needed by humanity. The normative aspect of the thesis sets out to establish how the international system, including the UN, can be reformed or transformed so that a more comprehensive and lasting peace system can be established. President Kennedy and the leaders of other powerful states accepted the UN as an "imperfect institution" possibly because a more perfect UN would curtail their power. The flawed UN that developed in the meantime justifies Simon Jenkins conclusion that: "(t)he world needs *a* United Nations but not necessarily *the* United Nations".⁸⁴⁶ The series of wars since the end of the Cold War clearly demonstrate the failure of the Western dominated 'international community' to achieve the sort of comprehensive level of international peace that humanity needs to

⁸⁴⁵ John F. Kennedy, XXXV President of the United States: 1961-63, Annual Message to the Congress on the State of the Union, January 11th, 1962. accessed at: <http://www.presidency.ucsb.edu/ws/index.php?pid=9082>, on 27 March 2008.

⁸⁴⁶ Simon Jenkins, "Bush, Annan: we blame the men at the top at our peril", *Sunday Times*, September 11, 2005, p. 1.18.

ensure its survival and prosperity, but also demonstrate the ongoing need for a supranational organisation or systems to achieve peace and security.

Chapter 1 questioned the validity of the term international community, and suggested that the UN is a subaltern organisation under the control of its most powerful members. Both Kagan and Keohane used the term ‘paralysis’ with regard to the functioning capacity of the UN. Chapter 1 and the case study chapters confirmed an urgent continuing need for organisations and structures at international and global levels to maintain peace and security for humanity. The UN is the primary international organisation set up for this purpose and the maintenance of international peace and security has been its primary function. Chapter 1 raised the issue of the difficulty of maintaining a state of international peace that did not exist, and the need to *create* international peace so that it can then be maintained.⁸⁴⁷ Reform of the UN and the international community is urgently needed so that a satisfactory level of international peace can be created. The power of veto wielded by the P-5 group of states also allows these states to veto any proposals for UN reform, thereby imposing a double lock system on UN reform. This veto power also gives this P-5 group of states significant power over the UN as well as immunity from UN sanctions or restrictions. The Asian case study demonstrates most clearly the extent that the P-5 states abused their dominant position and their powers of veto and demonstrates the urgent need for a system of global jurisprudence that would curtail such abuses and also provide a judicial overview of the UN itself.

Chapter 2 focused on the methodology used and the particular approach taken towards this complex research topic. The thesis opted for a broad panoramic approach rather than a more narrowly focused one, combining historical political analysis with current affairs. Chapter 3 put forward functionalism as the focal theory for the thesis but proposes a more dynamic form of functionalism towards overcoming the obstacles to achieving international peace. This is an important aspect of this thesis in

⁸⁴⁷ David Mitrany seemed to imply that UN Charter provisions on maintaining peace and security were stronger than those of the League Covenant but this is questionable. “The security arrangements, especially, are concentrated and solidified; and there is an emphatic tone in the verbs which proclaim the purpose of the new organisation—to ‘maintain’ peace and security, to ‘achieve’ international co-operation, whereas the Covenant was meant to ‘promote’ and to ‘further’.” David Mitrany, *The Road to Security* (London, National Peace Council, 1944), p. 5. Mitrany may have missed the point that the word ‘achieve’ applies only to international co-operation, while the arguably less effective word ‘maintain’ applies to the UN’s role in peace and security. The Covenant’s more active role to ‘promote’ and ‘further’ peace was arguably assigned to what Mitrany referred to as the Big Three, Britain, America and Russia, who drafted the UN Charter. The League Covenant clearly failed to achieve its objectives to promote and further peace. This thesis argues that the UN’s big three (that developed into the P-5) failed to create the peace that the UN was supposed to maintain.

order to move beyond the negative diagnosis of the UN's failures by using the theory tools of functionalism towards resolving the blockages that are preventing the achievement⁸⁴⁸ of international peace and security.

The qualitative case studies adopted a combination of chronology and coherence approaches to evaluate the UN's performance as comprehensively as possible since its foundation. This concluding chapter adopts a normative/speculative approach rather than predictive or prescriptive ones to the future security of humanity. Even though the state, and the Westphalia system are identified as significant problems in the present international system, this research points to the cooption of the state rather than its elimination, as part of the solution towards ensuring peace.⁸⁴⁹ Ian Clark argues that globalization is forcing a transforming of the state to enable it to cope with new challenges but that this does not result in the "need to downplay the role of the state, or assume its obsolescence".⁸⁵⁰

The three case studies went on to conclude that the United Nations had consistently failed to achieve an acceptable level of peace and security throughout its existence so far. As a result the UN is in urgent need of substantial reformation to enable it to achieve its primary objective. However, the double lock on UN reform⁸⁵¹ wielded by the P-5 group of states makes any substantial UN reform very difficult to achieve. As a result this concluding chapter goes on to argue that the UN is in need of what amounts to 'transformation' or failing that, the UN needs to be either superseded or replaced by organisations and structures at international and global level that will provide humanity's over six billion individuals with the levels of peace and security that they most urgently need.

Karns and Mingst remind us in Chapter 3 that: "War is the fundamental problem in international relations".⁸⁵² Prevention of war is the only comprehensive and safe way of achieving and maintaining international peace into the future. While the findings of the case studies on the failures of the UN are very negative and pessimistic, and conflict is an inevitable factor in dynamic human relationships, this thesis

⁸⁴⁸ The *achievement* of international peace and security must be considered more important and more urgent than the more limited task of *maintaining* international peace and security that is assigned to the UN by its Charter.

⁸⁴⁹ The evolution and devolution of state sovereignty that has taken place within the European Union is put forward as an example, but not necessarily a blueprint for the wider international system.

⁸⁵⁰ Ian Clark, *Globalization and fragmentation: international relations in the twentieth century* (Oxford: 1997), p. 125.

⁸⁵¹ In Chapter 1 it was explained that the veto that is enjoyed by the P-5 group of states not only applies to all actions of the UN Security Council, but also gives them a veto over any reform of the Security Council, including reform of the veto system, thereby constituting a double locking system on United Nations reform.

⁸⁵² See Footnote 2 Chapter 3.

concludes that large-scale violent conflicts (i.e. war) can and must be prevented. Furthermore, all the conflicts that have cost tens of millions of lives since the foundation of the UN could have been, and should have been, prevented. This is the element of optimism going forward from this thesis. The challenge now is to find practical and functional ways to prevent wars into the future.

David Groom reminds us that:

Functionalism is concerned with the ways of creating ... a working peace system. It involves a diagnosis of the problems of disorder in international society, and a prescription for ways of shaping a better world⁸⁵³

This thesis has sought to diagnose the biggest problem of international disorder, the continuing prevalence of international conflict and the reality that the UN has failed to prevent such conflict so far. The thesis has adopted a functional approach to this diagnosis by examining in detail how the United Nations functioned towards the performance of its primary function of maintaining international peace. The first part of this diagnosis is that the UN has failed dismally and in many cases catastrophically. The second part of the diagnosis is to seek solutions towards overcoming this problem, but the thesis seeks to avoid the pitfall of producing either inflexible prescriptions, or placebos⁸⁵⁴, because the earlier chapters had identified such inflexible prescriptions as the League of Nations Covenant and United Nations Charter, as contributing to the problems of international conflict rather than ameliorating or preventing conflicts.

The functional theory tools used by this thesis are based on the international relations functionalism of Norman Angel and David Mitrany rather than the structural functionalism of sociologists such as Emile Durkheim and Talcot Parsons. Ian Craib points out that Durkheim “saw important meanings as having an existence over and above individuals. They comprised a ‘collective conscience’ into which individuals had to be socialised.”⁸⁵⁵ This thesis takes the alternative view that society should exist on behalf of individuals. “Parson’s emphasis is always on stability and order”⁸⁵⁶ and tends to reinforce the *status quo*. A more dynamic version of Mitrany’s IR

⁸⁵³ A J R Groom, and Paul Taylor, eds., *Functionalism: Theory and Practice in International Relations* (London: University of London Press, 1975), p. 1.

⁸⁵⁴ Collective security was one of the prescriptions that proved to be unworkable. The medicine proved either fatal or seriously damaging whenever it was applied, as in the cases of the Korean War, and the Gulf War in 1991. The “placebo” medicine applied after the Korean War failure of collective security was peacekeeping, and the Middle East case study clearly demonstrates that once the placebo effect of peacekeeping wears off, it becomes counterproductive.

⁸⁵⁵ Ian Craib, *Modern Social Theory: from Parsons to Habermas, second edition* (New York: Harvester/Wheatsheaf, 1992), p. 38.

⁸⁵⁶ *Ibid.*, p. 39.

functionalism seeks to transform the *status quo* where the structures of the *status quo* are inhibiting the necessary evolution of society and especially where that international *status quo* is preventing the development of a comprehensive working peace system. Craib cites Robert Merton's distinction between "function and dysfunction (the opposite to function), both of which can be deployed to make sense of change and conflict."⁸⁵⁷ This thesis takes up Merton's challenge by analysing the dysfunction of the United Nations and the international system toward achieving change so as to prevent large-scale violent conflict (war).

The essence of Mitrany's IR functional theory is that form should follow function. The UN Charter provides a contradiction of this theory, in that the form of the UN Charter has been demonstrated by this research project to be counter-productive towards the achievement of international peace. This thesis took the unusual step of undertaking three parallel case studies to evaluate the UN's performance as comprehensively as possible, in three contrasting regions that have experienced widespread conflicts throughout the history of the UN since 1945. It was necessary to do so in order to establish beyond all reasonable doubt that the UN had not only failed to achieve its primary objective, but that its failures were so comprehensive that new approaches to international peace are necessary and the *status quo* of international relations needs to be overcome. A functionalist approach to the international system is likely to be the most productive because it offers a flexible response to the dynamics of human conflict and human relationships.

Mitrany used the analogy of how the exigencies of war forced the US military leaders to adopt a functional approach to deal with almost insuperable obstacles. The military leaders used the term "task organization" to help tailor the make-up of military units to achieve the very different military tasks it was required to undertake across the globe. On the Axis side, the Blitzkrieg tactics and strategies were the most dynamic examples of functionality on the battlefield, whereby insurmountable obstacles were temporarily surrounded, isolated and bypassed by forces tailored, or "formed" to achieve specific aims. Later during the Cold War the unpredictability that resulted from the prospect of tactical nuclear weapons on the battlefield led to "task organisation" becoming standard practice in many armies, because it enable military commanders at various levels to decide the nature, strength and composition of their

⁸⁵⁷ Ibid., p. 50.

front-line operation units at short notice and based on the immediate tasks to be performed by those units over a limited time-scale. These are examples of the “form follows function” formula being enforced by necessity.⁸⁵⁸

The mistakes that the UN and the international community have made include the use of unsuitable task organisation towards achieving international peace. Collective security was the primary “form” or “task organisation” assigned to the UN, and when that failed dismally in the Korean War, peacekeeping became a very ineffective default form, or task organisation, that failed to maintain international peace. Mitrany explained how the needs of war had forced military logistical and operational structures to develop so that: “each task was given an appropriate organization, and the organization was allowed to adapt and reform itself in the light of experience.”⁸⁵⁹ This is the flexible mechanism of task organization that the international community needs to address the requirement to prevent conflict and maintain international peace. There are as many and as varied obstacles to overcome towards achieving international peace now, as the Allied Forces had to overcome throughout World War II.⁸⁶⁰

In this concluding chapter I am putting forward normative recommendations, but not prescriptions, as to how the international system can be transformed towards the achievement of a working and functioning peace system for humanity. The more difficult task is to show how this can be achieved or operationalised and this is where the utility of dynamic functionalism comes into play. The thesis opted for a functional approach to prise open the international relations *status quo* which has curtailed the international system since the treaty of Westphalia and which became even more entrenched with the UN Charter. All attempts to achieve the necessary change by reform of the UN and the international system have failed so far. Precipitous or revolutionary changes brought about by catastrophes are also as likely to fail as did the

⁸⁵⁸ Because warfare involves the real prospect of death for its immediate participants, a functional approach to problem solving on the battlefield is forced on military commanders. A dynamic functional approach, as recommended by this thesis, places the additional requirement on leaders to adapt to the ever-changing dynamics of human interaction, by constantly reviewing the forms or task organisations required to deal with developing situations. Leaders such as Napoleon, Hitler, and more recently Donald Rumsfeld in Iraq, failed to apply the dynamic aspect of functionalism after their initial dramatic functional successes with, wars of movement, blitzkrieg, and ‘shock and awe’ strategies. Their subsequent strategies failed to achieve the form follows function formula.

⁸⁵⁹ David Mitrany, *A Working Peace System: an argument for the functional development of international organization* (London: Chatham House, 1943), p. 45.

⁸⁶⁰ The contrast between the military strategies of “war of attrition” applied in World War I and the “task organisation” of World War II were reflected in the respective outcomes, whereby World War I ended in relative stalemate, while World War II ended with a clear victory for the Allied Forces.

changes brought about by World Wars I and II, and by UN collective security. Waiting for further such catastrophes as a mechanism of change in this nuclear-armed twenty-first century would be irresponsible. Functionalist transformation therefore is virtually the only safe way forward for humanity. A functional approach to international peace cannot take place in an isolated security environment. While the scope of this thesis was necessarily limited to the UN's primary role of maintaining international peace, the other multiple functions provided by UN, other international and supranational bodies, and by states, such as social services, health and welfare systems and environmental protection are also vital pieces of the jigsaw that need to be assembled.⁸⁶¹

Case Study Findings:

Asian Case Study

Chapter 4 found that up to 70 million avoidable deaths may have occurred in Asia since the foundation of the UN due to conflicts between and within states, and that the UN failed to prevent these conflicts or significantly ameliorate their effects. The UN's peace and security failures in Asia were conflict prevention failures, failure to intervene in conflicts, peacekeeping failures, and conflict resolution failures. The interrelated conflicts in Cambodia and Vietnam are the most serious from a UN context. While it can be argued that the UN's failures in Asia were more attributable to the UN's controlling powers than to the UN itself, this does not take from the reality of those failures, because the consistency of such failure is indicative of the limits of the UN's effectiveness, in the past and into the future. The UN clearly failed to function towards the creation or maintenance of international peace and security in Asia, the most populous region of the world.

Middle Eastern Case Study

The UN did play a significant role in minimising the level of fatalities in the Arab/Israeli conflicts, due to its exceptionally prolonged peacekeeping presence in

⁸⁶¹ Many of the other UN agencies have been far more successful than the peace and security functions of the UN, especially the UNDP, WHO, WFP, UNEP. These UN agencies were considered to be outside the scope of this thesis, but should be vital links in the creation of a working global peace system. The successes of these more functional UN agencies should provide a good foundation for the eventual achievement of global peace, by similar functional methods. It is also important not to limit transformation of the international system to the UN and its direct UN agencies. Other international and trans-national organisations such as the EU, NATO, WTO, should play important roles in any such transformation.

this particular series of conflicts, and this can be rated as significant partial success. However, the maintenance of the broader international peace is the primary strategic role of the UN, and peacekeeping should only be a short-term tactic towards its primary role. The UN failed to maintain peace in the most populous parts of the Middle East, such as Iraq/Iran and Afghanistan, and it also failed in its roles of conflict prevention and conflict resolution in the Middle East as a whole. The UN has failed to maintain international peace and security in the Middle East, the most volatile region of the world.

African Case Study

The UN's performance and record in Africa began optimistically when the UN was used as a mechanism for legitimising the transition from colonial rule to independence throughout most of Africa.⁸⁶² However Chapter 6 found that this was largely a very flawed success that contributed to the subsequent failed-state status of many African states. The UN's failures in Somalia, Rwanda, the Congo and Darfur add up to its most comprehensive chain of conflicts failures worldwide, leading to catastrophic results for the peoples of these countries. The UN has failed therefore to maintain international peace and security for the people of Africa, the most vulnerable people in the world.

Hypotheses:

A summary of the research hypothesis helps to focus an examination of the case study results and the overall conclusions of the research project.

1. *The UN has failed to achieve its primary objective*
2. *The UN is incapable of achieving these objectives into the future because of the structural limitations of its Charter*
3. *The UN therefore is virtually incapable of achieving the necessary reform that would enable it to perform its primary objectives.*
4. *Therefore the UN needs to be either transformed, or superseded, or replaced, by more appropriate institutions of global jurisprudence and governance.*

⁸⁶² "Decolonisation efforts by the United Nations bore "surprisingly rapid fruit during these decades. ... From the original 51 members in 1945, membership of the United Nations more than doubled to 104 in 1961." Thomas G Weiss, et al., *The United Nations and Civil Wars* (London: Lynne Rienner, 1995), p. 236.

Evaluating the successes and failures of the UN

What constitutes success?

Total and unqualified successes in any sphere are very rare but still the work continues because, for all [the UN's] flaws and failings, the prospects of a world without an organisation aimed at achieving peace and consensus is too awful for most people to contemplate.⁸⁶³

In addition to cataloguing the UN's failures it is important to evaluate the successes attributed to the UN. Deaglán de Bréadún's analysis above reflects public perceptions of the UN including acceptance of its limitations. This section will evaluate the extent to which it succeeded and seek to address the question:

What more could the UN have done, given its limitations and constraints?

Mitrany's functional approach was that most problems could be overcome if approached creatively and functionally. If problems prove virtually insurmountable, as may be the case with the UN Security Council veto, then this strengthens the case for replacing the UN, rather than accepting its limitations. The UN therefore should not be regarded as an end in itself, but rather as a means (or a form or task organisation) towards achieving the end result of peace and security for humanity. If it becomes an obstacle to that end, then it should be surmounted, bypassed, or removed. US President Dwight Eisenhower, like his successor J.F. Kennedy, was a supporter of the UN in spite of, or maybe even because of, its limitations.⁸⁶⁴

With all its defects, with all the failures that we can check up against it, the U.N. still represents man's best-organised hope to substitute the conference table for the battlefield.⁸⁶⁵

While the UN's 'conference table' facilitation has proved very useful on several occasions, its principal failure was that it failed to live up to Eisenhower's hope that it would *substitute* the conference table for the battlefield. The UN's conference-table role was more often used as a face-saving device after wars had been allowed run their course, rather than preventing wars.⁸⁶⁶

⁸⁶³ Deaglán de Bréadún, "Despite its many faults and failings the world still needs the UN", Irish Times Monday September 18, 2006, p. 14.

⁸⁶⁴ The suggestion that a weak UN suits the United States and other P-5 UN members is based on their ability to act beyond the reach of the UN by virtue of the veto, while using the UN whenever it suits them to do so.

⁸⁶⁵ Paul Kennedy, quoting President Eisenhower in, Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York: Allen Lane Penguin, 2006), p. 47.

⁸⁶⁶ Niall Ferguson lists some of the wars in the UN era that cost over a million lives: "... the Korean War (1950-53), the intermittent civil wars in Rwanda and Burundi (1963-95), the post-colonial wars in Indo-China (1960-75), the Ethiopian civil war (1962-92), the Nigerian civil war (1966-70), the Bangladeshi war of independence (1971), the civil war in Mozambique (1975-93), the war in Afghanistan 1979-2001, the Iran-Iraq War (1980-88) and the on-going civil wars in Sudan (since 1983) and Congo (since 1998)." Niall Ferguson, *The War of the World: History's Age of Hatred* (London: Allen Lane/Penguin, 2006), p. xxxiv.

The scale and relevance of the UN's peace and security successes must be evaluated in the context of what would have happened if the UN had played virtually no part in these events, or had not existed, and also in the context of the UN's failures at earlier stages of these conflicts. The reality is that the UN played virtually no role in ameliorating the suffering and casualty rates in several serious conflicts such as the US/French/Vietnam Wars, the USSR/Afghanistan War, the Iran/Iraq War and the Cold War proxy wars in Africa. Paul Kennedy's analysis of the UN's role in the Cuban missile crisis – "it was useful that it existed; it was probably not vital"⁸⁶⁷ – could be extended to the performance of the UN in most of the crises in which it was judged to have played a somewhat-successful role. "The blunt fact was that if one or both parties to a conflict preferred fighting to negotiation, or if a great power poured coldwater on a mission, neutral mediation could not work."⁸⁶⁸

At the beginning of the twenty-first century the UN appeared to be overcoming its earlier post-Cold War failures and achieving some successes in complex conflicts. Saira Mohamed described these UN efforts as "the organisation's greatest endeavors to date. In East Timor, Kosovo, Somalia, and elsewhere, the UN transformed the nature and purpose of peacekeeping".⁸⁶⁹ Somalia cannot be counted a UN success, and most of the UN's other 'successes' came only after long delays in the UN's responses and failures to prevent these conflicts. Positive UN achievements must be balanced against the UN's failures, such as its failures to intervene at all in many serious conflicts or to intervene effectively or on time in many other conflicts.

Lise Morje Howard argues that not all UN peace missions are failures.

UN peacekeeping succeeds when field missions establish significant autonomy from UN headquarters In contrast, failure frequently results from operational directives originating in UN headquarters⁸⁷⁰

Her proposed solution that peacekeeping decision-making be devolved to the field missions has some validity but runs the risk of inadequate controls and oversight.⁸⁷¹

The core problem in this respect is not so much inappropriate directions from UN HQ staff, but rather inappropriate interference by P-5 UN Security Council members.

⁸⁶⁷ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York: Allen Lane Penguin, 2006), p. 29, footnote 6.

⁸⁶⁸ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York: Allen Lane Penguin, 2006), p. 62.

⁸⁶⁹ Saira Mohamed, "From Keeping Peace to Building Peace: A proposal for a Revitalised United Nations Trusteeship Council", *Columbia Law Review*, Vol. 105: pp. 809-810.

⁸⁷⁰ Lise Morje Howard, *UN Peacekeeping in Civil Wars* (Cambridge: Cambridge University Press, 2007).

⁸⁷¹ Abuses by MONUC peacekeepers in the Congo, Cambodia and elsewhere highlight the need for such controls.

These problems can only be resolved by reform of the UN Security Council that would allow more resources, authority and responsibility to UN peace-making managers at all levels combined with the removal of undue interference by states with vested interests in particular conflicts.

The scale and implications of UN failures:

Antonio Donini expresses some of the reality and frustration associated with UN failures.

There may once have been, and doubtless still is, both some thought and some heart behind such phrases as conflict prevention, rule of law, conflict resolution, and their ilk, but to use them is to do more than enter a terminological wasteland; it is to enter a cognitive one as well.⁸⁷²

Yet it is into this ‘cognitive wasteland’ of conflict prevention, resolution and rule of law that humanity must proceed if it is to avoid the physical and moral wastelands caused by conflicts. The overall performance of the UN will be examined using the same themes as used in the three case studies, with a view to finding a safe path through this conflict wasteland.

Theme 1. Effectiveness of the UN Trusteeship System and of its colonial transition responsibilities

While colonial abuses formed the taproots for many of the conflicts in Asia, the Middle East and Africa, there were multiple other causes including continuing neo-colonial interference, Cold War superpower proxy wars, post-Cold War economic exploitation, and indigenous conflict and corruption.⁸⁷³ The UN however failed to use its good offices adequately to ensure successful transition of “non-self-governing territories” to independent status, and it failed to address the underlying causes of conflict in these regions. This was due partly to the inadequacies of the UN Charter⁸⁷⁴ and to UN leadership failures, as well as serious abuses of human and political rights by many of the post-colonial regimes.

The UN did achieve significant successes, however, towards the end of the Cold War and afterwards, when it was empowered to undertake the role of trustee itself, under the guise of ‘transitional administration’. An enhanced trusteeship role

⁸⁷² Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. x.

⁸⁷³ Niall Ferguson concludes that: “For the [20th] century as a whole, no general rule [on war causes] is discernible”. Niall Ferguson, *The War of the World: History’s Age of Hatred* (London: Penguin, 2006), p. xxxviii.

⁸⁷⁴ Chapter XII The International Trusteeship System and Chapter XIII The Trusteeship Council.

for the UN in the case of failed states or newly emerging states is a worthwhile role for a transformed United Nations. However, one of the few items of UN reform that has actually been agreed by its member states is the *abolition* of the UN Trusteeship System, rather than its reinforcement.⁸⁷⁵

Theme 2. Role of the UN in Conflict Prevention:

Thomas Turner challenges the concept of the inevitability of certain violent conflicts in the context of belligerents being sucked into the Congo conflict by the collapse of the Mobutu regime. “This metaphor from Aristotelian physics – ‘nature abhors a vacuum’ – is ideological in that it absolves the actors of responsibility for their actions.”⁸⁷⁶ O’Neill and Rees echo the suggestions made by Pilger, McNamara and Blight, that some conflicts are incomprehensible and even insoluble.

The cases of Cyprus, Angola, Somalia and the Congo show that there are problems which are to all intents and purposes insoluble. The UN, therefore, must be prepared to withdraw or abstain from intervening in conflicts where peacekeeping does not reinforce a broader political process for the resolution of conflict.⁸⁷⁷

These conclusions themselves are based on the failings of the UN more than on the insoluble nature of these conflicts. Abandoning or avoiding conflict intervention and resolution efforts in certain difficult conflicts might allow the UN to address the more amenable conflicts, and would therefore reflect better on the UN’s success rate on a narrowly defined quantitative basis. This has been a consistent theme echoed by others including David Mitrany.⁸⁷⁸ This research project concludes that virtually all conflicts can be either prevented or resolved if the necessary resources are applied.⁸⁷⁹ A much more genuinely neutral UN is needed, with adequate resources and authority and priority given to conflict prevention.⁸⁸⁰ If we revert back to the functionalist principle that form should follow function, then the first task should be to identify the

⁸⁷⁵ UN Report A/59/565, “A more secure world: our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change”, 2004, p. 299.

⁸⁷⁶ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 8.

⁸⁷⁷ John Terrence O’Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 207.

Robert, S. McNamara, James G. Blight, *Wilson’s Ghost: Reducing the risk of conflict, killing, and catastrophe in the 21st century* (New York: Public Affairs, 2001).

⁸⁷⁸ Boutros Boutros-Ghali’s *Agenda for Peace* issued in 1992 was both ambitious and creative towards the future of UN peace operations, and an expanded role for the UN towards the maintenance of international peace and security. However, a year later, his Addendum to Agenda for Peace, was far more pessimistic.

⁸⁷⁹ The examples of conflict prone Switzerland and Sweden choosing policies of defended neutrality to achieve centuries of peace, and the European Union’s role in cementing a regime of peace in Western Europe are already cited in previous chapters, but worth repeating.

⁸⁸⁰ Shifting the balance of state and international resources from military defence and offensive capabilities towards prevention of conflict and peace-building is vital towards breaking the chains of conflict that exist throughout the world.

primary problem, which we have established is war. The second task is to identify the function that needs to be performed. The function that was initially identified for the UN in 1945 was the maintenance of peace, although the creation of peace should have been the first step towards peace maintenance. The final task is to create forms or structures to achieve these tasks. This thesis has also established that because of the dynamic nature of human interaction there are multiple and complex causes of war and conflicts. It follows that multiple forms and types of responses are needed to these conflicts. Therefore a dynamic and very flexible functional approach is needed to achieve success.

Theme 3. The UN's peace maintenance *modus operandi* – Collective Security v Peace-enforcing v Peacekeeping

In Chapter one and in the Asian and Middle Eastern case studies it was argued that the *collective security* means by which the UN Charter sought to operationalise its primary peace maintenance objective was flawed, and that the objective of maintaining international peace was inadequate without first creating peace. Kelly-Kate Pease lists reasons as to why collective security failed.

According to Riggs and Plano, three factors – consensus, commitment, and organisation – are necessary for collective security to work (1994, 100). The UN Charter provided member states with the organisation, but consensus and commitment among the Security Council's permanent members were clearly absent.⁸⁸¹

Consensus implies virtual unanimity that tends to produce responses to conflict based on lowest-common-denominator type of response to international conflicts. In sporting conflicts a referee is employed to adjudicate because it is accepted that a consensus approach will seldom work on the sports-field. Likewise, an adjudication system is needed for international conflicts, and this can best be provided by an agreed system of global jurisprudence. The High Level Panel report on threats, challenges and changes claims that: “the multilateral [collective security] system ... has shown that it can perform.”⁸⁸² This research project finds otherwise.⁸⁸³ The immediate international community response to the Iraq/Kuwait conflict is the usual example cited to support the case for collective security. However, the subsequent

⁸⁸¹ Kelly-Kate S Pease, *International Organisations: Perspectives on Governance in the Twenty-First Century* (Upper Saddle River, Prentice Hall, 2003), p. 100.

⁸⁸² UN Report A/59/565, “A more secure world: our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change”, 2004, p. 22.

⁸⁸³ The Asian case study found that the Korean War example of UN collective security was an immediate failure, and the Iraq/Kuwait collective security mission was a long-term failure.

gross human rights violations against both Shia and Kurdish insurgents, the debacle of the UN sanctions on Iraq, and the flouting of the UN Charter by the US and its allies in the 2003 Iraq war, all point to the long-term failure of this one collective security ‘success’.⁸⁸⁴ Prevention of war, rather than responding to war by using warfare as a collective security device to enforce peace, should be the primary methodology of the principal agency responsible for the maintenance of international peace and security. The attempt to set up the UN as the ultimate war-making force to prevent wars has proved no more successful than World War One’s stated objectives as the “war to end all wars”.⁸⁸⁵ In the 21st century concepts of “human security” and “global peace” are more appropriate than “collective security” and “international peace”. The immunity and impunity from UN collective security actions achieved for themselves by the UN’s P-5 members may allow for international peace between some of the major states, but allows for mayhem within states. “When we think about security” according to James Wolfensohn “we need to think beyond battalions and borders. We need to think about human security, about winning a different war, the fight against poverty.”⁸⁸⁶

O’Neill and Rees identify the brief period in the early 1990s when it appeared that the “end of superpower rivalry and bipolarity raised the prospect of collective security replacing peacekeeping”.⁸⁸⁷ However, peacekeeping did not maintain peace during the Cold War, and the flawed collective security in the Gulf War 1991 led to deterioration in Middle Eastern conflicts rather than conflict resolution. Unilateral, or coalition-based, military actions have not proved effective either. The Iraq War 2003 was initiated in spite of UN disapproval⁸⁸⁸ and in contravention of the UN Charter. In 2004 the UN Secretary General’s High Level Panel on Threats, Challenges and Change concluded that:

⁸⁸⁴ Kuwait has a population of about 2,257,549 (CIA Factfile). Even if Saddam Hussein had slaughtered the complete population of Kuwait in 1990/91, the death toll would have been less than the subsequent death toll in Iraq from 1991 through to 2008, caused to a very significant degree by the actions and inactions of the UN and the international community, acting both under and sometimes in contravention of the UN Charter. Principles such as proportionality, justification and protection of non-combatants were most seriously violated.

⁸⁸⁵ However, it can be argued that the superpowers or the P-5 groups of states took it on themselves both within and separate from the UN Security Council to achieve the task of *creating peace*, leaving the lesser objective of maintaining peace to the UN in its broader capacity.

⁸⁸⁶ James Wolfensohn, addressing the United Nations Security Council meeting on HIV/AIDS in Africa, as President of the World Bank, *World Bank News Release*, 2000/ 172/5, 10 January 2000).

⁸⁸⁷ John Terrence O’Neill, Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 170.

⁸⁸⁸ The UN Secretary General, and France, Russia and China were opposed to the Iraq war in 2003.

the risk to the global order and the norm of non-intervention on which it continues to be based is simply too great for the legality of unilateral preventative action, as distinct from collective endorsed action, to be accepted. Allowing one to act is to allow all.⁸⁸⁹

The UN therefore has failed when it attempted to impose collective security, and its role in peacekeeping was often counterproductive. It has been in the intermediate role of peace enforcing that the UN has achieved some success, such as East Timor, Liberia and Sierra Leone. This active and forceful policing role for the UN is one that needs to be carefully developed in conjunction with much more prominent conflict prevention, and peace-building roles. However, the failure by the UN to use the necessary minimum force to protect the Tutsi victims in Rwanda, led to this conflict escalating into genocide, and then spilling over into the Congo. The UN bore indirect responsibility for the level of casualties in these conflicts.

Peace Operations:

The dividing line between UN peace-enforcing actions and the unjustified use of overwhelming force is a thin one, but it is nonetheless a very important one.⁸⁹⁰ Marrack Goulding divides UN peace operations into four main categories, traditional peacekeeping operations, preventative peacekeeping, multifunctional peacekeeping and complex emergency peacekeeping. The UN's performance in Asia was that for the most part it either failed to respond at all to conflicts or it responded only decades too late, for example, Cambodia and East Timor. In the Middle East it responded with too much inappropriate peacekeeping and too little prevention and peace-enforcement. During most of the Cold War the UN failed to implement either conflict prevention, or peacekeeping, or intervention, throughout Africa apart from the ONUC 1960 Congo mission. After the Cold War, the UN tried all three in Africa during the 1990s, with results varying from belated success in South Africa and Namibia, limited success in Mozambique, very poor performance in Angola, disastrous results in

⁸⁸⁹ Michael Byers, *War Law: International Law and Armed Conflict* (London: Atlantic, 2005), p. 80.

⁸⁹⁰ Ruth Wedgwood's reference to the Korean War as a 'policing' action stretches the definition of UN policing actions beyond breaking point. "After the invasion of South Korea, Secretary of State Dean Acheson solicited approval for U.N. police action from the General Assembly as well as the Security Council." Ruth Wedgwood, "Give the United Nations a Little Competition", *The New York Times*, December 5, 2005.

Somalia and Rwanda, and with some belated success in West Africa at the beginning of the twenty-first century. Darfur and Somalia indicate continuing disastrous failures. The UN's post-Cold War performance in the Congo conflicts was catastrophically inadequate for several years, before achieving some success from 2006. The UN's primary failure therefore was its failure to prevent conflict, and this led on to its failures to intervene in many conflicts, and to intervention failures where it did intervene. It failed in all aspects and phases in its primary task of maintaining international peace and security.

UN failures to respond:

The United Nations should be judged not only on the basis of its successes and failures resulting from its positive decisions to intervene but also from its decision not taken, or decisions to take no action.⁸⁹¹ If the UN was precluded from intervening in such conflicts, then that indicates an inherent flaw in the structure of UN and international society. The case studies in Chapters 4, 5 and 6 found that the UN failed to intervene in many major conflicts while these conflicts were in progress, including internal conflicts in China, the US/French/Vietnam Wars, the Cambodian genocide, the Iran/Iraq War, the USSR/Afghan War, and many of the conflicts in Africa throughout the Cold War. Such conflicts represent the UN's greatest failure because they were the most expensive in terms of loss of life.

Theme 4. Timeliness of UN peace missions

Some UN peace missions such as Indonesia in 1947 were initiated in a timely manner. By contrast the UNTSO (Middle East), UNMOGIP (Kashmir), and UNFICYP (Cyprus) missions are examples of peace missions that have enabled the conflicting parties to avoid rather than achieve peace. The UNTAC and UNTAET missions in Cambodia and East Timor were almost three decades too late. In the Middle East the UN usually responded to the Israel/Palestine conflicts in a very timely manner,⁸⁹² but the prolonged duration of UNTSO and UNRWA⁸⁹³ indicate that these missions failed to contribute to the broader creation and maintenance of

⁸⁹¹ The NATO war against Serbia over Kosovo in 1999, and the US-led attacks on Afghanistan in 2001 and Iraq in 2003 are examples of conflicts that were not approved by the UN, and therefore contrary to the UN Charter.

However, the UN failed to censor or take any punitive actions against the states who participated in these wars.
⁸⁹² The delayed UN response to the Israeli invasion of Lebanon in 2006 was an exception.

⁸⁹³ United Nations Truce Supervision Organisation – 1948 to date (2007) and United Nations Relief and Works Agency for Palestine Refugees in the Near East – 1949 to date.

peace in the Middle East or to the long-term welfare of Palestinian refugees.⁸⁹⁴ In many of the other conflicts in the Middle East, particularly the Iran/Iraq conflict, and the USSR/Afghan conflict the response by the UN was too little too late. In Africa, the UN failed to respond to most African conflicts throughout the Cold War. The Darfur conflict is an example of its failure to respond in a timely manner to ongoing genocide. This twenty-first century Darfur conflict especially indicates that the UN may be beyond reform. Overall, the UN's response to conflicts has been too little, too late, too long, or no response at all.

Theme 5. Prioritisation of human rights and justice issues

Gerard Prunier concluded that the Rwandan Genocide was “a historical product, not a biological fatality or a ‘spontaneous’ bestial outburst.”⁸⁹⁵ Rationality rather than irrational behaviour was the driving force behind this act of genocide, and most other such acts of genocide. When a *longue durée* view is taken of the history of genocides over the twentieth century, as this research project has done by looking at the genocides in Armenia, the Holocaust, the Kurdish territories, Cambodia, East Timor, Rwanda and Darfur, a picture emerges of the deliberate mass-killing of unarmed civilians, primarily by forces acting at the behest of state governments,⁸⁹⁶ on the pretext that the target people posed a threat to the state. Each of these acts of genocide achieved significant degrees of ‘success’ from the viewpoint of the genocidaires.⁸⁹⁷ That such acts of genocide have continued throughout the lifetime of the UN represents the most serious indictment of the performance of the UN, and its

⁸⁹⁴ Robert Fisk cites comments by PLO Ambassador to Lebanon Chafiq al-Hout on the Oslo agreement of 1983. “[Arafat] has given up the right of return of about three million Palestinian refugees”. Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate, 2005), p. 490.

Note: The right of return for the Palestinian refugees made homeless in 1948 was guaranteed by a UN Security Council resolution in 1948, yet the Palestinian/Israeli talks in 2007, make virtually no provision for any such return of refugees.

⁸⁹⁵ Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst, 1995), p. xi.

⁸⁹⁶ In the more recent acts of genocide several state governments have taken the precaution of using militias or paramilitary groups to carry out the acts of genocide rather than state forces so as to avoid international sanction. This has been the case in Bosnia, East Timor, Rwanda, and the Sudan. The use of this paramilitary device also indicates the extent that failures by the UN to prevent or react to acts of genocide encourages others to perpetrate further acts of genocide and learn from the “successes” of other genocidaires. Cambodia is one of the few exceptions, because the people of Cambodia as a whole were the target group and virtually all sections of the Cambodian population were victims and suffered grievous losses.

⁸⁹⁷ The long-term proportional balance of the ethnic groups in all countries that have experienced genocide, including Germany and Rwanda, has been shifted significantly in favour of the genocidaires.

failure to implement or enforce the Genocide Convention 1948.⁸⁹⁸ This thesis finds that the UN has failed to protect the most basic human right, the right to life, of many millions of people in Asia, the Middle East and Africa.

Theme 6. Power, exploitation and corruption issues V jurisprudential approach to international peace and security

Fred Halliday writes that entities such as the UN, the EU or the Arab League:

do certainly serve functions which states alone cannot perform; but they are, to large measures, if not wholly, cartels of states which do what the constituent member states, and most probably the most powerful states within them, want the organisation to do, or not do.⁸⁹⁹

This is the crux of the problem with the UN. The US, supported by Britain and sometimes France, exerts undue Western power over the UN. This power may be largely *negative*, but it is nonetheless real power when combined with the impunity that the US abrogates to itself for its military and political actions. Peter David writes that the world is suffering from an authority deficit. “Authority is draining away from international institutions, from the big world powers ... and from the nation-state itself.” The UN is central to this authority deficit facing the international community.

(A) Security Council dominated by the five veto-wielding victors of a war that ended in 1945 will probably continue to lose their legitimacy unless it lets in India, Brazil and some of the other rising powers of the 21st century.⁹⁰⁰

The UN and its controllers – consequences of actions and inactions

The U.N. - - I keep saying it is flawed, but indispensable... we have three choices with the U.N. Abandon it. In which case we will lose more than we gain. Leave it alone. In which case it will be an inefficient organisation. Or reform it. ... Since the U.N. exists, weakening it weakens us.⁹⁰¹

Phyllis Bennis echoes a similar line to US Senator Jesse Helms.

There is no United Nations. There is an international community that occasionally can be led by the only real power left in the world, and that is the United States, when it suits our interests.⁹⁰²

⁸⁹⁸ The counter-argument is that Article 2.7 of the UN Charter prevents the UN from intervening “in matters which are essentially within the domestic jurisdiction of any state”. This argument fails because acts of genocide are a threat to international peace, and the final phrase of Article 2.7 of the UN Charter states that: “this principle shall not prejudice the application of enforcement measures under Chapter VII.”

⁸⁹⁹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 235.

⁹⁰⁰ Peter David, “The authority deficit”, *The Economist*, The World in 2007, p. 14.

⁹⁰¹ Senator Jesse Helms, U.S. Senate Foreign Relations Committee report on U.N. Reforms, January 9, 2001, p. 27.

⁹⁰² Phyllis Bennis, *Calling the Shots: How Washington Dominates Today's UN* (New York: Olive Branch Press, 2000), p. xxiii.

Adam LeBor accuses the UN of complicity in crimes against humanity, but fails to level the same charges against the UN's controllers, particularly the US and other P-5 states. He cites the doctrine of command responsibility against the UN.

If the United Nations, whose very *raison d'être* is the maintenance of international peace and security, does not bear some responsibility for failing to stop the slaughters in Srebrenica, Rwanda and Darfur, then who does? ⁹⁰³

However, the P-5 states, especially the US and France, had more detailed intelligence and more potential control over each of these particular crimes against humanity than the UN.⁹⁰⁴ It was with these five states that the direct 'command' responsibility lay to provide the UN with the necessary resources and mandates to prevent or stop the crimes against humanity. The privileged position of the P-5 states within the UN also carries responsibilities that these states failed to live up to. Yet it is the immutability of the P-5 powers, and the requirement for consensus decision making, without any process for adjudicating or over-riding a flawed consensus decision, that point towards a conclusion that the UN may be 'beyond reform' in regard to its key responsibilities.

Financial constraints on UN authority and power

The UN has been maintained in a state of virtual powerlessness, and unable to function effectively, not only by its restrictive Charter but also by the financial constraints that its main controlling states maintain over it.⁹⁰⁵ The Bretton Woods arrangements (International Monetary Fund and World Bank) have remained under the effective control of the United States and its allies.⁹⁰⁶ The other financial control mechanism has been the manner in which the main contributors to the UN's budget have consistently denied the UN sufficient resources to carry out its peace-maintenance tasks, when the achievement of those tasks conflicted in any way with the perceived national interests of any of the P-5 group, thereby preventing consensus on appropriate UN actions. To the extent that money represents power, the UN has

⁹⁰³ Adam LeBor, *Complicity with Evil: The United Nations in the Age of Modern Genocide* (New York: Yale University Press, 2006), p. xiii.

⁹⁰⁴ "The governments most involved in Rwanda – France, Belgium and the United States – had substantial information about the situation on the ground, but shared this information with only a few others." Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 152.

⁹⁰⁵ The appointment of Paul Wolfovich, one of the architects of the US led war against Iraq, as President of the World Bank in 2006 is indicative of US control over this key institution.

⁹⁰⁶ The British Prime Minister Gordon Brown called for reform of the International Monetary Fund and the World Bank during a state visit to India in January 2008. However the sincerity of such calls for UN reform by Britain is open to question, given the likely loss of power to Britain in the event of any substantial reform.

been denied the necessary financial power to achieve its primary function in many regions of the world, especially Africa as demonstrated in Chapter 6.

Evaluating the scale and significance of the UN's failures:

Five additional criteria will be used to evaluate the scale and significance of the UN's failures to achieve its overall peace-maintenance objectives. These criteria have been chosen so as to evaluate the UN at the macro level of its performance and in the most serious actual or potential threats to humanity. The final criterion assesses whether the UN has either learned or applied the lessons it should have learned from its sixty years experience so as to evaluate the UN's capacity to reform or be reformed.

Criterion 1. At strategic level, did the UN succeed in maintaining the broader international peace?

While the US-led NATO preventative force can justifiably claim to have maintained a state of 'lack of war' in Europe during the Cold War, and a standoff between the two superpowers, this was not a UN initiative, because the UN was virtually excluded from this deterrence process.⁹⁰⁷ The UN's intervention in the Korean War was a failure that deepened the Cold War international chasm. Throughout the Cold War the UN failed to curtail the conflict abuses by all its P-5 members, and failed to provide the level of peace building and peace maintenance that the newly emerging African states needed. The failure by the UN to exercise either a restraining influence on the US and its allies or to play a significant role by either maintaining international peace or preventing conflict, means that the UN is still failing to achieve its primary role at strategic international and global levels into the 21st century.

Criterion 2. Did the UN succeed in preventing crimes against humanity including genocide?

It is in this key area that the UN's failures have been most pronounced. The Holocaust during World War II was one of the motivating factors for setting up the

⁹⁰⁷ "The relative stability between the superpowers maintained by nuclear deterrence and long-term containment could not be directly attributed to the U.N. collective machinery ... NATO and the Warsaw Pact lacked any formal relationship to the United Nations." Ruth Wedgwood, "Give the United Nations a Little Competition", The New York Times, December 5, 2005.

UN. Yet, during the Cold War, atrocities of a far greater scale than the Holocaust occurred in China. The USSR inflicted serious atrocities on its own people and on the satellite states it controlled.⁹⁰⁸ Crimes against humanity were perpetrated in East Timor, Uganda, West Papua, Somalia, Bosnia, the Middle East, the Congo and elsewhere. Genocide occurred in Cambodia, Rwanda and Darfur.⁹⁰⁹ The scale of the death toll in the conflicts in North Korea, Vietnam, Iran/Iraq, Afghanistan, and especially in the Congo/Zaire, was such as to put these conflicts into the category of crimes against humanity also. The case studies clearly demonstrate that the UN has failed to prevent crimes against humanity in each of the regions examined.

Criterion 3. If the UN failed to prevent crimes against humanity, did it at least bring the perpetrators to justice, thereby reducing the risk of such crimes being repeated?

The victorious allies rather than the UN conducted the trials of German and Japanese war criminals after World War II. This precedent has been repeated in 2006 with the trial and execution of Saddam Hussein in Iraq under the effective control of the US occupation force. The rule of power took precedence over the rule of international law. The UN does deserve credit in helping to set up the Yugoslav and Rwandan genocide tribunals, but the Cambodian Tribunal has been unduly delayed and ineffective. The setting up of the International Criminal Court (ICC) is however a small but significant step towards the development of a system of global jurisprudence. The most notorious mass murderers who went unpunished during the watch of the United Nations include, Idi Amin, Mengistu,⁹¹⁰ Pol Pot, and Chairman Mao.

⁹⁰⁸ While the most serious internal atrocities committed by the USSR occurred prior to 1945, nonetheless, its repression in Eastern Europe, including military interventions in Hungary and Czechoslovakia, occurred during the lifetime of the UN, and its Gulag prison system abuses continued right up to the 1980s at least. Anne Applebaum, *Gulag: A History* (London: Penguin, 2003).

⁹⁰⁹ On September 17th 2006 three survivors of separate acts of genocide, the World War II Holocaust, Rwanda 1994 and Srebrinica 1995 wrote a letter in the Irish Sunday Independent as part of an international campaign to highlight the most recent potential genocide in the Darfur region of Sudan. They were, Roman Haiter, Survivor of Auschwitz-Birkenau, and Stutthof concentration camp, Beartha Uwazaninka, Survivor of the Genocide in Rwanda, 1994, Kemal Pervanic, Survivor of Omarska concentration camp, Bosnia. Their letter entitled, How often have we said 'never again' to war?, is attached at Appendix A. The need for such an international campaign to prevent or halt yet another genocide in 2006, is a clear indictment of the UN's failures to prevent or alleviate the suffering of the people of Darfur, or to prevent the many acts of genocide and unlawful mass killing that have occurred since the Holocaust was perpetrated during World War II. "How often have we said 'never again' to war?" Sunday Independent September 17, 2006, p. 27.

⁹¹⁰ Mengistu was found guilty of genocide, *in absentia*, by a court in Ethiopia in December 2006. He has been living in Zimbabwe as a guest of President Robert Mugabe since his overthrow in 1991.

A chain of genocide, or gross human rights abuses, can be said to exist from Armenia to Darfur, including the Holocaust, Stalin and Mao, Cambodia, East Timor, Bosnia, Rwanda and eastern Congo. Fred Halliday points out that Saddam Hussein's regime was "modelled on Leninist principles of control. Saddam modelled himself on Stalin".⁹¹¹ Pol Pot in Cambodia, was a keen student of Chairman Mao's regime, and visited China during the so-called "Cultural Revolution".⁹¹² His expulsion of urban Cambodians into rural Cambodia mirrored the example of Mao and was copied in turn by President Mugabe in Zimbabwe in 2005 (Operation Murambatsvina, *drive out the trash*).⁹¹³ The UN failed to act effectively in all these cases, thereby leaving examples of impunity that other genocidaires are still choosing to follow.

Criterion 4. Following the use of weapons of mass destruction by the US at Hiroshima and Nagasaki, did the UN succeed in preventing the spread of weapons of mass destruction, and therefore reduce the likelihood of nuclear war?

The US, as one of the UN's primary founders, was the only state to possess and to have used nuclear weapons in 1945, and it sought to reinforce its resulting power advantages rather than promote a nuclear weapons ban. All five of the UN's permanent members eventually acquired nuclear weapons. Nuclear weapons were 'proliferated' to other states often with assistance of the P-5 group.⁹¹⁴ The use of depleted uranium munitions in recent wars also blurs the dividing lines between nuclear and convention weapons, thereby increasing the risk of future use of nuclear weapons.⁹¹⁵ The US is now sharing nuclear technology with India without any real safeguards concerning military-use capacity, while at the same time supporting a

⁹¹¹ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 147.

⁹¹² "An open alignment between Cambodia and China in late 1977 concurrent with murderous attacks against civilian settlements across the border in southern Vietnam brought retribution in the form of invasion in December 1978." Mats Berdal and Michael Leifer, Cambodia, p. 29, in James Mayall, ed., *The new interventionism, 1991-1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: CUP, 1996).

⁹¹³ Michael Wines, "Zimbabwe Police Resume Drive to Raze Slums", New York Times, July 27, 2005. The decision of the Military Regime in Burma to move the capital from Rangoon to Pyinmana in early 2006, caused concern internationally as to the motives for this move.

⁹¹⁴ France provided nuclear technology to Israel, and the USSR facilitated the development of nuclear weapons by China and possibly by North Korea. The US and the USSR are likely to have played roles in the development of nuclear weapons by Pakistan and India, respectively, and Pakistan is likely to have played a significant role in helping Iran to develop its incipient nuclear weapons capacity. Other states including South Africa and Libya are believed to have come close to developing nuclear weapons also, before subsequently abandoning these programmes.

⁹¹⁵ Anne Gut & Bruno Vitale, *Depleted Uranium: Deadly, Dangerous and Indiscriminate: The Full Picture* (Nottingham: Spokesman, 2003).

military ruler in neighbouring nuclear Pakistan. Pakistan has been responsible for the probable proliferation of nuclear weapons technology to North Korea, Iran and Libya.⁹¹⁶ The UN therefore cannot claim to have succeeded in preventing the spread of nuclear weapons and humanity is now in more danger from such weapons of mass destruction than at any time since 1945.

Estimates of current arsenals in 2005 suggest that the United States has about 5,300 operational nuclear warheads (and another 5,000 on reserve), while Russia has 7,200 warheads, China has about 400, France has 350, and Britain has 200 warheads. Israel is believed to have up to 200 nuclear weapons. It is estimated India and Pakistan have so far less than 100 warheads each.⁹¹⁷

The UN has mainly failed to curb the proliferation of weapons of mass destruction.

Criterion 5. Has the UN learn from its successes and mistakes, and if so, has it applied the lessons learned?

The case studies highlighted some early UN successes and innovative means of getting around some of the obstacles of *Realpolitick* and the limitations of the Charter, such as the invention of peacekeeping and the creative use of the ‘Uniting for Peace’ resolutions. However subsequent experiences indicate that the UN not only failed to learn from its mistakes, but that it also failed to learn from its early successes. This pattern was to be repeated in the 1990s.

Successful intervention in Kuwait in 1991 was followed by the failures of Somalia in 1992 and Rwanda in 1994 and by protracted reluctance to intervene in Bosnia up to 1995. The record of UN peace-keeping in the 1990s was far from wholly negative, and its weaknesses were largely those of its leading members.⁹¹⁸

This is a good analysis by Fred Halliday of the UN’s performances of its different roles in specific cases over a limited timeframe. It does not evaluate the overall performance of the UN towards the achievement of its primary functions, even in these specific cases, especially the Gulf War 1991. The relatively successful peacekeeping operations carried out by the UN in the post-Cold War period only came after the disastrous Cold War conflicts and proxy wars that should have been prevented or ameliorated by the UN in the first instance.

⁹¹⁶ Adrian Levy and Catherine Scott-Clark, *Deception: Pakistan, the United States and the Secret Trade in Nuclear Weapons* (London: Atlantic Books, 2007).

⁹¹⁷ Zia Mian, “Lingering Shadows of World War II”, June 14, 2005, (This is a revised version of an article that originally appeared in *Economic and Political Weekly*).

⁹¹⁸ Fred Halliday, *The Middle East in International Relations: Power, Politics and Ideology* (Cambridge: Cambridge University Press, 2005), p. 149.

These UN failures occurred partly because the ‘forms’ of international society, such as the UN, and international law, have not functioned towards achieving their primary functions, the creation and maintenance of international peace and security. The repeated failures of the UN throughout its history so far are a clear indication that even though the UN recognised and acknowledged many of its mistakes it did not implement the lessons learned. Phyllis Bennis argues that: “more and more crises dumped in its under-financed, under-staffed, and under-equipped lap ... it has surprised no one that the UN has largely failed.”⁹¹⁹ Part of the reason for the UN’s poor performances is its failures to acquire the resources necessary to achieve its primary objective. The UN therefore has made many mistakes, and has both acknowledged and recorded those mistakes,⁹²⁰ but its continuing poor performance indicates that it has not learned *from* those mistakes because it has not applied the lessons that it should have learned.

Overall conclusions and implications of case study findings for broader international/global peace and security:

The findings of this thesis based on the conclusions of the case studies are that, the UN has failed to fulfil its primary role of maintaining international peace and security. The scale of this failure has been so comprehensive, has occurred across such a wide variety of circumstances and geographical locations, has had such catastrophic results for so many people, and the fact that these failures are continuing into the twenty first century means that the urgent need for UN reform is beyond doubt. However, that the UN has now had over sixty years to reform or be reformed, and has been involved in so many catastrophes that should already have precipitated such reform, leads to the conclusion that the UN is beyond reform in the timescale needed by humanity. Mechanisms must be sought therefore to either transform the UN, or supersede it, or replace it with organisations and structures that will achieve the necessary level of global peace and security for humanity.

⁹¹⁹ Phyllis Bennis, *Calling the Shots: How Washington Dominates Today’s UN* (New York: Olive Branch Press, 2000), p. xxiii.

⁹²⁰ The UN has even set up a ‘Lessons Learned Unit’, and UN HQ in New York.

However, abolishing the UN is also going to be very difficult to achieve, and not necessarily in the best interests of humanity.⁹²¹ Therefore a gradual changing of the role of the UN is necessary, including shifting the emphasis of power within the UN from the Security Council to the General Assembly, and superseding aspects of UN responsibilities by establishing global structures above the UN, particularly in the areas of global jurisprudence. It is likely that the UN will continue to be needed and valuable as an organisation of states. The case studies have shown that this UN role as an organisation of states has been in conflict with the more global role as regulator and maintainer of international peace and security, which it has failed to perform. The consensus that is necessary for an organisation of states has proved counterproductive in preventing crimes against humanity, especially in the cases of Cambodia and Rwanda.

UN Reform:

Christian Reus-Smit describes the UN Charter as “the legal regime that created the United Nations as the world’s only ‘supranational’ organisation.”⁹²² While this may have theoretical validity, this research concludes that in practice the UN often struggles in its international capacity and that the P-5 stranglehold over the UN’s international security role in the Security Council means that so far the UN has virtually no effective security *supranational* role. In spite of the UN’s failures there are few also who believe that the 1945 based UN system can be substantially reformed or “amended absent great turbulence, wars, and the remaking of world order”. This leads to what Paul Kennedy describes as “... this giant conundrum. Everyone agrees that the present structure is flawed; but a consensus on how to fix it remains out of reach.”⁹²³ Thomas Weiss writes that:

In practice ... substantive and substantial reform has proved virtually impossible. ... The veto has been and remains an obstacle to reform both because of the P-5’s vested interests in preserving power and because no provision in the charter requires them to relinquish this right.⁹²⁴

⁹²¹ The same argument applies to suggestions that the Westphalia model of the state should also be replaced. This research suggests that structures such as the state and the UN should be left in place as important intermediary parts of enhanced global governance and jurisprudence.

⁹²² Christian Reus-Smit, “International Law”, in John Baylis, et al, *The Globalization of World Politics: An Introduction to International Relations*, Fourth Edition (Oxford: OUP, 2008), p. 282.

⁹²³ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York, Allen Lane Penguin, 2006), p. 76.

⁹²⁴ Thomas Weiss, The Center for Strategic and International Studies and the Massachusetts Institute of Technology, *The Washington Quarterly*, 26:4 p. 147.

This is the giant obstacle, the double lock, on UN reform that has proved insurmountable so far. A one-line sentence in paragraph 256 of the UN’s own report on reform virtually admits defeat. “We see no practical way of changing the existing members’ veto powers.”⁹²⁵ This pessimistic outlook on UN reform does not however equate with a lack of possible ways forward. One possible solution may be to move forward without the UN, as we know it. Table 7.1 below demonstrates the extent of the imbalance enjoyed by the P-5 group of states and the disadvantage of the other 187 UN member states at the UN Security Council.

Table 7.1.

UN Security Council P-5 Membership and % of World Population

P-5 Members	China 21%	US 5%	Russia 2.5%	UK 1%	France 1%	US+UK +Fr. 7%	Total P-5 30%
Excluded from P-5	India 18%	Indonesia 4%	Brazil 3%	Nigeria 2.2%	Africa 16%	Latin America 10%	187 other states 70%

This huge imbalance means that the UN Security Council does not represent “sovereign equality of all its Members” and “equal rights ... of peoples”.⁹²⁶

Even with this imbalance Weiss points out that: “any U.S. administration—will never allow international institutions to limit actions that the United States deems necessary for its national security.”⁹²⁷ However, while the UN failed to limit US actions in Vietnam and Iraq, the Vietcong and the Iraqi insurgents did impose limits and defeats on the US, as the Afghans also imposed limits on USSR abuses of power.⁹²⁸ The power of superpowers is therefore not unlimited, but the UN and the international community exercise very little restraining influence on P-5 states. Weiss warns that:

⁹²⁵ UN Report A/59/565, “A more secure world: our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change”, 2004, p. 68.

⁹²⁶ UN Charter, Chapter 1, Article 1, Purposes and Principles.

⁹²⁷ Thomas Weiss, “The Center for Strategic and International Studies and the Massachusetts Institute of Technology”, *The Washington Quarterly*, 26:4 p. 153.

⁹²⁸ The human, economic, infrastructure, and environmental costs of this resistance to the peoples of Vietnam and Iraq has been huge, with over three and half million Vietnamese dead and up to one million Iraqi dead.

Setting aside [Security Council authorization], as NATO did in the case of Kosovo and the United States and United Kingdom did in the case of Iraq, threatens the fragile rules that underpin international society.⁹²⁹

Weiss is arguably mistaken here, because there are no effective rules that ‘underpin’ the actions of the P-5 UN members, when they choose to ignore the UN Charter. Weiss argues for evolutionary change and adaptation rather than revolutionary change for the UN Security Council. While this reflects the reality of the entrenched nature of the power that the P-5 group exercises within the UN, it does not address the urgency of such reform. A revolution in the Gorbachev sense of ‘new political thinking’ is needed towards creating international peace and security.

G. John Ikenberry and Anne-Marie Slaughter remind us that: “[I]t makes no sense, in 2006, for five countries that represent the distribution of power at the end of the World War II to have individual vetoes over what constitutes legitimate action.”⁹³⁰ Yet Ikenberry and Slaughter endorse the proposal of the UN High Level Panel that Brazil, Germany, India, Japan and two African states should become permanent members of the UN Security Council without a veto. However, unless the state vetoes are removed or severely curtailed increasing the number of permanent members would only further confuse Security Council decision-making. The rationale for adding Germany as a third European Union state to British and French P-5 membership, combined with Japanese membership, simply on the basis of their economic power, is also unsustainable. While a case can be made for subsuming the British and French membership into one EU representation, giving Japan priority over Indonesia, which has almost twice Japan’s population, prioritises power and economics over people and further intensifies the North/South divide. Niall Ferguson hints at the real impasse or double-lock on any real reform to the UN Security Council. “Reform an institution that over-represents the English-speaking peoples? Are you nuts?”⁹³¹

⁹²⁹ Thomas Weiss, The Center for Strategic and International Studies and the Massachusetts Institute of Technology, *The Washington Quarterly*, 26:4 pp. 147-161.

⁹³⁰ G. John Ikenberry and Anne-Marie Slaughter, Co-Directors, “Forging A World of Liberty Under Law, Princeton Project on International Security. U.S. National Security in the 21st Century”, September 27, 2006, The Princeton Project Papers, The Woodrow Wilson School of Public and International Affairs Princeton University.

⁹³¹ This puts a somewhat different perspective on the often-quoted special relationship between the US and the UK. See Irish Times, November 13, 2007, “Brown reaffirms the primacy of US-British bond, British prime minister Gordon Brown moved to dispel any lingering impressions of a policy rift with Washington last night in a major foreign policy speech strongly reasserting the primacy of the Anglo-American alliance.” Ferguson’s quotation comes from an op-ed in the Telegraph (UK), 15 Oct 2006 entitled “Korea’s Bomb Blows Apart the Security Council’s Show of Unity.”

James Paul and Céline Nahory support the pooling of the European states UN Security Council membership into one European Union member. Like Weiss, they argue that: “Council reform is a process for the long haul, not a quick fix”.⁹³² This line of thought is also in keeping with David Mitrany’s view or strategy that opposed any move towards a world state. He espoused peaceful change using an overlay of “political divisions with a spreading web of international activities and agencies”⁹³³ and a strategy of circumvention rather than confrontation. Mitrany wrote of the prospect of turning “defence” into “police,” as in the national state, and points towards the more recent concept of human security – giving security “the sense of an undisturbed social life ... in lieu of the out-dated sense of the security of a physical territory, to be protected by tanks and planes”.⁹³⁴ Yet at the beginning of the twenty-first century Caroline Thomas points out that: “for the majority of humankind, human security remains elusive.”⁹³⁵ She concludes that: “reform of the governance institutions and of global governance policies is not proceeding quickly or deeply enough.”⁹³⁶ In so far as UN reform is happening at all, it is following the dictates of Washington, focused on reducing the US portion of UN expenditure. No fundamental UN reforms are taking place.

International Security or Human Security?

O’Neill and Rees, give a very good analysis of UN peacekeeping in the ‘Post-Cold War Era’, but take the limited view of the UN’s capabilities. “The cases of Cyprus, Angola, Somalia and the Congo show that there are problems which are to all intents and purposes insoluble.”⁹³⁷ As O’Neill, Rees and others see it, the UN represents the *status quo* and exists: “as part of the international system, as well as being a product of that system”. This acceptance of the *status quo* and the inadequacy of the UN, suggests we should lower our expectations of the UN rather than raise the

⁹³² James Paul and Céline Nahory, “Theses Towards a Democratic Reform of the UN Security Council”, (Global Policy Forum, July 13, 2005), <http://www.globalpolicy.org/security/reform/2005/0713theses.htm>, accessed 14 Jan. 07.

⁹³³ David Mitrany, *A Working Peace System: an argument for the functional development of international organization* (London: Chatham House, 1943), p. 6.

⁹³⁴ *Ibid.*, p. 27.

⁹³⁵ Caroline Thomas, “Global governance and human security”, in Rorden Wilkinson and Steve Hughes, eds., *Global Governance: Critical Perspectives* (New York: Routledge, 2002), p. 113.

⁹³⁶ *Ibid.*, pp. 129-130.

⁹³⁷ They go on to conclude that: “The UN, therefore, must be prepared to withdraw or abstain from intervening in conflicts where peacekeeping does not reinforce a broader political process for the resolution of conflict.” John Terrence O’Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 207.

UN's capabilities. This research project takes the perspective that the killing of millions of innocent people is unacceptable and that means must be found to prevent such killings, in the present, and into future. If the UN is inadequate, it must be improved or replaced by new structures that will be adequate. It is possible to achieve international peace and security so that such mass killings are prevented. The *status quo* is the problem – comprehensively transforming the *status quo* is the solution.

The solution to the quandary of UN reform may lie in elevating the UN, or some of its associated organisations or functions, above the international, or superseding it with a global organisation that would have the resources, and authority to prevent the violent outcomes of international and internal state conflicts. During the Cold War, the two superpowers, the US and the USSR, assumed such a global role and acted for the most part above the UN, and often in defiance of the UN Charter. They provided order and control of sorts, but not human security within their respective spheres of influence. What is happening in the post-Cold War era is that the US is attempting to continue this supra-UN role on its own, with the support of so-called coalitions of the willing. It is doing so with no basis in international law, and is enabled by the lack of any effective global jurisprudence.⁹³⁸ US attempts to impose military power on other states such as Korea and Vietnam in the Cold War period and on Iraq in the post-Cold War era have failed, indicating that neither a unilateral hegemonic approach nor a US-led plurilateral approach is likely to succeed.⁹³⁹

Stephen Ryan cites Conor Cruise O'Brien in support of his contention that "a great deal of the most effective work of the UN does not take place in the open".⁹⁴⁰ However some of the examples he cites, such as the role of UN Special Representatives, Nils Gussing in Cambodia/Thailand in the 1950s, and Elsworth Bunker in the West Irian (West Papua) in the 1960s, were followed by some of the UN's worst performances in these particular areas, as outlined in Chapter 4. Anatol Rapoport sums up one of the most inherent flaws of the UN.

To the extent, therefore, that the *Charter of the United Nations* still reflects the assumption that states, as presently constituted and juridically recognised, can act otherwise than in their own interests as traditionally conceived, the UN is not viable.

He identifies the:

⁹³⁸ A realist take on international law would be that the US and other powerful states are effectively making international law, by custom and practice, even if some of those practices amount to malpractices.

⁹³⁹ Similar attempts by USSR to subdue Afghanistan also failed.

⁹⁴⁰ Stephen Ryan, *The United Nations and International Politics* (London: Macmillan, 2000), pp. 160/161.

three tightly interrelated global problems that the UN should be designed to face ... the problem of abolishing war as an institution; the problem of ensuring the viability of the biosphere; the problem of reducing the disparity between the affluent and the destitute worlds.⁹⁴¹

These three vital tasks could be further summarised as the creation and prioritisation of human security. Guy Arnold states that: “human development may make people worse subjects, but wonderfully better citizens.”⁹⁴² This is a functionalist approach rather than an anarchist one. The abolition of war as an institution is a vital role for the UN that it has failed to achieve so far.

Rule of Law approach to global transformation

Philip Allott points out that “Law is dynamic” and that “Legal relations are the product ... [and] the source of social transformations” and that this applies to “the society of a particular family, to the international society of the whole human race, and including every intermediary society.”⁹⁴³ This concept of law and jurisprudence as a continuum across all levels of society needs to be urgently promoted and developed. It is in these theoretical and practical fields that the best prospects for human security exists. The UN Charter, as the product of a formal international treaty, and decisions of the UN General Assembly and Security Council are recognised as important or even foundational elements of international law.⁹⁴⁴ The UN therefore, or some organisation evolved from the UN, must be resourced and supported to intervene effectively in all serious conflicts. Conflict prevention and peace-maintenance globally – abolishing war as an institution – should be given more resources and higher priority than is allocated to the combined military spending of individual states and regional alliances. Real substantial disarmament should be achieved leading to significant reductions in military spending. The focus of international relations and international security should be shifted from military defence and offensive capacity to human security and prevention of conflict. Development aid, improved global health services, eliminating food shortages and environmental degradation are all

⁹⁴¹ Anatol Rapoport, Foreword, in Eric Fawcett, Hanna Newcombe, eds., *United Nations Reform: looking ahead after fifty years* (Toronto: Science for Peace, 1995), p. xv.

⁹⁴² Guy Arnold, *Africa: A Modern History* (London: Atlantic Books, 2005), p. 820.

⁹⁴³ Philip Allott, *Eunomia; new order for a new world* (Oxford: Oxford University Press, 2001), p. 173.

⁹⁴⁴ Hugh Thirlway, “The Sources of International Law”, in Malcolm D Evans, ed., *International Law* (Oxford: OUP, 2003), p. 118.

important contributory factors towards conflict prevention, and are in keeping with Mitrany's functional approach to a "working peace system".

Robert Cooper's suggestion that "the most logical way of dealing with the chaos of failed states is by colonization"⁹⁴⁵ ignores the fact that colonization was a major cause of much of the chaos that exists especially in Asia, the Middle East and Africa. Re-colonisation might subdue the chaos temporarily, but would almost certainly lead to even greater chaos in the longer-term as is now materialising in Afghanistan and Iraq. Cooper states that "(t)he most far-reaching form of imperial expansion is that of the European Union"⁹⁴⁶ This ignores the extent to which the citizens of the various European states actively participated in, even agreed with, the development and expansion of the European Union, and the extent to which the EU is an evolution of democracy beyond the state. Any wider systems of governance should be based on increasingly more sophisticated and more advanced systems of jurisprudence. The European Union has achieved this by introducing a whole new layer of jurisprudence at European level, which is a new level of regional law between the level of internal states laws and international law. A simplistic imperial or hegemonic approach removes jurisprudential controls rather than enhancing them, and degrades the democratisation process rather than deepening it.

Paul Taylor and Devon Curtis remind us that: "while the UN Charter provided for a standing army to be set up by agreement between the Security Council and consenting states, the East-West cold war rivalry made this impossible"⁹⁴⁷ Since these constraints no longer apply in the post-Cold War period, a twenty-first century UN force could more appropriately be designed as an international policing type force capable of robust peacekeeping and peace-enforcing without the necessity to engage in large-scale offensive warfare. This aspect of UN reform would require the support or acquiescence of the P-5 Security Council members, but it could be configured so as to avoid the necessity of UN Security Council vetoes being applied. Such a force could be created under a variation of the 'Uniting for Peace' resolution under Chapter

⁹⁴⁵ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 68.

⁹⁴⁶ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 71. The ongoing neo-colonial aspects of European interests in Africa and the Middle East are more attributable to the policies of individual European states than to common EU policies.

⁹⁴⁷ Paul Taylor and Devon Curtis, "The United Nations", in John Baylis, et al, *The Globalization of World Politics: An Introduction to International Relations*, Fourth Edition (Oxford: OUP, 2008), p. 319.

VI rather than Chapter VII, and answerable to the General Assembly rather than the Security Council.

However, enhancement of democracy and international peace must be dynamic processes, constantly evolving, and ideally being pursued and pushed forward together with dynamic systems of jurisprudence and the rule of law. O'Neill and Rees pose rhetorical questions on the practice of attempting to impose democracy and international peace by military force. "Was democracy both a reason for peace and a justification for war? Did it make sense for states to wage war or use force to compel others to be democratic?"⁹⁴⁸ Attempting to create peace and democracy by making war amounts to an unviable contradiction. Chalmers Johnson agrees.

Not only are such military interventions often ineffective, but the use of military force in the name of democracy or human rights regularly makes a mockery of these very principles. ... injudicious intervention can create threats where none existed before.⁹⁴⁹

Björn Hettne takes the Kantian view that "(f)inance interests may benefit from limited wars but were instrumental in preventing general war as being destructive to productive investment."⁹⁵⁰ Such a view presumes that a rational approach would remain intact as the 'limited wars' spill over into more general wars.⁹⁵¹ "Plurilateralism is, unsurprisingly, favoured by realists. Henry Kissinger (1992, 1996) has argued for a recreation of a power 'concert' in the current world situation."⁹⁵² The problem with each of these 'lateral' terms is that they can be defined too loosely thereby enabling coalitions of the willing to falsely claim that they are acting 'multilaterally' on behalf of the international community when their actions are in breach of the UN Charter.

Multilateralism abused:

Just as democracy does not always guarantee correct or even lawful courses of action by states, so also the term 'multilateral' does not always guarantee legitimacy or rectitude internationally. Unilateral military approaches are only allowable in the

⁹⁴⁸ John Terrence O'Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (Abingdon: Routledge, 2005), p. 174.

⁹⁴⁹ Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (London: Little Brown, 2000), p. 30.

⁹⁵⁰ Björn Hettne, "The New Regionalism Revisited", in Fredrik Söderbaum and Timothy M. Shaw, *Theories of New Regionalism: a Palgrave Reader* (Basingstoke: Palgrave Macmillan, 2003), p. 35.

⁹⁵¹ Unleashing the dogs of war is easy, but controlling them, or recalling them, has proved very difficult historically.

⁹⁵² Björn Hettne, "The New Regionalism Revisited", in Fredrik Söderbaum and Timothy M. Shaw, *Theories of New Regionalism: a Palgrave Reader* (Basingstoke: Palgrave Macmillan, 2003), p. 35.

very limited circumstances of genuine self-defence under the UN Charter. Hirst and Thompson identify the complexity and limitations of a multilateral approach in the context of a relatively powerless UN.

The multilateral model, in a strengthened, more 'assertive' form, is based on radical reforms in order to upgrade the United Nations as a world order model (International Commission of Global Governance (ICGG, 1995). ...The nation-states, ... would have to operate 'in a complex system of overlapping and often competing agencies of governance' (Hirst and Thompson, 1996: 183). Intergovernmental regionalism may facilitate this.⁹⁵³

However, the question arises as to how *multi* multilateralism should be to legitimise use of military force? Björn Hettne uses the more accurate term 'plurilateralism'.

we need to distinguish between authentic and false multilateralism ... For there to be a significant difference between multilateralism and plurilateralism as world orders, the UN system has to undergo a major change. ... the League of Nations in its time and the United Nations today have in fact been dominated by a number of great powers in the Security Council (i.e. plurilateralism), in spite of the principle of one-nation, one-vote (multilateralism) ... [the UN] cannot but be an extension and function of the states-system. ***Therefore, it may be unreformable as long as the Westphalian logic prevails.*** [emphasis added]... On the other hand, the more realistic scenario of plurilateralism, particularly in its militant form demonstrated in Kosovo, is hardly consistent with still predominant principles of international law.⁹⁵⁴

Hettne exposes the gap between theoretical multilateralism of the UN and the reality of plurilateral intervention by its most powerful members. The solution is to prioritise the enhancement of international law into a more comprehensive system of global jurisprudence, and make this jurisprudential system the foundation stone for any reform of the UN and the international system.

Normative recommendations

Hettne contrasts the options for political order into the twenty-first century:

a reformed 'post-Westphalian order' governed by either a reconstituted UN system, which can be called *assertive multilateralism*, or a more loosely organised 'concert' of dominant powers, assuming the privilege of governance by reference to their shared value system focused on order ... can be called *militant plurilateralism*.⁹⁵⁵

With some questionable exceptions, such as Kosovo in 1999, militant plurilateralism without effective jurisprudential controls has proved a failure throughout the Cold War, and in the post-Cold War era. A reformed post-Westphalian order regulated by governance and jurisprudence, rather than the present UN based international system,

⁹⁵³ Björn Hettne, "The New Regionalism Revisited", in Fredrik Söderbaum and Timothy M. Shaw, *Theories of New Regionalism: a Palgrave Reader* (Basingstoke: Palgrave Macmillan, 2003), p. 35.

⁹⁵⁴ Ibid, pp. 35,36.

⁹⁵⁵ Ibid, p. 34.

would provide a more comprehensive framework towards ensuring long-term human security and survivability for the vast majority of humanity. A transformed UN could be part of this system, but the UN as an organisation of states should be subordinate to global jurisprudence rather than attempting to control it.

David Rieff expresses concerns about the militant plurilateral type of approach and likelihood that the UN might be transformed into:

the colonial office of the twenty-first century American empire ... The United Nations is a subaltern organisation; some have argued that it is powerless by design. It is certainly powerless to resist the United States.⁹⁵⁶

The dangers signalled by Rieff are real ones. If the UN was designed to be powerless, then it may need to be either assigned to the waste-bin of history, or redesigned to provide human security for humanity. The assessment of this thesis is that assertive power-based plurilateralism has been tried and failed. A reformed post-Westphalian world order is needed, based on a comprehensive system of multi-layered jurisprudence and providing a functionalist and functioning system of global governance.

The United Nations system does perform some important functions particularly in the areas of international law and jurisprudence, development and health. The International Criminal Court was the most significant international law developments since the end of the Cold War. The nuclear non-proliferation process has also made some progress but suffered significant setbacks. A transformed UN could be part of this global governance system, but given its failures so far, and its state-centric essence, the UN is unlikely to be the major driving force towards achieving such a new order. However the example of the role of the European Union in initiating and developing European regional law provides a very encouraging example for the further development of international law by the UN provided that further structures are developed for the creation of systems of global jurisprudence and governance, beyond the UN and beyond the international. The UN however must *be* transformed rather than relying on self-reformation from within or relying on UN member states to overcome to virtually insuperable obstacles to UN reform. The example of the European Union eclipsing other regional organisations such as the Council of Europe and the Western European Union could provide an example as to

⁹⁵⁶ Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. xi.

how the UN might be eclipsed by better systems of global governance and jurisprudence.

If, as this thesis finds, collective security is not the solution to human security, then alternatives to military force must be implemented. The use of military peacekeepers in a global policing role has already been discussed, and this should be continuing practice. However, other options also need to be explored including more extensive use of the existing UN Volunteer system, and the establishment of a civilian volunteer peace force.⁹⁵⁷

Operationalising UN Reform

The case studies, and international relations literature, highlight the unacceptable levels of conflict that have occurred in most regions of the world since the foundation of the UN,⁹⁵⁸ as well as the urgent need for a more effective system of world governance. Because direct transformation of the UN is unlikely in the timescale needed due to structural constraints built into its Charter, some alternative or indirect means is needed to overcome this deadlock. Even US critics of the UN are unlikely to allow the elimination of the UN in case a more powerful body emerges that would curtail US power.⁹⁵⁹ The two least powerful P-5 members, the UK and France, have even more reason to fear substantial UN reform, because their relative loss of international influence will be far greater.⁹⁶⁰ Pragmatically therefore, the demise or elimination of the UN as an international organisation may not be possible in the medium-term. Since the Security Council veto deadlock is difficult to overcome then empowering the General Assembly to supersede or bypass the Security Council may be an important first step towards UN transformation. Superseding the UN in a variety of ways including by the establishment of a global system of jurisprudence that would regulate international and global affairs including the United Nations would be an important second phase. In recent years the UN Security Council has

⁹⁵⁷ United Nations Volunteer Organisation www.unv.org, Nonviolent Peaceforce www.nonviolentpeaceforce.org. Since the foundation of the UN unarmed civilians have constituted the majority of casualties in most conflicts. Since armed military forces have inflicted most of these civilian casualties then civilians should have a prominent role on curtailing the abuses perpetrated by military forces. Since women also form an increasing proportion of the victims of war, then women should also constitute an increasing proportion of peace maintenance missions.

⁹⁵⁸ Niall Ferguson, *The War of the World: History's Age of Hatred* (London: Penguin, 2006).

⁹⁵⁹ "America enjoys prerogatives as a permanent Security Council member that would be hard to gain again" Ruth Wedgwood, "Give the United Nations a Little Competition", *The New York Times*, December 5, 2005.

⁹⁶⁰ Promises made by British Prime Minister Gordon Brown on a state visit to India in January 2008, that Britain would support Indian membership of the UN Security Council, should be viewed sceptically in the light of Britain's interests in maintaining the existing unequal UN *status quo*.

been bypassed or ignored by all its most powerful members. Therefore now may be the time for the vast majority of the UN's other members to find creative and constructive ways of bypassing the Security Council, and taking back some of the power and responsibility that member states assigned to the Security Council in 1945 because the Security Council has not lived up to its responsibilities.

The present anarchic international system is primarily power based. Yet, power *per se*, is not what the UN or its replacement needs. A global peace creation and maintenance system⁹⁶¹ needs support to achieve its primary roles effectively, but the power behind or supporting such a peace system could still reside in states or supra-state structures, such as the EU, AU, or even NATO, provided that an effective *global peace system* existed with sufficient authority to exercise effective restraint on the power of states and international organisations.⁹⁶² It would need financial and personnel resources and more importantly, the jurisprudential support to enable it to achieve these objectives. Such a peace system should exist on behalf of humanity as a whole, that is, all the individual citizens of the world at any particular time, and future generations⁹⁶³, rather than on behalf of the states or supra-state structures, and states, regional or international organisations should be at least answerable to, though not necessarily subordinate to, a comprehensive system of global jurisprudence.

From International law to global jurisprudence

Global jurisprudence implies a comprehensive and progressive development of international law with the joint objectives of providing an over-layer of jurisprudential controls over governments and rulers, combined with the capacity to provide curbs and limitations to prevent the evolution of forms of global government that might get beyond control. Iain Scobbie, writing in the context of international law, reminds us of

⁹⁶¹ Peace maintenance has proven to be a failed role so far for the UN, and it may have been a flawed concept for the UN in 1945, because it presumed that the two superpowers or the P-5 group of states would create the peace by collective security that the UN would then maintain. Because the creation of international peace has not yet occurred, there has been no international peace for the UN to maintain, just as a mechanic cannot maintain a car, if there is no car to be maintained. It is therefore not so much the UN that needs to be replaced, but the power structures including the P-5 that have failed to establish or create international peace. Peace maintenance is therefore a mistaken concept, because in order to maintain peace there is a presumption that a state of peace exists that is capable of being maintained. Maintaining such an existing peace system may be a suitable role for the UN provided that a state of peace can somehow be brought into existence.

⁹⁶² The multiple source or diffused power system based on a combination of state power and the power of regional organisations provides a more functional alternative and a safer option than the development of some form of power based global government.

⁹⁶³ States tend to use a mix of historical facts and invented mythology to justify their existence. Past conflicts and deaths and suffering of past generations have also been important causal factors in continuing conflicts. The past and past generations therefore should not be the primary focus of present and future efforts to secure a system for the maintenance of peace and security for humanity.

the ‘Heroclitan aphorism that one never steps into the same river twice, because the river moves on’.⁹⁶⁴ Proposals over the past two decades to reform the United Nations, without substantially changing its Charter, only serve to re-establish post World War I and II settlements. Stephen Ryan points out that “(t)he UN could ... be described, with considerable justification, as a ‘revised version of the League’”⁹⁶⁵. The circumstances that now exist in the first decade of the twenty-first century are so substantially different from the circumstances that existed in either 1919 or 1945 that the rigid UN structures set up in 1945 are incapable of maintaining international peace into the future.⁹⁶⁶

While the concept of global jurisprudence needs further research and legal expertise beyond the scope of this thesis, it is not intended to introduce revolutionary new legal concepts. For practical and historical reasons the application and practice of law tends to be divided into different categories and levels, and international law has traditionally been seen as the highest level, and as a distinct and separate area of law, and as being applicable almost exclusively to relationships between states. More recently in Europe especially, first with the development of the Council of Europe and later the European Union and their separate supra-state legal systems, intervening levels of law have developed between the national and international. The role of individuals and non-state actors in international law is also gradually being recognised. There is a valid argument therefore towards the viewing the varying levels of law that apply to the regulation of human society more as a continuum from the local to the global. This highlights the need to substantially develop the higher levels of law and jurisprudence, especially at international and global levels, and where appropriate to distinguish between international law and global law. International law should primarily be concerned with relationships between individual states, while global law/jurisprudence should focus more on the relationships and jurisprudential controls and regulation at the higher or universal level, including for example, conventions applicable to all states, as well as the regulation of other trans-national actors including multinational corporations. An element of sanctions and

⁹⁶⁴ Malcolm D. Evans, ed., *International Law* (Oxford: OUP, 2003), p. 70.

⁹⁶⁵ Stephen Ryan, *The United Nations and International Politics* (Basingstoke: Macmillan, 2000), p. 8. (citing Claude, 84: 60).

⁹⁶⁶ Ruth Wedgwood suggests an even earlier model 1815 model as the basis of the UN Security Council. “The Security Council was designed to embody a concert of great powers, leavened by the South” However, the influence of the South on the Security Council was to prove very limited. Ruth Wedgwood, “Give the United Nations a Little Competition”, *The New York Times*, December 5, 2005.

restraints at global level should be integral to this global jurisprudential system to reduce the element of anarchy that exists between states at present, which allows some states to operate with immunity and impunity both internally and at international level.

While a super-power role for the UN is neither likely nor desirable, a more substantial UN role as a global peace and security police force is justifiable, but will be difficult to achieve as long as the UN remains a very unbalanced organisation of states.⁹⁶⁷ This global police role for the UN is needed to enhance the control and regulation element of global jurisprudence. For the UN to take on too many multiple roles such as, policing/law enforcer, global judiciary, and lawmaker, would also be contrary to principles of separation of powers that apply to democratic states. The judicial roles that are currently applicable to the World Court and the International Criminal Court should be clearly separated from the UN, and the UN should be accountable to such courts. Legislative and lawmaking processes at international and global levels, however inadequate at present, should also be separate from UN policing functions. This indicates a need for an assembly or senate of states, possibly separate from the UN General Assembly and separate from the UN organisation. This *World Legislative Assembly* could play a similar but more dynamic role to that performed by the Council of Europe or the Organisation for Security and Cooperation in Europe (OSCE), and could be comprised of parliamentarians or expert legislators appointed by the parliaments of each state.⁹⁶⁸ The creation of such a body beyond the UN would also get around some UN reform difficulties. The power dichotomy that could arise from the UN's world policing role could be overcome by limiting the role of UN standing forces to policing type roles, including complex peace building roles, but relying on state and regional organisations to provide military forces for full combat roles, as allowed for under Chapter VIII of the UN Charter. However, Article 52 of Chapter VIII goes on to specify: "provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United

⁹⁶⁷ Imbalance exists in the UN because of the privileged status of the P-5 group which belies the claim that the UN treats all states equally, and also because the one vote per state in the UN General Assembly discriminates against the people who live in the larger states, especially those who are not permanent members of the UN Security Council such as India and Indonesia.

⁹⁶⁸ The Council of Europe predated the European Union, and is now limited in its scope and influence, but in spite of these limitations it did provide a basis for the establishment of a supra-state system of jurisprudence beyond the state and below the level of the UN. The OSCE also provides a certain level of jurisprudential oversight, but in a European context, the European Union now provides the most comprehensive system of regional jurisprudence that exists within the international system. One possibility is that the OSCE could be expanded to global level and its role modified to include the role of a World Legislative Assembly.

Nations”. The power of veto is the most critical mistake built into the UN charter. The veto should at most have been confined to the two superpowers and reform of the UN, including the veto, should not have been included within the veto system.

Thinking the unthinkable?

This research project challenges the widely held belief that the world would be a more dangerous place without the UN. Paul Kennedy writes that:

the overall record is clear: Without the actions and existence of the world organisation, humankind would be a lot worse off than it is today, warts and all. ... Did the international organisation not exist, we would have to be constructing it or parts of it.⁹⁶⁹

The UN High Level Panel Report on Threats, Challenges and Change takes a similar view: “without the United Nations the post-1945 world would very probably have been a bloodier place.”⁹⁷⁰ Weiss et al, add that: “(t)he cliché happens to be true: If the UN did not exist, it would have to be invented.”⁹⁷¹ These counterfactual arguments are not supported by the case studies undertaken by this project, which show that the UN’s contribution to international peace has been so flawed that it *is* possible to imagine a better and more peaceful world without the UN. If the UN did not exist, some other system of international regulation would, almost of necessity, be brought into existence, that might be far better than the UN has been.⁹⁷² If the UN did not exist it would be far easier to construct an alternative *ab initio*. The very existence of the UN, with its rigid Charter and structures, suits the powerful P-5 enabling them to control and manipulate the UN, without being answerable to it, and creates a blocking mechanism at supra-national level, that prevents the development of more workable, dynamic and functioning international relations mechanisms.

This research project indicates that the performance of the UN has, at best, been borderline, and at worst, facilitated the sort of crimes against humanity it was set up to prevent, particularly in the case of Rwanda and Iraq.⁹⁷³ The purposes and

⁹⁶⁹ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York: Allen Lane Penguin, 2006), p. 285-286.

⁹⁷⁰ UN Report A/59/565, A more secure world: our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change, 2004, p. 18

⁹⁷¹ Thomas G Weiss, et al, *The United Nations and Changing World Politics* (Boulder: Westview, 2001), p. 313.

⁹⁷² The Roman Empire, and its Holy Roman successor, the Westphalia peace settlement, the Concert of Europe, and the era of Grand Alliances all sought, and to some extent succeeded in achieving, varying and sometimes prolonged levels of international peace.

⁹⁷³ The performance of the UN in overseeing the UN sanctions regime that caused the deaths of over 1.5 million people, and its failure to effectively censure the US and UK for its unlawful and unjustified war against Iraq in 2003 and its ‘legalising’ of the US led occupation of Iraq from 2004 are all indicative of a United Nations that is

principles enshrined in the UN Charter were not intended by the majority of states to produce borderline or failed international peace and security.⁹⁷⁴ Such a low lever of security could be achieved by something akin to the *status quo* at any particular time.⁹⁷⁵ Antonio Donini points out that: “in the 1990s the United Nations, an abysmal failure as a peace and security institution ... became for all intents and purposes, a vast alleviation machine”.⁹⁷⁶ Even in its alleviation functions the UN has performed very poorly at times for example, in Cambodia, Somalia, Rwanda, and Darfur. A separate less-politicised institution should be tasked with function of disaster alleviation and the resources of the UN should be concentrated on the primary roles of creating and maintaining peace and security.

Transformation of the UN and international systems

Because the UN is virtually impervious to the reforms that are necessary urgent action is needed to overcome the blockage that the UN’s existence creates towards progressive reform of the international system. One possible solution is for nations that are underrepresented by the UN to withdraw from the UN and set up alternative structures. This was tried by President Soekarno of Indonesia in the 1950s, but failed.⁹⁷⁷ An alternative would be to set up parallel functional structures to address their particular needs more directly, while allowing the UN to coexist, and use the UN when it suits their needs (as the existing P-5 group have done since 1945). Professor Ruth Wedgwood suggests that: “if things can’t be changed from within, members may need to vote with their feet, one issue at a time.”⁹⁷⁸ What needs to be avoided, however, is the sort of lawlessness at international level that followed the demise of

not only ineffective but that has become dangerously corrupted by its most powerful members on the Security Council.

⁹⁷⁴ The existing UN Charter was designed in 1945 primarily by, and to suit, the interests of the US, USSR and Britain, in that order, and to enable them to maintain, as far as possible, control over international regulation mechanisms. However, even these founding members had intended that the UN would play a meaningful role in ‘maintaining international peace and security’ albeit under their control.

⁹⁷⁵ The UN as set up in 1945 at least represented the status quo in 1945 but failed to evolve in tune with the changing international circumstances. It lacks the dynamism needed to enable it to grow to meet the challenges of post-modern global society.

⁹⁷⁶ Antonio Donini, et al, *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan* (Bloomfield CT: Kumarian Press, 2004), p. x.

Just as in the fields of health and fire safety, prevention of ill health and fire prevention are far more effective ways of dealing with these problems than responding to the events as they occur, likewise, the UN or any alternative world peace programme should be based on prevention of conflict being a very inefficient ‘vast alleviation machine’ as the UN has arguably become.

⁹⁷⁷ “Since 1945 only one state, Indonesia, has withdrawn even temporarily from the world organisation, and its quixotic attempt to create a rival organization soon collapsed.” Thomas G Weiss, et al, *The United Nations and Changing World Politics* (Boulder: Westview, 2001), p. 313.

⁹⁷⁸ Ruth Wedgwood, “Give the United Nations a Little Competition”, *The New York Times*, December 5, 2005.

the League of Nations. The failure of the US to impose its will in the Middle East may provide opportunities for the international community to repair some of the damage done to international jurisprudence.⁹⁷⁹ It is vital therefore that any sidelining of the UN should be accompanied by the setting up of alternative functional global jurisprudential systems.

The UN should be transformed rather than replaced because the ideals of the UN are worth preserving and reinforcing. Shifting the balance of power within the UN from the Security Council to the General Assembly has already been mentioned.⁹⁸⁰ The UN should focus on the use of peaceful means to make peace rather than engaging in the contradictory activity of making war to make peace. Edward Moxon-Browne recommends that “Peacekeepers should in future be more closely identified with the UN and ... be constituted into, at least, regional if not global stand-by forces.”⁹⁸¹ While the UN may have achieved some of the *Realpolitik* objectives of its principal founding members, in helping them to maintain their dominance over international affairs, it has failed to achieve the aspirations or expectations of the majority of the world’s people and peoples.⁹⁸² States need an international organisation and membership forum, which the existing UN does provide. Humanity also needs a global organisation to represent the best ‘broader’ interests of humanity, and to curtail the actions of some states that are detrimental to those interests. In the increasingly globalised and interdependent world a global organisation is needed to work towards making the interests of states and the interests of humanity coterminous.⁹⁸³

⁹⁷⁹ The lawlessness of the US occupation forces in Iraq is highlighted by the behaviour of contract security forces in Baghdad and elsewhere, particularly the firm Blackwater whose personnel have been involved in several serious fatal shooting incidents. James Glanz and Alissa J. Rubin, “Blackwater Shootings ‘Murder’, Iraq Says”, *The New York Times*, October 8, 2007.

⁹⁸⁰ This would need the sort of leadership and initiatives displayed by Dag Hammarskjöld when he utilised the “united for peace” mechanism to establish peacekeeping, in contrast to his predecessor Tyrgvie Lie who arguably misused such General Assembly mechanisms to make war in Korea. Outgoing UN Secretary General Kofi Annan held the traditional view on collective security. “The Security Council is not just another stage on which to act out national interests. It is the management committee, if you will, of our fledgling collective security system.” Denis Staunton, “Annan uses final UN speech to warn US”, *Irish Times*, Tuesday, 12 December 2006.

⁹⁸¹ Edward Moxon-Browne, ed., *A Future for Peacekeeping?* (London: Macmillan, 1998), p. 199.

⁹⁸² Given the contrasting and conflicting Cold War interests of the two principal and controlling founding members of the UN, the US and the USSR, it should be no surprise that the UN failed to achieve its primary objectives during this Cold War period. The mainly unipolar system that has existed since the end of the Cold War has enabled the uni-power, the US, to ignore and bypass the UN almost at will, when it suits its purposes to do so. The apparent failures of the US to impose its will so far in the Middle Eastern conflicts may provide an opportunity for the international community to achieve the necessary transformation of the systems for regulating international peace and security without the need for catastrophic catalysts that precipitated such changes in 1919 and 1945.

⁹⁸³ Kofi Annan expressed the view that: “the collective interest is the national interest” but this view is far from the practical reality of how states behave. James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American Power* (London, Bloomsbury, 2006), p 268. The development, deployment and proliferation of nuclear

Olaf Palme believed in the wider concept of human security. “The purpose of common security applies with great force to Third World countries ... they too must find political and economic security through a commitment to joint survival”.⁹⁸⁴ Most third world countries however, do not have the capacity to band together in their common interests, while the powerful group of states can either take unilateral action, act in cohort with ‘coalitions of the willing’, or use devices such as the G8 summits to enforce compliance with their joint national interests, often at the expense of the majority the world’s states. The group of states that possess nuclear weapons also exercises a perverse form of collective security in nuclear ‘deterrent’ that is the opposite of human security. The spread of nuclear weapons know-how from the powerful few to the desperate many is one of the most significant failures of the UN and the international community.⁹⁸⁵ The flawed concept of isolated national interest was demonstrated by US President Eisenhower, whose concern about the Soviet nuclear threat led him to consider: “whether or not our duty to future generations did not require us to initiate [nuclear] war at the most propitious moment.”⁹⁸⁶

Options for the role of the UN in the maintenance of global peace and human security: International forum, global governance or World Government?

Jan Aart Scholte defines global governance as:

Encompassing multiple tiers as well as both public and private spheres, global governance is proving to be anything but a “world government.” ... global relations are regulated in a “poststatist” fashion that has no single center of authority.⁹⁸⁷

This description of governance comes close to Mitrany’s functional approach and given the mayhem that bipolar and unipolar hegemony caused since the end of World War II, Scholte’s vision of poststatist governance without a single centre of authority offers a better option. However the very existence of a failed UN, in a virtually immutable format, is preventing the bringing into existence of more appropriate forms of global governance that are needed to achieve an acceptable level of peace and security for humanity.

Caporaso distinguishes the term government from governance:

weapons, and environmental damaged caused by unsustainable developments are examples of what may appear to be in the best short-term interest of a particular state, but be very damaging to humanity.

⁹⁸⁴ Olaf Palme, *Common Security: A programme for Disarmament* (London: Pan, 1980), pp. xi and xii. As cited in Ralph I. Onwuke and Timothy Shaw, eds., *Africa in World Politics* (Basingstoke, Macmillan, 1989), p. 1.

⁹⁸⁵ Israel, Pakistan and North Korea could be considered to be in the category of ‘desperate’ countries who felt they needed nuclear weapons because of UN failures to ensure their peaceful and secure development and existence.

⁹⁸⁶ Niall Ferguson, *The War of the World: History’s Age of Hatred* (London: Allen Lane/Penguin, 2006), p. 598.

⁹⁸⁷ Rorden Wilkenson, ed., *The Global Governance Reader* (Oxford: Routledge, 2005), p. 328.

while (government) refers to the institutions and agents occupying key institutional roles and positions, 'governance' refers to 'collective problem-solving in the public realm'.⁹⁸⁸

Global Governance has been cited as one of the possible directions for the macro regulation of human society, as an alternative to the present international system of sovereign states, or hegemony that some propose. Niall Fergusson highlights the hegemonic approach. "Dreadnoughts may have given way to F-15s. But ... empire is as much a reality today as it was throughout the three hundred years when Britain ruled, and made the modern world."⁹⁸⁹ Imperialism or hegemony are alternatives to a functional type of global governance, provided of course that the other 95% of the world's population accept or acquiesce to such domination. Failures by the US and USSR superpowers to impose their versions of hegemony on impoverished or dysfunctional states such as Vietnam, Afghanistan or Iraq cast doubt on these alternatives.

Chris Brown writes that: "legally states may be bound to act in certain kinds of ways but they retain the power to disregard legality when it suits them"⁹⁹⁰ This represents the anarchic essence of the international system. Linda Fasulo cites US insiders at the UN as stating that: "the American Government generally gets what it wants when it knows what it wants, but flounders when it is uncertain about its policies or goals."⁹⁹¹ Thomas Weiss argues for a very limited strengthening of the UN system.

[S]trengthening the UN system necessitates that the world organisation do what it does best, or at least better than other institutions, and devolve responsibilities when other institutions are in a position to respond effectively.⁹⁹²

Weiss seems to suggest that the UN is the least worst of the international or world organisations but contradicts this by suggesting that it should leave those tasks that are beyond its capacity to "other institutions". Since these other organisations, such as NATO and *ad hoc* "coalitions of the willing", would have less moral and international legal authority, outsourcing important UN responsibilities to such bodies, without strict controls, amounts to attempting to strengthen the UN by weakening it. The argument suggested by Jan Aart Scholte for multiple centres of authority seems a

⁹⁸⁸ James Caporaso, as cited in, Dimitris Chrysochoou, *Theorising European Integration* (London: Sage, 2001), p. 98.

⁹⁸⁹ Niall Ferguson, *Empire: How Britain made the modern world* (London: Penguin, 2004), p. 381.

⁹⁹⁰ Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), p.129.

⁹⁹¹ Linda Fasulo, *An insiders guide to the UN* (New Haven: Yale University Press, 2004), p. 204.

⁹⁹² Rorden Wilkenson, ed., *The Global Governance Reader* (Oxford: Routledge, 2005), p. 6.

better option provided that these centres have both legitimate authority and resources, and additionally, are subordinate to some effective system of regulation or jurisprudence. Scholte points out that: “BIS [Bank for International Settlements], NATO, and the OECD, like the G-7, exclude most of the world’s states from membership, even though their rulings can have transworld impacts.”⁹⁹³

Rorden Wilkinson writes that: “[a] host of new actors are increasingly involved in the governance of global affairs. Private military companies (PMCs) are prominent in the new arena of conflict.”⁹⁹⁴ The use of mercenary troops and the concept of “outsourcing war” in a twenty-first century context, as is happening in the US-led conflict in Iraq, has very serious consequences for the primacy of the rule of international law over the rule or abuse of power and force. It is to overcome such examples of international lawlessness that a transformed international system is needed. Paul Kennedy points out that: “(t)he idea of a universal association of humankind goes back hundreds if not thousands of years ... even Lenin wrote in favour of “the United States of Europe”.”⁹⁹⁵ However, unlike the UN, the ‘United States of Europe’ is still evolving unhindered by an inflexible Charter or by a Constitution (so far).⁹⁹⁶

Global Jurisprudence as a mechanism of transformation

For the purposes of this thesis global jurisprudence is defined as the development and codification of an additional level of law at global level, superior to international law, combined with systems and procedures for ensuring compliance and enforcement, and procedures for the regular dynamic updating of this superior layer of legislation.

Hans Morgenthau famously asserted that the political realist ‘thinks in terms of interest defined as power, as the economist thinks in terms of interest defined as wealth; the lawyer, of conformity of action with legal rules; the moralist, of conformity of action with moral principles’⁹⁹⁷

⁹⁹³ Ibid, p. 330.

⁹⁹⁴ Rorden Wilkenson, ed., *The Global Governance Reader* (Oxford: Routledge, 2005), p. 2, citing Peter Singer, *Corporate Warriors: the rise of the privatised military industry* (Ithaca: Cornell University Press, 2003).

⁹⁹⁵ Paul Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (New York, Allen Lane Penguin, 2006), p. 3.

⁹⁹⁶ Valéry Giscard d'Estaing: “The EU Treaty is the same as the Constitution: Lift the lid and look in the toolbox, and all the same innovative tools are there” *The Independent*, Tuesday, 30 October 2007.

<http://www.independent.co.uk/opinion/commentators/valeacutery-giscard-destaing-the-eu-treaty-is-the-same-as-the-constitution-398286.html>.

⁹⁹⁷ Christian Reus-Smit, *The Politics of International Law* (Cambridge: CUP, 2004), p. 1.

Christian Reus-Smit questions this separation of international law and international relations into such “carefully quarantined fields of enquiry”. In an increasingly globalised society, human interactions in the fields of politics, economics, jurisprudence and morality, are increasingly interconnected. The peaceful development of a global society for humanity is more likely to be enhanced by the creation of an interdependent web, or fabric, of functioning but dynamic governance that encompasses matters political, economic, legal and moral. Morgenthau’s differentiation of areas of interests and conformity does not necessarily imply mutual exclusivity. Law can and should conform to moral standards and agreed norms of behaviour, and the rational long-term interests of political realists, economists and moralists have more to gain from productive peaceful coexistence than from destructive power-based conflict.

The political, economic and social progress of Switzerland and Sweden supports the argument that peace benefits states, and the people of those states, in the longer term, and contrasts with the mayhem of power-based conflict that afflicted most other states in Europe up to 1945, and much of the third world since 1945. Realist arguments that “the natural state of man is a ‘state of war’” are countered by the peaceful development of the European Union into the most complex but peaceful example of human social organisation in history. Such examples demonstrate that there are better ways of ordering human society that do work. Prosperity and peace for the vast majority of individuals in such societies are key results of such good order.

Mark Mazower cites Raphael Lemkin’s call in 1944 for the United Nations:

to impel the Germans to ‘replace their theory of master race by a theory of a master morality, international law and true peace’... A revival and reinvigoration of international law thus emerged as the natural adjunct to liberal concerns for world peace and, in particular for the safeguarding of human rights.⁹⁹⁸

Unilateral or plurilateral US-led Western domination arguably poses a different but serious threat to the international jurisprudential system at the beginning of the twenty-first century. Even if the US leadership adopts a more isolationist approach following setbacks in its Middle Eastern strategy there is a danger that other powers or alliances, including the EU, Russia or China, may seek to dominate with similar

⁹⁹⁸ Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin 1998), p. 200.

damaging results. Michael Byers describes recent advancements in humanitarian law and supports the rule of 'right' over the rule of might.

International humanitarian law is, in part, what you and I and the rest of the people of this planet determine it to be. ... We should insist that all countries uphold the strict standards of international humanitarian law, not because it is expedient but because it is right.⁹⁹⁹

While doing what is right because it is right should become the custom and practice in international relations in an increasingly interdependent world, international law, including humanitarian law, is still far from the ideal of what the individual citizens of the world determine it to be. That will require a very substantial evolution of both democracy and civil society, and a substantial shift in sovereignty from the state back towards the individual citizens of those states

Iain Attack writes that: "the principle of 'the rule of law' [that everyone is equal before the law] is central to both domestic and international law." He cites Shirley Scott on two important distinctions between law within states and international law. "The first is that 'there is no international legislature to pass legislation and 'make law'" ... the other is that 'there is no international police force to enforce compliance'"¹⁰⁰⁰ These differences are arguably two critical deficiencies in the international system. As a result of the first, custom and practice by states, including treaties and conventions agreed between states, has become one of the main mechanisms by which international law comes into being. The UN Charter and conventions on genocide, torture, as well as the Geneva conventions on war, are positive outcomes of this process. However, bad practices by states can also become 'custom and practice' such as unjustified military interventions, or the immunity implied in state sovereignty, or the impunity achieved by the P-5 states. There is a need therefore to strengthen the normative aspect in the creation of international law by the establishment of some form of international legislature to ensure that international law would be progressive and dynamic rather than reactive. The second deficiency is the need to transform the UN's peacekeeping capacity into an international police force, with elements of permanent UN police and peace-maintenance military forces, to strengthen the capacity and credibility of the UN.

⁹⁹⁹ Michael Byers, *War Law: International Law and Armed Conflict* (London: Atlantic, 2005), p. 126.

¹⁰⁰⁰ Iain Attack, *The Ethics of Peace and War* (Edinburgh: Edinburgh University Press, 2005), p. 27.

The Rule of Law v the Rule of Power

“Some forty years after Monnet widened national horizons in Western Europe Gorbachev abandoned the language of ‘East’ versus ‘West’ and began instead to speak of ‘the common European home’”.¹⁰⁰¹ At global level a similar approach between ‘North’ and ‘South’ has received serious setbacks with contrived clashes of civilizations and the war against terrorism. The logic of peace, cooperation and common interests, as opposed to conflict, exploitation and differentiation, is now more persuasive and more urgent at global level than it ever was at European level, given the added impetus of climate change and environmental degradation. The US and other supporters of militarism have yet to learn the lesson espoused belatedly by Napoleon. “Nothing permanent is founded on force”.¹⁰⁰² Yet, the Napoleonic legal code did introduce an element of European jurisprudence some of which still survives. Hitler’s failure to recognise or apply the lessons of Napoleon’s failed military adventures led to the abandonment of the rule of law throughout World War II, and its reintroduction with the UN Charter as its foundation.¹⁰⁰³ However, the UN’s founders still failed to grasp the lesson that massive use of force is counterproductive. The Charter prescribed collective security enforcement as the primary mechanism for the maintenance of international peace, and this mechanism has failed.

Robert Cooper identifies the ‘half-hearted’ humanitarian interventions that result from “the ambiguous half-world where interest tells you to stay out and conscience tells you to go in – between Hobbes and Kant.”¹⁰⁰⁴ A more complete and humane world would be forthcoming if Hobbes were abandoned in favour of Kant, or an evolved Kantian system, in keeping with the dynamics of human interaction. The question as to whether interests necessarily conflict with conscience also needs to be challenged in an increasingly interconnected world. Cooper points out that: “(t)he costs of intellectual errors in foreign affairs are enormous”.¹⁰⁰⁵ He lists the British mistakes of Suez in 1956, the French Algerian mistake and the US Vietnam mistakes. This list of mistaken wars should include all wars from the perspective of some of the

¹⁰⁰¹ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 145.

¹⁰⁰² *Ibid.*, p. 121.

¹⁰⁰³ Unlike Napoleon, little good emanated from Hitler’s regime, and the flawed UN Charter was an understandable but arguably failed attempt to overcome the type of forces of evil unleashed by Hitler.

¹⁰⁰⁴ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2004), p. 74.

¹⁰⁰⁵ *Ibid.*, p. 5.

belligerents and some wars from the perspective of all the belligerents. Because there are always alternatives to war, far greater efforts must be made to remove war as a “foreign affairs” option, or a Clausewitzian matter of “politics by other means”. Reus-Smit describes war as: “a crude and deeply dysfunctional way for states to ensure their security or realize their interests.”¹⁰⁰⁶

Gernot Biehler writes that: “(i)nternational law is everything that extends beyond the national legal order.”¹⁰⁰⁷ He suggests that international law “is one law for one world. It is supposed to apply equally to all concerned.”¹⁰⁰⁸ Yet international law in practice is far removed from this theoretical ideal. The P-5 Security Council members, the ‘five policemen’, are theoretically the guardians of the UN Charter, and its principal enforcers, but their performance in these crucial roles has been inadequate for the most part, and sometimes criminally and knowingly flawed. These five states, like the communist leaders in Cold-War USSR, are designedly more equal than the other member states of the United Nations.¹⁰⁰⁹ The limitations of international law include its virtual exclusion of individuals from any substantial status under international law.

One state’s action against or interaction with another state is the main subject of international law. ... The state decides in full sovereignty what freedoms to leave to the individual.¹⁰¹⁰

This legal truism is indicative of the view that the state is not only a legal entity, but that it precedes and takes precedence over the individual and the plurality of individuals within that state. Biehler *et al* point to Article 2.7 of the UN Charter in support of internal state sovereignty.

Consideration should be given to re-establishing the UN, or a similar organisation, without a rigid Charter, rather like the British unwritten constitution, based on a combination of customary international law, international judicial

¹⁰⁰⁶ Christian Reus-Smit, *The politics of international law* (Cambridge: Cambridge University Press, 2004), p. 280.

¹⁰⁰⁷ Gernot Biehler, *International law in Practice: An Irish Perspective* (London: Thomson Round Hall, 2005), p. 7.

¹⁰⁰⁸ *Ibid*, p. vii.

¹⁰⁰⁹ The Vietnam Wars perpetrated by France and the US, the Afghanistan/USSR War and Chinese internal abuse of its own citizens and the annexation of Tibet are some examples of the most serious breaches of international laws, and humanitarian standards. Britain by comparison had been the least worst of the P-5 after its failed Suez adventure in 1956, until its recent alliances with the US dragged it into successive ‘coalitions of willing’ during which international law was most seriously abused under a variety of guises including humanitarian intervention, beginning with air assaults on Iraq during enforcement of questionable no-fly-zones over Iraq, and culminating in the war and occupation of Iraq from March 2003.

¹⁰¹⁰ Gernot Biehler, *International law in Practice: An Irish Perspective* (London: Thomson Round Hall, 2005), pp. 1,2.

decisions, and possibly, an international legislature.¹⁰¹¹ Such an organisation should have dynamic potential to develop and change to meet the dynamic needs of human society and its primary constituents, individual human beings. The UN Charter took the pragmatic approach of allowing states to use aggression in self-defence. However, this provision became one of the most abused aspects of the UN Charter. “The UN era became littered with self-defence claims of varying degrees of credibility, from the obvious to the risible.”¹⁰¹² International jurisprudence that is allowed to develop incrementally and dynamically as human security needs arise, would provides a better basis for international peace. An example is the US promoted Stimson Doctrine of 1932 – “in the wake of Japan’s occupation of Manchuria. It held that any situation brought about by aggression would not be accorded legal recognition by the United States”. This doctrine was endorsed by the UN General Assembly as a ‘principle of the United Nations’ in 1970.¹⁰¹³

The way forward for the UN and Humanity

The word justice was included in the title of this thesis as one of the key underlying themes for this research. Martin Shaw emphasises that:

the demands of justice must be addressed in peaceful ways if new rounds of killing are to be avoided. ... In the emergent global society, the problems of just peace [between states] and of justice within society are the same¹⁰¹⁴

The way forward therefore must prioritise the individuals who constitute humanity, not only as subjects of states, or pawns in international relations, but the primary purpose of international relations. The *dynamic* enhancement of international law and global jurisprudence must become the foundational basis for a transformed United Nations and a transformed international system. The term dynamic is emphasised to ensure that the mistakes of the past are not repeated whereby attempts were made to solve the problems of the recent past with inflexible and permanent structures such as

¹⁰¹¹ The existing UN Charter was drafted under the pressures of war, based largely on the League of Nations Covenant, also drafted under pressure of war. Such foundational international law agreements should be constructed from wider perspectives and be more open to continuous review and amendment in the light of ongoing changing international developments.

¹⁰¹² Malcolm D Evans, ed., *International Law* (Oxford: OUP, 2003), p. 51.

¹⁰¹³ *Ibid*, p. 51.

Based on this General Assembly resolution, UN Security Council Resolution 1546, passed on 8th June 2004, that purported to give UN approval to the US-led occupation of Iraq, was unlawful because it contravened a principle of the United Nations. UNSC Resolution 1546 (2004), Adopted by the Security Council at its 4987th meeting, on 8 June 2004, Paragraph 10: stated “*Decides* that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq”.

¹⁰¹⁴ Martin Shaw, *War & Genocide* (Cambridge: Polity, 2003), pp. 214, 215.

the League Covenant and UN Charter. The problems that need to be addressed are the problems of the present, and the anticipated but uncertain and almost unknowable problems of the future.

Evaluating this research

Establishing the functionality of the United Nations towards the performance of its primary objectives was the technical reason for undertaking this thesis. However, an underlying reason, and the reason why the conclusions of this thesis are important, is that the functionality of the UN is a matter of life and death, and therefore of fundamental justice, for the billions of the individuals that comprise humanity.¹⁰¹⁵ This research is valuable towards furthering knowledge of the United Nations in the specific area of international peace and security, but could have considerable additional empirical or practical value. Difficulties encountered with this research included the unusually broad nature of the approach adopted by the research methodology. The temptation to focus on more narrow aspects of international peace was resisted because of the need to challenge the perception that the UN's relative successes outweighed its failures, combined with the need to maintain a holistic overview of the UN. This could have led to the thesis sacrificing depth in favour of width or attempting to accomplish too much within the limits of a single PhD project. These difficulties were overcome by limiting the main focus of the research to the primary mission of the UN, and then by analysing the UN's performance towards the achievement of this mission in considerable depth.

The debate on UN reform has been opened at various times over the past half century, only to stagnate or be closed down, not only due to lack of progress, but due to the lack of any real prospect of progress.¹⁰¹⁶ There is an urgent need for alternative perspectives on UN reform, and this thesis opens the debate on meta-reform or transformation. Historically, major changes or advances in international security and human security have tended to be achieved only as a result of catastrophic wars.

¹⁰¹⁵ Paul Collier takes the view that about one sixth of the world's population which he refers to as "the bottom billion" are at serious risk of endemic poverty and violent conflict, and that the desperate situation of this bottom billion poses a very serious threat to the rest of humanity. His view that only one sixth of humanity are into this high risk category may be overoptimistic. Paul Collier, *The Bottom Billion: Why the poorest countries are failing and what can be done about it* (Oxford: Oxford University Press, 2007).

¹⁰¹⁶ Paul Taylor and Devon Curtis are typically downbeat on the prospects for reform of the UN Security Council veto, which is critical for any substantial reform of the Security Council itself. "it is very unlikely that the P-5 countries will relinquish their veto." Paul Taylor and Devon Curtis, "The United Nations", in Christian Reus-Smit, *The politics of international law* (Cambridge: CUP, 2004), p. 317.

Because the consequences of wars are now far greater, alternative avenues towards the transformation of society are necessary. Academic research and debate provide such alternative options, as well as possibilities towards the avoidance of catastrophic causes of change, provided that such research is not limited to exploring already well-worn research topics. This research opens up such new or lateral areas of research, by challenging some of the accepted limitations of international relations research, especially the assumption that the UN is the foundation of international relations and international law, and that no new foundations are likely to emerge. This research has sought to look outside of the IR box, as well as looking intensely into what has been going inside that box.

The case studies undertaken in this research have been empirical in the sense that they are studies based on what has been seen, experienced and recorded with a reasonable degree of accuracy, by a wide range of observers. The possible outcomes of these case studies included that, the UN could be judged to have either succeeded substantially in achieving its primary objectives, it could be judged to have substantially failed, or its performance might fall in the in-between range. The findings of this research are that the UN has substantially failed in all of the critical regions and circumstances examined thereby calling into question the very existence of the UN. If the UN were a commercial enterprise, then its entrepreneurs or shareholders would surely close it down on the basis of consistent failure to reach its targets, and on the basis of value foregone.¹⁰¹⁷ Humanity needs to invest its peace promotion efforts in more productive enterprises.

The findings of this thesis are that the nature and scale of the UN's failures to maintain international peace and security are of such a magnitude, occurred in diverse regions of the world, throughout the full existence of the UN so far, and that the prospects for the necessary reform of the UN are so poor due to its virtually immutable Charter, that the United Nations can be deemed to be beyond the level of reform needed, in the urgent timescale needed, to provide a satisfactory level of peace and security for humanity. The very existence of a failed UN, and its flawed Charter, is preventing the bringing into existence of more appropriate global human security systems that could and should achieve an acceptable level of peace

¹⁰¹⁷ The UN exercises a certain monopoly on international peace, even if its performance towards achieving international peace has been abysmal.

and security for humanity. Furthermore, collective security and peacekeeping that were the UN's assigned and fallback mechanisms towards the maintenance of international peace and security are inherently flawed. Conflict prevention should be the UN's primary focus and method towards creating and maintaining international peace. An enhanced comprehensive system of global jurisprudence is urgently required to both underpin and oversee the international system, including the UN, in so far as it can be reformed.

These are my core arguments, and they break new ground, because virtually all academic research into the UN so far tends to take the ongoing existence of the UN as a given foundation block of international relations and international law, but also tend to accept that the UN, in spite of its limitations, is still a valuable asset towards the achievement of international peace and security, and that collective security and peacekeeping are the most appropriate UN tools. The findings of this research project contradict such assumptions, and are therefore both original and radical.

This research project accepts that there will be no easy way around the blockages that prevent reform of the UN and the international system. It does nonetheless put forward a theoretical and a practicable basis for overcoming these blockages, by proposing that a modified or updated functionalist approach should be used as an alternative to the two main IR paradigms, realism and idealism. This would involve rehabilitating the theory and some of the practices advocated by David Mitrany, but recognises the need to update and advance these theories. Dynamic functionalism is the term coined, to signify the need for a continuously flexible approach to international transformation, so that whatever approach is adopted can be modified to meet the ever-changing dynamics of human interaction at macro levels.

It finds that the UN is indeed virtually beyond the level of reform necessary to enable it to achieve its primary function of maintaining international peace and security, and therefore supports the main hypotheses. However the normative proposals put forward in this concluding chapter do not recommend abandoning the UN. Rather, it is proposed that if substantial UN reform or transformation proves impossible, then the UN should be left in place to perform whatever useful functions can be assigned to it while parallel and superior international and global institutions should be created to carry out the necessary function of *creating* international peace

and security.¹⁰¹⁸ New institutions of global jurisprudence and global governance are of critical importance towards protecting humanity from further ravages of war and conflict. The UN has consistently failed to achieve this role so far. The conclusions of this thesis should encourage additional research and new approaches to international relations and global relationships.

Useful future research:

This thesis has evaluated the performance of the UN mainly in one limited, albeit important area, its performance towards the maintenance or achievement of international peace and security. The UN's performance in other areas should also be critically examined in a more detailed manner, with particular focus on the UN as guardian of international law and jurisprudence, the UN's performance in the area of environmental damage to the living environment, macro economic management, and energy conservation and usage. Further case studies into the performances, or possible failures, of the UN, should be considered in other regions, particularly conflict and human rights abuses in Latin America, as well as closer examination of what the UN ought to have done in the case of the USSR abuses in Eastern Europe and Chinese abuses within China and Tibet. In the Middle East, the issue of the long-term security of the Jewish people, as well as the Palestinian people, needs to be researched and resolved. In an African context more detailed research is needed into the effects of colonialism and neo-colonialism, with particular emphasis on the ongoing French connection. Further research is also needed on abuses of human rights including widespread use of torture and the role of such abuses as causal factors in conflict.

Because the issues of nuclear deterrence and the threat of nuclear war are not dealt with in detail in this research, further research is needed into this important specialised area, including the increasing use of nuclear related materials such as depleted uranium, and so-called sub-nuclear munitions. There is an increasing need for controls and research into the various areas of nuclear disarmament as distinct from the relatively ineffective area of nuclear non-proliferation. Other factors that need to be explored in more depth are imbalances in human society that are contributory causes of conflict, or inhibitors to conflict prevention, particularly gender

¹⁰¹⁸ International peace and security must first be created or achieved before it can be maintained. In this respect, the UN's primary function of maintaining international peace and security has been inadequate or invalid.

issues, and the damaging effects of the continuing unbalanced patriarchal nature of human society within many states and at international level.

It is the area of an enhanced system of international law, and the introduction of a more advanced system of global jurisprudence that hold out the best prospects for the creation of a more sustainable and a more safe system of peace and security for humanity. This thesis has addressed these jurisprudential topics, especially in this chapter, but has not been able to analyse them with the level of depth and expertise that they require. It therefore points towards the need for further more detailed research into these areas of critical importance. Such research should be conducted from various perspectives, including international relations but particularly from expert international law perspectives. A post-doctoral research project involving collaboration between international relations and legal researchers would be a very worthwhile avenue of approach.

Summary of Thesis Conclusions:

This thesis finds that the system of international relations, including the United Nations that has been in existence since 1945, but which is based on the older Westphalia system, is no longer adequate to ensure a satisfactory system of international peace and security, or to ensure the very survival of humanity. Thomas Turner states that even though the international system is undergoing another transformation stage in the post-Cold War era: “(u)nlike the other transition points 1815, 1918 and 1945 – the end of the Cold War has yet to yield new institution to replace those born after the Second World War.”¹⁰¹⁹ This research recommends that humanity should look to a more dynamic functionalist approach towards the attainment of a comprehensive working peace and common human security system for all humanity’s individuals, based on functional multi-level cosmopolitan governance underpinned and regulated by a constantly evolving, or dynamic, system of global jurisprudence. The Westphalia system and its subsequent developments through the Concert of Vienna, League of Nations and on to the United Nations all developed as a result of catastrophic wars. Following the introduction of weapons of mass destruction in 1945, ostensibly to defend humanity from harm, humanity can no longer afford to wait for violent conflicts to be the catalysts for change. Peace and

¹⁰¹⁹ Thomas Turner, *The Congo Wars: Conflict, Myth & Reality* (New York: Zed Books, 2007), p. 149.

security gradually developed by peaceful and creative means, rather than the contradiction of attempting to impose peace and security quickly by violent and destructive means, is the only safe way forward for humanity.

The United Nations organisation has been attempting to achieve international peace and security for over sixty years. It has failed to do so and has failed catastrophically in conflicts in Asia, the Middle East and Africa. The UN could continue to perform many useful purposes, including providing a forum for member states, and providing an international set of structures in what should be seen a graduated matrix of human societal regulatory structures from the individual and the local to the global. In this age of increasing globalisation, an internationally based United Nations does not provide the necessary levels of authority, independence, neutrality, or structural foundation to achieve peace and security for humanity. A more effective system of dynamic global governance and jurisprudence is needed that will have the capacity and resources to provide comprehensive human security for the vast majority of humanity. This global governance system could oversee an expanded role for the UN in policing conflicts throughout the world. The UN and humanity do not need four or five self-appointed policemen who are curtailing the UN from achieving international peace and security. These ‘policemen’ need to be policed. The veto wielding P-5 states have prevented the UN from evolving to meet the security needs of humanity. Humanity needs the UN to be the world’s policing peace force, but not a collective security armed force. A superior regulatory governance system is needed to oversee the UN and other international systems.

The question posed in the title of this research project – *The United Nations – Beyond Reform?* – is intended to be both pessimistic and forward looking. The pessimistic conclusion of the thesis is that the UN is indeed beyond or incapable of being reformed in the timescale needed to ensure a satisfactory level of peace and security for humanity, given the urgent threats facing humanity in the twenty-first century. However, this research project looks beyond the existing limitations of the UN and speculates on what ought to be the system of human security at global level, and how this might be achieved. The concepts of ‘collective security’ and the ‘international system’ implied in the second part of the title – *The Collective Insecurity of the International System and the Prospects for Sustainable Global Peace and Justice* – have been analysed leading to the conclusion that both collective security and peacekeeping are flawed concepts for

the maintenance of peace and security for humanity, and that the international system, such as it is, is already dangerously outdated. The prospects for sustainable global peace and justice are poor in the short-term, but are achievable in the long-term provided that the UN and the present international system are both transformed and superseded by more appropriate systems of global governance and global jurisprudence.

Did this thesis in general and this chapter in particular answer the research questions posed in Chapter 1?

There are no simple answers to the problems of peace, security and survivability facing humanity at the beginning of the twenty-first century, just as there have been no simple answers to such questions throughout human history. However, the following answers have been established by this research:

1. Is the key objective of the UN, the maintenance of international peace and security, still a valid and a necessary objective for humanity? The conclusion is that the maintenance of international peace and security is a more important objective for humanity now than at any time since the foundation of the UN. However, creating peace is a vital prerequisite towards maintaining peace.
2. Has the UN achieved this key objective in each of the case study regions examined, and in a wider international context? This research project concludes that the UN has not achieved this objective in any of the case study areas nor in the wider global context.
3. If the UN has failed to achieve its key objectives, why has it failed? The UN has failed to achieve this objective for a wide variety of reasons, including, a flawed Charter, inadequate authority, support and resources, inadequate leadership within the UN and within the international community and abuse of power by the UN's P-5 group of states.
4. If the UN has failed on the broader front to achieve its objectives, can it reform or be reformed to achieve these key objectives? The reluctant answer to this question is that the UN does not have the capacity or the will to either reform or be reformed due to the inherent blocking mechanism in its charter, particularly the power of veto invested in the P-5 group of states, and due to its limited status as an international organisation of states rather than as a supranational or global regulatory organisation.

5. If such reform is not possible, or so difficult as to be unlikely, in what alternative ways can the key objectives of the UN be achieved? A dynamic functionalist approach should be used to supersede the UN with more appropriate systems of global governance and global jurisprudence.
6. Should the UN be either transformed to enable it to achieve these objectives, or be replaced by a new organisation or organisations that will be capable of achieving these objectives? The answer to this question is that the transformation or replacement of the UN should not be pre-programmed in advance but should occur in a gradual but dynamic way in response to the changing human security needs of humanity.
7. How can, or how might, such transformation of the international system be achieved? A dynamic functionalist approach should be used to achieve change where change is possible, and to bypass and explore alternative solutions to the UN and the existing international system. Of critical importance will be the gradual evolution of the existing system of international law into a more comprehensive system of global jurisprudence combined with the evolution of the existing international security system into a dynamically developing system of global governance.

David Mitrany wrote that: “Promissory Covenants and Charters may remain a headstone to unfulfilled good intentions”. He went on to add: “... but the functional way is action itself, and therefore an inescapable test of where we stand and how far we are willing to go in building up a new international society.”¹⁰²⁰ Emperor Haile Selassie comments on the League of Nations apply equally to the need for UN reform over seventy years later.

Is it the Covenant that needs reform? What undertakings can have any value if the will to keep them is lacking? It is the international morality which is at stake, not the articles of the Covenant.¹⁰²¹

International morality has progressed too little since 1936. Kenneth Waltz outlines the realist perspective.

¹⁰²⁰ David Mitrany, *A Working Peace System: an argument for the functional development of international organization* (London: Chatham House, 1943), p. 55.

¹⁰²¹ Adam Lebor, *Complicity with Evil: the United Nations in the Age of Modern Genocide* (New Haven: Yale University Press, 2006), p. 20.

Force is a means of achieving the external ends of states because there exists no consistent, reliable process of reconciling the conflicts of interest that inevitably arise among similar units in a condition of anarchy.¹⁰²²

The solution to the problems posed by both Haile Selassie and Waltz is to introduce morality and governance into the anarchic international system, and put in place a reliable process of reconciling the conflicts of interest between states. Dag Hammarskjöld's quote from *Markings* may still be relevant.

The madman shouted in the marketplace. No one stopped to answer him. Thus it was confirmed that his thesis was incontrovertible.¹⁰²³

The international *status quo post bellum* (1945-2008) is a form of madness in the global marketplace, or survival-space. The UN is a critical part of this international madness. So far too few have stopped to seriously question whether the very existence of the UN in its immutable form, is a form of madness. The alternatives to a very flawed UN have not been adequately explored.

This thesis begins the process of identifying the critical limitations of the UN and the need for alternatives to the UN, but much more needs to be done as suggested in the recommendations made above. This thesis rejects or challenges, the *status quo*, including the United Nations, towards the maintenance of international peace and security. It moves things forward first by amassing evidence of the UN's failures and of its lack of capacity to reform to address these failures. It then questions key concepts of international relations, particularly the concepts of collective security, peacekeeping and multilateralism. It proposes the rehabilitation of Mitrany's functionalism in a more dynamic format towards overcoming the obstacles that are preventing the achievement of international peace and security.

David Mitrany summed up the functionality aspects of his theory in his 1944 pamphlet, *The Road to Security*, which was a critique of the draft UN Charter.

The turning point in international security will come not through constitutional texts, but by working out of new economic relationships; it will come when the Economic and Social Council will have acquired greater meaning and influence than the Security Council.¹⁰²⁴

¹⁰²² Kenneth N. Waltz, *Man the State and War* (New York: Columbia University Press, 1959), p. 238.

¹⁰²³ Dag Hammarskjöld, *Markings*, translated from Swedish by Leif Sjöberg & W.H. Auden (New York: Random House, 1964), p. 140.

¹⁰²⁴ David Mitrany, *The Road to Security* (London, National Peace Council, 1944), p.20.

Comprehensive human security is needed as urgently now as it was in 1944. The international system, including the United Nations, needs to be transformed into a dynamic system of functioning global governance in which global jurisprudence, the rule of law, exercises effective restraints over the rule and abuses of power.

Warfare raging out of control added to other stresses – overpopulation, environmental damage, drought, and extravagance – that pushed the Classic Maya civilization into decline and collapse.¹⁰²⁵

Dé-jà vu, again, on a global scale?

¹⁰²⁵ Guy Gugliotta, “The Maya: Glory and Ruin”, *National Geographic*, August 2007, p. 97.

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