

Notes for a Presentation

by Paul Heinbecker

Laurier University and the Centre for International Governance Innovation

to the Canadian Forces College,

Toronto

Is the UN Saving Us from Hell?

December 9, 2014

Check against delivery

Dr. Spearin has asked me to talk about Canada and the United Nations: to discuss with you the rationale for and nature of Canada's participation in the UN, the contemporary challenges faced by the UN security institutions, and some of the change taking place in these institutions.

I am going to argue generally that despite its shortcomings the UN remains indispensable to preserving and promoting peace and progress. that, despite some high profile failures, the UN is broadly effective in preventing and responding to conflict in fragile states, that the UN is integral to, albeit insufficient for, cooperative global governance, and that the UN is reforming, innovating and adapting to changing times, including regarding military missions, and that Canada would be better advised to promote reform than to sit in pouting judgment on the periphery.

I am also going to discuss what in my view are the ill-advised and counterproductive postures adopted by the Canadian government towards the UN.

In the process I am going to try to steer you away from what David Bosco, in his essay "Uncertain Guardians" in the International Journal, one of our readings, has described as the twin fallacies: that the Security Council does not matter at all, and that the Security Council is the only thing that matters.

UN Successes

I think it is worth taking a few minutes at the outset to refresh our respective memories of what has been accomplished under the UN banner, of what merits respect and preservation. Otherwise, as Joni Mitchell once sang in another context, we won't know what we've got till it's gone. What we've got is actually a lot, and it shouldn't be casually deprecated. By and large, and despite the fair and unfair criticisms of the organization,

the UN is meeting all the goals set for it in San Francisco in 1945:

- to save succeeding generations from the scourge of war;
- to promote human rights and the equality of states under the Charter;
- to foster universal justice and respect for treaties and the rule of law; and
- to promote social progress and better standards of living.

Preserving the Peace

Mindful of the 60 million dead in the Second World War, nation states have progressively brought the resort to war under the disciplines of the UN Charter. The UN Charter constitutes the international “rules of the road” that most countries see as being in their interest to respect, most of the time. Nation states have also brought the conduct of war under the rules of international humanitarian law, in order to restrict the means and methods of warfare and mitigate the effects of combat . As a consequence, in part, of the universal endorsement of the UN Charter, aggression has been stigmatized, e.g., Russia’s aggression against Ukraine, and there has not been a war between major powers since Korea. According to the Human Security Research Project of Simon Fraser University (Press Release March 3, 2014), from the early 1990’s to the present day, the overall number of conflicts has dropped by some 40 percent, while the deadliest conflicts, those that kill at least 1000 people a year, have declined by more than half.

The decline in the fatality rate in combat has been even more dramatic.

According to the Human Security Report of 2013, in 1950, the annual rate of (reported) battle-related deaths per million of the world’s population was approximately 240; in 2007, it was less than 10 per million, a 24-fold decrease.

There are many causes for this decline, of course, from education to economic integration to nuclear deterrence to technological advance to the expansion of democracy. But the UN has also been a significant factor.

Since the end of the Cold War in 1989, the UN has spearheaded a massive upsurge of international activism-- comprising multilateral UN missions, in cooperation with other global and regional intergovernmental organizations and with countless non-government organizations. (see the Human Security Report of 2013). Since 1989, there have been 31 "peacekeeping" missions--compared to 15 in the previous 40 years (UN List of Peacekeeping Operations 1948-2013). This activism has been directed towards preventing wars, stopping those wars that could not be prevented, and preventing those wars that stopped from restarting.

Meanwhile key arms control and disarmament treaties have been concluded under UN auspices, ranging from

- the creation of the IAEA in 1957
- to the Non-Proliferation Treaty in 1968,
- the Biological and Toxins Weapons Convention in 1972,
- the Chemical Weapons Convention in 1993,
- the Comprehensive Test Ban Treaty in 1996
- to the Landmines Treaty in 1997

The Arms Trade Treaty regulating the international trade in conventional arms - from small arms to battle tanks, combat aircraft and warships – will enter into force on Christmas eve, 24 December 2014.

Promoting Human Rights

As for human rights, the second goal enumerated in San Francisco, a whole corpus of conventions has been concluded, from the Universal Declaration of Human Rights, to the International Covenants on Civil and Political Rights and Economic and Social Rights, the Convention against Genocide,

the Convention against Torture, the Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of Discrimination Against

Women, and the Convention on Children's Rights, to name some of the most significant.

These conventions are respected unevenly around the world but over time they are progressively assimilated into state practice.

In the early Nineties, the UN created the office of the High Commissioner for Human Rights to give the UN a voice on the protection of human rights. In 2006, member states transformed the Human Rights Commission into the Human Rights Council creating, among other things, the Universal Periodic Review, a process for reviewing the human rights situation in every UN member state on a four year cycle.

Universal Justice

To "foster universal justice", the third San Francisco goal, the international community has created an innovative criminal justice system, which has seen some of the worst human rights abusers—e.g., Charles Taylor, Vlatko Mladic-- face justice in the Hague before the International Criminal Court and other judicial bodies. This is in addition to the International Court of Justice , which remains the principal judicial organ of the UN for resolving interstate disputes, interpreting treaties and providing advice on questions of international law to member countries.

Economic and Social

And last but not least, as regards economic and social progress, for hundreds of millions of people, including in Africa, poverty is down, education is up, and health is improved, although the plight of the bottom billion remains to be effectively addressed.

This progress is due to many factors, one of which is undoubtedly the UN.

UN entities, e.g., the UN High Commissioner for Refugees, the World Food Program (WFP) and the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and UNICEF, all provide major services to the world's poorest and dispossessed. For example, by 2015, 90 percent of the world's children will be immunized against the six major vaccine-preventable diseases—pertussis, childhood

tuberculosis, tetanus, polio, measles and diphtheria. With WHO participation, enormous progress has been made on polio, and its eradication is achievable. On malaria, according to the WHO, a scale-up of interventions between 2000 and 2012 saved an estimated 3.3 million lives. 90%, or 3 million, of these are in the under-five age group in sub-Saharan Africa. In West Africa the WHO is leading the response to the major Ebola crisis.

The UN's humanitarian work is especially important in this time of global disorder. In the Syrian mega-crisis alone, the UN is responding to the basic human needs of 7.6 million internally displaced persons, in difficult and dangerous circumstances and assisting neighbouring countries to cope with 3.6 million refugees.

Beyond the Middle East, these organizations respond to the needs of displaced people in the Congo, the Central African Republic, Sudan and South Sudan, Afghanistan and lesser known conflicts. In addition to its inherent value, this UN "social work" has substantial impact on regional and global security. On the environment, the UN or its constituent bodies have concluded 45 treaties from the Kyoto Protocol on climate change and the Copenhagen summit follow-up to the Montreal Protocol on ozone depletion to treaties on migratory species and endangered species and beyond. On counter-terrorism, 13 treaties have been concluded under UN auspices.

All told, over 500 multilateral treaties have been concluded under UN auspices. The member countries of the UN have, thus, spawned an extensive body of international law, treaties, norms, practices and institutions that govern most facets of interstate relations. With these "apps", the UN Charter has become the world's central operating system, the motherboard of global governance, making it possible for ideas such as the 2015 Millennium Development Goals and the follow-on sustainable development goals to become policy drivers, and making it possible also for other organizations, notably NATO and the G-8 and the G-20, as well as civil society, to function more effectively. All of this brings greater order, predictability and progress to global affairs, and greater

modernity, security and dignity to peoples' lives. To quote former Secretary General Kofi Annan,

The UN is not a perfect organization, but we need it....

It is the organization that has the power to convene the whole world under one roof, to come and discuss common issues.

It is the one organization that tries to sustain the norms that allow us to live in a peaceful way.

The UN's strength—its universality-- is also its weakness. The UN belongs to all of us, progressives and regressives, democrats and authoritarians, rich and poor, East and West and North and South. It belongs to the world and reflects the diversities and contradictions of that world.

Not an Incipient Global Government

To further situate your thinking, it is important to understand what the UN is and what it is not. The legendary Swedish Secretary General Dag Hammarskjold once observed that the UN was not intended to take you to heaven, just to save you from hell. Not a lofty ambition, obviously, but a worthwhile one and realistic, albeit still difficult to achieve. It is an insight that the Government of Canada, and the Canadian Forces, and others, would do well to remember.

Misunderstandings abound about why and to what extent the UN succeeds and fails. Like planes landing safely at Pearson airport, UN success stories are rarely news. Its failures though make headlines, often tragic ones. Misunderstandings also abound about what the UN is.

They largely start with the misconceptions many people have of the UN, that the UN is an incipient world government, that it has executive capacity to act independently to prevent and end conflict, and that it is, therefore, failing in its most basic responsibilities of saving the innocent from violence.

The UN is of course not a government, nor is it in secular decline.

People familiar with the Westminster system of governance and other parliamentary systems are perhaps more prone than others to confuse the UN organization with governance structures closer to home. They think of the Secretary General as the equivalent of a Prime Minister. But the Secretary General is neither a Head of Government nor a Head of State.

According to Article 97 of the UN Charter, the Secretary General is “the chief administrative officer of the organization”. When the UN was founded, the position was deliberately entitled “Secretary General”

Its incumbents have been, as a wag once observed, more secretary than general. They do not, as Prime Ministers do, appoint their ministerial collaborators. The reverse is more nearly true.

Secretaries General are chosen by the Five Permanent members of the Security Council, and effectively serve at their pleasure. The P5 do not select Secretaries General who are likely seriously to challenge them and their policies and privileges, much less defy them.

In addition to his¹ administrative responsibility of implementing the decisions of the membership expressed through the Security Council and the General Assembly, and of managing a large secretariat responsible to 194 states party, the incumbent has essentially two powers, one statutory and one intangible. First, he “may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security”, and, second, he can use the “bully pulpit” of the UN to exhort, and sometimes to embarrass, member states to do better. He can also effectively go over government’s heads to appeal direct to people, as Ban Ki Moon did this past week in his interview with Peter Mansbridge on the CBC on climate change.

¹ All Secretaries General have been male.

On norm-building, the Secretary General can lend the weight of his office and the still generally high regard in which it is held around the world, as Secretary General Annan did for the Responsibility to Protect. He can also spend the currency of his personal credibility, where sufficient reserves exist. But his executive powers are limited.

Notably, he cannot deploy troops, much less employ troops in combat; he is dependent on member governments to provide troops to the UN. He cannot even alone impose economic sanctions on recalcitrant states. In private sector terms, he is far from being a Chief Executive Officer, with the unbridled decision-making authority that goes with such a position.

The Security Council is not a cabinet and is not accountable to the Secretary General. Nor, except in the most perfunctory way, is the Council even responsible to the General Assembly. The Five Permanent members enjoy a unique status, far beyond the rest, including the elected members.

The P5 are permanently in the centre of the diplomacy at the most important security table on earth, which positions them to affect every issue security that comes before the Council and to protect their own interests. The P5 are constantly engaged in diplomacy with each other

—what Bosco calls the modern day global *Concert of nations*, which helps to avoid conflict between them by miscalculation or inadvertence. No P5 power has gone to war against another P5 power since Korea, and strictly speaking not even then, as China was not a UN member at the time.

Permanent members of the Council also enjoy, in both senses of the word “enjoy”, vetoes over UN action. No Council resolution can pass against the will of any P5 member. The veto was the price paid by the international community to create the UN in the first place. Neither the US nor the (defunct) USSR would have subjected themselves to majority voting on war and peace.

Russia/the USSR leads the league in veto usage since 1945 having exercised its veto power 101 times since 1945, followed closely by the US (79) and more distantly by the UK (29), France (16) and China (9) (Dag ammarskjold Library, UN, New York, 2014). A bit over half of the US vetoes (42) were cast on Israel-Palestine and Middle East resolutions, while the vetoes cast by the remaining P5 members covered a range of issues. The veto is near omni-present, either in its exercise or in the threat of its exercise, which happens far more often. When all P5 members agree, there is little that cannot be done under the UN banner. When there is disagreement, stasis prevails, as is the case with Syria.

The Charter recognizes two kinds of decision—the peaceful settlement of disputes under Chapter VI, and the coercive settlement of disputes under Chapter VII. Chapter VII foresees the imposition of economic and other sanctions, and ultimately military engagement with the offending state.

Decisions under Chapter VII are legally binding on all UN members.

The obstacles to action are the member states, primarily the P5, not the UN as an entity or the Secretary General. The P5 are failing to find sufficient common ground to resolve the issues of the 21st Century. They are members of the most privileged club on the planet, so devoted to preserving their own veto powers that they are prepared to respect the vetoes of their peers, as in Syria. All efforts to limit the veto, e.g., to restrict its use to matters of vital national interest, or to eschew its use in cases of mass atrocities, ideas advocated by the French, have failed thus far. As have all efforts to revise Security Council membership to reflect contemporary power relationships and to remedy the perceived legitimacy deficit. The world though is changing, nevertheless, and new power centres will inevitably make their marks on the UN as a whole and on the Security Council in particular. And they will not necessarily have the same hierarchy of values as the West has had in its time of unchallenged ascendancy.

While the Harper Government deprecates the UN, others —Japan, Germany, India, Brazil, South Africa, Nigeria—seek permanent seats on the UN Security Council. They do so because they recognize that the UN Security Council is the top security table in the world.

The General Assembly, for its part, is not a parliament except in a metaphorical sense.

The Assembly is a gathering of states.

Not a single popularly elected person sits in the Assembly. To the extent the Assembly is like a parliament, it is one presided over by a speaker; there is no prime minister, and no government party. Nor is there a sergeant-at-arms to keep order—or a sheriff to arrest perpetrators.

The basic point is that the UN is not some independent entity, run by a CEO, with a mandate and the resources to act in the common interest as it sees fit. Nor is the UN a recalcitrant and indolent secretariat isolated from the world in its iconic tower on First Avenue in New York. The UN is the aggregate of the member countries, and is dependent on their common purpose and political will to act cooperatively for the common good. The point is that in judging the Security Council and the UN as a whole, we need to be aware that the organization's challenge is that not only are some of its members intransigent, but also that many of its problems are intractable.

Peacekeeping Reform

Canadian Forces have not been involved in a major way in peacekeeping operations since the Balkans, a campaign in which they were highly critical of UN headquarters. In his 2009 memoirs, former CDS Rick Hillier wrote that:

“the UN was fundamentally incapable of running effective military operations. The UN Security Council...cannot provide effective vision, strategy and guidance to a UN military commander in the field. It certainly could not respond

to dynamic and rapidly changing situations, particularly on weekends and holidays”

In the latter comment he was echoing General Lewis Mackenzie who while in Bosnia offered this advice to future commanders: “Do not get into trouble as a commander in the field after 5pm New York time, or Saturday and Sunday. There is no one to answer the phone.”

By the way, General Hillier made a similar comment about NATO in his book.

“People at the NATO headquarters were talking about all kinds of pie-in-the-sky ideas for Afghanistan but they had no strategy, no clear articulation of what they wanted to achieve, no political guidance and few forces. It was abysmal.”

This kind of criticism of the UN largely dates from Bosnia and Sarajevo.

A lot has happened in the intervening 15-20 years. In 2001, the UN General Assembly adopted the report of the panel on United Nations Peace Operations, better known as the Brahimi report--by the way under Canada’s chairmanship. That report recognized that times had changed and the nature of UN missions had to change as well. Among other things, Brahimi argued that a central lesson of failed UN missions in Bosnia and Rwanda was that

“equal treatment of all parties can in the best case result in ineffectiveness and in the worst ...complicity with evil.”

The Brahimi report urged doctrinal change from the principle of neutrality. Civilian protection became part and sometimes the most important part of the objectives of subsequent Security Council issued mandates. Brahimi also urged that the Council provide realistic mandates and requisite staffing and equipping – and that the Secretary General refuse mandates that were over- ambitious or under-resourced.

In the intervening years, reforms have included:

- the change in peacekeeping doctrine stemming from the lessons learned from the UN's experiences in Rwanda and the former Yugoslavia;
- changes in organizational structure within the United Nations to improve the administration and management of peacekeeping operations;
 - including creation of the Department of Field Support to complement the Department of peace Keeping Operations.
- systems to recruit and deploy a vast number of military, police and civilian personnel;
- improvements in training to adequately prepare people for field duty;
- modifications of budgetary and financial rules within the organization to facilitate expenditures for the rapid start-up of new missions; and
- revisions in logistics and procurement procedures to provide missions with basic equipment and commercial services required for new operations.

While the issues are complex and the reform process is challenging at the United Nations, real progress has been achieved in strengthening the UN machinery's capacity to implement the complex mandates given by the UN Security Council. Over time, nonetheless, the nature of peacekeeping has continued to change. There has been an increase in Chapter VII (use of force) mandates,

- the Protection of Civilians has become central to mandates,
- recourse has been had to more robust operations (e.g., the Force Intervention Brigade in Congo),
- missions are deployed in conflicts where there is no peace to keep, and where they are targets of attack
- peacekeeping operations are growing both in number and operational and administrative complexity.
- And new architecture has been created to build peace, i.e., to assist states create the conditions for avoiding a slide into conflict

The UN currently has over 120,000 troops, police and civilians deployed in 16 missions with a combined budget of \$8.5 billion, up from \$2.5 billion in my day.

- The Canadian share is 2.98%, seventh in the UN.

Over time, the composition of peacekeeping contingents has also changed, The vast majority of troops are now contributed by governments from the global south. These governments are often reluctant to move towards more robust, complex mandates centered on the protection of civilians. They tend to favour the more traditional approach to UN missions, based on impartiality between the combatants, consent of the parties, and non-use of force except in defence of the mission.

There are also significant gaps in the capabilities needed to deliver complex mandates effectively. Nevertheless, the changing nature of conflict and the changing role of peace operations require the UN to adapt and respond.

Consequently, in October Secretary General Ban launched a major review of peacekeeping and “special political” missions, to be conducted by a 14-person expert panel chaired by Jose Ramos-Horta of East Timor. The results are expected to be presented to the UN in 2015. Reviews are also underway of the implementation of Security Council resolution 1325 on women, peace and security, and of the UN’s peacebuilding architecture.

If you want to look deeper into this area, I suggest you read “UN Peacekeeping: 20 Years of Reform” a report of former UN Deputy Secretary General, and DND Deputy Minister, Louise Frechette . It is available on the CIGI website. You could also read the study done for the UN’s Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, entitled “Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges” by Victoria Holt and Glyn Taylor. One lesson they all offer in their own ways is that reform

is not a destination but rather a process, and that incremental change is likely to be more availing than root and branch revision.

Institutions that complement the UN

I have not been asked to discuss multilateralism and plurilateralism beyond the UN. For the sake of completeness I should add nevertheless that the UN is necessary but not sufficient to good global governance. The world also needs minilateral organizations e.g., the G7, G20, the OECD, NATO, the OSCE, and plurilateral organizations, e.g., the IMF and World Bank, the World Trade Organization, ASEAN, the ASEAN Regional Forum, the Commonwealth, the Francophonie and the Organization of American States, to cite only the most obvious.

Beyond these conventional bodies are other more issue oriented approaches, comprising multi-stakeholders such as internet governance (ICANN- Internet Corporation for Assigned Names and Numbers), climate change, humanitarian law, etc., as the world becomes more complex and innovates its approaches to international governance.

Canada and the United Nations

The unspoken context for today's lecture is the skepticism about the UN in Ottawa especially, but also elsewhere in the country and abroad. Some of the disappointment is legitimate, some of it is misplaced and some of it is malign -- just plain feigned, even fabricated. Ottawa has frequently claimed to be conducting a principled foreign policy -- one that stands for democracy, free enterprise, human rights and individual freedom. And it has criticized the UN directly and inferentially for its shortcomings in this regard. In fact, the shrillness and frequency of Ottawa's condemnations of the UN accelerated dramatically after Canada lost the 2010 Security Council election.

In September 2012, at the Appeal of Conscience Foundation's annual fundraising dinner, held in New York--the dinner Prime Minister Stephen Harper attended when he skipped the UN General Debate taking place literally down the street, snubbing the UN--he asserted that his government would not try to "court every dictator with a vote at the United Nations or just go along with every emerging international consensus, no matter how self-evidently wrong-headed." Mr. Harper's foreign minister, Mr. Baird, has made similar statements.

In reality, however, the argument that the UN is an Assembly of Dictators is a straw man. According to Freedom House, the venerable, bipartisan US think tank, in 2013 the number of electoral democracies in the world stood at 122. That is 63% of 194 UN member countries, up from 41 % in 1989.

Further, according to Freedom House's Freedom Index, which evaluates the state of freedom in the world as a factor of the civil liberties and political rights of individuals, 147 countries are free (88) or partly free (59).

Civil liberties ratings are based on an evaluation of freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights. Political rights ratings are based on an evaluation of electoral processes, political pluralism and participation, and the functioning of government. In the infamous 2010 UN Security Council election, Canada did not even carry all of the UN's 122 democracies. In fact, the democracies abandoned us in droves in the second round of votes, after most had kept their commitments to support us in the first round.

Although you could be forgiven for thinking otherwise if you have been listening to our leaders, Canada does not have a monopoly on principles in foreign policy. In delivering the Canadian statement in the 2011 UN General Debate, Foreign Minister Baird asserted that "standing for what is principled and just, regardless of whether it is popular or convenient or expedient ... is the Canadian tradition." Canada "will not go

along”, he said, in order “to get along”. He echoed those sentiments again in his 2013 address to the UN General Debate. In the Israeli Knesset earlier this year, the Prime Minister voiced the same sentiment when he asserted that it is “a Canadian tradition to stand for what is principled and just, regardless of whether it is convenient or popular.” (Perhaps they have the same speech writer.) In any case, such compliments would carry considerably more weight if third parties paid them to us, instead of our having to praise ourselves.

The implication of this political hyperbole is that Canada is exceptionally, perhaps even uniquely principled in its foreign policy. But where, for example, is the principle in turning a blind eye to the flouting of international law? Ottawa readily condemns Russian occupation of Crimea but remains silent on Israeli occupation -- since 1967 -- of the West Bank.

And where is the sense in deprecating UN reform? In his speech to the General Debate in 2012 (see your readings), a speech sitting in judgment of the UN’s presumed failings, Mr. Baird argued that

... we cannot and will not participate in endless, fruitless inward-looking exercises. Canada’s Permanent Mission to the United Nations will henceforth devote primary attention to what the United Nations is achieving, not to how the UN arranges its affairs. The UN spends too much time on itself. It must now look outward. The preoccupation with procedure and process must yield to the tracking of substance and results. If the UN focuses on the achievement of goals—such as prosperity, security and human dignity—then reform will take care of itself.

This and other parts of the speech are a target rich environment for critics of current Canadian foreign policy. I will restrict myself to two observations. First is the obvious

point that all large, successful organizations —from Toyota to Google to the Government of Canada—engage in continuous reform and innovation to remain relevant and effective. Second most knowledgeable people would consider that the UN is indeed focussing on the achievement of goals --the Millennium Development Goals are perhaps the most obvious example. The Arms Trade Treaty, which Canada is the only NATO country not to sign, is another result. In fact, Mr. Baird did not adduce a single example of the problem he was decrying.

Conclusion

I have argued generally that despite its shortcomings the UN remains indispensable to preserving and promoting peace and progress, that, despite some high profile failures, the UN is broadly effective in preventing and responding to conflict in fragile states, that the UN is fundamental to, albeit insufficient for, cooperative global governance, that the UN is reforming, innovating and adapting to changing times, including regarding military missions, and that Canada would be better advised to engage and to promote reform than to sit in scowling judgment on the periphery.

I would be happy to take questions.

Thank you