

**Notes for a Presentation**

**by Paul Heinbecker**

**of Laurier University,**

**The Balsillie School of International Affairs**

**and**

**the Centre for International Governance Innovation**

**to the Canadian Parliamentary Friends**

**of the United Nations**

**“The United Nations:**

**Why It Remains Important;**

**The prospects for Reform”**

**February 19, 2015**

*Check against delivery*

## **Introduction**

I am going to talk about the United Nations in general and its three principal organs in particular –by which I mean the Security Council, the General Assembly and the Secretary General. What they are and what they are not. How they work, and how and why they sometimes don't work. I will also discuss briefly what needs reform and what impedes it.

Overall, I am going to argue that, despite its very real shortcomings, the UN remains indispensable to preserving and promoting peace and progress, that, despite some high profile failures, the UN is more effective than most of its detractors think in preventing and responding to conflict, although it is less effective than some of its more committed boosters realize. I am also going to argue that the Government of Canada would do better to engage the UN and promote reform than to sit in truculent, ineffective judgment on the sidelines.

I say all this not out of some misguided nostalgia for liberal internationalism nor because of some romantic attachment to global governance and certainly not because I think the UN is flawless. I say it because I think that our integrating world makes multilateral, inclusive cooperation more important than ever, because in my judgment the UN is

integral to, albeit insufficient for, cooperative global governance, because the UN is in fact reforming, innovating and adapting to changing times, although reform is always going to be a journey not a destination in an organization of 193 very disparate members. Finally, I defend the UN warts and all because it is indispensable to global governance and because there is little prospect of creating a better alternative.

### **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 broadly 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.

This evening, I will talk mainly about the UN organs that contribute directly to the preservation of peace, although all of the UN's funds and programs and institutions contribute hugely to that goal. As former Secretary General Kofi Annan once observed, without security there is no prosperity, without prosperity there is no security and without human rights and justice there is no security or prosperity.

The "social work" done by the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, UNICEF, the World Food Program, the World Health Organization, the UN Development Program, the Office for the Coordination of Humanitarian Assistance, among others, is invaluable in itself and indispensable to the promotion and preservation of peace and security.

## Preserving the Peace

Mindful of the carnage of the Second World War, nation states have progressively brought the resort to war under the disciplines of the UN Charter. The Charter constitutes the international “rules of the road” that most countries see it is in their interest to respect, most of the time. UN member states have, further, 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.

To avoid that stigma, note how hard Russia has been arguing, preposterously, that the soldiers in Crimea and in Eastern Ukraine had come from some other planet. In the First World War, no one felt any such guilt.

It is significant that conflicts are fewer and smaller than they used to be.

According to the Human Security Research Project of Simon Frazer

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, 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 human progress to increased 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, multi-disciplinary UN missions, working in cooperation with other global and regional organizations and with countless non-government organizations. (see the Human Security Report of 2013). Since

1989, the Security Council has authorized 31 “peacekeeping” missions-- compared to 15 in the previous 40 years (source: UN List of Peacekeeping Operations 1948-2013). This activism has been directed towards preventing wars, towards stopping those wars that could not be prevented, and towards preventing those wars that stopped from restarting.

Further, the member countries of the UN have through the General Assembly and other UN auspices spawned an extensive body of international law, treaties, norms, practices and institutions that govern most facets of interstate relations. 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 – entered into force on Christmas eve, 24 December 2014 (without Canadian endorsement). Thirteen counter-terrorism treaties have been concluded under UN auspices. Further 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.

The UN or its constituent bodies have concluded 45 treaties on the environment from the Kyoto Protocol on climate change to the Montreal Protocol on ozone depletion to treaties on migratory species and

endangered species and beyond. All told, over 500 multilateral treaties have been concluded under UN auspices

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 drive policy 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, and with less opposition than if the universally inclusive UN did not exist.

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 ....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. It belongs to the world and reflects the diversities and contradictions of that world.

### **Not an Incipient Global Government**

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 still a worthwhile one and realistic, albeit still difficult to achieve. It is an insight that the Government of Canada would do well to remember.

Misunderstandings abound about what the UN is, and what it does.

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 the existence of conflict is, *ipso facto*, evidence that the UN is failing in its most basic responsibilities of saving the innocent from violence.

But, like planes landing safely at Pearson International Airport, UN success stories are rarely news. For example, you don't hear much these days of East Timor, Bosnia, Kosovo, Croatia, Mozambique, Liberia, Sierra Leone, Mali, Cote d'Ivoire, Burundi, Angola, Cyprus, and etc. And a good dozen others. Its failures though do make headlines, often tragic ones, such as Rwanda Srebrenica, Darfur and Syria. Note that these failures should not be laid at the door of the UN headquarters building on First Avenue in New York, and the professional staff who work there and at offices and peace missions around the world. The failures are the failures of member states, especially of the Five Permanent members of the Security Council. Sustained engagement with conflict plagued states is often necessary.

## **What the UN Is and Is Not**

People familiar with the Westminster system of government and other parliamentary systems are perhaps more prone than others to confuse the UN organization with governance structures closer to home. There is a temptation to think of the Secretary General as the equivalent of a Prime Minister, the Security Council as a kind of cabinet and the General Assembly as a parliament. None of these assumptions is correct.

### **First, the Secretary General.**

In reality 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 one wit once observed, more secretary than general. They do not, as Canadian Prime Ministers do, appoint their ministerial collaborators. The reverse is closer to the truth.

Secretaries General are chosen by the Five Permanent members of the Security Council, and effectively serve at their pleasure.

I applaud the effort underway with the support of 1 for 7 Billion—to democratize, or at least to aerate the process of selecting the next Secretary General. At a recent General Assembly meeting, the Government of Canada even dusted off the proposals our UN mission last made a decade earlier. I read accounts of that meeting and it was apparent that plenty of good ideas emerged, promoted by the rank and file members and others. The problem is the rank and file do not choose secretaries general. The P5 do—and the P5 did not really engage in that debate, at least not constructively.

The P5 are loathe to select Secretaries General who are likely seriously to challenge them and their policies and privileges, much less defy them.

Nevertheless it is good to keep pressing for democratization, so that intervening decisions do not close off the route to that goal. But we need to understand we are playing a long game.

In addition to his<sup>1</sup> 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 193 states party, the Secretary General has essentially two powers, one statutory and one intangible. Under the first, the Statutory Power, the Secretary General “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, with the second power, 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 their people, as Ban Ki Moon did with uncertain results last Fall in his interview with Peter Mansbridge of the CBC on climate change.

---

<sup>1</sup> All Secretaries General have been male.

The Secretary General can lend the weight of his office and the still generally high regard in which it is held around the world, to build support for emerging norms of behaviour 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, the UN membership has not seen fit to give the UN standing forces for the Secretary General to use as circumstances warrant. He cannot on his own decision deploy troops anywhere , much less employ troops in combat. The Secretary General is dependent on member governments to provide troops to the UN, and he is dependent on the Security Council to deploy them. He cannot even alone impose economic sanctions on rogue states.

In private sector terms, he is far from being a Chief Executive Officer, possessing the near unbridled decision-making authority that goes with such a position. He does not even preside over meetings of the Security

Council. That is done by Security Council permanent representatives on a monthly rotating basis.

### **The Security Council**

The simple fact is that the Security Council is not accountable to the Secretary General. The reverse is true. Nor, except in the most perfunctory way, is the Council even accountable to the General Assembly. The Five Permanent members enjoy a unique status, far above the rest, including far beyond the elected members of the Security Council. In many ways that is inequitable and retrograde. But there is a little remarked on benefit from the fact that the world's most powerful countries have special status.

There has not been a war between permanent members of the UN Security Council since the UN was founded in 1945. The P5 are permanently in the centre of the diplomatic action at the most important security table on earth, which positions them to affect every security issue that comes before the Council and to protect their own interests. The P5 are constantly engaged in diplomacy with each other—a kind of modern day global

*Concert of nations*, which helps to avoid conflict between them by miscalculation or inadvertence.

The P5 is the most exclusive group in the world. The permanent members of the Council enjoy, in both senses of the word “enjoy”, vetoes over UN action on security matters. No significant Council resolution can be passed against the will of any P5 member. This 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. No veto would have meant no UN. And that is still the case.

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 Hammarskjold 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 deepens, as is the case with Syria. The P5 are failing to find sufficient common ground to resolve the issues of the 21<sup>st</sup> Century — Syria, ISIS, Ukraine, Palestine and they are failing the world's innocent in the process.

As members of the most privileged club on the planet, they are devoted to preserving their own veto powers so much so that they are prepared to respect the vetoes of their peers, no matter how tragic the consequences for others, 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 nevertheless is changing, and new power centres, especially China but not only China 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. It is seriously shortsighted for the West to flout UN rules while it is on top, because that sets an example for others doing likewise when the time comes that they are ascendant. Now is the time for reinforcing international law not selectively disregarding it and for inculcating a culture of compliance with the law not defiance of it.

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, and they want to use the council to promote and protect their interests, including their interest in a more secure world.

### **Third, The General Assembly**

According to the Truman Library, President Harry Truman carried around in his wallet a verse from Tennyson, which read in part:

*[FAR ALONG THE WORLD-WIDE WHISPER OF THE SOUTH-WIND RUSHING  
WARM,  
"WITH THE STANDARDS OF THE PEOPLES PLUNGING THRO' THE  
THUNDER-STORM;]  
"TILL THE WAR-DRUM THROBB'D NO LONGER, AND THE BATTLE-FLAGS  
WERE FURL'D  
"IN THE PARLIAMENT OF MAN, THE FEDERATION OF THE WORLD,  
"THERE THE COMMON SENSE OF MOST SHALL HOLD A FRETFUL REALM  
IN AWE,  
"AND THE KINDLY EARTH SHALL SLUMBER, LAPT IN UNIVERSAL LAW."*

Noble sentiments to be sure, but yet to be realized.

It is important to preserve this objective, even if its realization likely lies in the mists of time, decades into the future, if intervening decisions are not to progressively close the option off.

But, now, the General Assembly is not a parliament except in a metaphorical sense.

It is very much a gathering of states, where citizens cannot not participate in decision-making

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 equivalent,  
and no governing party.

Nor is there a sergeant-at-arms to keep order—or a sheriff to enforce the rules.

And nor do most governments want to change things.

That said, if the UN did not exist, we would have to invent it.

If... we could muster the vision and creativity that our parents and grandparents did — which they only achieved after seeing 60 million die.

### **Canada and the United Nations**

The unspoken context for today's lecture is the skepticism about the UN in some quarters in Ottawa especially, but also elsewhere in the country and abroad. Some of the disappointment is legitimate, some of it is misplaced — the product of a unique Canadian blend of misconception and mean-spiritedness, and some of it is 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 frequency of Ottawa's condemnations of the UN accelerated dramatically after Canada lost the 2010 Security Council election.

In September 2012, the Prime Minister literally went out of his way to snub the UN. Instead of participating in the annual General Debate, attended by other heads of government, he spoke to the Appeal of Conscience Foundation's annual fundraising dinner, held literally down the street from the UN in New York (which Prime Minister Chretien had also done, albeit after speaking in the UN General Debate). There, 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 then 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 voting, after most had kept their commitments to support us in the first round. They preferred a bankrupt Portugal—also a democracy—to a solvent Canada.

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, then 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 early last 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 be considerably more satisfying if they were paid to us by third parties, rather than paid to us by 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 and rightly condemns Russian

occupation of Crimea but remains silent on Israeli occupation -- since 1967 -  
- of the West Bank. Where is the principle in exporting vast amounts of  
arms to countries like Saudi Arabia. And where is the sense in deprecating  
UN reform?

In his speech to the General Debate in 2012, a speech sitting in judgment of  
the UN's presumed failings, former Foreign Minister 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 presented rich targets 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. In fact, Mr. Baird did not adduce a single example of the problem he was decrying.

The government also renounced the commitments we had made in the Kyoto Accord, walked away from the Desertification Treaty, the only country to do so, failed to ratify the Arms Trade Treaty, the only NATO country to do so and failed to ratify the Cluster Munitions Treaty. To name a few failures of our own

## **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 the aggregate of the member countries, and is dependent on their common purpose and political will to act, when those can be mustered for the common good. The UN is reforming, innovating and adapting to changing times, and the Canadian government would do better to engage with the UN and to promote reform rather than to sit in disgruntled judgment on the sidelines. Because if the UN did not exist, we would have to invent it. If... we could muster the vision and creativity that our parents and grandparents did—which they only achieved after seeing 60 million die.

