

# Pushing the UN to act when it must

*Ivo Daalder and James Lindsay\**

Convened in the wake of the crisis over Iraq, a UN high level panel appointed by Secretary General Kofi Annan delivered a historic report that leaves little question about the need for fundamental reform of the United Nations.

The panel does not mince words. It speaks of "major failures" to halt ethnic cleansing and genocide in Bosnia, Rwanda, and in Darfur today. It calls the UN's response to the HIV/AIDS crisis "shockingly late and shamefully ill-resourced." And it castigates the UN Human Rights Commission for creating "a legitimacy deficit that casts doubts on the overall reputation of the United Nations."

As important as acknowledging the UN's many shortcomings is the panel's recognition that the world has changed fundamentally since the UN's founding at the end of the World War II. Then, its focus was to uphold the sovereign equality of its members and prevent aggressive wars, goals that were not surprising for an organization born in the wake of history's most destructive conflict.

But, as the panel notes, the threats the world confronts 60 years later are fundamentally different and in many ways more challenging. They include not just the external behavior of states, but also what goes on within them. They extend to global challenges as well as local ones. They come from non-state actors as well as states. And they threaten human security as well as state security.

Given this changing security environment, the panel acknowledges that military force may be necessary in many more circumstances than the UN's founding members originally envisaged. States, of course, retain the inherent right of self-defense, but this right applies not only after an attack has occurred but also when an attack is clearly imminent. The panel was right to embrace this principle of anticipatory self-defense, even though some UN members continue to doubt its legitimacy or legality.

But the panel went significantly further with respect to when force may have to be used. Echoing arguments first made by the Bush administration after the terrorist attacks of 9/11, the panel recognizes the validity of the argument that preventive military action may be necessary to deal with a threat that is neither imminent nor proximate (e.g., the acquisition of weapons of mass destruction, or a terrorist group armed with such weapons). It also embraces the principle that states have a responsibility to protect their citizens from violence, and when they are unwilling or unable to do so the responsibility to protect falls to the international community.

The panel's embrace of these principles of military intervention represent a significant attempt to change the notion that the UN's primary purpose is to uphold the sovereign equality of its members by ensuring the non-interference in the internal affairs of state. Instead, the panel has embraced the important idea that sovereignty is conditional on the internal behavior of states -- not least toward

their own citizens, but also in terms of internal developments may threaten other states or the international order.

Not surprising for a UN-appointed body, the panel vests the sole authority to decide on when to act on these principles within the UN Security Council. This is unfortunate. Recent history makes clear the council is often unwilling to act on the very principles the panel now embraces.

The council failed to authorize NATO's intervention in Kosovo designed to prevent the ethnic cleansing of Kosovar Albanians. It failed to act in time to prevent the genocide in Rwanda, and is equally divided on how to respond to the genocide in Darfur. It has done nothing in response to North Korea's violation of its obligations under the nuclear Non-Proliferation Treaty.

Enlarging the council's membership from 15 to 24 states, as the panel also proposes, is not in itself a way out of this dilemma.

What, then, are states wishing to act on the principles of intervention the panel endorses to do if the UN Security Council refuses to authorize the use of force? The panel is right to say that unilateral action in such circumstances is a recipe for chaos and anarchy. But so is doing nothing. Had the panel's precepts ruled in the case of Kosovo, hundreds of thousands of ethnic Albanians would have suffered the same fate their fellow-beings suffered in Rwanda a decade ago or in Darfur today. What is wrong was not the decision to act in Kosovo; what is wrong is the decision not to do so in Rwanda and Darfur.

The NATO model in Kosovo suggests that in the real world, states have an alternative to going it alone or doing nothing when the UN Security Council cannot agree on action. And that is for like-minded states -- especially the world's great democracies -- to band together and act when the UN will not. Of course, every effort must be made to get Security Council authorization for using force to uphold international order. But when such authorization is blocked by a few states -- especially by states like Russia or China that do not share the values that unite democracies -- then the responsibility to act must devolve to the democratic states that depend on maintaining a just and secure world order.

The challenge, therefore, is not only to insure that the UN acts when it must, but to build viable structures of cooperation among democratic states to insure that there will be action when the UN does not.

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