

12-21-2005

## The Role of the United Nations in a Unipolar World

Brian Urquart

Michael Glennon  
*Tufts University*

Follow this and additional works at: <https://scholarworks.umb.edu/nejpp>



Part of the [International and Area Studies Commons](#), [International Relations Commons](#), and the [Peace and Conflict Studies Commons](#)

---

### Recommended Citation

Urquart, Brian and Glennon, Michael (2005) "The Role of the United Nations in a Unipolar World," *New England Journal of Public Policy*. Vol. 19: Iss. 2, Article 13.

Available at: <https://scholarworks.umb.edu/nejpp/vol19/iss2/13>

This Article is brought to you for free and open access by ScholarWorks at UMass Boston. It has been accepted for inclusion in New England Journal of Public Policy by an authorized editor of ScholarWorks at UMass Boston. For more information, please contact [scholarworks@umb.edu](mailto:scholarworks@umb.edu).

# The Role of the United Nations in a Unipolar World

---

From the EPHC Symposium at  
Tufts University, February 2004

*Sir Brian Urquart is former Under-Secretary-General of the UN with special responsibility for peacekeeping operations and author of A Life in Peace and War.*

To be called irrelevant is, I suppose, the most biting insult you can possibly give to anything, a person or an institution, and it's been used quite a bit about the UN. But it's still here. And for better or for worse I think that its demise is somewhat unlikely, certainly in the near future.

The last time this insult was thrown at the UN was by none other than the President of the United States. It was over the failure of the Security Council to reach unanimity on the occupation of Iraq and the regime change. Here we are a year later [February 2004] and, God help them, the Secretary-General Kofi Annan and his remarkable assistant Lakhdar Brahimi, the former Foreign Minister of Algeria, who has been holding things down in Afghanistan for the last few years, are now the ones who have to devise some way of gradually transferring power which is acceptable to all Iraqis. This is not an easy job. The Romans tried it in the second and third centuries A.D. in that it killed the Emperor Trajan.

I must say that this is a poison chalice if ever there was one because it's an extremely difficult to get everybody to agree on in Iraq. If they don't do it we shall hear again about how hopeless the UN is. But never mind, they're going to do it. I must say that it just shows I think a little bit what a difference a year makes and how the word "irrelevant" may seem applicable in some people's minds one year but then not at all the next year.

Ralph Bunch was born one hundred years ago today. He was a great international leader and a great national activist. He was the most remarkable but the most likeable man I have ever worked with. I think we need to remember him because he is a model for aspiring future leaders and public servants. If I sound as if I was going overboard on Ralph Bunch I am. The curious thing about Ralph was that the grander he got the nicer he became. He was a very modest, extremely unpretentious, and absolutely brilliant man. What is odd about someone like Bunch who really hated publicity is that all of his deeds are quite well remembered but *he* is not.

Bunch had a very acute analytical intellect. He started off as a political scientist and field anthropologist. He was an African American with all of the limitations that existed in the first part of the last century in this country. He was born in 1903. But he managed to overcome these, he had become an enormously well known and distinguished figure in the academic world at a very young age and he was, I think you could say, one of the founders of what became the civil rights movement. He wrote a great deal about the status of the Negro in the United States at a time when that wasn't done very much.

He also wrote a great deal about colonialism in the world — almost a non-subject in the United States in those days — and he saw, I think before anybody did, a parallel between the problem of race in the United States and the problem of colonialism in the world at large. He also wrote about 4000 pages of the initial draft of *An American Dilemma*, which is still I suppose the most important book on the race problem in the America. But that was just a beginning.

He was summoned to Washington during the war as an expert on the colonial world and especially on Africa where he traveled a great deal. He wrote two chapters of the UN charter. I don't think anybody else has done that, the chapter on Trusteeship and the chapter on Nonsell-governing Territories and Colonies. And then he went to the UN, and he soon got saddled with the problem of Palestine. He was the sole author of the Palestine Partition Plan, which you've all heard of, only his was rather better than the one that's being passed around today. He became a mediator in Palestine after his colleague, Count Bernadotte, was murdered by the Stern Gang in Jerusalem in September 1948, and he did something that everybody thought was completely impossible; he negotiated armistice agreements, a written agreement signed, between Israel and her five Arab neighbors.

For that he got the Nobel Peace Prize, which he then tried to turn down. He wrote a letter saying he was frightfully pleased to have been given the Nobel Peace Prize but he didn't think it was appropriate to take it because he was just doing his job. This went over very badly in Norway and also with the Secretary-General who was a Norwegian and who ordered him to accept it. But it was very typical of Bunch; he didn't want to be distracted by any prizes.

He went on incidentally to invent peacekeeping. He was the person who put the first peacekeeping operations together, the observer group in Palestine, which is still there, and then later, six years later, the UN Emergency Force in Egypt which is not still there but was the first full scale peacekeeping operation.

There's quite a lot to remember him for. I think the most interesting thing, looking back on Bunch, is how very far-sighted he was. As I said, he had a brilliant analytical intellect and when he was dealing with a subject thought about it, analyzed it and worried about how it was going to go in the future. For example, in the partition plan which he wrote in 1947, which was the basis of virtually all the negotiations until quite recently, he was very worried that the Palestinians would become a sort of a lower class economically and socially than the Israelis, and therefore he put into that plan economic union between the two states, which was designed to produce some kind of economic balance. But, of course, it never happened. But what he feared has certainly come true. He never ceased to point out that the problem of the Palestinian refugees, which was totally ignored in the early part of this lamentable story, was the main problem in this part of the world, and if that wasn't solved you would have no solution and no peace in the Middle East. In fact after his great triumph, the Armistice Agreement, he made a public statement saying, and I quote, "The hapless Palestine refugees are still on the hook. They are the real victims of this affair." And after another triumph when he set up the first peacekeeping force in 1956 in Egypt, which incidentally got the British, the French, and the Israelis who had invaded Egypt out of it, he wrote: "There can be no peace or real progress towards peace in the Middle East until the problem of the Arab/Palestine refugees is solved. The world evades that one." But they can't evade it any more.

Preventive war is an interesting concept now, much discussed, and I recently

discovered Bunch's views on preventive war. In 1950 when he got the Nobel Peace Prize his speech talks about preventive war. And this was at a time when the Soviet Union had got nuclear weapons the year before and there was a faction, including some rather influential people in Washington, who thought the best thing to do was to have a preventive nuclear strike on the Soviet Union right away and get rid of the problem. And this was, I'm not joking, this was an absolutely serious point of view. Bunch wrote the following: "There are some in the world who are prematurely resigned to the inevitability of war. Among them are the advocates of the so-called "preventive war," who in their resignation to war wish merely to select their own time for initiating it. To suggest that war can prevent war is a base play on words and a despicable form of warmongering. The objective of any who sincerely believe in peace clearly must be to exhaust every honorable recourse in the effort to save the peace. The world has ample evidence that war begets only conditions which beget further war."

Now let us get back to the subject of the UN and its relevance. Well, let me just quickly go through the phases of the UN's life. It was founded, as you know, in 1945, the charter was signed in San Francisco in April of that year, before the war was over. And it's important to remember that the UN charter and the whole concept of the UN was the brainchild of Franklin Roosevelt and something that he seems to have paid more attention to and minded more about than almost anything else, including conducting the whole of World War II. Unfortunately, because it was before the war ended the charter was founded on a false assumption, which was that the alliance that had won the war would continue to observe the peace and if necessary enforce it. This was the basis of the UN's peace and security function and the base, of course, of the five permanent members of the Security Council who have a veto. We need to list here the names again: the United States, the Soviet Union, France, the United Kingdom, and China. Well, within two or three years the relations between the five permanent members had become the main threat to world peace and remained so for forty years. So the UN was to some extent founded on a kind of geopolitical fault from which, in a way, it has never recovered.

In the Cold War a new function was found for the UN — it just sort of happened like penicillin — and that was what we now call peacekeeping. Peacekeeping wasn't just a lot of neutral soldiers in blue hats running around the world, it was an extremely important strategic device, which is why the United States very, very substantially supported it though it didn't take part in it, and why the Soviet Union never really tried to veto it. They needed it. The importance of peacekeeping was to contain regional conflicts and try to prevent them from igniting the main East/West nuclear conflict; places like the Middle East, Kashmir, Cyprus, later on The Congo and so on. And if it had never done anything else I think the UN would have proved its relevance during the Cold War.

Then the Cold War unexpectedly ended, taking everybody by surprise. There was no post-Cold War planning like there had been after World War II. There was a year or two of very unwise euphoria, everybody saying the UN at last was going to work as had been written in San Francisco forty years before. And it did do one thing absolutely according to the charter, which was to authorize the operation against Saddam Hussein to get him out of Kuwait. There was a lot of very over-euphoric talk.

Then the UN plunged into all sorts of problems, mostly in the debris of the Cold War, countries that had been proxy battlefields in the Cold War; Angola,

Mozambique, Somalia, Cambodia, and others. It sent in operations to try to pacify what were variations of civil war and failed statehood. Some of these operations were successful so one heard about them; for example, Mozambique. Others were deeply flawed or, indeed, total failures; Somalia, Bosnia, and particularly Rwanda.

What the UN was doing there without thinking about it was trying to apply the old peacekeeping technique, which was designed to keep the peace between countries and provide a pretext for them not to fight each other. But it was no longer dealing with nations, it was dealing with warlords, thugs, lunatics, and all sorts of people who didn't give a damn about the UN, couldn't have cared less about the charter or the Security Council, and really, therefore, could only be dealt with by brute force. But peacekeeping operations are not allowed to use force.

So we had a big confusion culminating in the disaster with the Rangers in Mogadishu in Somalia, which turned the United States completely against UN peacekeeping, and then, very shortly thereafter, the disaster in Rwanda where nobody comes out well and where the United States was instrumental in not reinforcing the UN force in Rwanda, in fact withdrawing it and trying to ignore the problem. This was, I think, a direct result of the disaster four months previously in Somalia.

And now we have an interesting period, the period of the presidency of George W Bush, when the United States has sought to — well it obviously doesn't approve of the whole idea of internationalism or the UN or multilateralism or any of this stuff. But every now and then it's compelled to use it. Maybe the necessity of the UN in Iraq is possibly going to change the minds of Washington. I doubt it. But I do think there is another side to this whole problem. The UN itself is a very staid organization and it's got to adjust to the future. Now that's not so easily done because the UN in the peace and security field has two major problems; one, as I mentioned before, is the five permanent members of the Security Council who even now don't always agree. Do they ever agree? I mean a year ago we had blood on the floor in the Security Council over Iraq and that is bad enough.

But also I think that there is a resolute refusal of governments to allow the UN the identity and the available resources and the degree of preparedness to actually be of use in big international crises. We see it now, for example, in Kofi Annan's problem over sending people back to Iraq. If there were an international UN force for providing security for a very dangerous mission like that it would be much easier. As it is, they are dependent either on private contractors or on the coalition forces. Every year there has been something; last year it was Liberia and Northeastern Congo, where a capacity to deploy immediately would have made a huge difference instead of having to wait five months and then get a not very efficient force in. So we have a problem in improving the performance.

I wonder how many more disasters it's going to take before governments realize that if they're going to dump problems on the UN and pretend it can solve them, they're going to have to give it the means to do it. If they don't do that the UN will continue to be very inefficient, ineffective, bureaucratic, and so on. That's a pity because it's not necessary.

We hear a great deal now about a unipolar world, a single superpower and so on. There is no question the United States is the most powerful country in history. There's never been anything like it. But where does that really leave us? A hundred years ago, less than a hundred years ago, Great Britain controlled 25 percent of the land surface of the world, it controlled the oceans and the seas, the navy, and it also

controlled the world's economy. That's less than a hundred years ago. Such an imperial sweep is inconceivable now even for the United States, partly because, of course, the United States doesn't want it, and also because the world has got past the imperial phase at long last. It is really something that doesn't work.

No matter how powerful a country is, there is great resistance at all times to one country taking over another. We see it, of course, all too often, most recently in Afghanistan and Iraq. It seems to me the outcome in both those countries is still very much up for grabs. And we have a vast development now of the traditional weapon of the poor, terrorism. It's now become terrorism linked to high technology and to suicide bombing, which is something that died out in the thirteenth century now has come back. This turns out to be an extremely effective means of opposing powerful countries. We've always known that a low level but effective guerrilla activity is something that very powerful armies can't really deal with. We learned that in Vietnam, and, unfortunately, we're going to learn it again.

The news is dominated, quite rightly, by 9/11, Afghanistan, Iraq, and so on. But while that's all going on there are things that literally are going to determine whether human life can be sustained on this planet in not such a very long time. And it seems to me, it is a disaster if our short-term concerns somehow manage to overshadow our vital, and I mean vital, long-term concerns; long-term threats to security, stability, even to existence. We all know what they are, they are poverty and despair, economic imbalance, the degradation of the environment, the destruction of natural resources, the problem of over-population in some parts of the world, and so on. And that is what is going to determine the future of the human race.

Now that imperialism is dead, I think the notion of preventive war is an extremely limited concept. In the first place it depends on extremely good intelligence and we haven't had very good experiences with that lately. It also is something with great limitations. It's very inadvisable, for example, to unleash preventive war in countries with nuclear weapons; North Korea is a classic case in point, and also countries that can absolutely ruin the country next door before they go down themselves, also North Korea.

I think everyone agrees that the United States is the indispensable international leader. It isn't really a matter for argument. But I think it's the form of that leadership that is important, and that's where it does seem to me that we must hope that what we see is leadership within a framework of international cooperation. Part of that framework is the UN and other international organizations. This, incidentally, is what Franklin Roosevelt had in mind. Franklin Roosevelt was a great president and a great patriot and he had no illusions that the United States was the most powerful country in the world; of course it was. But he believed that the United States would be most influential and most powerful and would be able to do best if it functioned in the context of an international system. He believed, also, that that was essential not only for meeting immediate threats but also for looking at long-term problems, most of which didn't exist in 1945. We've gone very far in creating long-term global problems.

I think he also believed that with a world as volatile as this one, and it's got more volatile since 1945, you have to have legitimacy. The UN, with its various councils and assemblies, is a useful source of legitimacy. You have to have rules, which are in the charter, and you have to have international law to govern human activities that go way beyond national boundaries, and that covers virtually everything now.

Otherwise, I think, even in 1945 people were convinced that the future would be anarchy and it might not necessarily be Hitler or Mussolini all over again, it might be something even worse, a kind of erosion of the whole system of society and government. I think what alarms people in the world outside is that the current leadership in Washington appears not to believe this is very important and that America is an exceptional country that doesn't necessarily have to go along with the rules and the treaties and the ways of doing things. It has even declared preventive war — a direct contradiction of the charter, which was, incidentally, written by the United States.

I also think that the UN itself has to shape up and there is something, I read an article by Richard Pearl the other day and found to my horror that I agreed with virtually all his conclusions. I didn't agree with his arguments but with the conclusions. The UN is in many ways an antiquated organization and it is an organization that desperately needs to be shaken up. I was there for 41 years and I want to tell you, it's a nice idea the UN, it's one of the most exasperating, sometimes worse than exasperating, absolutely humiliatingly awful place to work because suddenly it does very stupid things for various national or other reasons, which really don't make any sense at all. But it's what we've got, and it has to be made to work. I mentioned the five permanent members, well I mean the UN Security Council is a sort of museum piece, it represents the situation of power in 1945 and that, of course, has changed.

We all thought the Cold War was terrible, but the nuclear threat was so imperative, so universally terrifying, that there really was a much greater sense of trying to avoid disaster in the Soviet Union, or perhaps particularly in the Soviet Union, than there is now. Now we have these new faces of danger. There is nuclear proliferation, all sorts of other proliferation of weapons of mass destruction, which are much easier than nuclear weapons to acquire. There is the related problem of rogue states and failed states, which become breeding grounds for danger and despair and also the homes of organizations like Al Qaeda.

It seems to me that if the UN is not to become a kind of museum piece itself, it's going to have to get around to how it can respond actively and rapidly to a menacing situation. It's going to have to have criteria for intervention and ways of getting to an agreement on intervention quickly. This is a major problem but it's a problem I think the UN has to face and, incidentally, I think if it doesn't face it you will not get the United States back into the international framework of the UN.

We have to try to do much more to avoid a new era of religious wars. Twenty years ago it would have been inconceivable that we could even think about religious wars. Now on all sides there are all sorts of possibilities of that.

One thing that is quite encouraging about the UN is the development of the Office of the Secretary-General. Unlike the Security Council this is an office that has evolved. In 1945 the Secretary-General was mostly an administrative official, but now due to the Cold War and due to the paralysis of the Security Council and due to the quality of some of the Secretary-Generals it's become an extremely important part of the world mechanisms to try to avoid disasters of all sorts. The UN is very lucky to have Kofi Annan. He's an indefatigable, very, very level-headed and very decent person. Dag Hammarskjöld once described the Secretary-General as a secular pope, and for most of the time, a pope without a church. I think he just about got it right. There may be nowadays more support for the Secretary-General than there was then because both the Soviet Union and President de Gaulle's France

did not believe that the Secretary-General ought to mix in anything important at all; they thought it was an infringement of sovereignty. Well, the day of the Secretary-General is a twenty-four-hour day because of the time difference around the world and he is, I think, a really indispensable person in times of trouble.

Let me finish with another mention of Ralph Bunch. I think he would have been the first to say that the UN definitely needs to be revitalized, rethought, and brought into a place where it can look at the real risks the world is now running and not the risks of 1945. I think that he would also have thought that a great country like the United States loses nothing by understanding and being courteous to other nations and would be more powerful by far if it worked as the leader in the UN. Bunch was a person who hated ideology and deeply disliked fundamentalism of all kinds. I think he would have been extremely uneasy about all of the evidence that fundamentalism in many forms is on the great increase all over the world now. I think he would have been dismayed that the UN can't get a peacekeeping force anywhere within five months. Bunch's record was four days. My record was seventeen hours, which was in the 1973 Middle East War where the United States declared a nuclear alert and the Soviet Union moved airborne troops. Now it takes much too long, and I think that he would have, therefore, been very insistent that if the UN is to be given important tasks, it must be able to react effectively and quickly.

Bunch believed that no problems, I quote, "no problems of human relations should ever be thought to be insoluble," but he also knew that you needed endless patience and determination and time to solve the most difficult ones. And you must never, never give up. I think the idea of a quick change to democracy in the Middle East he would have found laughable. When Lakhdar Brahimi, Special Adviser to the Secretary-General, came back from Iraq somebody asked him about how soon democracy would come to Iraq and he said, "Well you know, there's a general feeling that it's like instant coffee, you pour hot water on the grains and that's it, but actually it's a matter of at least two generations before you get anywhere near it."

I think that Bunch would have felt very strongly that you've got to stick with problems. You can't go away or find they're too difficult and leave them. He represented the essential spirit and the potential of the UN at its best. He was a realistic idealist, and I hope that more people like him will be coming up; perhaps they are among this audience.

**Michael Glennon** is professor of international law, The Fletcher School of Law and Diplomacy, Tufts University and author of *Limits of Law, Prerogatives of Power: Interventionism after Kosovo*.

**I**t is a terrific honor to be on a panel with so distinguished an international civil servant as Sir Brian and an equally great honor to welcome him back to lecture in Tufts. I must say it's a rather daunting task to respond to the comments of Sir Brian on the UN charter. It's rather like commenting on the remarks of James Madison on the United States Constitution.

I always advise students that it's important to structure your career in the right way. Sir Brian really started his career, his public career anyway, with quite a dramatic entry. In 1942, while on a training mission, he jumped out of an airplane and his parachute failed to open. As I understand it, he landed in a freshly ploughed field and while he didn't exactly walk away, he did obviously recover. I think it's



fair to say that his career has been uphill since then.

I want to comment on just a couple of aspects of Sir Brian's remarks. First, the whole question of relevance of the UN and, second, the complications posed by American hegemony toward the proper operation of the UN charter.

First relevance: I'm not persuaded of the relevance of relevance as a standard for judging the UN. If relevance were the test by which the UN is to be judged after all, the League of Nations would have passed with flying colors. It was, after all, the League that proved relevant following the Italian invasion of Ethiopia in 1936. Lengthy debates occurred at the headquarters of the League of Nations and if television had existed in those days I am sure everyone would have been glued to those proceedings. So it seems to me, the standard is not relevance; the standard rather is the one that the UN sets for itself in the opening words of the UN charter.

The test is whether the UN has in fact saved succeeding generations from the scourge of war. That is the core purpose of the UN. I don't think it requires much evidence to suggest to you that the UN has failed in that objective as I will suggest later in my remarks. Well over two hundred times since 1945 force has been used by individual states in flagrant violation of the UN charter. You can make your own judgment about the awfulness of the United States' use of force early last year towards Iraq. What doesn't seem to me to be much questioned is the use of force by nineteen western democracies, comprising the North Atlantic Treaty Organization against Yugoslavia in 1999. It was flagrantly violative of the UN charter.

So the question that I want to address is why the UN has failed, why, in Sir Brian's words, have states not given the UN the tools to do its job? I would suggest to you that one need look no further than a recent article by Sir Brian for the answer to this question. In the *New York Review of Books* on January 15 of 2004 he wrote the following:

The nations of the world have yet to agree on the best way to handle relatively new threats like large scale terrorism or nuclear proliferation . . . there is still no clear consensus about humanitarian intervention or any other form of intervention.

Read that last sentence once more because it summarizes the problem succinctly. "There is still no clear consensus about humanitarian intervention or any other form of intervention."

Now I think that Sir Brian's words are indisputably correct and I commend him for the forthrightness to say directly what many defenders of the UN will not acknowledge. I want to take a moment to elaborate how serious this lack of consensus really is and how it reflects itself over and over in many different contexts and problems that the UN Security Council has had to confront. And it's not simply the UN Security Council. Those of you who followed the International Criminal Court may be aware that aggression is one of four crimes listed in the World Statute that establishes the International Criminal Court, that the court is authorized to prosecute. There is a curious aspect about the World Statute, it defines the other three crimes; there is no definition of the crime of aggression. Why is that? For precisely the reason I suggest to you that Sir Brian identifies in the *New York Review of Books*; there is no clear consensus about what constitutes aggression.

Now it is sometimes said that Kosovo represents an emerging norm, and that there is a consensus emerging around the principle that sovereignty can no longer shield intra-state genocide. Thus when intra-state genocide occurs, states have a right under international law to intervene to stop it. Let me remind you that what the

nineteen NATO parties did in Kosovo was condemned by China, was condemned by Russia, and was condemned by India. It was condemned by the Non-Aligned Movement of one hundred and five African and Asian states. Indeed when you look at the lineup of states you will find that most of the countries of Africa, most of the countries of Central and South America, many of the countries of Asia, condemned what NATO did in Kosovo.

So it's very hard to say that there's an emerging norm coalescing around the principle of humanitarian intervention. Indeed anybody who doubts that ought to look at the reaction in the General Assembly in 1999 to a very forward looking speech given by Secretary-General Kofi Annan at the outset of the General Assembly session in September of 1999. He proposed that following the bypassing of the Security Council by NATO in Kosovo earlier that year, we needed to agree on a new principle that intervention would now be seen as permissible to stop the sort of massive human rights violations that NATO intervened to halt in Yugoslavia.

The Secretary-General asked the states of the General Assembly, "Now tell us, what do you think of this idea, the notion that intervention ought to be seen as permissible to stop gross human rights violations such as ethnic cleansing?" I had a research assistant go back and pull from the General Assembly debates all of the comments made by all of the members of the General Assembly over the two and one-half months following the Secretary General's speech. About half the members of the General Assembly responded as he had requested. Of that half about one third spoke out of both sides of their mouth and it's really impossible to tell which side they were coming down on. The remaining two thirds, one third were for what the Secretary General was proposing and the remaining third was opposed to it. So of the states in the General Assembly invited to respond to the Secretary General's idea, one sixth were on one side, another sixth were on the other side and everybody else was silent or somewhere in the middle.

I won't again rehearse the debate about the legality of preemptive or preventive war with respect to Iraq, but you can assess for yourself in hearing the reaction of the international community not simply to the United States actions in Iraq but also to the claims made by the United States about the permissibility of preemptive use of force in the National Security strategy statement of October of two years ago. If you do that I think you will conclude, as Sir Brian has, that there is no consensus on the permissibility of intervention for purposes of preempting a possible future attack.

Now it's easy, and I think wrong, to believe that the United States created this problem. As I said a moment ago, since 1945 well over two hundred times Article 2, paragraph 4 has been breached by states using armed force not in self defense, not subject to the authorization of the UN Security Council. These are the only two instances in the UN charter in which use of force is permissible. France and our pal Britain, I hate to say, in 1956 made an effort to topple the Egyptian government and secure the Suez Canal without any authorization from the Security Council, without any plausible argument that they were acting in self defense. Africa's third world war, as Madeleine Albright called it, concluded just a few months ago, a conflict in which over nine African states were involved in a vast inter-state conflict involving the deaths of tens of thousands of people.

A few months there was a poll taken in six different European countries and the United States. They asked the populations of all these countries, "Do you agree or disagree with the following statement: war is necessary to obtain justice?" In the

United States 84 percent of people polled agreed with that statement. In Europe 48 percent agreed with that statement. So this is not simply a case of the West versus the rest. This is a case of Americans really being from Mars and Europeans really being from Venus on this question of when use of force is permissible.

Sir Brian is absolutely correct when he says there is still no clear consensus about humanitarian intervention or any other form of intervention. Now why do I go on at this length to elaborate this point? Because it's necessary to carry the analysis to the next step, and the next step is this; ask yourself how is it possible to have law regulating a subject matter on which this lack of consensus exists, concerning the most basic question? When is it permissible to enforce the law to use armed force? What constitutes a violation of the law?

Social scientists have studied this issue at some length. You will find it in the literature on cooperation. It's relevant here because law is, of course, a form of cooperation or is an effort, at the outset at least, to settle disputes amicably. These social scientists have come up with about sixteen conditions that are necessary to make legal regulation effective. One of them is consensus on fundamental values and all this evidence, I therefore suggest to you, is useful in accepting why the law has failed. It has failed because the requisite conditions to make law effective do not obtain. It's rather like asking how you could regulate the use of fireworks in a village in which half the village wants the use of fireworks permitted during the day and the other half wants the use of fireworks permitted at night. There is simply no way to adopt an ordinance that would effectively regulate the use of fireworks absent consensus on when it is permissible to use fireworks. The law reflects underlying political realities. It has to. If it doesn't, you will end up with a paper rule rather than a working rule. If it doesn't, you will end up with a law that consists of words that prohibit the use fireworks when it is inappropriate. These are words, I regret to say, of the sort that we now have in the UN charter that attempt to paper over the underlying lack of consensus.

This is one reason that the UN has failed in its effort to subject the use of force to the rule of law. The other reason is American hegemony. The harsh reality is that hegemony is intentioned with the rule of law. There is very limited incentive for an actor within a system to subject itself to restraints when it believes that it is strong enough to work its will and protect its interests through power without accepting legalistic restraints. And that is in a nutshell, I think, the explanation for the phenomenon that Sir Brian commented on, namely the United States' resistance to the notion of multilateralism. It turns out that the United States doesn't have the same incentive that other states have to accept legal rules because it believes that it can get what it wants without law and, look, let's be honest with ourselves, who can blame it? Look at how the United States got what it wanted in Afghanistan, or Iraq. It's understandable why decision makers in Washington would think, "We don't need law on our side; we have power on our side."

But let me suggest once again, this is not a uniquely American phenomenon. States act to enhance their power as a means of enhancing their security. That is true not only of the United States but of other states as well including the United States' power competitors such as France. During the run-up to the war in Iraq and for some years before the stated objective of French foreign policy, the central strategic objective of Jacques Chirac, was to return the world to a multi-polar configuration of power. France, China, and Russia a few years ago entered into a treaty positing that as their goal. Translation: the objective is to knock the United States down a

peg; the objective is to end the unipolar configuration of power that exists in the world. If the United States, if Washington decision-makers were sitting in Paris or Berlin or Moscow or Beijing, they would have exactly the same objective.

I don't fault Dominique de Villepin for using the UN Security Council to advance this foreign policy objective of France, but by the same token I think our power competitors need to understand that if French or German or Russian or Chinese decision-makers were sitting in Washington, it's not highly probable that they would voluntarily forego the exercise of hegemonic power. No, that's just not how states operate. And lest anyone be confused about that, look at France's record in recent months. It's not simply the power gap between the United States and France that France wishes to eliminate. Consider France's reaction to the effort by the Poles and the Spanish to exercise power that prior to the outset of the Gulf War the French thought was a bit uppity. No, they were not well brought up, Jacques Chirac told them. Jacques Chirac is very happy with maintaining the gap between France and its power competitors, third tier powers. It's the gap between the United States and France that Chirac wishes to eliminate.

So again, I suggest this is not a problem unique to the United States, but it's useful to appreciate that those who point the finger at the United States are the prime offenders here.

Let me just conclude by suggesting that all of this counsels caution in the expectation that humanity can any time soon come up with a regime governing the use of force that fulfils the dream of the UN founders. That does not mean that the UN cannot function effectively in a variety of different areas. As noted in the introduction, I've spent some time working for the International Atomic Energy Agency in Vienna and I've often said that any model, any department or agency of the United States government would regard the IAEA as a model for administrative probity in every way; and that is true of so many entities of the UN. It doesn't mean that the UN cannot raise an effective war against poverty and disease. It doesn't mean that international law will fail in ensuring smooth and regular international communication and transportation.

No, the world of high politics concerning peace, the nerve center of security issues that Sir Brian now has been referring to, is very different from the world of low politics in which in many cases the conditions for effective regulation are present. There, however, in the world of high politics, the UN has repeatedly failed and there is, I say it with regret, no reason to believe that in the future success is any more likely. That is useful to know before rather than after the humanity next jumps out of the plane and relies upon the UN parachute to open. ❀

