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UNITED NATIONS REFORM:
THE NEED FOR LEGITIMACY

by

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United Nations reform debates have tended to focus on how to change the organizational structure of the United Nations in order to make it more efficient. The central question addressed by this thesis is one that has received little attention in these reform debates: "what can the UN, and only the UN, add to our efforts to control conflict?" This thesis examines the hypothesis that the United Nations is unique in its potential ability to build international consensus and to bring international legitimacy to collective response efforts. The goal of this thesis is to show that while the U.N. is ineffective, organizational reforms such as providing the UN standby forces, improving its ability to command forces, or creating an Inspector General will not solve the most critical threat to the organization - its declining legitimacy in the world. This thesis reveals that new problems in a changing world require collective response, hence, the need for a legitimate UN.

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UNITED NATIONS REFORM: THE NEED FOR LEGITIMACY

by

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ABSTRACT

United Nations reform debates have tended to focus on how to change the organizational structure of the United Nations in order to make it more efficient. The central question addressed by this thesis is one that has received little attention in these reform debates: "what can the UN, and only the UN, add to our efforts to control conflict?" This thesis examines the hypothesis that the United Nations is unique in its potential ability to build international consensus and to bring international legitimacy to collective response efforts. The goal of this thesis is to show that while the U.N. is ineffective, organizational reforms such as providing the UN standby forces, improving its ability to command forces, or creating an Inspector General will not solve the most critical threat to the organization - its declining legitimacy in the world. This thesis reveals that new problems in a changing world require collective response, hence, the need for a legitimate UN.

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I. INTRODUCTION

A. PROBLEM: UN REFORM DEBATES MISS THE CENTRAL ISSUE

Reform of the United Nations has been a topic of discussion ever since the organization was created in 1945. During the Cold War, however, the principal obstacle to UN reforms was the rivalry between the United States and the Soviet Union, which stalled any attempts to make it work or to improve it. It should not be surprising, therefore, that the end of the Cold War has produced a vigorous debate over the evolving international security system and over how best to reform the United Nations in that system. As United Nations peacekeeping missions have floundered in Somalia and Bosnia in the 1990s, the United Nations' military ineffectiveness has resulted in a growing UN reform debate over how best to improve the organization. The central focus of this debate has been the United Nations and "making it work the way it was supposed to."[1] The problem with the reform debates, however, is that they have failed to grasp the central issue that will help the United Nations deal with the world of tomorrow: what can the United Nations, and only the United Nations, add to the resolution of conflict in the world?

In the post-Cold War era, the world needs something at the political level to deal with a fragmenting world. There is a critical need, therefore, for the United Nations to help pull the world together to reestablish order. The success of the United Nations and collective responses depend on the perceived legitimacy of the United Nations. All proposals for reforming the UN, however, have tended to focus on changing the organization to improve efficiency. All proposals must be balanced against how they affect the United Nations' ability to build consensus. Reforming the organizational capability of the UN before improving its legitimacy and consensus building will pull the world and the UN apart. Therefore, UN reforms must first build UN decision making and consensus building before any organizational reforms will be successful.

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[1] John M. Lee, Robert von Pagenhardt, and Timothy W. Stanley, To Unite Our Strength (Lanham, Maryland: University Press, 1992), 35.

The success of any UN reforms will depend on the support of the U.S. for the organization. The U.S. must, therefore, act toward the UN as if it mattered. The UN as an organization matters to the U.S. because it builds habits and expectations of dialogue and cooperation between states. The existence of the United Nations has changed the way nation-states think about their relations with each other. By providing a world a forum for dialogue, the UN is much more than an instrument or tool of nation-states. It is that, of course, but it also establishes a framework that states can use to deal with problems beyond the scope of their own capabilities. The UN is not designed or equipped for commanding military forces and is not likely to acquire this capability in the near term. The world does need a sheriff to drive belligerents into negotiations. Since the UN is better suited to play the role of the "good cop," the U.S. may need to be willing to either be the sheriff, or at least use its leadership and influence in the world to build coalitions to pressure belligerents. The bottom line is that for the UN to be successful, it must be considered legitimate, and the U.S. can contribute to this by making a commitment to building up the United Nations' ability to build consensus.

The current UN reform debate centers on either making the UN powerful and efficient or forgetting it, thereby focusing on problems of yesterday. The central problem that this thesis will address is understanding the limitations of the proposed UN reform efforts in addressing the problems of tomorrow. This chapter will explore the reasons for the post-Cold War optimism about the United Nations' future and the key arguments on both sides of the UN reform debate. As the Cold War thawed in the late 1980s, the increased cooperation between the U.S. and the Soviet Union produced growing optimism in many circles for the United Nations' problem-solving potential. The United Nations proved surprisingly resilient and successful as it became evident that the era of confrontation was drawing to a close. By 1990 the five Permanent Members of the Security Council had begun to work regularly together for the solution of major problems, and it seemed that the UN was beginning to fulfill some of the promise it had held in 1945. The Iran-Iraq war came to an end in August 1988 on the basis of a Security Council resolution devised by the five Permanent Members; Soviet forces withdrew from Afghanistan under a plan negotiated by the Secretary General; Cuban

forces staged a withdrawal from Angola in 1989; Namibian independence was finally achieved in March 1990; and UN Peacekeeping and good offices were employed with growing effect in Central America to end conflicts in El Salvador and Nicaragua.[2]

The overwhelming victory by UN-mandated, and U.S.-led coalition forces, in the Persian Gulf War appeared as a watershed between past and future, a test of whether the possibilities for peace and justice in international relations that had been created by the end of the Cold War could be realized and even institutionalized. With a strong, congenial Security Council for the first time ever, it now seemed feasible to establish a global security system of the sort envisaged by President Woodrow Wilson when he first proposed the League of Nations at the end of the First World War.[3] President George Bush even borrowed a phrase from President Wilson in proclaiming the possibility of a "New World Order" at the end of Gulf War. Unfortunately for world stability, the period of superpower leverage and U.S. leadership from 1988 to 1991 proved transitory when the Soviet Union collapsed in late 1991. The end of the Cold War and the subsequent decline in U.S. world leadership was reflected in the slow and uneven Security Council response to growing internal conflicts in the former Yugoslavia, Somalia, Haiti, and by the resumption of violence in Angola. Even the limited success of the massive UN peacekeeping operation in Cambodia (UNTAC) in supervising elections and setting up a Cambodian government is seen by most analysts as an unlikely model for future UN operations due to its size and cost.[4]

The UN reform debate has therefore been complicated by the realization that the collapse of the Soviet threat has not resulted in a new world "order," but rather a new world "disorder" fueled by a host of new and challenging problems for which the UN

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[2] Brian Urquhart, "Security After the Cold War," in Adam Roberts and Benedict Kingsbury, eds., United Nations, Divided World (Oxford, U.K.: Clarendon, 1993), 81.

[3] Richard Falk, "In Search of a New World Order," Current History 92, no. 573 (April 1993): 145.

[4] Richard K. Betts, "The Delusion of Impartial Intervention," Foreign Affairs 73, no. 6 (November-December 1994): 29.

was not designed. The superpower rivalry that threatened the world with nuclear destruction for four decades has been replaced by the fragmenting of states throughout the world, the breakdown of state authority, the rise of ethnic/nationalist violence, and the growing proliferation of weapons of mass destruction (WMD) to developing countries. International wars of aggression, for which the UN was designed, have been replaced by new problems which were not even envisioned by the UN founders in 1945.

The post-Cold War era has by no means been free of the threat of armed conflict, as demonstrated by continuing warfare in areas as diverse as Afghanistan, Angola, Liberia, Rwanda, Somalia, Iraq, Sri Lanka, the Caucasus, and the former Yugoslavia. On 7 February 1993, the New York Times listed violent conflicts in 48 countries.[5] The world community, particularly the United Nations, is now facing increasingly violent civil wars that were hardly imagined by the framers of the UN Charter. According to Kim R. Holmes, behind much of the new disorder today are three trends causing geopolitical upheavals around the world: (1) the collapse of large empires - the Soviet Union is a case in point, but China or India may be next; (2) the rise of post-modern nationalism, which is partly a consequence of the first trend; and of course, (3) the revival of religious fundamentalism as a potent force.[6] These trends have resulted in a decline in the number of interstate wars while dramatically increasing the risk of intrastate wars around the world.

B. THE REFORM DEBATE

The gap between the opportunity for UN reform presented by the end of the Cold War and the inability of the UN to build consensus for concerted international responses to these new problems has produced a heated debate over the shape of the post-Cold War international security system. The vast majority of critics of the UN have tended to

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[5] Gaddis Smith, "What Role for America," Current History 92, no. 573 (April 1993): 151.

[6] Kim R. Holmes, "New World Disorder: A Critique of the United Nations," Journal of International Affairs 46, no. 2 (Winter 1993): 323-341.

assume that UN legitimacy is unproblematic, and see the UN as merely needing organizational tinkering to make it more militarily effective and efficient. Opponents have been just as adamant in opposing a stronger United Nations. This side of the debate has been split between those who fear a strong world government - which shows a strong presumption that the UN is legitimate - and those who say that the UN is unimportant and can be ignored. On both sides of this debate, the focus has been either on what reforms are necessary to make the UN capable of military action, or on whether the UN should be allowed to take on such a role. What both sides of the debate have failed to understand is that UN legitimacy is neither automatic nor unimportant. Neither side of the debate has approached the problem of UN ineffectiveness by asking the question "what makes the UN unique?" In other words, not how or whether to make the UN stronger, but rather, taking a broader strategic planning look at the UN system to try to find out how it can be reformed to handle the new demands of the next century.

1. Supporters

So far, pro-UN reformers have tended to approach the problem of UN ineffectiveness by "organizational tinkering" with the UN. The UN reform debate has focused on sharpening the tool developed by the founders - the United Nations - and not on their goal - saving the world from the scourge of war. UN reformers have tended to see the UN as the right tool, but merely in need of modification. Cyrus Vance, former U.S. Secretary of State and currently Personal Envoy of the UN Secretary General, expressed this view rather succinctly:

> ...strengthening the United Nations' capacity for peacemaking, peacekeeping, and peace enforcement should be a top priority for the U.S. in the post-Cold War world. Nothing could more directly serve America's interests, or that of the larger international community, than fulfilling the goal of collective security laid out in the UN Charter forty-seven years ago.[7]

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[7] Lee, von Pagenhardt, and Stanley, To Unite Our Strength, iii.

The UN is therefore seen as the right tool to respond to conflict around the world. The problem with this view is that it assumes that the UN system, designed for a different world and different threats in 1945, merely needs some modest organizational reform, when new challenges and problems in the world are placing strains on an organization already weakened by the slow but steady decline in its legitimacy.

The pro-UN reformers include a wide range of influential politicians, policy makers, and academics, all of whom tend to focus on the organizational structure and processes of the UN. Their reforms range from calls for the creation of a standing UN army or standby forces; the expansion of the definitions of security threats to include environmental and humanitarian concerns; the increase of the United Nations' powers to intervene in the internal affairs of states; and the creation of what has been referred to as the New World Order, in which the UN would be the world's main body for not only keeping the peace, but enforcing it.[8] Bruce Russett, a political scientist at Yale, and James S. Sutterlin, a fellow at Yale's International Security Program, argue that the "Security Council should be able to mobilize a force to serve under UN command for enforcement purposes."[9] Harvard University's Joseph S. Nye Jr., has even suggested a rapid deployment force of 60,000 troops built around a professional core of 5000 UN soldiers.[10]

Support for a stronger UN has not been limited merely to academics. President Clinton set the tone for how his administration viewed the United Nations in a major foreign policy address of his campaign in 1992, when he pledged his support for the

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[8] Holmes, 323; See also Boutros Boutros-Ghali, An Agenda for Peace (1992); Brian Urquhart, A Life in Peace and War (1987); Thomas G. Weiss, "New Challenges for UN Military Operations," Washington Quarterly (Winter 1993): 51-66; Richard Gardner, "The Case for Practical Internationalism," Foreign Affairs 66, no. 4 (1988); and Robert Johansen, "Lessons for Collective Security," World Policy Journal (Summer 1991): 561-73.

[9] Bruce Russett and James S. Sutterlin, "The U.N. in a New World Order," Foreign Affairs 70, no. 2 (Spring 1991): 91.

[10] Joseph S. Nye Jr., "What New World Order," Foreign Affairs (Spring 1992): 93.

creation of a U.N. military force. A Clinton administration, he promised, would "stand up for our interests, but we will share burdens, where possible, through multilateral efforts to secure the peace, such as NATO and a new, voluntary U.N. Rapid Deployment Force.[11] Proponents of a stronger UN, therefore, see the end of the Cold War as offering the members of the UN the chance to finally play the collective security role intended by its founders in 1945. Their answer to the question of how the UN can deal with a more violent world has been to give the UN the military forces, command structure, and training to permit it to enforce its wishes.

One of the most influential and outspoken proponents of a stronger United Nations has been the current Secretary General, Boutros Boutros-Ghali. At the first-ever Security Council Summit meeting at the head-of-state level in January 1992, the members of the Security Council recognized the new possibilities of the UN and requested that the Secretary General evaluate ways for strengthening the United Nations' capacity for preventive diplomacy, peace making, and peace-keeping.[12] His subsequent report, An Agenda for Peace, was most notable for making a number of proposals and suggestions, addressed to member states, for enhancing UN capacity to respond to the challenges of the post-Cold War world. In addressing future crisis situations, the Secretary General proposed to bring into being the special arrangements "foreseen" in Articles 42 and 43 of the Charter, including: assurances that member states would undertake to make armed forces, assistance and facilities available to the Security Council "not only on an ad hoc basis, but on a permanent basis."[13] His proposed plan aimed at establishing a de facto UN army, with each member state making available up to 1,000 troops for peace-enforcement and deterrent operations under the command of the Secretary General. The

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[11] Jeffrey R. Gerlach, "A U.N. Army for the New World Order?" Orbis (Spring 1993): 224.

[12] Adam Roberts, "The United Nations and International Security," Survival 35, no. 2 (Summer 1993): 4.

[13] Boutros Boutros-Ghali, "Empowering the United Nations," Foreign Affairs (Fall 1992): 92.

Secretary General's proposals therefore sought to remedy the problems that new peacekeeping ventures were revealing about the United Nations' peacekeeping system - namely, an inefficient command structure; ad hoc machinery for mobilizing forces for UN operations; and the lack of a UN enforcement capability to support its resolutions.

The debate over the United Nations usually starts from an assumption that the UN can add two things to conflict management: international legitimacy and the capability to take military action. Both sides of the debate, however, have assumed away the legitimacy side of the problem. Pro-UN reformers have tended to assume that any action taken by the UN would be seen as legitimate, and focus on insuring the United Nations' ability to effectively coordinate action. They tend to base their argument on several factors.

First, the end of the Cold War and the end of the Soviet veto in the Security Council are seen as opening the way for the UN to send forces around the world to respond to aggression or threats to peace. Thus, since the world is assumed to be more like that envisioned by the UN framers in 1945, these reformers call for giving the UN the enforcement forces called for in the UN Charter. Since the Charter called for such forces, the argument tends to assume that they would be considered legitimate by the members of the UN. A second factor is the inability of standard UN peacekeeping forces to handle the expanding number and scope of missions being accepted by the United Nations. Pro-UN reformers argue that increased demand for UN peacekeepers and broader missions necessitate stronger standby forces in order to solve the UN overcommitment problem and to give the UN a rapid deployment capability.[14] Supporters point to the astonishing number of new "peacekeeping" missions assigned to the UN in recent years as proof of the legitimacy of an expanded UN role in the world.[15] Lastly, the end of the Cold War and cuts in military forces of the U.S., Russia, and the European powers due to budgetary constraints have increased the

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[14] Gareth Evans, "Cooperative Security and Intra-State Conflict," Foreign Policy 96 (Fall 1994): 18.

[15] Lee, Pagenhardt, and Stanley, 12.

attractiveness of a UN military force to relieve these powers of having to shoulder the financial burden of policing the world. The common theme in all of these reasons for making the UN more effective is that UN action is assumed to be legitimate, and is therefore not problematic.

2. Opponents of UN Reform

Opponents of UN reform tend to either fear a stronger UN or to disregard the UN as unimportant. Opponents such as Adam Roberts and Benedict Kingsbury of Oxford University, do not question the legitimacy of the UN, but doubt its capability to handle more demanding military ventures.[16] Some opponents fear a stronger UN because it might become a world government and infringe on state sovereignty, thus presuming that such a world government would be legitimate. While proponents of UN reform are passionate in their calls for "finally making the UN work as its founders intended," opponents of a stronger UN have been just as adamant in opposing a stronger United Nations. Part of the problem lies in the rapid expansion of UN initiatives in the areas of election monitoring, nation-building, peace-making, humanitarian missions, and peace-enforcement in intra-state conflicts. For these new military initiatives outlined by the Secretary General, there is virtually no UN track record and even less consensus among governments.[17] Two arguments therefore dominate the anti-UN reform literature: it infringes on national sovereignty and is unconstitutional; and since the UN is incapable of effectively commanding military forces, it can be ignored.

The first argument objects to putting national forces under UN control because this would infringe on national sovereignty and is, in the U.S., unconstitutional. In the U.S., the question of the constitutionality of providing U.S. troops for standby UN forces

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[16] Roberts, "United Nations and International Security," 6; See also Jeffrey Gerlach, "A U.N. Army for the New World Order?"; and James Schlesinger, "Quest For A Post-Cold War Foreign Policy," Foreign Affairs 72, no. 1 (America and the World, 1992/93): 17-28.

[17] Thomas G. Weiss, "New Challenges for UN Military Operations: Implementing an Agenda for Peace," Washington Quarterly 16, no. 1 (Winter 1993): 58.

can be traced back to the debate over ratification of the UN Charter treaty before the U.S. Senate in 1945. John Foster Dulles, a member of the U.S. delegation to the San Francisco conference at which the Charter was signed, told the Senate Foreign Relations Committee that "an agreement with the United Nations on the provision of troops should be regarded as a treaty requiring approval of a two-thirds majority of the Senate."[18]

The willingness of member states to commit themselves in advance to provide troops and facilities at the request of the Security Council for enforcement purposes has never been tested, but has been controversial since the creation of the UN. The lack of consensus among the Permanent Five members of the Security Council over the issue of United Nations control over national forces was one of the key factors preventing the creation of Article 43 forces and a Military Staff Committee for the UN following the Second World War. Among the Permanent Five members, basic divergences emerged from 1946 to 1949 over what guidelines to establish regarding the scope, reach, and automaticity of Article 43 with respect to the provision of "on call" forces. Virtually all of the Permanent Five members entertained objections on the matter of automaticity because war-making decisions were reviewed as sovereign prerogatives to be jealously guarded.[19] From the beginning of the United Nations, therefore, there was opposition among its members to the idea of granting the UN its own military powers.

The gradual slide of peacekeeping missions into peace-enforcement operations has increased concerns in the U.S. Congress over the question of control of forces by Congress. Members of Congress have asserted that putting U.S. forces under UN control for peace-enforcement operations represents a derogation of U.S. national sovereignty, a challenge to the Constitution - and the War Powers Act - and an erosion of the responsibilities of the President as Commander-in-Chief.[20] Senator Robert Dole

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[18] Russett and Sutterlin, 78.

[19] Ibid, 29.

[20] William H. Lewis, "Peacekeeping: The Deepening Debate," Strategic Review (Summer 1993): 27.

has even gone so far as to call for legislation placing limits on when and where the President can provide forces to the United Nations.[21]

The reluctance of the U.S. government to allow foreign command of U.S. forces for peacekeeping missions was reinforced by the killing of 18 U.S. Army Rangers on peacekeeping duty in Somalia in October 1993. Following the death of these U.S. Servicemen in what had become, for all practical purposes, a war zone, the U.S. administration and Congress reevaluated U.S. involvement in such peace-enforcement operations and withdrew the majority of U.S. forces from Somalia. The U.S. governments' reappraisal of its role in UN peacekeeping was revealed by a revised Presidential Decision Directive 25 which, according to Assistant Secretary of Defense Edward L. Warner III, put limits on when U.S. forces would take part in a UN peacekeeping mission, and most important, required that U.S. forces always be under U.S. command.[22]

The second argument by opponents of UN reform asserts that since the UN is incapable of effective military command, the UN can be ignored, therefore its legitimacy is unimportant. When the UN founders designed the UN, the power to respond to aggression was concentrated in the Permanent Five powers in the Security Council, not in the Secretariat. Proposals for reforming the UN structure focus not on increasing the ability of the Security Council to create strong coalitions to stop aggression, as the Founders originally envisioned, but rather to increase the power and responsibilities of the Secretary General by merely expanding his existing command of peacekeeping to include peace-enforcement. John F. Hillen III, a veteran of Operation Desert Storm now at the department of war studies at King's College in London, argues that "you need narrowly defined objectives, unity of command, a small narrow-based interest, to make the tough decisions and the tough calls. The U.N. has just too much plurality of opinion

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[21] Robert Dole, New York Times, 10 October 1993, p. A18.

[22] Stanley Meisler, "Keeping the Peace: U.N. Gets Mixed Reaction to Goal," Los Angeles Times, 3 May 1994, C1.

to accomplish that."[23] Its basic structure hinders the ability of the UN to be able to take on the responsibility of military command in enforcement operations.

The second part of this argument asserts that the Secretary General and the Secretariat lack the military infrastructure, knowledge, and professional wherewithal to oversee effectively an operation like the second phase of the UN Operation in Somalia (UNOSOM II), enforce safe havens in Bosnia, or react appropriately to renewed civil war in Angola or ethnic massacres in Rwanda. Thomas Weiss, a Canadian expert on UN Peacekeeping, asserts that although efforts to establish a Situation Room and the Task Force for Standby Agreements may be fledgling steps in the right direction, they would hardly make the sophisticated militaries of major powers feel at ease about placing the UN in charge of large-scale and dangerous operations in the Balkans and Somalia.[24] The ability of the UN to handle the dramatically increased demands that would be placed on it if given its own military forces is questionable as well. Adam Roberts of Oxford University points out that the United Nations' military machinery has not kept pace with the dramatically increased demands of the UN operations in Cambodia, Somalia, and the Balkans.[25] Its capacity to plan, support, and command peacekeeping, let alone enforcement, is scarcely greater now than during the Cold War.[26]

The problem with both the pro- and anti-UN reform arguments is that UN legitimacy is neither automatic nor unimportant. While concentrating on whether to make the UN stronger, both sides of the debate have failed to address the larger question of "why is the UN having trouble coping with new problems?" Is the UN that was created in 1945 still considered legitimate by all its member nations? These are questions that any reforms designed to help the UN cope with future challenges must answer.

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[23] David C. Morrison, "Make Peace - Or Else!" National Journal, 3 October 1992, p. 2254.

[24] Thomas G. Weiss, "Intervention: Whither the United Nations," Washington Quarterly 17, no. 1 (Winter 1994): 120.

[25] Adam Roberts, "The United Nations and International Security," 14.

[26] Ibid, 118.

3. Why Bother Trying to Reform the UN?

The problem with focusing on making the UN stronger is that it is the wrong fix to the problem of UN ineffectiveness. Ignoring the United Nations, however, will only delay, and may exacerbate the world's problems. The tendency to focus debate on the UN as an organization, to focus on the details of reform or on propriety of cooperation, has obscured the central question: Why bother with trying to reform the United Nations? In the language of organizational development, this question can be reframed as "what is the uniqueness of the UN?" If the UN has no unique capability to foster international peace and security, then U.S. policy is clear: withdraw or at least do not worry about it. If the UN does have a unique capability, then the policy prescription is equally clear: focus on maintaining and extending the UN's uniqueness and avoid doing anything that might compromise it.

Unfortunately, the existence of the UN as an organization has led to an obscuring of the fundamental distinction of the founders' vision - saving the world from the scourge of war - and the mechanism that the founders chose, the particular organization of the UN in the Charter. The reform debate has focused on the tool, and not on the goal. Reformers have necessarily assumed that the UN is the right tool, while opponents have labeled it an incompetent or immoral tool. Neither, however, has addressed the question of what the UN, and only the UN, can add to efforts to control conflict in the world. The focus of the debate has remained on how to make the UN more capable of dealing with aggression around the world. The legitimacy of the UN has been either taken for granted or downplayed as insignificant. The question of why the UN is worth reforming has received little attention in the reform debate.

What can the UN, and only the UN do? There are two options: it could command UN military forces, or it could provide a world forum for consensus building and debate. In this thesis I shall argue that powerful, efficient military forces, capable of responding to aggression better than any UN military force, already exist in the military forces of the Permanent Five members of the Security Council and several other states. The Security Council, although not representative of all of the major powers in the world, does possess the military power to intervene around the world. The ability

of these nations to build coalitions through the Security Council also already exists, as witnessed by the successful building of international coalitions of forces under U.S. leadership in Korea and Desert Storm. Many nations also possess the ability to use military force to protect their interests unilaterally as well. The United Nations, therefore, is not unique in its ability to command military forces, and national governments and regional alliances like NATO possess the military power and resources to respond to aggression far better than the UN could hope to in the near future.

What can the UN uniquely add to the resolution of international conflict and how do we avoid compromising it? The United Nations is unique because it is the only universal, representative world forum in the world. In these attributes, it differs from its predecessor, the League of Nations, which was hamstrung by the absence of the United States, and was far from universal since most of the developing countries today were still colonies. What national governments lack and the UN can add is the ability to develop the international political consensus for action necessary to give a military operation the legitimacy and political will necessary to persevere.

What is legitimacy? Webster's defines the term as "giving legal status or authority to, or to affirm to be justified, lawful, or true."[27] In political terms, legitimacy is the political acceptability of a government or organization. A government is therefore considered legitimate if it has a legal status, has authority over an area, and is perceived as justified. In order to be an effective world forum and successfully coordinate international response to aggression, the UN must be considered legitimate by all, or at least a vast majority of its member nations. During the debate over the future of the United Nations in the early 1960s, Raymond Moore asserted "the United States does not rely on the United Nations to do anything which some other instrumentality can do better. The greatest achievements of the United Nations for peace and security - the Suez, Lebanon, the Congo, and even Cambodia - have been

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[27] Webster's New World Dictionary (Cleveland, Ohio: William Collins, 1980), 807.

achievements for which no really valid alternative means existed."[28] Part of the United Nations' legitimacy derives from whether its actions are seen as justified by its member nations. Attempting to give the UN enforcement powers threatens the legitimacy of the UN because such actions may be seen as unjustified by many nations.

Since the end of the Cold War, the importance of the United Nations' unique qualities has increased rather than decreased. Some have even written that there are no viable alternatives to the United Nations system, given: the fragmentation and political-economic crisis in the former Soviet Union; Europe's preoccupation with both deepening and widening its Community integration; Japan's resistance to any increased military role, which is also widely opposed elsewhere in Asia; and - not least - the growing disinclination and inability of the United States to play world policeman.[29] The tremendous explosion in the use of UN peacekeepers in the world provides some indication of the value that is placed on the organization by its members. If we did not have the UN, we would have to have something else to replace it, or else fall back upon techniques of an older kind that have often been successful, but far too often resulted in stalemate, bitter misunderstanding, and devastating war.

As a universal forum for the world, the United Nations was created, envisioned, and continues to be first and foremost, an instrument of negotiation and persuasion. Lord Halifax, acting chairman of the British delegation at San Francisco, like most delegates saw that Conference primarily as an experience in global negotiation, requiring tact, sincerity, determination, and patience.[30] The UN Charter reflected the hopes of a war-weary world and the realities of international power politics. The framers did not endow the United Nations with any of the powers of a world government or parliament

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[28] Raymond A. Moore, Jr., The United Nations Reconsidered (Columbia, South Carolina: University of South Carolina Press, 1963), 22.

[29] Lee, Pagenhardt, and Stanley, 12.

[30] Thomas M. Franck, Nation Against Nation: What Happened to the UN Dream and What the U.S. Can Do About It (Oxford, England: Oxford University Press, 1985), 18.

in 1945, but rather built the organization as an international forum through which peaceful settlements of disputes could be encouraged. The UN was designed, therefore, as a framework for diplomatic operations that depended on the cooperation of its member governments.[31]

An essential element of the United Nations has always been its dependence on the support of its member nations for its legitimacy. Lacking its own territory, a central bank, or its own military, the UN is completely dependent upon its members for its survival. Dag Hammarskjold, the UN Secretary General who invented the peacekeeping idea in 1956, stressed that "the United Nations Charter does not endow the organization with any of the attributes of a super-state or of a body active outside the framework of decisions of its member governments. The United Nations is, rather, an instrument for negotiation among, and to some extent for, governments."[32] Even today, the UN is still principally an instrument of persuasion, acting with the consent of its parties. Although UN reformers want to give it coercive powers, Sir Anthony Parsons notes that the coercive powers of the UN have not proven to be effective: it can impose mandatory sanctions, but the Gulf crisis and its aftermath, and the crises in Somalia and Yugoslavia, confirm the skepticism of previous doubters regarding the effectiveness of this instrument.[33]

Another key role of the United Nations has been the importance of building international consensus for action. This was exemplified by the inclusion of the veto power of the Permanent Five members of the Security Council. The founders believed that a consensus of these powers would be essential to the success of any United Nations'

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[31] Harold Courlander, Shaping Our Times: What the United Nations Is and Does (New York: Oceana, 1960), 13.

[32] Max Ascoli, "The Future of the U.N." in Raymond A. Moore, ed., The United Nations Reconsidered (Columbia, South Carolina: University of South Carolina Press, 1963), 89.

[33] Anthony Parsons, "The UN and National Interests of States," in Adam Roberts and Benedict Kingsbury, eds., United Nations, Divided World (Oxford: Oxford University Press, 1993), 119.

action, therefore the veto was included to ensure that any decisions by the Security Council would be made by consensus. Benjamin Cohen, former U.S. Ambassador to the United Nations, stated that "it was not the Charter which limited the successes of the UN during the Cold War, but a lack of working consensus among its member states."[34]

While it is undeniable that there is more agreement among states about international security issues now than there was during the Cold War, there remain fundamental differences between states of both interest and perception. Whether these differences stem from clashes between civilizations,[35] tensions between the developed and less developed countries,[36] or the lack of any single, overriding threat, the result remains the same - building consensus in the UN will be more, not less difficult in the post-Cold War era. These may not be enough to prevent the Security Council from reaching decisions on key issues, but they can frustrate efforts to turn decisions into actions in fast changing situations. While the UN operations in Desert Storm, Somalia, and Bosnia faced very real organizational, command, and logistics difficulties, the fundamental challenge was political, not logistical. The main challenges in all of these operations was building a consensus for international action that would give it international legitimacy. The lack of international consensus about both Somalia and Bosnia has greatly limited what the UN could accomplish in both of these conflicts because it prevented the organization from providing its peacekeeping forces with a clear mandate, a united international front, the will to persevere in the face of casualties.

Although violent secessionism in Europe and Eurasia, destabilizing regional conflict, and proliferating weapons of mass destruction are a threat to international peace, members of the international community will never be equally affected by such

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[34] Benjamin V. Cohen, The United Nations (Cambridge, Mass.: Harvard University Press, 1961), 30.

[35] Samuel P. Huntington, "The Clash of Civilizations," Foreign Affairs 72, no. 3 (Summer 1993): 22-48.

[36] Alvin and Heidi Toffler, War and Anti-War: Survival at the Dawn of the 21st Century (Boston, Mass.: Little, Brown and Co., 1993).

phenomena. This complicates the challenge of building domestic and international support for collective action more problematic, but it certainly would be more difficult without the UN.[37] Without the single threat to galvanize support for action, the UN is faced with an increasingly diverse multipolar world of competing national interests, perceptions, and priorities which needs a common forum to settle differences peacefully. The growing fragmentation of the world is exacerbated by the expansion of UN sanctions and peacekeeping, especially in the area of humanitarian interventions like Somalia and Bosnia. As the difficulties in these operations have shown, it is difficult to find agreement among the Permanent Five for action, let alone among the rest of the world's nations. The inability of the U.N. to build a consensus for action despite the end of the Cold War deadlock should provide UN reformers with a clear indication of the real challenge to the United Nations - how to improve the organization's ability to build consensus for international action in a fragmented with religious, cultural, and regional (North-South) divisions.

C. FOCUS ON LEGITIMACY

The implications of this analysis are clear: although reorganization of the UN to increase its efficiency and effectiveness may be needed, it does not directly address the central challenge faced by ongoing and proposed operations. This thesis argues that the central challenge facing the United Nations today is not its inability to coordinate effective military action, but rather the declining legitimacy of its institutions and its operations, and hence, its ability to build consensus.

While opponents of UN reform tend to ignore the significance of the United Nations in the world system, pro-UN reformers ignore an equally severe problem. Focusing on how to make the UN more militarily effective, they obscure the critical tradeoff between the UN's ability to build legitimacy for an action and its ability to effectively command military forces in an enforcement mission. In doing so, pro-UN

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[37] Peter J. Fromuth, "The Making of a Security Community: The United Nations After the Cold War," Journal of International Affairs (Winter 1993): 342.

reformers overlook a critical characteristic upon which the success of the United Nations depends - the support of its members. UN legitimacy is neither automatic or unimportant. While the United Nations may have been considered legitimate when it was created in 1945, the world has changed dramatically in the nearly half a century since. With the number of nations more than tripled and power diffused around the world, the Permanent Five members of the Security Council no longer possess a preponderance of the population, world trade and military power in the world.

The United Nations does not exist in a historical vacuum. The history of the Cold War and the breakup of the colonial empires since its creation have helped shape its missions, perceptions, and capabilities in a way unforeseen by its founders. Although initially conceived as a collective security organization, the Cold War forced the organization to stress the other half of its Charter, becoming a forum for peaceful negotiation and building world consensus, and creating the peacekeeping concept. The legitimacy of the UN has come to be associated with its impartiality, its neutrality, and its ability to build consensus among states. The institution most closely associated with these attributes is the Secretary General. The General Assembly made it quite plain during the earliest days of the United Nations when it was considering the organization of the secretariat that the secretary-general should be looked upon as a confidant of governments, a man of trust and impartiality who could aid in communication and in the production of ideas for solving problems.[38] Since the Secretary General's institution does not carry with it an army or a central bank, its strength and effectiveness derive mainly from the lack of traditional vested interests and from credibility. Former UN official Giandomenico Picco points out that the key role played by the Secretary General in the UN successes in El Salvador, Afghanistan, Namibia, Lebanon, and Cambodia did

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[38] Leon Gordenker, "The Secretary General," in James Barros, ed., The United Nations: Past, Present, and Future (New York: The Free Press, 1972), 117.

not involve the use of force, but was solely that of providing impartial mediators and a forum for negotiation.[39]

The key drawback with attempting to give the UN strong military forces under the command of the Secretary General is that it would damage the impartiality of the institution that has proven so essential to its legitimacy. Transforming the institution of the Secretary General into a pale imitation of a state would have three negative consequences. First, it would risk ineffectiveness because of the limited tools at the Secretary General's disposal. Second, it would undermine the Secretary General's impartial negotiating role, thus depriving the international community of a further instrument that it sorely needs. Finally, it would forfeit the inherent strength that the institution of the Secretary General derives from having no traditional vested interests of its own.[40]

Proposals for giving the Secretary General strong military forces for enforcement operations therefore suffer from the same fatal flaws that have plagued attempts to make UN peacekeepers carry out enforcement operations. In carrying out their mandates, the Secretary General and peacekeepers have benefited from the legitimacy that the impartiality of the UN provides.[41] Lessons from the Congo (1960-64) and Beirut (1982-83) peacekeeping operations have shown that once a peacekeeping force crosses the line from impartiality to offensive enforcement missions, there is no turning back. In carrying out an offensive use of force, UN soldiers, identified aggressors, and civilians might all be casualties. The authority to order killing, far from strengthening the institution of the Secretary General, would render it no different in the eyes of suspicious

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[39] Giandomenico Picco, "The U.N. and the Use of Force," Foreign Affairs 73, no. 5 (September-October 1994): 14.

[40] Ibid, 15.

[41] Sally Morphet, "UN Peacekeeping and Election-Monitoring," in Adam Roberts and Benedict Kingsbury, eds., United Nations, Divided World (Oxford: Clarendon, 1993), 228.

combatants than major nation states and their alliances.[42] Instead of solving the problem, UN peacekeepers become part of the problem if their mission changes to an enforcement operation.

Efforts to increase the United Nations' ability to act efficiently and effectively in military operations, therefore, will come at substantial cost to its ability to build legitimacy, consensus, and the collective will to act and persevere. UN reforms must proceed from an understanding that no actions by the UN or other international bodies are likely to succeed over the long term unless rooted in the acceptance of the parties themselves, and supported by a broad political base in the world community.[43] No reforms of the UN command or logistical structure are likely to improve the organization's ability to cope with conflict in the world unless they enhance the organization's perceived legitimacy and ability to build consensus. The United Nations remains a instrument of nation-states, and its success or failure depends, as always, not mainly on the United Nations itself, but on the degree to which sovereign nation-states believe that international cooperation suits their national interests. The UN is more than an instrument, however, because it helps foster a common view of the world among nation-states. The UN cannot do that as merely one more military player in the world.

D. OUTLINE OF THE THESIS

In this chapter, I have explored the UN reform debate to show that it misses the critical issue that will help the United Nations deal with the world of tomorrow - why bother with the United Nations? The importance of this is that the current reform debate overlooks the critical decline in the legitimacy of the UN at a point in history when the United Nations' legitimacy will be essential for it to successfully cope with challenging new problems. In Chapter II, this thesis will examine the origins of the UN to show

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[42] Ibid, 18.

[43] Brian Urquhart, "The United Nations, Collective Security, and International Peacekeeping," in Alan K. Henrikson, ed., Negotiating World Order (Wilmington, Dela: Scholarly Resources, 1984), 65.

how the United Nations was created to fix the problems of the world in 1945. It will examine the views of the founders and the missions they foresaw for the United Nations. Finally, this chapter will show that while the UN founders assumed that legitimacy would not be problematic, the small and middle powers in the world at that time had problems with the structure and design of the organization. Next, Chapter III will examine how the Cold War affected the legitimacy of the United Nations. Specifically, this section will explore how the legitimacy of the UN began to be challenged during this period by the rapid growth in states, the stalemate within the Security Council, and the Cold War competition.

Building on the gradual decline of the UN during the Cold War, Chapter IV will then show how the new post-Cold War security problems facing the world today make a legitimate United Nations essential in the world today. The purpose of this chapter is to show that new problems such as declining state authority, ethnic/nationalist violence, and WMD proliferation increase the need for an international organization that is perceived as legitimate in the future. Chapter V will then address the key challenges to the legitimacy of the UN and to its ability to build legitimacy and consensus for international action in the world today. In this chapter, I will show how issues such as Security Council representation, state sovereignty, and the overextension of UN peacekeeping have resulted in a downward spiral in the legitimacy of the United Nations which must be stopped if the UN is to be able to cope in the future. Chapter VI will conclude with an analysis of the United Nations' strengths and weaknesses and recommendations for maintaining and improving UN legitimacy and its ability to build consensus for action in the world community.

II. U.N. FOUNDERS' VISION

When the United Nations was created in 1945, its founders presumed that the new organization would be legitimate. While the founders recognized that the UN was politically problematic, they felt that the reason for needing a United Nations was apparent to most countries. Their desire and focus was, therefore, on maintaining the mechanism for cooperation between the U.S., Great Britain, and the Soviet Union of the Second World War. Legitimacy was not the focus, nor was it seen as posing an insurmountable hurdle. The kind of international organization that was established in 1945 was determined to a large extent by political conditions and expectations existing at the time the Charter was being prepared during the Second World War.[44] The experience of two world wars, the failure of the League of Nations to stop the second, and the rise to worldwide political and military prominence of the United States and the Soviet Union all influenced the nature and shape of the United Nations created at San Francisco in 1945. The United Nations' design was, therefore, strongly influenced by the failure of the League of Nations and was designed to fix the problems of the post-World War II world. The founders did not foresee the problems that would face the world a half century later. Yet even from the start, the legitimacy of the UN structure and design was questioned by some of the small and middle powers who disliked the dominance of the organization by the Permanent Five. This chapter will examine why the UN was created, how it was designed to operate, what missions the framers envisioned for it, and the basic assumptions made by the framers about the world.

A. FOUNDATIONS OF THE UNITED NATIONS

The origins of the United Nations can be traced back long before the actual thinking about the organization began during the Second World War. The stage on

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[44] Leland M. Goodrich and Anne P. Simons, The United Nations and the Maintenance of International Peace and Security (Washington, D.C.: Brookings, 1955), p. 23.

which the drafters of the UN Charter performed was a product of a long historical process through which human inquisitiveness, restlessness, and acquisitiveness produced ever increasing contacts among human settlements, across ever longer distances. The results of this historical process presented opportunities at San Francisco evolving out of growing experience in peaceful cooperation among peoples.

Inis L. Claude considers the century bounded by the Congress of Vienna (1815) and the outbreak of World War I (1914) as the "era of preparation for international organization."[45] Claude discerns two prime sources of the League of Nations: the Concert of Europe and the Hague System. The balance of power system was fairly successful at preventing major wars in Europe for nearly a hundred years, but began to break down after the Austro-Prussian War (1868) and Franco-Prussian War (1870) as the great powers of Europe turned to competing alliance structures in an attempt to ensure their security.[46] The Concert of Europe was so weak by 1914 that Lord Edward Grey, the British Foreign Minister, was not able to convene it to head off World War I, and led to his determination and that of others to establish an international institution that could call together a meeting of major powers on short notice to prevent war.[47]

The First World War had a profound effect on the balance of power system between the great powers. The enormous casualties and economic costs of the war not only discredited the balance of power system as a means of preventing aggression, but also provided the impetus for creating a new international organization, the League of Nations, to help prevent future wars. Richard Falk points out that if we look back in time from San Francisco, we readily see that the United Nations was a child of the

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[45] Inis L. Claude, Jr., "The Management of Power in the Changing United Nations," in Richard Falk, Samuel S. Kim, and Saul H. Mendlovitz, eds., The United Nations and a Just World Order (San Francisco, Calif: Westview, 1986), 88.

[46] See Henry Kissinger, Diplomacy (New York: Simon and Schuster, 1994), 137-212.

[47] Amos Yoder, The Evolution of the UN System (New York: Taylor and Francis, 1989), 4.

League of Nations.[48] It incorporated important institutional developments of the League, such as an international secretariat and the growth in importance of economic and social activities. In the days before the Second World War, there were widespread discussions of the weaknesses of the League of Nations and of a multitude of proposed reforms or substitutes for it. In planning for the future, the pattern of necessity had to follow much the same approach, for behind all thinking on the problem of maintaining peace in the future was the need to avoid the errors of the past.[49]

As the organization on which the United Nations was based, the League of Nations was important because it provided the UN founders with a model from which they could learn from its successes and failures. While the League is usually known today for its failure to prevent aggression in the 1930s, it was important to the development of the UN system for several reasons. First, and perhaps most important, its creation helped establish the precedent for a truly international body of nations working together for common goals. Second, as the first international organization designed for the purpose of worldwide collective security, it provided a working model for attempts at international organizations to build upon. Finally, the weaknesses exposed during the 1930s provided valuable lessons about what an international organization needed to be effective.

The rise of aggressor powers and the outbreak of war in Europe and Asia in the 1930s magnified the weaknesses that had limited the success of the League from the outset. From the experience of the interwar years, the drafters of the UN Charter appear to have concluded that the League system, as conceived and as it developed in practice, had shown deficiencies that needed to be remedied in the new organization.[50] The League had two key weaknesses which the founders of the United Nations attempted to

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[48] Richard Falk, The United Nations and a Just World Order (San Francisco, Calif: Westview, 1986), 88.

[49] Ruth B. Russell and Jeannette Muther, A History of the United Nations Charter (Washington, D.C.: Brookings Institution, 1958), 216.

[50] Ibid, 208-212.

avoid when they wrote the UN Charter: the lack of universal membership and the lack of enforcement powers. The weakness that proved to be the League's "Achilles heel" from the start was the absence of the U.S., Germany, and the Soviet Union. The failure of the U.S. Senate to ratify the League treaty deprived the organization of its driving force and strongest proponent in Woodrow Wilson and of the financial, moral, and military resources of the United States. F.P. Walters, former Deputy Secretary General of the League, noted the effect of the loss of the U.S. on the League:

> The immediate loss in power and influence of the Council and Assembly, due to the absence of the United States was great...The indirect effects were no less calamitous...Again with the United States outside the League, any dissatisfied member could henceforth make effective use of the threat to withdraw. To leave the League was not to isolate oneself, but to follow an illustrious example.[51]

The damage to the League of the U.S. absence was not lost on future statesmen, especially the founders of the United Nations. As part of the U.S. government's campaign to build support for the UN in the 1940s, Secretary of State Cordell Hull declared in July 1942 that the U.S. was at war because "we ignored the simple but fundamental fact that the price of peace and the preservation of right and freedom among nations is the acceptance of international responsibilities."[52]

Another major weakness of the League that the founders of the UN tried to improve upon was the lack of enforcement powers. During negotiations at Versailles after World War I, France had unsuccessfully pressed the United States and Great Britain for an international army or an automatic enforcement mechanism in case Germany abrogated the Versailles settlement.[53] A key concern for President Wilson in 1919, however, was the constitutionality and lack of Congressional support for any type of international standing military force:

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[51] F.P. Walters, A History of the League of Nations (London: Oxford University Press, 1952), 72-78.

[52] U.S. Department of State Bulletin, Vol. 7 (July 18, 1942), 639-47.

[53] Kissinger, 236.

> A substantial objection to such a provision is that it would be void if contained in a treaty of the United States, as Congress under the Constitution had the power to declare war. A war automatically arising upon a condition subsequent, pursuant to a treaty provision, is not a war declared by Congress.[54]

The founders of the League, therefore, dealt with the same constitutional issues over the control of U.S. forces and their commitment into overseas wars that arose during the Senate UN ratification debates in 1945, and have arisen since the end of the Cold War. When the founders of the United Nations began examining ideas for a new international organization during World War II, the inability of the League to enforce its decisions was seen as a weakness that had to be remedied.

B. EARLY IDEAS ON THE DESIGN OF THE UN

Given the failure of the League to stop aggression in the 1930s, it is useful to examine where the sources of ideas for the UN to see the reasons behind its design. Probably no other major governmental policy has ever been the product of so many minds as the American proposals for an international organization. The sources of ideas for a new international organization that would avoid the mistakes of the League were incredibly broad, ranging from the Executive and Legislative branches of the U.S. government and the State Department, to other governmental and nongovernmental organizations across the U.S. and its allies. The proponents of the new organization were not about to repeat the political mistakes made by President Wilson in 1919. The earlier president had dramatically outlined a Fourteen-Point peace plan, then neglected to build a base of solid domestic support for it. Franklin Roosevelt and Cordell Hull avoided clear-cut statements to the point of equivocation. But the administration successfully cultivated bipartisan political involvement in the negotiations on the UN, and during 1944 laid the groundwork for a public relations campaign to insure public support

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[54] See Woodrow Wilson's adviser, David H. Miller, The Drafting of the Covenant vol. 1 (New York: G.P. Putnam, 1928), 49.

for the new organization.[55] This shift in approach by the founders of the UN reflected not only their perception of the lack of consultation and popular support behind the League idea, but also the emergence of the U.S. from its isolationism into a world power during World War II.

1. President Franklin D. Roosevelt

Much of the credit for the creation of the United Nations has been given to Franklin Roosevelt and his Secretary of State, Cordell Hull. The combination of Hull's persuasive arguments for a universalist international organization and Roosevelt's political savvy at gaining the support of Congress and of the other Allies provided the key impetus to the creation of the United Nations. President Roosevelt tended to begin his thinking on postwar security problems with the fact - demonstrated to his satisfaction by recent history - that small nations under conditions of modern warfare were incapable of defending themselves against powerful aggressors.[56] Consequently, they might as well remain unarmed after the war, thus relieving their people of a heavy economic burden. Even after the Declaration of the United Nations was signed in Moscow by the U.S., the Soviet Union, Great Britain, and China in January 1942,[57] Roosevelt remained convinced that the police power for curbing aggression should reside in the hands of the few powerful nations. Thus, the early years of the war saw the development of his idea of the "Four Policemen" by which the four most powerful nations would bring about and guarantee global peace.

Roosevelt's scheme of the "Four Policemen" represented a compromise between Churchill's traditional balance of power approach and the unconstrained Wilsonianism

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[55] Thomas M. Campbell, Masquerade Peace: America's UN Policy 1944-1945 (Tallahassee, Fl: Florida State University Press, 1973), 6.

[56] Russell and Muther, 96.

[57] See Russell and Muther, p. 96; also Norman Bentwich and Andrew Martin, A Commentary on the United Nations (London: Routledge and Kegan Paul Ltd, 1950), p. xii.

of Secretary of State Hull.[58] Roosevelt wanted some form of collective security, but knew from the experience of the 1920s that collective security required enforcers, and that was to be the role of the Four Policemen. By 1942, however, Roosevelt was beginning to display greater interest in a more comprehensive system of international organization. Pearl Harbor had shown that even the strongest powers were not immune to attack from a determined aggressor. The President therefore felt that disarmament of the proven aggressors should be accompanied by some effective system of collective security, in which the police action of the greater powers would in some fashion be brought within a broader international framework.[59] By 1944, after three years of close wartime cooperation with Great Britain and the Soviet Union, Roosevelt had come to accept Hull's concept of a more broadly based international system.

An important issue in the wartime debate over the structure and authority of the new international organization was how it would enforce its wishes upon the rest of the world. Debates about the existence of an international force under the command of the UN raised the same constitutional questions in the 1940s that they had in 1919, and would again in the 1990s. Few politicians were willing to commit the U.S. to respond automatically to events around the globe, and even fewer supported the idea of an international force which could commit U.S. forces to conflicts without Congressional approval. Congress reflected the attitudes within the U.S. during World War II. Support for the war effort was basically that of survival and victory; there agreement stopped. Thomas Campbell notes that while opinion polls showed that Americans believed firmly in postwar cooperation with other nations, there was no agreement on basic strategy.[60] This division indicated a fundamental weakness in the extent of public commitment in the U.S. to world involvement.

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[58] Kissinger, 397.

[59] From the notes of Arthur Sweetser and Clark Eichelberger from conversations in 1942, in Elliott Roosevelt, ed., F.D.R. - His Personal Letters 1928-1945, Part II (1950), 1366-67.

[60] Campbell, 10.

Congressional concerns reflected strong opposition within the United States to any type of world government or superstate that might infringe upon national sovereignty. U.S. leaders opposed such supranational institutions and felt assured that public opinion was also unwilling to accept any form of world government.[61] In June 1944, Roosevelt responded to rumors that the new international organization would be some kind of a superstate, saying:

> We are not thinking of a superstate with its own police forces and other paraphernalia of coercive power. We are seeking effective agreement and arrangements through which the nations would maintain, according to their capacities, adequate forces to meet the needs of preventing war and of making impossible deliberate preparation for war, and to have such forces available for joint action when necessary.[62]

The founders of the UN, therefore, envisioned not a world organization with its own police forces, but rather, that the major powers of the world would provide the forces necessary to respond to aggression. This idea was based on the model of joint cooperation between the allies during the Second World War.

2. Winston Churchill

The approach of Great Britain's Prime Minister, Winston Churchill to the question of a postwar world order was shaped by Britain's historical experience and by the devastation that country had undergone as the sole European power opposing Germany after the fall of France in June 1940. For centuries, Great Britain had helped to maintain a balance of power in Europe, always seeking to prevent any single state from dominating the continent. For Churchill war strategy and foreign policy were closely linked. He therefore favored reconstructing the balance of power in Europe after the war, rebuilding Britain, France, and even a defeated Germany, in order to counterbalance the Soviet colossus to the east.[63]

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[61] Russell and Muther, 207.

[62] U.S. Department of State Bulletin, Vol. 10 (June 1944), 552-53.

[63] Kissinger, 395.

When consulted about ideas for a new international organization, Churchill tended to support regional solutions to the world problems as opposed to global solutions. Churchill stressed the regional principle because the League of Nations had demonstrated that "it was only the countries whose interests were directly affected by a dispute who could be expected to apply themselves with sufficient vigor to secure a settlement."[64] Churchill originally envisaged a world council of the United States, Great Britain, and the Soviet Union to which three regional councils for Europe, the Orient, and the Western Hemisphere would be subordinated. Roosevelt initially accepted Churchill's plan, though he wanted to add China to the world council, while Hull strongly opposed against the proposal, since it contradicted his preference for a universal security organization.[65] Eventually, Britain's dependence on the U.S. militarily and economically and Roosevelt's persuasiveness influenced Churchill to accede to Hull's ideas about a more universal international organization.

3. Joseph Stalin

A study of the approaches to foreign policy and international security of Joseph Stalin and Franklin Roosevelt reveals both contrasts and similarities. Whereas Roosevelt assumed the possibility of harmony in the world and sought to implement a Wilsonian concept of collective security, Stalin's ideas of foreign policy were a product of the bloody Communist Revolution and civil war in Russia, and the traditional Russian desire for a security buffer zone. Henry Kissinger notes that "Stalin defined the requirements of peace in the same way that Russian statesmen had for centuries - as the widest possible security belt around the Soviet Union's vast periphery."[66]

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[64] Winston Churchill, Hinge of Fate (Oxford: Oxford University Press, 1950), 807.

[65] Raimo Vayrynen, "The UN and the Resolution of International Conflicts," in Falk, Kim, and Mendlovitz, eds., The UN and a Just World Order (San Francisco, Calif: Westview, 1986), 224.

[66] Kissinger, 398.

The Soviet leaders, by their willingness to discuss and assume commitments with respect to the handling of postwar political issues in the Declaration of the United Nations, and the conferences in Moscow (October 1943)[67], Tehran (November 1943)[68], and Dumbarton Oaks gave some support to the idea that postwar unity of the victorious powers was an assumption on which the future peace might with some confidence be organized. Although Stalin's views of the United Nations were influenced by his negative perception of the League of Nations, he was willing to agree to the establishment of the organization since the Soviet Union would be able to protect its interests as a permanent member of the Security Council. The Soviet views were captured well by Foreign Minister Molotov at the San Francisco Conference to create the United Nations, where he stressed the effective authority of the international organization rather than its responsibility. He dwelt on the incapacity of the League of Nations to prevent World War II, and on the need for giving the new organization adequate military force that could be used promptly against an aggressor.[69] Stalin therefore viewed the United Nations much as Roosevelt had initially - as a concert of great powers in the Security Council who would police the world against aggression. Where Stalin and Roosevelt differed were in their motivations. Roosevelt sought to prevent war and aggression, while Stalin sought security for the Soviet Union first and foremost.

4. Cordell Hull, the State Department, and Congress

Taken as a whole, the Roosevelt administration's preparation for a strong U.S. postwar role was impressive and thorough. According to most historians, much of the credit belongs to the leadership of Cordell Hull, the U.S. Secretary of State during most

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[67] Russell and Muther, 3.

[68] See Russell and Muther, p. 150-160; also Robert E. Sherwood, Roosevelt and Hopkins: An Intimate History (New York: Harper, 1948), 785-87; Cordell Hull, The Memoirs of Cordell Hull (New York: Macmillan, 1948), 1612.

[69] Vera M. Dean, The Four Cornerstones of Peace (New York: McGraw-Hill, 1946), 58.

of the war, and the State Department.[70] Hull was an internationalist who viewed the failure of the League of Nations not as a weakness in concept, but the result of the U.S. ignoring "the simple but fundamental fact that the price of peace and of the preservation of right and freedom among nations is the acceptance of international responsibilities."[71] Cordell Hull's vision of the United Nations was based on the economic and military predominance of the United States. The image of the United States at the apex of the global hierarchy of power was much more deeply anchored in the mind of Franklin D. Roosevelt. For him the United States was unequivocally an instrument of the U.S. policy to build up a preferred world order.[72] The principal contribution of Hull to the origins of the United Nations was his ability to convert Roosevelt from his initial support for his "Four Policemen" idea to a more universalist idea.

With Hull as the driving force, the State Department led the way within the U.S. government in its study of ideas and options for a postwar international organization. The State Department also brought in experts from around the country and from the government, including opening a dialogue with Congress to broaden support for the new organization. In January 1943, Hull announced the formation of an Advisory Committee to develop a complete program based on the principles of the Atlantic Charter.[73] Its membership included officials of the Department of State and other executive departments, members of Congress, and a number of expert individuals. In addition to the Advisory Committee, Hull worked with Senator Thomas Connally (D-Texas), Chairman of the Senate Foreign Relations Committee, to build bipartisan support for a UN plan. Connally formed a "Committee of Eight" senators which raised and dealt with several key congressional concerns that might have derailed the UN plan, including concerns over the enforcement power of the new organization. After extensive debate

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[70] Campbell, 4.

[71] From U.S. Department of State Bulletin, Vol. 7, 18 July 1942, p. 639.

[72] Vayrynen, 224.

[73] Hull, The Memoirs of Cordell Hull, 1627.

in the committee and Congress, the committee stated a preference for military contingents coming from national forces, rather than a standing UN force.[74] The tremendous Congressional concerns about the enforcement powers of the new organization reveals their presumption that the UN would be legitimate.

5. Dumbarton Oaks Conference - August 1944

The ideas which formed the basis for the United Nations were finally formalized at a conference between the U.S., Great Britain, the Soviet Union, and China held at Dumbarton Oaks, near Washington D.C., between August 21 and October 7, 1944. The primary security issues to be resolved at Dumbarton Oaks were the structure of the new organization and the question of enforcement powers. The Dumbarton Oaks Proposal which came out of the conference was a tentative charter for an international security organization.[75]

With the experience of both World Wars and the failed League on their minds, the representatives at Dumbarton Oaks were much more concerned with security issues than the League Covenant had been. Under the Covenant, the Assembly and the Council of the League had each been competent to deal with any matter within the sphere of action of the Organization. The Dumbarton Oaks Proposals advocated a radical change. The Security Council was to carry "primary responsibility" for the maintenance of peace and security, and the functions of the General Assembly were, in that sphere, to be reduced to discussion and, within certain limits, to recommendations.[76] Those who worked on the Dumbarton Oaks document and those who worked on the same subject at the United Nations Conference in San Francisco in April 1945 were very definitely of the opinion that experience had shown that it was well to separate the functions of the Council and the Assembly. While the Security Council's function would be that of

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[74] Edward Stettinius, DO Diary, 29 August 1944.

[75] Bentwich and Martin, xiv.

[76] Ibid, xv.

maintaining peace and security, the General Assembly would have the equally important function of creating conditions which would be conducive to the maintenance of peaceful relations among nations, which would make for stability, friendship, and good neighborliness.[77]

It was in the area of enforcement powers that the Dumbarton Oaks Proposals reflected the attempt by the allies to continue their wartime alliance structure and success. The British proposed a Military Staff Committee composed of the Chiefs of Staff of the five permanent members of the Security Council. This staff would be a continuation of the Allied agency, the Combined Chiefs of Staff, which had proven so effective in the waging of World War II.[78]

The provisions for the use of force by the United Nations organization represented a compromise between the views of those who insisted that a nation should use its armed forces only to protect itself, and those who urged that all national armed forces should be used only by an international organization for the protection of any nation that is a victim of aggression. This topic was discussed at length, the U.S. holding the position that there should not be any standing armed forces belonging to the United Nations, but that countries would make forces available to the Security Council should the need arise. The Soviets proposed a standing air force to respond to threats to peace, but U.S. constitutional concerns and allied concerns over the effectiveness of air power for deterrence raised opposition to this proposal. Under the Dumbarton Oaks arrangement, then, every nation would retain control of its armed forces, but would sign agreements by which they would undertake to make available to the Security Council, on its call, specified armed forces, facilities, and assistance.[79] It was determined to leave

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[77] Leland M. Goodrich, "The U.N. Security Council," in James Barros, ed., The United Nations: Past, Present, and Future (New York: The Free Press, 1972), 17.

[78] Dean, 10.

[79] Ibid, 17.

negotiation of specific forces for a later time. In practice, the proposals called for an arrangement similar to the pattern of military cooperation worked by the allies during the war.

C. WHAT MISSIONS WERE ENVISIONED FOR THE UNITED NATIONS?

The United Nations Conference on International Organization (UNCIO) was held in San Francisco from April 15 to June 26, 1945, by 50 nations which had declared war on Germany or Japan, or both, and had signed the Declaration on the United Nations. They met to draft a UN Charter on the basis of the Dumbarton Oaks Proposals of October 9, 1944. This conference had a two-fold character. First, it was a gathering of technical experts whose task was to draft the constitution of a world organization. At the same time, it was a meeting of political leaders of countries in five continents whose thoughts, especially after V-E Day (Victory in Europe) were inevitably focused on the problems of the approaching peace settlement.[80] The most encouraging aspect of the conference was that, in spite of profound divergences among fifty nations differing widely in historical development, political traditions, and economic and social systems, it proved possible after nine weeks of intensive work to reach agreement on a Charter of the United Nations organization.

1. Principal Missions of the UN

When the United Nations set about its task, the basic purpose of the organization, as described in the first paragraph of Chapter I, was to "maintain international peace and security."[81] That was what it was for. That is why the Security Council was to consist of the great powers at the time, acting then in free alliance with each other. The Earl of Home pointed out that the Security Council was to be the cabinet of the world,

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[80] Ibid, 53.

[81] See Russell and Muther. Appendix A.

preserving peace and security.[82] The Charter prescribed two principal approaches to the achievement of this purpose: collective measures for preventing or removing threats to the peace and suppressing acts of aggression and breaches of the peace; and adjustment or settlement of international disputes or situations by peaceful means.[83] It is important to the current UN reform debates that the intent of the founders is clear.

One of the most critical questions is "what type of aggression did the founders envision the organization suppressing?" Although the Charter did specify that only international aggression would be responded to, an examination of the historical conditions that shaped the United Nations and the type of wars with which the founders had experienced, gives ample evidence that the founders assumed that threats to peace would be international - i.e. state versus state. This thinking was a product of the state-based system which had dominated world politics since the Treaty of Westphalia in 1648, and the interstate violence that had produced two world wars in the first half of the twentieth century. With no recent experience of internal civil wars, a small number of states, and military power held by a small number of states, it is understandable why internal conflicts were not envisioned by the founders.

Further evidence of this focus on preventing international wars and not internal ones can be found in the Charter's stricture against the UN intervening in the internal affairs of member nations stated in Article 2, paragraph 7. Of all the controversies concerning Charter interpretation, the most persistent has been that surrounding the effect of this section of the Charter:

> Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such

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[82] The Earl of Home, "The United Nations," in Raymond A. Moore, Jr., ed., The United Nations Reconsidered (Charlottesville, South Carolina: University of South Carolina Press, 1963), 134.

[83] Goodrich, 19.

> matters to settlement under the Charter, but his principle shall not prejudice the application of enforcement measures under Chapter VII.[84]

This provision, which sought to protect the sovereignty of nation-states against interference from the international organization, was clearly aimed at the domestic audiences of the member states, especially the United States. With the failure of the U.S. Senate to ratify the League of Nations Treaty in 1919 present in the minds of the founders, they attempted to forestall any possible domestic opposition to the Treaty on constitutional grounds. The founders' thoughts concerning intrastate affairs were reflected by French President Charles DeGaulle who stated that "as for the Charter, it was designed to prevent the Organization from interfering in the affairs of each State and it could intervene only on the explicit request of a government."[85] Since recent history indicated that threats to peace tended to be across international borders and nations were sensitive about their sovereignty, the founders focused on curbing "international" aggression, explicitly avoiding "internal" affairs as too politically sensitive in 1945. In 1961, former U.S Ambassador to the United Nations, Benjamin Cohen, warned that "like the Tenth Amendment of the U.S. Constitution, Article 2, paragraph 7, of the Charter in effect affirms that the authority of the United Nations does not extend, and should not be construed to extend, beyond the powers enumerated in the Charter."[86]

The core of the Charter was the section that gave the new organization enforcement power - Chapter VII. When the Charter was written, it was the promised effectiveness of the new organization in maintaining international peace and security, in contrast to the discredited League of Nations, which was made a principal argument in its support and lent it international legitimacy. It was emphasized that the United Nations, by virtue of its power to take collective military measures, if necessary, to

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[84] See U.N. Charter in Russell and Muther, Appendix A.

[85] Charles DeGaulle, "United Nations," in Raymond A. Moore, Jr., ed., The United Nations Reconsidered (Columbia, South Carolina: University of South Carolina Press, 1963), 144.

[86] Cohen, 22.

enforce its will, had a capacity for effective action which the League had lacked.[87] The means by which the UN would enforce its wishes was to be through the mobilizing of collective forces from national armies. Although there has been debate over whether the founders actually meant to create a collective security system in 1945, Inis Claude points out that "in its restriction of the right of states to resort to force, its espousal of the principal of collective action to repress illegal violence, and its provision for an organ to preside over the arrangements pertaining to the use of force, the UN scheme exhibits some of the essential characteristics of a collective security system."[88] The Charter established an organization through which sovereign states could voluntarily cooperate, with a view to harmonizing their ideas and uniting their strength to achieve common ends. The United Nations was based, therefore, on a belief that the a community of nations with common values and goals did, in fact, exist.

For international enforcement of peace, it was readily agreed that all states, great and small alike, would have to accept the premise that a threat or act of aggression anywhere in the world was a concern to all nations. If the collective system was to work, they would also have to accept as binding the decisions of the organization in enforcement matters. It was recognized that, in practice, the great powers would not put their armed forces at the disposal of any organization for enforcement purposes unless they retained a controlling voice in the employment of those forces.[89] The central issue, then, was to not only provide a means whereby the decision to use force could be made by the great powers, but also to ensure that the United Nations was perceived as legitimate by both the nations needed to provide forces and by those nations upon which UN resolutions would be enacted.

The issue of the nature of the armed forces to be used by the UN in enforcing its decisions was not a simple one to solve. By 1943, it had been assumed that if the

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[87] Goodrich, 16.

[88] Claude, 151.

[89] Russell and Muther, 228.

organization was to be capable of maintaining the peace, the availability of armed forces was of paramount importance. Proposals for dealing with the problem of making armed forces available to the United Nations, therefore, began early in the war. According to historian Ruth Russell, three possible ways in which forces could be made available to the Council were examined by the founders:

1. by an ad hoc coalition of national forces,

2. by a system of national contingents placed at the disposal of the international organization, or

3. by the creation of a permanent, internationalized force.[90]

A close study was especially made of the third possibility. It was re-explored by the Department of State officials in terms of the possibility of establishing an international air force, which was initially judged to be less difficult to organize and more acceptable politically than internationalized land and sea forces. As the war progressed, however, the indiscriminately destructive nature of air bombardment caused some second thoughts about its appropriateness for policing purposes. Eventually, the Big Three agreed upon the national contingents proposal as the most politically acceptable compromise between the military effectiveness of coalition forces and the independence of an international forces.[91]

The Charter plan outlined in Chapter VII, Article 43,[92] reflected the acceptance of the national contingent idea for making forces available to the Council. It directed the Council as soon as possible to negotiate agreements by which member states were to make available to the Security Council armed forces, assistance and facilities, including rights of passage. These agreements were to determine the amount of forces, their level of readiness, and the type of facilities and assistance that would be made available to the United Nations. The founders also attempted to establish a Military Staff Committee

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[90] Russell and Muther, 235.

[91] Ibid.

[92] Ibid, see Appendix A.

with Article 47 based on the successful Allied Combined Chiefs of Staff concept during World War II. Again, the legitimacy of the UN was presumed by the founders and the statesmen of the U.S., the Soviet Union, Great Britain, and China who were negotiating the details for the new organization.

The second approach to the UN mission of preserving peace, that of mitigating or resolving disputes by peaceful means, has often been overlooked in discussions about reforming the United Nations. The enforcement measures mentioned above were seen by the founders as a last resort after attempts at peaceful resolution of disputes had failed. Sir Brian Urquhart, former UN Under-Secretary General for Peacekeeping, pointed out that "it is now seldom recalled that the original Charter idea was that the collective security system of the UN would provide the sense of security and mutual confidence which would allow disarmament and arms control to proceed under the auspices of the Security Council."[93] Peace was not envisioned as being dependent upon the use of force, so much as on the potential for international forces which could be called upon by the UN. Peace was not to be merely enforced, but was to depend on the ability of the UN to foster close relations between nations, resolve disputes peacefully, and in the last resort, to be able to guarantee the security of nations around the world using great power forces. If it failed at these tasks, the ability of the UN to maintain peace and security would be greatly decreased.

2. Legitimacy of the UN Structure

The widespread desire to give the new world organization effective power to maintain peace was evident in the readiness of the governments at San Francisco to accept the core of the security system embodied in the Dumbarton Oaks Proposals. Its main structure was adopted almost without debate. There would be a small and selective Security Council, the core of which would be the coalition of victorious great powers from World War II. In the Council, the major powers were conceded a preferential

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[93] Brian Urquhart, "The Role of the UN in Maintaining and Improving International Security," Survival 28, no. 5 (September-October 1986): 393.

position in return for their burden of special responsibilities.[94] Understandably, the Security Council reflected the balance of power that existed at the end of World War II, with the three victorious allies who had designed the UN, the U.S., Great Britain, and the Soviet Union, along with China, being given special privileges as permanent members of the Council, with France being added at San Francisco. The adoption of these provisions at San Francisco marked a return to the nineteenth century idea of the "Concert of Great Powers," with an important modification. Under the Charter, the "concert" was to function within a larger association of states and with the smaller states having clearly defined rights and responsibilities.[95]

Although the basic structure of the UN was accepted at San Francisco, this did not mean that all aspects of the new organization were unanimously supported by the rest of the nations attending. From the start of the UN at San Francisco, there was tension between the developed industrial countries of the North and the lesser developed countries of the South. Despite accordance in principle, the small and middle states, who felt they had been unfairly excluded from the negotiations at Dumbarton Oaks, showed considerable dissatisfaction with the precise terms of the Proposals, and attempted to modify them in various ways intended to diminish the controlling power of the Security Council. The most serious indirect attempts to diminish the authority of the Security Council sought to break down the basic differentiation between it and the General Assembly, and the special position of the permanent members in the Council. This was such a fundamental part of the proposed plan, however, that the major powers were not prepared to accept any substantive alterations in the primary role of the Council.[96] Only the advent of World War II made it possible to get the United Nations Charter approved at the end of the war. The United Nations began its history, therefore, with less than

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[94] Dean, 67.

[95] Goodrich, 15.

[96] Russell, 647.

unanimous support for the legitimacy of its fundamental structure and premise - that the dominant great powers on the Security Council should police the world.

The General Assembly, on the other hand, was designed to be a world forum containing all countries. In the circumstances, its one nation-one vote formula produced little relationship between calls for action and the responsibility and capacity to act, nor was it intended that it should. The General Assembly was supposed to serve primarily for the expression of the opinions and conscience of the nations of the world, where all could be heard, even if they could not act.[97] The Charter did not give the General Assembly or the Secretary General any enforcement powers, since the founders sought to link the decision to enforce UN resolutions with the power to act found in the Security Council.

3. Security Council Veto

The wisdom of the Security Council veto power of the permanent five members has been the topic of debates since the creation of the United Nations. The Charter provision that the Council must operate on the basis of unanimity of its Permanent Members, however, was not the product of impractical idealism. The memoirs of some of those who helped frame the Charter confirm that they knew what they were doing. The provision reflects the highly realistic belief that UN action would not be possible if one of the great powers seriously dissented from it.[98] The veto, therefore, grew out of two realistic assumptions. First, peace depends on the unanimity of those who have the power to wage modern war; and second, those who have the power to wage modern war will not agree to create an organization with the power to coerce them.[99] Thus, from

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[97] Bourke B. Hickenlooper and Mike Mansfield, "Observations on Changes Within the United Nations," in Moore, ed., The United Nations Reconsidered, 40.

[98] See Winston Churchill, The Second World War: Triumph and Tragedy (London, 1954), pp. 181-182 and 308-13; Harry S. Truman, Year of Decisions: 1945 (London, 1955), pp. 194-5, 201, 206-7.

[99] James Reston, "Votes and Vetoes," in Moore, ed., The United Nations Reconsidered, 14.

its inception the veto was believed to be a positive thing by the framers. With the bulk of the military power in the world resting in the permanent five, the veto was seen as simply reflecting the realities of the world.

Another consideration behind the support for the veto by the U.S. was the overriding importance of producing a Charter treaty that would be ratified by the U.S. Congress. Henry Cabot Lodge recalled that "it must be remembered that it was the United States which insisted on the existence of the veto power so as to make certain that American forces could not be ordered into action against the will of the United States government."[100] The veto therefore reflected strong concerns in Congress over the control of U.S. forces and the Congressional prerogative over declaring war. The founders of the UN did not overlook the potential use of the veto, but rather, based their support for it on domestic considerations and the hope for postwar great power unity.

Although the Soviet use of the veto was seen as crippling the UN during the Cold War, it was actually used as the founders knew it might be - to protect the interests of one of the great powers. Inis Claude notes that during the San Francisco Conference, the U.S. delegation declared that "the veto rule means that if a major power becomes an aggressor, the Council has no power to prevent war."[101] The key prescription of the Charter for dealing with the potential crises of greatest international importance - those involving antagonism or aggression by one of the permanent five powers - was placed in Article 51, which recognized the inherent right of individual and collective self-defense in response to an armed attack.[102] The problem with the United Nations from the start, therefore, was that its legitimacy was presumed by the great powers, but questioned by the smaller countries who felt compelled to provide for their own defenses since the UN was seen as unable to protect them. Although the roots of the current decline in UN

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[100] Henry Cabot Lodge, "The United Nations: Its Founding, Its Performance, and Its Future," in E. Berkeley Tompkins, ed., (Stanford, Calif.: Hoover Institution Press, 1972), 1.

[101] Claude, 149.

[102] See Russell and Muther, Appendix A.

legitimacy can be traced to the United Nation's beginnings, the UN did prove that it could adapt to solve some problems during the Cold War.

III. EFFECTS OF THE COLD WAR ON UN LEGITIMACY

> When ties are loose between presumed influence and actual influence, between decision and responsibility between word and deed, respect will wane. In the end nations wholesale - as some are already doing - may well ignore the decisions of the United Nations, not only in regard to financial contributions but over the whole range of international problems and conflicts on which the United Nations might be expected to bring a constructive influence. And in the end, whatever real capacity the organization still possesses to move the flow of events toward peace and justice may well disappear.
>
> Senator Mike Mansfield (1963)[103]

Debates about the legitimacy of the United Nations are not a new phenomena. The above quote by Senator Mansfield is indicative of the debate over the United Nations and its role in the world which occurred over the controversial UN peacekeeping operation in the Congo (1960-64). Those debates focused on the shift in power from a stalemated Security Council to the General Assembly, the attempts by the Secretary General to use peacekeepers in a civil war (an early example of peace-enforcement), and the dramatic change that had occurred in the membership of the General Assembly. What these debates revealed was a noticeable decline in the legitimacy of the United Nations, and the dangers to this legitimacy of attempting to make the UN carry out missions for which it was ill-prepared and lacking of support. Thus, in 1963 there were already questions about the legitimacy of the UN unforeseen by the founders. This raises the question "How did the changes in the world and United Nations during the Cold War affect the United Nations' legitimacy?

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[103] Mike Mansfield, "Speech to the U.S. Senate on the UN bond issue," in Raymond A. Moore, ed., United Nations Reconsidered (Columbia, South Carolina: University of South Carolina Press, 1963), 111.

A. CHANGES IN THE OPERATION AND EXPECTATIONS OF THE UN

1. Stalemate in the Security Council

The alliance relationship established between the great powers during the Second World War continued, though with frictions, until 1947. In 1946-47, both the Iranian issue and the Greek civil war, which became the catalyst to the Truman doctrine, were debated in the Security Council. The United Nations was thus a relevant organization during this period, and could in fact act successfully in crises connected with the early process of decolonization. In 1947 both the U.S. and the Soviet Union issued their own versions on the division of the world into two camps and on the containment of expansion by the other side (the Truman Doctrine and the speech by Zhdanov in the meeting to establish the Cominform.[104] Thus ended the brief period of great power cooperation that the UN founders had hoped would sustain the organization.

The Cold War tensions between the United States and the Soviet Union and the subsequent Soviet use of their Security Council veto began the erosion in the Council's legitimacy around the world. In the early postwar years, the Soviet Union set the patterns of behavior and procedure which brought the UN into disrepute and disuse during the 1950s and 1960s. Senator Mansfield noted that because of Soviet intransigence, "the Security Council became, not an instrument for the solution of situations of international tension, not for the possible reconciliation of great power disputes, but rather a center for exacerbating them.[105] The resulting stalemate in the Council had two negative effects on its legitimacy. First, the use of the veto reinforced and validated concerns by the smaller states that the great powers would use the veto to merely protect their own interests, thus eroding the Council's credibility as an international body. Second, the stalemate in the Council resulted in a reputation for inaction in the face of aggression, encouraging countries to play one superpower off against the other and destroying the credibility of the UN as a deterrent or shield against

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[104] Vayrynen, 227.

[105] Mansfield, 114.

aggression. In the Hyderabad case in the 1950s, India successfully prevented UN intervention by playing off the superpowers against each other. In the end, Washington and London were more concerned with preventing a pro-Moscow "tilt" by India than with implementing the Charter's prohibition on the use of force.[106]

The Council's failure to prevent aggression also greatly weakened the United Nation's restriction on the use of force, thereby encouraging countries to provide for their own self-defense by building up their militaries and discouraging the use of the UN to settle disputes. Thomas Franck argues that no principle is as fundamental to the system predicated on the UN Charter as the prohibition on the use of force by one state against another (Article 2(4)). One measure of the United Nations' success or failure, Franck notes, is the extent to which a majority of its members have upheld these principles.[107] When fighting broke out between India and Pakistan on 29 November 1971, the Secretary General urgently asked the Council to give serious consideration to the steps it might take. Not until six days later, well after the surrender of the Pakistani army in the eastern province, did the Soviet Union permit the Council to pass a resolution.[108] That performance must have shattered whatever hopeful illusions were still cherished by small- and middle-sized states - that the United Nations could guarantee their safety, either by imposing pacific settlement procedures at an early stage of a dispute or by providing collective security once the dispute had ripened into an armed attack. By 1978, Secretary General Kurt Waldheim voiced in public the shortcomings of the organization, in particular "its failure to enforce its decisions...the practical result has been that some small States no longer turn to the United Nations as the protector of their sovereign rights."[109] He acknowledged a lack of confidence in the Security Council's "wisdom, objectivity, and capacity for even-handed action." From its

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[106] Franck, 51.

[107] Ibid, 65.

[108] Ibid, 167.

[109] Kurt Waldheim, G.A.OR (XXXIII), Supp. No. 1 (A/33/1), Sept. 1977, p. 2.

beginnings, then, the UN created expectations that it was not matched to. During the period of the Cold War, therefore, the nations of the world were back almost to where they were in 1939. Since the UN was unable to provide the collective security promised in its Charter, nations turned to their own security through military buildups and alliances. Thus, countries learned to think of the UN in a limited way, and discounted its security role. Such perceptions of the UN have carried over into the post-Cold War era, setting up the problems that the world is faced with today.

In addition to encouraging nations to arm in self-defense, thereby dooming any disarmament efforts, the Security Council stalemate also led to moves within the United Nations to sidestep the Council in order to allow the UN to respond to aggression. An important development in the UN was sparked by the Korean War, to which the Security Council, in the absence of the Soviet Union (which had walked out), decided on 25 June 1950 to send UN forces. Although the United Nations was important to the resolution of the Korean conflict only in a limited sense, since the U.S. commanded the operation and supplied the majority of the forces, the conflict was very important to the United Nations. The crisis eventually prompted a significant shift in responsibility from the Security Council to the General Assembly. Following the return of the Soviet representative to the Security Council in August 1950 after an absence of six months and the consequent blocking of further action by the Council, the Assembly took an important step in November 1950 by approving the U.S.-inspired "Uniting for Peace" resolution or Acheson Plan. Under this resolution, questions pertaining to international peace and security could be transferred by procedural vote to the General Assembly if the Security Council was stalemated by a veto, and the General Assembly could then recommend collective measures, including the use of force against an aggressor.[110]

In practice, the collective measures envisaged in the Uniting for Peace Resolution have never been invoked, though other provisions of the resolution contributed to the General Assembly's handling of the Suez crisis in 1956, the Hungarian crisis in the same year, the Lebanese crisis in 1958, and the Congo in 1960. Only parts of the resolution

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[110] Goodrich, 57.

were in reality observed, for example, those concerning the transfer of a security issue to the General Assembly and the capacity to convene it for emergency sessions.[111] The Uniting for Peace Resolution, therefore, produced two important developments. The first was to provide the General Assembly and the Secretary General with a legal tool to get around the stalemated Security Council, thereby inducing a shift in power and influence from the Council to the General Assembly. The second contribution was that it led to the creation by Secretary General Dag Hammarskjold in 1956 of "UN peacekeeping forces," under the command of the Secretary General, as another way of getting around the Security Council. The result was a mismatch by the early 1960s between the calls for action by the General Assembly and the responsibility to act which was supposed to lie with the Security Council. This mismatch between decision to act by the General Assembly and the responsibility to act in the Security Council was one of the principle issues in the UN reform debates of the early 1960s.

In the development of the United Nations, the period from 1964 to 1974 was an era of transition. The veto in the Security Council was still used by the Soviet Union, but to an increasing degree by the United States, Great Britain, and France, as the General Assembly became dominated by newly independent states. The world organization became involved in more conflicts than in any previous period, but its rate of success remained low. One reason for this, according to Raimo Vayrynen, was that the Third World countries were not prepared to resort to collective measures to deter, manage, or settle their mutual confrontations.[112] Part of the reason for this lay in the damage done to the credibility of the Council during the 1950s, but another reason lay in the changing character of the General Assembly with its explosion of new states. This will be discussed below. Although the United States and the Soviet Union attempted to shift power back to the Security Council in the 1960s, the damage to the legitimacy of

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[111] Bentwich and Martin, 4.

[112] Vayrynen, 232.

the Council and the collective security credibility of the UN had already been done. The key benefactor of this shift of influence from the Security Council to the General Assembly was the Secretary General.

2. Increase in the Role of the Secretary General

During its nearly half century of activity, the position of the Secretary General has developed far beyond what was envisaged at San Francisco in 1945. Under the Charter and especially under Article 99, the Secretary General is given the opportunity for public initiatives which his predecessors in the League lacked. If the Secretary General of the United Nations is active behind the scenes and in public, this is due not so much to the added constitutional power that he has under the Charter as to the political configuration of the world since 1945. The political division of the world during the Cold War and the growth of bipolarity, as well as the emergence of the Afro-Asian or nonaligned world, has led to a greater delegation of authority and power to the Secretary General by the constituent organs of the United Nations.

The Cold War deadlock helped push the Secretary General into prominence because the UN as a way to sidestep the Council to get things done and because the use of the veto within the Security Council weakened its claim of impartiality. Two de facto missions assumed by early Secretary Generals were conflict mediation and peacekeeping. Over the past fifty years, the Secretary General has been more successful, and certainly more active, than the Security Council in efforts to resolve conflicts and deter aggression. This role is largely self-determined. Thomas Franck points out that the Charter does not endow his office with authority to be a global mediator and troubleshooter, although various incumbents have claimed that these functions are his by implication.[113] The Secretary General's role as a global mediator remains useful when a dispute threatens to disrupt peaceful relations among nations. The function of world mediator and fact-finder has become so important a part of the office that every incumbent has given it top priority.

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[113] Franck, 117.

The second de facto mission assumed by the Secretary General has been control of peacekeeping forces. Brian Urquhart, former UN Undersecretary General for Peacekeeping, recounted that "the technique of Peacekeeping is a distinctive innovation by the United Nations. The Charter does not mention it. It was discovered, like penicillin. We came across it, while looking for something else, during an investigation of the guerrilla fighting in northern Greece in 1947."[114] The first deployment of UN Peacekeepers was during the Suez crisis of 1956. After the Anglo-French-Israeli invasion of the Suez in October 1956, an emergency special session of the General Assembly invited Dag Hammarskjold "to submit within forty-eight hours a plan for the setting up, with the consent of the nations concerned, of an emergency international U.N. force to secure and supervise the cessation of hostilities."[115] This resolution has been described as "a crucial turning point for the United Nations,"[116] but was in reality more a triumph for the Secretary General. Hammarskjold created a large military force - the UN Emergency Force (UNEF) - whose command was under his supervision. The Charter makes no provision for any such functions, least of all ones authorized by the General Assembly and executed by the Secretary General.[117] Success invites replication, and since the success of UNEF, the UN has authorized thirty-three peacekeeping missions, some successful and some not. The importance of peacekeeping is that peacekeeping was created as a result of the inability of the great powers to come to a consensus and the need for a neutral, impartial force to separate two competing forces. Since peacekeepers were created by the General Assembly, they rely on the support of nation-states for their legitimacy.

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[114] Urquhart, "The United Nations, Collective Security, and International Peacekeeping," 62.

[115] G.A. Res 998 (ES-1), 4 November 1956.

[116] Arthur W. Rovine, The First Fifty Years: The Security Council in World Politics, 1920-1970 (Leydon, 1970), 289.

[117] Franck, 137.

As Secretary Generals have engaged in more and more successful mediations, their hoard of effectiveness has increased, which in turn, has increased the demand for their services. As Thomas Franck points out, "this can invoke Parkinson's Law, as the Secretary General's role expands beyond its functionally optimal limits. The office of Secretary General has become the black box of the United Nations, into which, for lack of agreement on any particular course of action, the members deposit their most pressing and intractable problems, in the hope that, through the operation of some ineffable but ineluctable process, a solution will emerge."[118] Combined with a zealous acceptance of difficult tasks by Secretary Generals, this has resulted in the current situation where the UN, under the leadership of the Secretary General, has become a catch-all for any problems that arise in the world. The danger is that in the end, as Senator Mansfield asserted, "nations may well ignore the decisions of the United Nations" if the UN attempts to do too much.

3. Change in Size and Character of General Assembly

Another factor influencing the development of the Security Council's role and the legitimacy of the UN has been the change in character of the General Assembly with the rapid increase in membership starting in 1955, including changes in geographical distribution of membership and the nature of the interests and attitudes of the new members. The organization started with a membership of fifty-one, predominantly Western and primarily concerned with issues of war and peace following the Second World War. Once the membership deadlock was broken in 1955, a major influx of new members occurred, mostly from Asia and Africa. Increasingly, the membership came to be dominated by new states with different backgrounds and concerns than those of the original members. These newly independent states had less in common with each other and with the original members. Under the impact of the membership explosion, which tripled the membership by the end of the 1960s, questions of decolonization, economic

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[118] Ibid, 134.

development of the underdeveloped territories, and elimination of racial discrimination came to be the principal concerns of the organization.[119]

As these new members quickly became the majority within the General Assembly, that body shifted from supporting U.S. and Western positions towards pursuing developing world interests. The rapid explosion in the number of nation states strengthened their belief in the principle of sovereign equality of nation-states, while producing in them a different view than that of the founding members of what the UN missions should be. Leland Goodrich points out that the Asian and African members have emphasized the role of the United Nations as an instrument of political, social, and economic development and change. They are not as inclined as much as the West to stress the role of the United Nations in guaranteeing the status quo against violent change.[120] Depending on their different historical experiences, some states view colonial domination and imperialism as the most serious problems in international relations; others see civil war as the most dangerous threat to international security.[121] The change in expectations for the UN and the growing North-South split in the UN was exemplified by the Non-Aligned Movement led by India and Indonesia which proclaimed devotion to what was loosely called pacifist neutralism.[122] The explosion in the number of new members of the General Assembly, therefore, produced a UN dominated by a large majority of newly independent states who opposed the status quo, and saw the United Nations' role as redistributing world wealth, helping developing countries, and not so much the prevention of war.

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[119] Goodrich, 29.

[120] Ibid, 42.

[121] Adam Roberts and Benedict Kingsbury, United Nations, Divided World (Oxford: Oxford University Press, 1993), 12.

[122] Hamilton F. Armstrong, "The U.N. on Trial," in Raymomd A. Moore, ed., The United Nations Reconsidered (Columbia, South Carolina: University of South Carolina Press, 1963), 28.

This influx of new UN members has resulted in a crisis of authority between the developing countries and the UN system. Lacking an understanding of and a shared belief in the UN as a collective security system, these new states have based their acceptance of the United Nations and the international system on whether it meets their economic and political goals and interests. The combination of a much larger General Assembly and a stronger Secretary General produced much greater expectations among developing nations of a voice in world affairs. Unfortunately, not only did decolonization result in the proliferation of actors in the state-centric world, but it also infused a greater rigidity in the hierarchy of the state-centric world. The newly established states of the Third World acquired sovereignty and international recognition even though they lacked the internal resources and consensual foundations to provide for their own development. This led the states themselves into a deep resentment over their dependence on the industrialized world.[123]

Today's international system is dominated by the industrialized world, consisting of about 30 countries. Thus, the developing world nations which make up a majority in the General Assembly, have tried to use their voting power to challenge the status quo and to alter the United Nations' agenda and priorities. The UN has thus become a major site of the authority crisis as the Third World has challenged the legitimacy of its actions and as the First World, fearful of dominance by the Third World, has also questioned its legitimacy by periodically failing to meet its financial obligations to the UN.[124] As James Rosenau points out, "for many Third Worlders the UN is an integral part of the system of domination that marks global structures, and thus many would doubtless react to proposals for making the UN a more effective agent of change as simply more of the same, as misplaced idealism that amounts to little more than techniques for maintaining

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[123] James N. Rosenau, The UN in a Turbulent World (Boulder, Colo.: Lynne Rienner, 1992), 34.

[124] Ibid, 35.

their subordination.[125] In the context of the UN reform debates, attempts to make the UN stronger likely to be seen by many developing countries as a new form of colonialism if their demands for greater voice in the UN are not addressed.

B. DIFFUSION OF POWER AWAY FROM PERMANENT FIVE

Another change in the world which dramatically changed the perceived legitimacy of the United Nations system and the Security Council in particular, has been the diffusion of power away from the Permanent Five members of the Council after 1945. When the United Nations was designed during the Second World War, the choice of which countries would have permanent seats on the Security Council was not a difficult one. As allies in the victorious alliance which won the war and thus had the most say over the structure of the new organization, the United States, the Soviet Union, and Great Britain were obvious choices, while France and China were added at the insistence of the British and the U.S. In 1945, the five Permanent Members of the Security Council (the United States, the Soviet Union, China, France, and the United Kingdom) more closely approximated the world's top tier in population and power in its various manifestations than they do today.[126] Vera M. Dean, writing in 1946, expressed the commonly held view held in the West:

> Many people express the fear that the Security Council could easily become a dictatorship of the great powers...it is true that the permanent members could, if they wanted, transform the Security Council into a Concert of the World, on the pattern of the Concert of Europe...We have to face the fact that the Big Five control among them about 60 percent of the population of the world, and a large part of the world's resources, industrial potential, and military power.[127]

As the only member of the Big Five which was not devastated by the war, the U.S. emerged from the Second World War with the largest economy, a monopoly on atomic

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[125] Ibid.

[126] Gaddis Smith, 153.

[127] Dean, 11.

weapons, and as the leader of the world politically. Since the economies of both Britain and France had been devastated during the war, and China was in the throes of a civil war, only the Soviet Union also retained the military and economy power to compete with the U.S. at the conclusion of the war.

The hegemony of the U.S. in the economic, military, and political spheres coincided with the upturn of the economic long cycle after the Second World War. Robert O. Keohane has suggested that the period from 1948 to 1963 was a "long American decade" when the norms and institutions imposed by the U.S. provided a sort of hegemonic stability for international relations.[128] Yet, as historic periods of international prominence go, this one was short-lived. Almost from the beginning of the United Nations, the policies of Argentina, Brazil, Burma, Egypt, India, Indonesia, and Mexico gave notice that a "third world" existed with interests identical with neither those of the U.S. nor those of the Soviet Union. What could not have been anticipated in 1945 was the mercurial speed with which the Belgian, British, Dutch, and French empires would decline, producing a hundred new "third world" states, almost none of which looked to the U.S. for leadership. Between 1945 and the UN reform debates of the early 1990s, the world underwent a dramatic diffusion of political, military, and economic power. The world in 1994 was a very different one from that of 1945. Although great power cooperation was restored with the end of the Cold War, this diffusion of power changed the balance of power in the world dramatically while the structure of the United Nations failed to keep pace, causing a further eroding of the legitimacy of the organization in the world.

1. Political Diffusion - Breakup of Colonial Empires

Often overlooked by contemporary historians is the magnitude of change which occurred in Africa and Asia between 1945 and 1960. No fewer than 40 countries and one-quarter of the world's population revolted against colonialism and won independence.

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[128] Vayrynen, 228.

The rapidity of change was unprecedented in human history.[129] The United Nations, as mentioned above, was not immune to this explosion, growing from fifty-one nations in 1945 to 174 in 1993. While the founders, especially Roosevelt, had pushed for the breakup of the colonial empires and envisioned a subsequent increase in the number of nations in the UN, none could have foreseen the scope of the expansion or the dramatic effects that this would have on the United Nations. With the number of states more than tripling in just over a decade between 1955 and 1965, the new states soon had a majority within the General Assembly with which to pursue their own interests and goals. Although the Permanent Five, particularly the two superpowers, still held overwhelming military power, the democratic process and structure of the United Nations contributed to the diffusion of power to blocs of smaller states within the organization, increasing their importance and power.

Along with this expansion in the number of states was a consequent explosion in population in the developing world. Perhaps most compelling of all is that while the industrial democracies accounted for more than one-fifth of the earth's population in 1950, that share had dropped to one-sixth by 1985, and is forecast to shrivel to less than one-tenth by 2025. By that time, only two of them (the United States and Japan) will be among the top twenty most populous countries, and the rest of the industrial democracies will almost be regarded as "little countries."[130]

The combination of decolonization and the Cold War also increased the importance of the new states as each superpower sought to expand its sphere of influence. The Great Powers, by competing for the support of the new Afro-Asian states in the years after 1955 and encouraging these states with their permissive policies towards admission to the United Nations produced a General Assembly whose composition and character was radically changed from that which had passed the Uniting

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[129] G. Barraclough, An Introduction to Contemporary History (Harmondsworth, U.K.: Penguin, 1967).

[130] N. Eberstadt, "Population Change and National Security," Foreign Affairs 70, no. 3 (Summer 1991): 128.

for Peace Resolution in 1950.[131] While each superpower gained its share of allies within the UN, a majority of the new states preferred to remain nonaligned, instead forming blocs with other new states to further increase their voting leverage in the UN.

The rise of Third World blocs indicated a growing understanding by the leaders of the developing countries of their added power. India took the lead in forming the Non-Aligned Movement, and voting within the United Nations turned sharply against the U.S. which was more closely associated with the former colonial powers. The increased dependence of the industrialized economies of the West on Arab oil and the formation of OPEC dramatically increased the influence, power, and wealth of the Middle East oil producers, especially after the 1974 oil embargo.

With the explosion in the number of new states in the world through the 1970s, this diffusion of power away from the two superpowers began to slowly affect the Cold War world. In 1977, Rajni Kothari predicted "the main sources of tension in the 1980s will be precisely the diffusion and proliferation of power in the world - a largely uneven process, subject to a variety of uncertainties and idiosyncracies of national character, but clearly moving away from the neatness of the bipolar world; towards one in which the superpower detente is continuously disturbed by happenings beyond the control of either of the two giants.[132] Another author, from India, asserted in 1988 that the U.S. hegemonic power was already in decline, with the developing nations presenting the major political challenge and Japan and Germany the major contenders in the realm of technology and trade.[133] Thus, the political power diffusion further decreased the perceived legitimacy of a Security Council based on a 1945 power structure.

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[131] James Barros, The United Nations: Past, Present, and Future (New York: The Free Press, 1972), 6.

[132] Rajni Kothari, "Sources of Conflict in the 1980s," in The Diffusion of Power, Adelphi Paper No. 134 (London: International Institute for Strategic Studies, 1977), 2.

[133] K. Subrahmanyam, "Third World arms control in a hegemonistic world," in Thomas Ohlson, ed., Arms Transfer Limitations and Third World Security (Oxford: Oxford University Press, 1988), 43.

2. Military Power Diffusion

The most worrisome aspect of the increasing diffusion of global political and military power is the accompanying spread of high-technology weaponry. The availability of the most modern weapons and the growth of indigenous arms industries add a new dimension to the security calculations of these regional powers and to those of the Security Council. In 1990, then Chief of Naval Operations Admiral Carlisle Trost described the threat of military proliferation, stating that "41 Third World nations collectively possess more than 250 attack submarines, 102 have antiship cruise missiles, 41 have a sophisticated naval mining capability, and 40 are arms producers."[134] The proliferation of conventional weapons, both horizontally, to an increasing number of states, and later vertically, as states modernized their arsenals with more advanced aircraft, ships and submarines, missiles, and weapons of mass destruction, began during the Cold War. This diffusion of military power is significant to the UN reform debate because the expansion of military capabilities beyond the Permanent Five members has increased the potential for conflicts while making it more costly and difficult for the UN to respond to them. This section will look at the reasons for the military power diffusion, its extent, and the sources of the weapons.

The sources of the global proliferation of weapons are manifold, and it is not possible to explain them only by reference to only one factor. The primary causes of the militarization of the developing states were decolonization, the Cold War struggle, regional insecurity, and the increased prices and demand for Middle East oil. In the 1950s and 1960s, decolonization was an important source of increased demand for weapons, primarily in Africa and Asia. Once the new states had achieved their independence, the problem of defending the new status quo became paramount. Given the degree of tension within the Third World, between North and South and East and

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[134] Carlisle A.H. Trost, "Maritime Strategy for the 1990s," Naval Institute Proceedings (Naval Review 1990): 92.

West, and the interface between the three, defense became a paramount concern.[135] As countries became independent, they created armed forces where none existed previously. In the early 1970s, SIPRI reported that "quantitatively, the establishment of armed forces had been the major factor responsible for the growth of major weapon imports to Sub-Saharan Africa."[136] Related to decolonization was the psychological support said to be provided by arms purchases for the nation-building process. The armed forces, equipped with as modern weapons as possible, came to be regarded by many governments in the Third World as a symbol of unity and independence.[137]

A second cause of the militarization of the developing countries was the Cold War and the struggle between the two superpower for influence in the newly independent states. In both Africa and Asia, each superpower used military aid and arms sales to gain allies or attempt to balance military assistance by the other. This quickly led to competition and defense buildups in Korea, Southeast Asia, the Middle East, the horn of Africa, Pakistan, India, and all across Africa. Thus, the military buildup and competition between the two superpowers played a key role in providing arms to the newly independent states, encouraging their militarization, and supporting armed opposition groups. It has been estimated that, of the 120 conflicts that took place in the developing countries between 1945 and 1970, there was direct or indirect intervention by the developed world in two-thirds of them.[138] This further weakened the credibility of the UN restriction against the use of force since the two most powerful countries in the world ignored it with their own military arms race.

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[135] Chris Smith, "Third world arms control, military technology and alternative security," in Thomas Ohlson, ed., Arms Transfer Limitations and Third World Security (Oxford: Oxford University Press, 1988), 62.

[136] Nicole Ball, "Third World Arms Control: A Third World Responsibility," in Thomas Ohlson, ed., Arms Transfer Limitations and Third World Security (Oxford: Oxford University Press, 1988), 48.

[137] Ibid.

[138] I. Kende, "Wars of Ten Years (1967-1976)," Journal of Peace Research 15, no. 3 (1978).

The increase in defense expenditures of the developing countries up to 1980 was much more than could be explained by decolonization. This could be partly explained by the fact that the super-imposition of great power rivalry on the developing world coincided with the decolonization process. One author wrote in 1988 that "the more important reason is the problems of security arising internally and externally in the developing world out of the process of nation-state building, consolidation, and development."[139] The problem of regional conflicts and insecurity plagued the developing world from the beginning of the United Nations. More than 160 major intra- and inter-state conflicts out of around 170 that took place in the world between 1945 and 1988 took place in the developing countries.[140] Of the 26 developing countries which spent more than $1 billion on defense annually in 1986, all except Brazil, Chile, Peru, and Venezuela had been involved in major wars, were situated very close to war zones, had to fight a major civil war, or had to face a threat from a great power.[141] The sense of insecurity of developing nations which had been involved in wars in the past, or were threatened by wars in the future was contrasted with the sense of insecurity among rival blocks of industrialized nations which had not had a war for more than 40 years. The gap between what the UN was supposed to stand for and the reality of a world full of conflicts and great power confrontation further reduced the credibility of the UN with its idealistic calls for disarmament and peaceful settlement of disputes.

While the military buildup in the Middle East between Israel and its Arab neighbors began during the late 1940s with Israel's independence, the proliferation of advanced conventional weapons got a boost in the mid-1950s when the Soviet Union began supplying Egypt with more modern weaponry. With a U.S.-backed Israel facing Soviet-backed Egypt, Syria, Iraq, and Libya, weapons continued to flow into the Middle East. The increase in the price of petroleum during the 1970s enabled several OPEC

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[139] Subrahmanyam, 40.

[140] Ibid.

[141] Ibid, 34.

member states to equip arsenals with a large quantity of high-quality weapons and to subsidize the purchases of other states. This led to a sizeable increase in weapon imports recorded by Iran, Libya, Saudi Arabia, Algeria, Venezuela, and Iraq after 1973 as these countries sought the best weapons from western suppliers.[142]

When compared to the overwhelming dominance in the size and quality of weapons of the U.S. and Soviet militaries at the end of the Second World War, the extent of the proliferation of advanced conventional weapons is remarkable. The U.S. Arms Control and Disarmament Agency reported that of the 120 countries which participated in the arms trade in 1989, ninety-three were less developed countries, and they accounted for three-quarters of all arms imports.[143] The arms imported by Third World countries from 1983 to 1989 was estimated by the Congressional Research Service at $339.5 billion (in constant 1990 U.S. dollars) - which translates into some 13,010 tanks and self-propelled guns, 27,430 pieces of heavy artillery, 2,920 supersonic combat aircraft, 38,430 surface-to-air missiles, and 53,790 surface-to-surface missiles.[144] These weapons sustained the Iran-Iraq war of 1980-1988 and other regional conflicts, and swelled the arsenals of emerging powers in Africa, Asia, and Latin America.

The militarization of the developing world has been far from uniform, in either quantity or quality. Any study of Third World arms control has to focus on 26 countries - Argentina, Brazil, Chile, Cuba, Egypt, India, Indonesia, Iran, Iraq, Israel, Kuwait, North Korea, South Korea, Malaysia, Nigeria, Oman, Pakistan, Peru, Saudi Arabia, South Africa, Syria, Taiwan, Thailand, the United Arab Emirates, Venezuela, and Vietnam - which spend more than $1 billion each on annual defense expenditures.[145] A look at military expenditures by region gives an even clearer picture of which

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[142] Ball, 46-47.

[143] Norman S. Fieleke, "A Primer on the Arms Trade," New England Economic Review (November-December 1991): 47.

[144] Michael T. Klare, "The New Challenges to Global Security," Current History 92, no. 573 (April 1993): 160.

[145] Subrahmanyam, 34.

countries were major weapons importers during the Cold War. According to SIPRI Yearbook 1986, the industrial market economies (20 nations) accounted for 53.1 percent of the world's military expenditures, and the non-market economies (12 nations) for 29.6 percent. The share of the major oil-exporting countries (11 nations) was 8.2 percent, and that of the rest of the world (116 nations) was 9.0 percent. In the last category of nations, the military expenditures of 12 nations (Egypt, Syria, India, Pakistan, South Korea, Malaysia, Taiwan, Thailand, Argentina, Brazil, Chile, and Peru) accounted for 55 percent of that share.[146] Therefore, the majority of the Third World military expenditures during the 1980s can be attributed to the 11 oil-exporting nations and 12 developing nations.

While the Middle East was the leading arms importing region throughout the 1980s, Africa underwent its militarization earlier. During the 1970s it became clear that a process of militarization was consolidating itself in Africa. The military spending of the continent as a whole and of most individual countries within it greatly increased over the decade. Up to 1980, African arms imports rose faster than in any other region of the world. Towards the end of the 1970s, the rises in military spending and arms transfers flattened out, and indeed began to decline in the early 1980s.[147] Nevertheless, the legacy of expansion has remained. This military buildup produced only seven states - S. Africa, Egypt, Libya, Algeria, Morocco, and Nigeria - that can be said to possess an all-around conventional military capability today. Between them, these seven countries amassed 84 percent of the continent's imports of major weapons during 1980-1983.[148] A further seven to nine countries (Somalia, Angola, Kenya, Tunisia, Sudan, Tanzania, Mozambique, and potentially Zimbabwe and Zaire) have what can be described as a sub-regional military capability - being in principle well enough equipped

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[146] Ibid, 33.

[147] R. Luckham, "Militarization and Conflict in Africa," in Thomas Ohlson, ed., Arms Transfer Limitations and Third World Security (Oxford: Oxford University Press, 1988), 277.

[148] Ibid. 280.

to fight a conventional military campaign outside their own boundaries.[149] Significantly, the most central development in West Africa was the emergence, after the 1967-1970 Nigerian civil war, of Nigeria as a regional military power, with an army and military spending several times larger than its pre-war level; and exceeding those of all the other countries of West and Central Africa put together.[150]

While some of the proliferation of weapons to developing countries can be attributed to the Cold War, growing sources of weapons around the world has also played a role. The annual value of the production of major weapons in the Third World has grown fairly constantly from 1950 to 1984. In 1950 production was valued at $2.3 million. In 1984 this value was almost 600 times larger, although growth in production had leveled off.[151] All types of conventional weapons are now produced in Third World countries, ranging from pistol ammunition to highly sophisticated jet aircraft and missiles. Although the share of Third World producers in total arms production remains below 10 percent, Third World arms production is a most dynamic aspect of weapons proliferation.

Despite the growth of arms production capabilities in the Third World, developing countries remain dependent on imports for the balance of their weapons.[152] On the supply side, the trend towards more producers - and thus more exporters - continues. Supply-side competition is more fierce than ever. With many arms-producing countries placing fewer weapons orders with their domestic arms industries as a result of economic restrictions, these producers are promoting their arms exports even harder as competition has increased. As military spending in NATO and the former Warsaw Pact has fallen, arms manufacturers in these countries have been increasingly disposed to export their

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[149] Ibid.

[150] Ibid, 285.

[151] Michael Brzoska and Thomas Ohlson, "Arms Production in the Third World," in Thomas Ohlson, ed., Arms Transfer Limitations and Third World Security (Oxford: Oxford University Press, 1988), 55.

[152] Ball, 46.

products to the Third World, where the demand is high. The stockpiles built up by the Soviet Union and its Warsaw Pact allies during the Cold War era constitute a vast reservoir of surplus arms that are increasingly being sold at "fire-sale" prices to Third World countries, as well as finding their way into the black market - and thence into the hands of terrorists, guerrillas, separatist forces, and other irregular formations that threaten the peace.[153]

Despite the steady climb upward of the world's arms trade during the 1966-1980 period, arms trade experts such as Edward J. Lawrence have noted that the overall levels of arms trade to the Third World began to decline in the early 1980s.[154] The explosion of petrodollars had been spent and replaced by an international debt crisis as the price of oil dropped radically. The bulk of the arms trade continued to be exported to the developing world. As a result, the international debt crisis and decline in GNP growth that gripped the developing world throughout the decade had a major impact on the arms trade.[155] Despite the recent decline in the arms trade, the legacy of weapons proliferation has produced a world where a much larger number of countries can wield substantial military capabilities than was possible in 1945. The proliferation of weapons has also raised the expectations of these states for a "voice" in the UN since weapons are seen by many in the developing world as making them "real states." Combined with the shift from inter-state to intra-state conflicts, this has greatly reduced the ability of United Nations to settle disputes, whether by mediation, peacekeeping, or through enforcement.

3. Growth of Other Economies Relative to U.S.

The diffusion of political and military power away from the United States and the Soviet Union during the Cold War was accompanied by the absolute growth of national economies around the world, thereby decreasing the relative dominance of the U.S.

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[153] Klare, 160.

[154] Edward J. Lawrence, The International Arms Trade (New York: Lexington Books, 1992), 124.

[155] Ibid, 127.

economy in the world. While the Soviet Union economic decline culminated in its collapse in 1991, the U.S. has experienced a gradual, but steady decline in the position of its economy relative to the other industrialized countries, especially Japan and Germany. In 1950 America accounted for around half of world output. By 1994, the American share was less than a quarter.[156] The reasons for this relative decline have been heavily debated within the United States, revolving around the question of whether it was a natural result of the world's recovery from the Second World War,[157] or an indication of a decline in U.S. economic competitiveness.[158] While both of these reasons are important, the rapid development and economic growth of the developing countries is equally important. With the growth in economic power of Japan, Germany, China, and a large number of developing countries, the world has begun to see the shift of power from the victors of the Second World War to a new group of states. It is this shift in power and influence in the world and within the world that makes economic power diffusion significant.

While optimists in the United States look at the sheer size of the U.S. economy (the largest in the world at 20 percent of world GNP)[159] and see the relative decline of the U.S. as a natural result of the recovery of the world from the Second World War, pessimists look beyond this expected recovery to the continued erosion of the American position relative to other nations since the 1960s in new technologies, manufacturing, financial assets and current account balances, and international purchasing power. In Paul Kennedy's Rise and Fall of the Great Powers, he identifies one measure of the relative U.S. economic decline, noting that "rates of growth in the United States have slowed considerably in the final third of this century from 4 percent annually in the

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[156] "The Global Economy: A Survey," Economist, 1 October 1994, 9.

[157] Joseph S. Nye, Jr., Born to Lead (New York: ,1990).

[158] Paul Kennedy, Preparing For the Twenty-First Century (New York: Vintage, 1993), 302.

[159] Paul H. Nitze, "Grand Strategy Then and Now: NSC-68 and Its Lessons for the Future," Strategic Review 22, no. 1 (Winter 1994): 18.

1950s and 1960s to less than 2 percent in the 1990s.[160] He goes on to assert that a prolonged period of slow growth compounds existing problems, making it unlikely that the U.S. can continue to fund the same level of military security and attend to its social needs and repay its debts.

One of the most obvious and worrisome signs of U.S. economic decline has been its ballooning national debt. Since 1971 - when the U.S. recorded its first merchandise-trade deficit in over a century - it has consistently bought more than it sold on the world markets. The U.S. now pays its way by borrowing from foreigners roughly $100 billion each year.[161] In 1991, the federal deficit reached over $300 billion, while the national debt itself approached $4 trillion.[162] Once the world's largest creditor, the U.S. has by some measures become the world's largest debtor nation within less than a decade. With other countries, particularly those in East Asia, having much higher growth rates, Kennedy warns that "the leading Great Power simply cannot maintain its status indefinitely if its economy is in relative decline."[163]

While the decline of the U.S. economic strength is part of the story, a greater factor in the relative decline of the U.S. has been the economic growth of the rest of the world. From the immediate post-World War II period until sometime in the 1950s, America's industrial advantage was largely unchallenged by the Western European economies or Japan. However, within the framework of a relatively stable international economy protected by the U.S. nuclear and conventional umbrella, the diffusion of economic power began in the 1950s and 1960s when the western European countries, especially Germany, and Japan began to recover from the devastating effects of World

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[160] Paul Kennedy, The Rise and Fall of the Great Powers (New York: Vintage, 1987).

[161] H. Stout, "U.S. Foreign Debt Widened Last Year," Wall Street Journal, 2 July 1990, 42.

[162] For these figures, see A.L. Malabre, Within Our Means: The Struggle for Economic Recovery After a Reckless Decade (New York: 1991).

[163] Ibid.

War II, and many Third World nations secured their independence.[164] Sheltered under an American strategic umbrella which allowed it to spend only 1 percent of its GNP on defense after 1945, Japan's economy benefited greatly.[165] Japan's GNP, one-third of Britain's and a mere one-twentieth that of the U.S. in 1951, is now about three times Britain's GNP and close to two-thirds of the American total, with larger growth rates than either country.[166] With an annual growth rate of 7.7 percent between 1950 and 1990, Japan's remarkable postwar boom vaulted it from a devastated economy into an economic superpower by the end of the Cold War.[167]

Besides the rapid resurgence of the Japanese and German economies after World War II, the emerging new states of the developing world, particularly in East Asia, gradually made an impact on the world economy. By the end of the Cold War, according to the International Monetary Fund (IMF) developing countries accounted for 43% of world output, 30% of world trade and 45% of foreign-exchange reserves.[168] The change in the economic hierarchy of the world had as much to do with changes in the structure of the developing countries as with mere size. By the end of the 1980s, manufactured goods accounted for almost 60% of their exports, up from 5% in 1955. The third world's share of world exports of manufactures jumped from 5% in 1970 to 22% in 1993.[169] Paul Kennedy points out that "however useful the expression -"The Third World" might have been in the 1950s, when poor, non-aligned, and recently decolonized states were attempting to remain independent of the two superpower blocs, the rise of super-rich oil-producing countries a decade later already made it questionable.

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[164] Klare, 157.

[165] Kennedy, Preparing for the Twenty-First Century, 142.

[166] Ibid.

[167] "The Japanese Economy: A Survey," Economist, 6 March 1993, 3.

[168] "The Global Economy: A Survey," Economist, 1 October 1994, 36.

[169] Ibid.

Now that prosperous East Asian societies possess higher per capita GNPs than Russia, Eastern Europe, and even Western European states like Portugal, the word seems less suitable than ever."[170]

In East Asia, the four economic "tigers" - South Korea, Taiwan, Hong Kong, and Singapore - forged the fastest industrial revolution the world has ever known, while Thailand, Malaysia, Indonesia, and China are getting close to the point of industrial takeoff. China and South Korea, the two largest economies in the group, grew on the average of three times faster than the Organization for Economic Co-operation and Development (OECD) countries during the 1980s.[171] The remarkable growth of the East Asian economies is dramatically emphasized when the region's current share of world GNP is compared to that of 1962. In 1962 the Western Pacific accounted for around 9 percent of world GNP, North America for 30 percent, and Western Europe for 31 percent. Twenty years later, the Western Pacific share had climbed to 15 percent, while North America's had fallen to 28 percent and Europe's to 27 percent. By the year 2000, it is predicted that the Western Pacific will account for around one-quarter of the world GNP.[172]

In addition to the economic resurgence of Europe and the Asian boom, the increasing dependence of Western economies on Middle East oil and the large price increases during the 1970s produced large oil revenues for many Arab states. Although their dependence on a single commodity made the oil producing countries susceptible to price decreases in the 1980s, the oil revenues have proved a major boon to their developing economies, giving them far more economic and political influence than the level of their economies would normally provide. One drawback has been that the uneven location of oil in the Middle East created a dichotomy between the super-rich and dreadfully poor societies that has increased the potential for instability in the region.

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[170] Kennedy, Preparing for the Twenty-First Century, 194.

[171] "Asia's Emerging Economies: A Survey," Economist, 16 November 1991, 3.

[172] P. Drysdale, "The Pacific Basin and Its Economic Vitality," in J.W. Morley, ed., The Pacific Basin: New Challenges for the U.S. (New York: 1986), 11.

Countries like Kuwait (2 million people), the United Arab Emirates (1.3 million), and Saudi Arabia (11.5 million) enjoy some of the world's highest incomes, but exist alongside more populous neighbors one-third (Jordan, Iraq, Iran) or one-tenth as rich (Egypt, Yemen).[173]

Looking to the future, all indications are that the economic diffusion in the world will accelerate over the next few decades. If output is measured on the basis of purchasing-power parities, then the developing countries and the former Soviet block already account for 44 percent of world output. At current growth rates of 2.7 percent for the rich industrial world and 5 percent for the developing world (including the former Soviet block), the industrial economies will account for less than half of world output by the end of the decade.[174] One problem with the present international economic system is that the world's international structures are still dominated by the older industrial nations. The Group of Seven (G7: America, Japan, Germany, France, Italy, Britain, and Canada) which is supposed to represent the world's top economies, excludes six economies which are already bigger than Canada's - China, India, Brazil, Mexico, and Indonesia.[175]

While the challenges to the legitimacy of the United Nations were small and somewhat limited to a few countries when the organization was created, the events of the Cold War generated strong changes in the world which accelerated the decline in the perceived legitimacy of the UN around the world. Most critical, perhaps, was the explosion in the number of new members within the United Nations, raising the expectations of the new developing countries which now make up the majority of the General Assembly for a voice in the world organization. The inevitable diffusion of political, economic, and military power without a concomitant increase in the "voice" and influence of newly powerful nations laid the seeds for challenges to the legitimacy of the

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[173] Kennedy, Preparing for the Twenty-First Century, 209.

[174] "The Global Economy: A Survey," Economist, 1 October 1994, 4.

[175] Ibid, 36.

United Nations during the Cold War. This was especially true in the economic sphere. In a world where economic power is growing increasingly important, the growing unrepresentativeness of such international institutions decreases their legitimacy and therefore their usefulness and effectiveness.

IV. POST-COLD WAR SECURITY PROBLEMS

While the Cold War and the breakup of the colonial empires dramatically changed the balance of power and structure of the state-based international system, the post-Cold War world presents the United Nations with a host of new problems for which it is ill-prepared. Three problems are of particular importance for understanding the role of the United Nations in the post-Cold War world: (1) a crisis of state authority and legitimacy; (2) the resurgence of ethnic/ nationalist violence and intrastate wars; and (3) the proliferation of weapons of mass destruction and missiles. The common element in all of these problems - fragmentation - is making it increasingly difficult to come together to achieve compromises. A continuation of "external" conflict and fragmentation at the state level is accompanied by "internal" conflicts and fragmentation within states. Reconstructing world order is therefore becoming more difficult in the post-Cold War era. The UN reform debate has tended to focus on the end of the deadlock in the Security Council and its rejuvenated potential for solving conflict around the world. The weakness of this approach is that it assumes that organizational tinkering on a United Nations designed for the world in 1945 will make it capable of dealing with the powerful new sources of fragmentation and conflict in the post-Cold War world.

A. CRISIS OF STATE AUTHORITY AND LEGITIMACY

To a degree not previously experienced since the end of the Second World War, governments are experiencing challenges to their power to govern. This may be relatively mild (e.g., the declining popularity of centrist coalitions in Germany, Japan, Italy, or France) or severe (such as Russia), but the impact is the same: governmental legitimacy is weakened. The crisis of state authority is most severe in the developing world and the former Soviet Union where governments rest with decreasing stability on top of restive populations who are decreasingly willing to comply with governmental actions.

From Haiti in the Western Hemisphere to the remnants of Yugoslavia in Europe, from Somalia, Sudan, and Liberia in Africa to Cambodia in Southeast Asia, a disturbing

new phenomenon is emerging: the failed nation-state utterly incapable of sustaining itself as a member of the international community. Although the details of different analyses of the crisis in state authority may vary, the central theme can be summed up in a single word: fragmentation. Gerald Helman and Steven Ratner have pointed to the overemphasis on "self-determination" without due regard for long-term survivability of newly independent states after the Second World War as the root causes for these failed states.[176] Although this argument may be true, a more useful explanation is proposed by James Rosenau:

> Viewed from the perspective of vulnerabilities, the growing populations, the globalization of national economies, the constraint of national debts, and the challenge of subgroups, it seems that world politics lessens the capacity of states to be decisive and efficient. Their agendas are expanding, but they lack the will, competence, and resources to expand correspondingly.[177]

These sources of instability in the Third World are not a totally new phenomenon. In 1977 an Indian author predicted that these sources would cause the disintegration of social and political cohesion in Third World countries.[178] Since then, the inability of states in the developing world to deal with the multiple challenges to their authority has resulted in a consequent shift of authority downward to the subgroup level, and in some cases poses the risk of national disintegration. This is not to say that the state has become irrelevant on the world scene, but rather, that several key developments in the world are weakening the ability of states to exercise their authority, especially internally.

1. Population Explosion in Developing World

The critical problem that faces the world going into the twenty-first century is the population explosion in the developing countries, especially in Africa and Asia. In 1825,

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[176] Gerald B. Helman and Steven R. Ratner, "Saving Failed States," Foreign Policy (Winter 1992-93): 3.

[177] Rosenau, 30.

[178] Kothari, 6.

when Thomas Malthus wrote his famous Essay on Population about the dangers of overpopulation, about 1 billion human beings occupied the planet. In the following hundred years the world's population doubled to 2 billion, and in the following half century (from 1925 to 1976) it doubled again, to 4 billion.[179] By 1990 the figure had passed five billion and it continues to grow at a rapid rate, meaning a stabilization of numbers is still decades away, if possible. By United Nations, World Bank and other estimates, the world's population will soar from 5.7 billion in 1994, to 7.6 billion by 2025, which many regard as unsustainable.[180] This demographic explosion lies at the heart of many of the world's problems and is also a continual source of the complexity and dynamism that have overwhelmed the global system. Ever greater numbers of people have meant larger, more articulate, and increasingly unwieldy publics. They have contributed to the unmanageability of public affairs that have weakened states and hastened the advent of paralyzing authority crises.

The crux of the population problem is that these increases are taking place overwhelmingly in developing countries. In fact, between now and 2025, around 95 percent of all global population growth will take place in them. While in 1950, Africa's population was half of Europe's, by 1985 it had drawn level (at about 480 million each), and by 2025 it is expected to be three times Europe's (1.58 billion to 512 million).[181] The largest populations in the world today, China and India, are forecast to grow from 1.13 billion and 853 million, respectively, to 1.5 billion each by 2025.[182] In addition to these demographic giants, other developing countries will contain unprecedented high

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[179] H. Thomas, A History of the World (New York: 1979), 49-50.

[180] World Population Prospects 1988, p. 28; see also N. Sadik, The State of the World Population (New York: U.N. Population Fund, 1990).

[181] World Population Prospects 1988, p. 37, Table 2.5.

[182] Paul Kennedy, Preparing for the Twenty-First Century, 163.

populations by the third decade of the next century: Pakistan with 267 million, Indonesia with 263 million, Brazil with 245 million, Mexico with 150 million, and Iran with 122 million.[183]

These population explosions strain the ability of countries to provide services, food, and jobs. Since they are occurring in developing countries with limited resources and weak governmental authority to start with, the challenges to state authority could become critical. Consider the burdens that will be placed on developing world cities' already inadequate housing, sanitation, transportation, food distribution, and communication systems if their populations double and treble in size. In many of these countries a disproportionate amount of the nation's limited wealth is owned by the governing elites, who will find it difficult to buy off the discontents of the fast-growing masses.[184] The overwhelming challenge to state governments to provide food, jobs, housing, and education for growing populations is already straining the abilities of many developing countries' governments, causing widespread unrest in the Middle East, Sub-Saharan Africa, and South Asia. India is a case in point. Given that by 2025 India's population could be close to 1.5 billion, that much of the economy rests on a shrinking natural resource base, including dramatically declining water levels, and that communal violence and urbanization are spiraling upward, some authors question the ability of the Indian state to survive.[185]

An equally serious problem associated with these demographic changes is the growing percentage of the population that is young and educated but unable to find jobs. As things stand now, many states in Asia, Africa, and Latin America are not able to provide for burgeoning numbers of young people, and will be even less so in the future. The consequences include a rising incidence of hunger and malnutrition, increased migration from the impoverished countryside to urban shantytowns, soaring

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[183] World Resources 1990-91 (New York/Oxford: 1990), 254.

[184] Kennedy, "Preparing for the Twenty-First Century," 27.

[185] Robert Kaplan, "The Coming Anarchy," Atlantic Monthly, (February 1994): 75.

unemployment, and the growing appeal of extremist movements.[186] We already seeing such dangerous developments in countries like Egypt, Peru, India, and in countries all across Africa. With population pressures building up in various parts of the globe, the struggle for resources intensifying, and the communications revolution often fueling ethnic animosities rather than producing world citizens, the challenges to national authority - especially in the poorer parts of the world - may well intensify.[187]

2. Economic Breakdown of Third World States

As mentioned above, most of the population growth in the world is occurring in the poorest regions of the world, whereas developed societies have slow-growing or declining populations containing a rising share of older people. The result is a growing mismatch between where the world's riches, technology, good health, and other benefits are to be found and where the world's fast-growing new generations, possessing few, if any benefits, live. In view of the demographic trends between the "have" and the "have not" societies, it seems unlikely that there will not be great waves of migration from the poor South to the rich North in the twenty-first century. The real danger is that intolerable tensions will arise between the impoverished majority of mankind and the affluent, industrially advanced majority, unless the poor countries develop more successfully. As Paul Kennedy notes, a population explosion in one part of the globe and a technological explosion on the other is not a good recipe for a stable, international order.[188]

The major problem in many developing countries, with the exception of those with booming economies in East Asia, has been chronically weak economies producing the worst of industrialization (urbanization, slums, unemployment) without the benefits. Most Third World countries are not in good economic shape to provide a decent and

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[186] Klare, 158.

[187] Kennedy, Preparing for the Twenty-First Century, 133.

[188] Ibid, 331.

dignified life for all or most of their people - the kind that would maximize the prospects of loyalty transfer to the state and government. Population growth outstrips economic growth, infrastructural deficiencies create a situation where adequate food is grown but cannot be distributed, and dizzying inflation robs the poor of their buying power.[189] The condition of sub-Saharan Africa - "the Third World's Third World," as it has been described[190] - is even more desperate. Recent reports upon the continent's plight are extraordinarily gloomy, describing Africa as "a human and environmental disaster area," and having so many intractable problems that some foreign development experts are abandoning it to work elsewhere. In the view of the World Bank, virtually everywhere else in the world is likely to experience a decline in poverty by the year 2000 except Africa, where things will only get worse.[191]

While the pressure of exploding population growth has certainly exacerbated their economic problems, the central problem for developing world economies has been their debt crisis. One of the major indicators of this crisis is the debt overhang in those African and South American countries which became heavily indebted in the 1970s. In spite of major rehabilitation efforts made since the beginning of the debt crisis, the total shock of debt and the concomitant obligations to service the debt have had a crippling effect on such poor economies. The nominal value of outstanding debt in 1991 was around $1.28 trillion, or almost 40 percent of the combined Gross Domestic Product of all low- and middle-income countries.[192] This enormous debt and the enormous weight of servicing that debt remains a critical drain on these developing countries as new disbursements to the South are less than repayments of principal and interest payments made.

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[189] Donald Snow, Distant Thunder (New York: St. Martin's, 1992), 203.

[190] D.E. Duncan, "Africa: The Long Goodbye," Atlantic Monthly (July 1990): 20.

[191] C.H. Farnsworth, "Report by World Bank Sees Poverty Lessening by 2000 Except in Africa," New York Times, 16 July 1990, p. A3.

[192] World Military Expenditures, SIPRI 1993, 393.

One of the consequences of the economic breakdown of many of the poorest developing countries has been a rise in violence, anarchy, and intrastate war. Throughout what has been called the "zone of conflict,"[193] which includes the former communist states, much of sub-Saharan Africa, and parts of Central and Latin America and South Asia, a downward spiral of economic decline, often exacerbated by corruption and mismanagement, has created governments that are at or near the point of collapse and that are being challenged, often violently, by their own citizens. Unfortunately, the areas that suffer the greatest levels of intrastate violence are also those in which economic conditions are deteriorating and governments are failing. The aid patterns of the developed world bear some of the responsibility for those failures. Two-thirds of the world's 1.3 billion poor people live in countries that receive less than one-third of official development assistance.[194]

3. Rise of Fundamentalist Religions

The inability of developing state governments to cope with population and economic pressures has resulted in an increase in the size and influence of religious fundamentalist movements. Christian, Islamic and Hindu fundamentalist movements appear to be gaining strength in areas where economic conditions have worsened for the majority and where the capacity or inclination of state authorities to overcome widespread impoverishment and inequity has diminished.[195] In the Middle East, Islamic fundamentalist governments now control Iran and the Sudan, and Muslim organizations like the Islamic Group and Muslim Brotherhood in Egypt, the Islamic Salvation Front in Algeria, Al Nahda in Tunisia, and the Hamas and Hezbollah in the Gaza Strip and the

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[193] Evans, 4.

[194] Ibid, 12.

[195] Klare, 159.

West Bank seek to replace the secular state governments with theocracies. Although each are separate groups, they all maintain ties to one another and support the smaller groups such as the Hamas and Hezbollah.

The rising power and influence of these groups has been the result of their ability to provide services which the government no longer is capable or willing of providing. They all use strategies which advance the struggle to establish Islamic theocracies through wide infiltration of social structures, subsidized services, the control of mosques, and the establishment of a secretive armed struggle.[196] The Hamas, a Palestinian group in the Gaza Strip and the West Bank, has copied the Muslim Brotherhood in Egypt by building a vast network of schools, the Islamic University of Gaza, medical clinics, Koranic classes, and other social services normally provided by the state. In societies torn by economic and population pressures and governmental breakdown, these Islamic fundamentalist movements fill the void left by overwhelmed governments.

The problem with the rise of fundamentalist movements is that they not only reflect the crisis of state authority, but they also encourage and magnify this crisis of authority. As populations continue to grow, the growing inability of governments to provide basic services and jobs will encourage the growth of fundamentalist groups. Conversely, as these groups assume more and more of the internal roles of the state governments, they also increase the possibility of intrastate conflict and religious upheaval. The growing strength of these groups was revealed after the October 1992 Cairo earthquake in which the Egyptian government failed to deliver relief aid, and slum residents were in many instances helped by their local mosques.[197]

The rise of fundamentalism in states with more than one religion has already produced violence and intrastate conflict. Sudan is racked by a civil war between the Iranian-backed Islamic government and the Christian rebels from the southern part of the country. In Algeria, the Islamic Salvation Front, despite winning a democratic election,

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[196] Youssef M. Ibrahim, "Palestinian Religious Militants: Why Their Ranks Are Growing," New York Times, 8 November 1994, p. A7.

[197] Kaplan, 75.

is locked in a struggle for control of the country with the military government. In South Asia, the historic clash between Muslim and Hindu in the subcontinent manifests itself now not only in the rivalry between Muslim Pakistan and Hindu India, but also in intensifying religious strife within India between increasingly militant Hindu groups and India's substantial Muslim minority.[198] Such conflicts make a country increasingly difficult to govern, further strengthening the fundamentalist groups and weakening the authority of the state governments.

4. Porous Borders

Another development that poses a threat to the authority of states is the growing porousness of national borders. Whether it is the inability of the United States to stem the flow of illegal Mexican immigrants or stop drug smuggling into the U.S., the inability of Russia to curb the blackmarket trade across its borders, or the irrelevance of borders in much of Africa, the inviolability of state borders is a thing of the past. While sheer numbers have increased the illegal immigrant problem, the increase in air travel has overwhelmed the ability of governments to control their borders. For example, in 1984, 288 million people entered the U.S.; by 1992 the figure had increased to 447 million.[199] The inability of states to carry out the most fundamental job of government - protecting state borders - is an indication of just how far state authority has already declined in the world.

Most interpretations of the end of the Cold War and the widespread disorder that has ensued ignore the relevance of the globalizing tendencies of international life to this decline in state authority. Increasingly, matters of economic and environmental policy raise challenges that are global in scope.[200] Two negative products of this globalization of economies have been the steady erosion of state control over trade, and the growth of

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[198] Huntington, 32.

[199] Phil Williams, "Transnational Criminal Organizations and International Security," Survival 36, no. 1 (Spring 1994): 97.

[200] Falk, 149.

multinational corporations beyond the control of states. As economist Robert Heilbroner sees it, the global nexus of multinational corporations and international financial institutions has accumulated vast power and influence at the expense of national capitalism and state agencies.[201] The growing interdependence between the industrialized economies has resulted in steps to integrate them into larger regional units - as witnessed by the European Community, the North American Free Trade Agreement (NAFTA), and other regional efforts, even while the General Agreement on Tariff and Trade (GATT) members struggle to complete the Uruguay Round of global trade liberalization. Contributing to this economic integration and the increasing porousness of national borders has been the globalization of finance and trade with the growth of multinational corporations. By its very nature, this new globalized international trade has produced multinational corporations which are increasingly less attached to the particular interests and values of their country of origin.

The information revolution or "Third Wave"[202] technologies have fundamentally changed the way in which states trade, communicate, and perceive each other. The rapidity and clarity with which ideas and information now circulate through television, VCRs, computer networks, fax machines, satellite hookups, fiber-optic telephone circuits, and many other microelectronic devices has rendered national boundaries ever more porous and world politics more vulnerable to cascading demands.[203] Today the whole world, its leaders and its citizenries, instantaneously share the same pictures and description, albeit not necessarily the same understandings, of what is transpiring in any situation. The RAND Corporation's Carl Builder points out that "the flow of information into or out of a nation can no longer be effectively controlled by the state; information

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[201] Robert L. Heilbroner, "The Future of Capitalism," in Nicholas X. Rizopoulus, ed., Era Changes: American Foreign Policy in a World Transformed (New York: Council on Foreign Relations, 1990), 114-115.

[202] See Alvin and Heidi Toffler, War and Anti-War, 1993.

[203] "Transforming the Decade: 10 Critical Technologies," New York Times, 1 December 1991, p. 18.

is everywhere and accessible. To participate in the burgeoning economic benefits of world commerce means adapting practices that undermine state control.[204] In the financial markets, the computer revolution has revolutionized the transfer of money across national borders. Laurence Krause notes the fungibility of money as a commodity, stating that it "can be transmitted instantaneously and at low cost, it can change its identity easily, and it can be traced only with great effort if at all. These characteristics work to the disadvantage of governments in their efforts to tax, regulate, and control their economic activity."[205] Given the magnitude of these communications, it is hardly surprising that people everywhere have become more analytically skillful, more ready to challenge authority, and more capable of engaging in collective actions that press their demands. Although the information revolution holds the potential for greatly improving the economies of the poorer developing countries, it also has the potential for the weakening of state authority by reducing state control over borders and breeding resentment in these countries where governments are unable to provide the same standard of living enjoyed by the industrial democracies.

This increasing porousness of state borders has encouraged and been exploited by what political scientist Phil Williams calls "transnational criminal organizations," better known as international organized crime. The emergence of the "global village" in the second half of the twentieth century has fundamentally changed the context in which both legitimate and illegitimate businesses operate. This has created unprecedented opportunities for international criminal activity. According to Williams, there has been a vast increase in transnational activity - the movement of information, money, physical objects, people,

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[204] Toffler, War and Anti-War, 202.

[205] Laurence Krause, "Private International Finance," in Robert Keohane and Joseph Nye, Transnational Relations and World Politics (Cambridge, Mass.: Harvard University Press, 1971), p. xii.

and other tangible or intangible items across state borders.[206] Whether drug cartels out of South America or Asia, or Russian mafia, or Chinese Triads, organized crime has become an international problem.

Part of the reason for the development of transnational crime organizations has been the growth in global trade that has accompanied the diffusion of economic power. The increase in global trade between 1970 and 1990 was immense. In 1970 global imports totalled $331 billion. By 1980 the figure had reached $2 trillion, and by 1990 had increased to $3.5 trillion.[207] The increase in transnational economic activity has made it easier to hide illicit transactions, products and movements because law enforcement agencies and customs officers are unable to inspect more than a small proportion of the cargoes and people coming into their territories. Money laundering is simply one subset of the much larger problem for states of maintaining even a semblance of control over global financial networks, which operate according to the logic of a global market and are not very responsive to the dictates of state economic policies or national legal requirements.[208]

Although organized crime historically has been considered a domestic problem, the globalization of economies and the computer revolution have made criminal organizations resemble transnational corporations which "treat national borders as nothing more than minor conveniences to their criminal enterprises."[209] Since criminal groups are used to operating outside the rules, norms, and laws of domestic jurisdictions, they have few qualms about crossing national boundaries illegally. In many respects,

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[206] Williams, 97.

[207] 1990 International Trade Statistics Yearbook, vol. 1 (New York: United Nations, 1992), pp. S2-S3.

[208] Williams, 98.

[209] Senator Roth quoted in The New International Criminal and Asian Organized Crime, Report made by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, U.S. Senate 102nd Congress, 2nd Session, S. Print 102-129 (December 1992), p. 2.

therefore, transnational criminal organizations are perfectly suited for multinational operations. By operating outside the legal international economic system and across state borders, they prove the permeability of national borders and penetrate societies that are nominally under the control of states.

One of the best examples of the threat posed by these organizations is the inability of the U.S. to stem the flow of drugs across its borders. Illegal drugs have emerged as a global commodity of immense significance, as increasingly powerful transnational criminal organizations have exploited demand in the industrialized countries. Some estimates suggest that the drug trade is worth $500 billion per year - larger than the global trade in oil.[210] Despite extensive efforts by a superpower with the largest economy and strongest military in the world, there is little evidence that the flow of drugs into the U.S. has been curbed. This has substantial implications for international security. Organizations and networks established to smuggle one commodity can easily shift to trafficking in nuclear weapons and technology, as reports of alleged smuggling of nuclear material out of Russia reveal. Transnational criminal organizations respond to demand on the world market. If the demand for weapons of mass destruction by "rogue" or pariah states is great enough, it is highly likely that organized crime will shift their resources to capture this market. With the limited capability of state governments to respond individually, such a threat would necessarily require an international solution.

B. RESURGENCE OF ETHNIC/NATIONALIST VIOLENCE

While economically the trend has been towards integration and more porous borders, politically the trend in the world since the end of the Cold War has been toward disintegration and fragmentation. World politics has been increasingly characterized by levels of violence and unrest from a micronationalism that was not imagined by the framers of the Charter, or even by pundits a few years ago. Always the major killer in the post-World War II world, resurgence may not be precise term to describe this phenomenon - perhaps "continuation" is more accurate. In Europe, the collapse of the

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[210] Louis Kraar, "The Drug Trade," Fortune, 20 June 1988, 27-38.

Soviet Empire left a power vacuum that released submerged ethnic and nationalist tensions. One recent study found 60 current and emergent conflicts in Europe, and counted another 14 in the Caucasus region of Eurasia alone.[211]

In the developing world, states composed of tribes and ethnic groups artificially brought together under state banners by First World decolonizers, besieged by multinational corporations seeking to extend their operations and markets, and plagued with internal divisions and massive socioeconomic problems have added to the decentralizing tendencies in a multi-centric world.[212] This will make the search for order no less quixotic today than during the Cold War. In areas such as Afghanistan, Angola, Mozambique, and Somalia, conflicts fueled largely by superpower rivalry have taken on lives of their own. In other conflicts with no direct links to East-West rivalry - such as Rwanda, Liberia, Sudan, and Sri Lanka - ethnic, religious, and political cauldrons seethe. With few states militarily powerful enough to threaten their neighbors or take on the United States, the current trend toward fragmentation is likely to produce a continuation of ethnic and micronationalist violence and intrastate war.

1. Ethnic/Nationalist Violence

The trend toward political disintegration and fragmentation into smaller ethnic and nationality-based units is a phenomenon that has become widespread. From the breakup of the former Soviet Union to the ethnic and tribal conflicts of Africa, ethnic/nationalist violence and civil wars dominate the world scene. The collapse of the Soviet empire and the disintegration of its command economies facilitated the emergence of long-suppressed

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[211] Hugh Miall, New Conflicts in Europe: Prevention and Resolution (Oxford: Oxford Research Group, 1992).

[212] Rosenau, 35.

ethnic, religious, and political hatreds and created new ones. In the former Soviet Union alone, more than 20 violent conflicts have already resulted in thousands of deaths and displaced more than 1 million people.[213]

The lack of correspondence between the territorial boundaries of states and the ethnic identification of people has given rise to intense new political conflicts. Today less than 10 percent of the world's more than 170 countries are ethnically homogenous and only half of the remainder contain more than 75 percent ethnic majority.[214] Besides ethnic hatreds, these conflicts have been the result of ethnic groups that have been denied a state seeking to establish one, or of other groups already in possession of a state seeking to enlarge it so as to incorporate adjacent territories. Most of these conflicts involve ethnic groups whose territorial ambitions are at odds with existing state borders. Armenians in Nagorno-Karabakh, Romanians in Transylvania, Hungarians in Vojvodina, Albanians in Kosovo, and many other minorities elsewhere have no lesser motive than that they would become majorities if they crossed or moved a nearby frontier. Ethno-nationalist forces are also evident in the separatist struggles in the former Yugoslavia, Georgia, India, China, and Indonesia. Other groups engaged in such struggles include the Kurds in Iraq, Turkey and Iran, the Palestinians in the West Bank, the Gaza Strip and Lebanon, the Tamils in Sri Lanka, the Shan and Karen peoples of Burma, and the Basques of Spain and France. These violent ruptures of old or weak state structures in the former Yugoslavia and other parts of Eurasia are so far from the classical tradition as to become a kind of nemesis to the nation-state assumption on which it was based.

In Africa and other parts of the developing world, the mostly artificial boundaries of post-colonial states divided traditional political communities, making the term "nation-state" a confusing misnomer. With state borders including and dividing numerous different tribes, clans, and ethnic groups, the former colonies within Africa and Asia

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[213] Gareth Evans, 5.

[214] Fromuth. 358.

contain few of the characteristics of traditional nation-states in the Western sense of the term. Part of Africa's quandary, according to Robert Kaplan, is that although the continent's population belts are horizontal (East-West), the borders erected by European colonists when they divided up the continent are vertical (North-South), and therefore at cross-purposes with demography and topography.[215] Tribal conflicts have plagued Africa since before the decolonization movements of the 1950s and 1960s. In the 1970s, some authors predicted the rise of sub-national groups and the trend toward disintegration in Africa. Rajni Kothari asserted that:

> Nationalism has still not reached its peak in a number of third-world countries, but it will do so in the coming years. And this need not always be the nationalism of the nation-state, but simultaneously be that of sub-national units and linguistic and ethnic entities...Just at a time when transnational and supranational currents will be gaining ground in the northern hemisphere, third world countries will be affected by processes of disintegration that will seriously affect their capacity to solve pressing human problems.[216]

The strength of tribal conflicts within African states was evident throughout the Cold War era, with civil wars in the Congo, Nigeria, Angola, Mozambique, Ethiopia, Morocco, Rwanda, and Somalia, to name a few. While the Cold War may have intensified these conflicts, the fundamental causes went to differences between tribes and clans within these states.

In 1994, Somalia provides a model for the future of some African states which should cause the industrialized countries concern. The Middle East had previously provided analysts with the specter of "Lebanonization" as perhaps one of the worst epithets in politics, describing the seemingly infinite fragmentation of a country along religious and ethnic lines. Somalia has gone further and now exhibits the logical extreme in fragmentation; members of a single ethnic group who share the same religion, history,

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[215] Kaplan, 52.

[216] Kothari, 3.

and language but are now split among heavily armed clans.[217] In Rwanda, the world has seen the extremes to which such tribal violence can reach. During its civil war in 1994, the majority Hutus massacred an estimated 400,000 to 500,000 minority Tutsis before the Tutsi-dominated Rwandan Patriotic Front rebels succeeded in defeating the government, causing thousands of Hutus (possibly as high as 800,000) to flee the country to Zaire. Such hatreds and conflicts are not easily settled or prevented. In 1994 Robert Kaplan, in an article about the growing anarchy in Africa, observed that "West Africa is becoming the symbol of worldwide demographic, environmental, and societal stress, in which criminal anarchy emerges as the real "strategic" danger. Disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations, the increasing erosion of nation-states and international borders, and the empowerment of private armies are producing an anarchy unprecedented in the modern world."[218]

2. Shift Toward Intrastate Conflicts

Many of the conflicts in the contemporary world have a very different character from those that the United Nations was designed to address. Above all, those who framed the UN Charter had in mind the problem of international war, waged by well-organized states. Although the problem of interstate war has by no means disappeared, for many, civil war - whether internationalized or not - has always been the deadlier threat. Although armed conflicts have claimed more than 20 million lives since 1945, most of the conflicts in 1994 are occurring within state borders (29 of 30 in 1992), and their incidence is not abating.[219] Subsequently, in the overwhelming majority of UN Security Council operations today, there is a strong element of civil war and communal conflict.

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[217] Weiss, "New Challenges for UN Military Operations: Implementing an Agenda for Peace," 36.

[218] Kaplan, 46.

[219] Evans, 3.

This shift from inter- to intra-state war has been a direct result of the reemerging ethnic and nationalist tensions mentioned above. Adam Roberts, a professor at Oxford University, explains that "the collapse of large multinational states and empires almost always causes severe dislocations, including the emergence or reemergence of ethnic, religious, regional or other animosities."[220] The absence of fully legitimate political systems, traditions, regimes and state frontiers, according to Roberts, all increase the likelihood that a narrowly ethnic definition of "nation" prevails. In almost every case of major intrastate violence, from the former Soviet republics to Rwanda, ethnic and religious conflict has been associated with significant periods of declining Gross National Product, the rise of demographic politics, and the intensification of chauvinistic myth making. With the explosion in population and economic breakdowns of many developing countries, there is little evidence that violent intrastate conflict is likely to decrease of its own accord in the near or mid-term future. Gareth Evans, the Australian Foreign Minister, notes that the decline in individual living standards and the erosion of good governance, with which civil strife is closely linked, will not be quickly reversed in the "zone of conflict."[221]

The shift toward more intrastate conflicts in the world presents the United Nations with very difficult challenges. The framers of the UN Charter not only failed to envision the use of UN forces in intrastate conflicts, but they actually wrote a provision (Article 2(7)) to prevent the UN from being able to intervene in the internal affairs of its member nations. One weakness of An Agenda for Peace is that it fails to explore the special problems that beset peacekeeping, humanitarian aid, and election-monitoring and enforcement efforts when they occur in the midst of bitter internal conflicts where are no front lines. Much of the criticism of the use of peacekeeping forces in Somalia and Bosnia has focused on the absence of any peace to keep. Adam Roberts identifies three characteristics of internal conflicts which make peacekeeping/intervention difficult:

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[220] Adam Roberts, "The United Nations and International Security," p. 9.

[221] Evans, 5.

1. Internal conflicts tend to be "nasty, brutish and long," and intervention requires a willingness to stay what may be a very long course.

2. Internal conflicts are typically conducted under the leadership of non-governmental or semi-governmental entities, which may see great advantages in the degree of recognition involved with negotiating with the UN yet be unwilling or unable to carry out the terms of agreements.

3. Internal conflicts typically involve the use of force directed against the civilian populations, thus becoming especially bitter and posing difficult problems related to the protection of dispersed and vulnerable civilians.[222]

The first of these characteristics has been critical to the failure of UN peacekeeping missions in Somalia and Bosnia. In both of these cases, the United Nations has been hamstrung by its inability to build the political consensus necessary to both give the operations legitimacy and the political will to persevere. The key to understanding the reasons for the inability of the UN to successfully deal with the internal conflicts in Bosnia and Somalia lies in the difference between the nature of interstate and intrastate wars.

According to Donald Snow, "insurgent wars are normally wars of total political purpose for both sides. One characteristic of such wars is that they are hardly ever resolved by negotiation unless both sides exhaust themselves short of decision."[223] The problem with international intervention in intrastate wars is that the UN typically enters such missions with limited goals, such as restoring the status quo or bringing stability. By definition, a limited objective is less important than a total purpose to the person who seeks it and is almost certain to be less determined and more unwilling to sacrifice. The U.S. operation and pullout from Somalia is a good example of this. While the U.S. intervention in Somalia had limited objectives - restoring stability and protecting UN food convoys - the UNOSOM II mandate evolved into encouraging political reconciliation and nation building, necessarily a long-term process. The asymmetry between a difficult,

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[222] Adam Roberts, "The United Nations and International Security," 10.

[223] Snow, Distant Thunder, 81.

long-term mission and the limited U.S. commitment culminated in the demoralized U.S. pullout after taking limited, but unacceptable casualties. Also, since an outsider with a limited objective does not require a total victory to achieve their objective, they are more likely to seek a negotiated settlement that is unacceptable to either party. The inability of the United Nations to end civil wars in Somalia and Bosnia reveals the difficulty of mediating a total war using limited responses, objectives, and international will.

One of the key problems for the United Nations in handling intrastate wars in the developing world is convincing the rich industrialized nations that it is in their interests to intervene to keep the peace. All conflicts, however, do not threaten all nations equally. The new reason usually given for intervention in civil wars like Somalia and Bosnia is for humanitarian reasons. Unfortunately, as will be explored in the next chapter, different countries have different interpretations of what constitute human rights. The danger of intrastate wars lies in the spread of violence to neighboring countries, and the disruption that massive refugee flows have on a region. In a continent as poor as Africa, such conflicts have the potential for overwhelming neighboring states with refugees, disease, economic collapse, and social unrest. Intrastate wars present different challenges for conventional military forces. As Vietnam should have shown, use of superior conventional forces in a civil war can not guarantee success. Making the United Nations stronger and more able to effectively command forces is likely to suffer the same outcome if it tries to intercede in internal conflicts with UN forces. Solutions to the internal conflicts that are raging around the world require long-term commitment by states whose interests are threatened. The need, then, is not for better military forces, but to strengthen the legitimacy of the United Nations and its ability to build consensus among nations, whether for a global response to a conflict or a regional response. The violence and instability that have dominated life in the Third World since the start of decolonization in the late 1940s will remain until their causes - political, economic, social, and national - are addressed.[224]

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[224] Ibid, 195.

C. PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

One of the greatest threats to international peace in the twenty-first century will be a threat not even foreseen by the framers of the Charter - the proliferation of nuclear weapons. Secretary of States John Foster Dulles, referring to this situation said, "As one who was at San Francisco in the spring of 1945, I can say with confidence that had the delegates at San Francisco known we were entering the age of atomic warfare, they would have seen to it that the Charter dealt more positively with the problems thus raised.[225] Although two decades of U.S. efforts to advocate nuclear nonproliferation, along with several layers of international constraints, have helped to slow their proliferation, the post-Cold War balance finds the principal Third World competitors armed with weapons of vastly greater lethality than ever before. With the collapse of the Soviet Union and Russia's emergence as a strategic partner of America, the greatest military threat to the United States is the global proliferation of weapons of mass destruction (WMD) - nuclear, chemical, and biological - and of the missiles to deliver them. Acquisition of nuclear weapons by hostile countries pose a threat to U.S. freedom of action to support long-standing friends and interests overseas. The introduction of chemical and biological weapons and of ballistic means of delivering them have also made the existing regional balances especially dangerous. Moreover, as the physical range of missiles expands, the regional powers will almost certainly become able to menace the First World as well as one another.

The problems with generating international efforts to restrict WMD proliferation are two-fold. First, nonproliferation efforts have a complicating effect in that they need legitimacy to be effective, but if they fail, nonproliferation efforts erode the legitimacy of the UN. Second, attempting to restrict WMD's tends to make proliferators more active on the world stage. For treaties such as the Non-Proliferation Treaty and the Chemical Weapons Convention, if countries sign and then violate them, this delegitimizes the nonproliferation treaties. This means that the world faces the proliferation of "weak

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[225] Quoted in Clark M. Eichelberger, U.N.: The First Fifteen Years (New York: Harper and Bros., 1960).

threats." These threats are weak in the sense that they pose no immediate military threat to the survival of major states, and no substantial threat to the survival of the world, but they do have a significant ability to disrupt the functioning of the stable international order. The world is threatened, therefore, not with massive destruction in a single war, but by smaller, but still substantial, threats from a multitude of sources.

1. Nuclear Weapons

What is the extent of nuclear proliferation and why is it a growing concern? Brad Roberts, editor of The Washington Quarterly, states that "there is a growing sense that the prospects for nuclear weapons proliferation have increased in recent years with the demise of the Cold War, the breakup of the Soviet Union, the heightening of tensions in the Middle East and South Asia, and the continuing problem with North Korea."[226] Moreover, the breakup of the former Soviet Union and the weaknesses of controls on nuclear weapons and materials in its constituent territories have sharply increased the risk that a potential proliferator or subnational terrorist group could gain access to nuclear material or a nuclear weapon. Since the Nuclear Non-Proliferation Treaty (NPT) went into force in 1970, the Treaty's five declared nuclear weapons states of the United States, Russia, Great Britain, France, and China, have been joined in the Nuclear Club by the emergence of three undeclared nuclear states, Israel, India, and Pakistan in the gray area between clear possessors and non-possessors.

The threat of possible future proliferators was brought home to the rest of the world in 1991, when revelations about Iraq's extensive clandestine nuclear weapons program, which was estimated by experts to be one to two years away from developing a nuclear weapon, raised concerns in the world about other NPT non-nuclear states pursuing secret nuclear weapons programs. These concerns were reenforced in 1993 when North Korea, in response to a request by the International Atomic Energy Agency (IAEA) to conduct special inspections of suspect North Korean nuclear sites, threatened

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[226] Brad Roberts, "From Nonproliferation to Antiproliferation," International Security 18, no. 1 (Summer 1993): 141.

to pull out of the NPT. As the world approaches the NPT Extension Review Conference in 1995, there are both encouraging and discouraging signs about the future of nuclear proliferation. While China and France have finally signed the NPT and Argentina, Brazil, and South Africa have been removed from the list of threshold states, a new nonproliferation focus has emerged: states which have breached their NPT or other nonproliferation obligations, or might (Iraq and North Korea, and Iran), and new states which have emerged with nuclear weapons on their territory following the dissolution of a nuclear-weapons state, the former Soviet Union (Ukraine). For the first time since the 1960s, there is the perception that growing security concerns in the world with the proliferation of weapons of mass destruction and missiles and the downsizing of the U.S. military might touch off an increase in nuclear proliferation.

One of the principal factors that has contributed to the increased concern over nuclear proliferation is the information revolution that has made nuclear technology available to everyone in the world. Futurists Alvin and Heidi Toffler attribute the proliferation of nuclear technology and know-how not to the Cold War, but to the coming of the Third Wave - with its knowledge-intensive technologies, its corrosive impact on nations and borders, its information and communication explosion, its globalization of finance and trade - that has pulverized the premises on which arms-control programs have until now been based."[227] The information revolution has meant that much of the know-how to produce nuclear arms has been disseminated to just about anyone who wants it. Says Michael Goloy, a professor of nuclear engineering at the Massachusetts Institute of Technology, "What's classified today is how to build a good weapon, not how to build a weapon."[228]

Up to the present, most of the international constraints designed to prevent or slow proliferation, the Nuclear Supplier's Group (NSG) and unilateral export controls, have been aimed at controlling the supply of nuclear technology and materials in order

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[227] Toffler, War and Anti-War, 199.

[228] Ibid. 202.

to prevent proliferation. U.S. policy has come to rely increasingly on export controls to regulate the supply of dual-use technologies, that is, technologies with both civil and military applications. Since such technologies are dispersed among the industrialized countries, export controls must be pursued in coordination with other suppliers. According to Brad Roberts and Janne Nolan, in an era of rapid global economic change, expanding economic activity, and nearly universal access to technology, material, and expertise, there cannot be a narrowly supply-side fix to the problem.[229] Attempts at supply-side fixes of the proliferation problem face significant new challenges, including the emergence of new suppliers of nuclear materials, chemicals, missiles, and associated technologies. The growing number of dual-use technologies tends to make list-based export controls even less manageable, to sharpen disagreements among suppliers, and to stoke the grievances of developing countries who view such controls as obstacles to economic development.

The three primary objectives that motivate states to seek nuclear weapons have been identified as security, prestige, and leverage. At one end of the spectrum, mere possession of nuclear weapons is sometimes seen as a political and security talisman, enhancing prestige and deterring attack from hostile neighbors. This desire to become members of the "Nuclear Club" was a key factor in the decisions of Great Britain and France to develop nuclear weapons, and continues to be a factor, as Ukraine's reluctance to relinquish its inherited Soviet nuclear missiles attests. The most important demand for nuclear weapons, however, is for national security. For India, the security threat posed by China's nuclear and conventional forces (following China's defeat of India in 1971) was a key factor in India's decision to develop its nuclear arsenal. For some new nuclear powers, a readiness to threaten or actually use nuclear weapons offers a last resort deterrent to conventional military defeat, if not also possible national extinction. Such a last resort deterrence doctrine probably remains the dominant rationale behind

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[229] Brad Roberts, Chemical Disarmament and International Security; and Janne E. Nolan, "Ballistic Missile Proliferation in the Third World: The Limits of Nonproliferation," Arms Control Today (November 1989): 9-14.

Israel's nuclear weapons capability, and may also figure prominently in Pakistani nuclear calculations.[230] Ultimately, the success in preventing proliferation depends on persuading the "have-nots" that their security is enhanced if they forgo the acquisition of nuclear weapons. That persuasion must rest on the balance between the risks and benefits of nuclear weapons perceived by potential proliferants, as well as the importance the nuclear weapon states themselves assign to their nuclear weapons and the political leverage they appear to garner from possessing them.[231]

The political and military leverage inherent in nuclear weapons is one characteristic which makes them so attractive to Third World countries desiring regional hegemony and wishing to deter the U.S. from intervening. In the post-Cold War world, where the United States possesses overwhelming conventional military power, some Third World states see nuclear weapons as possible equalizers to the U.S. power. The majority of Third World countries have nothing similar to the OPEC oil weapon. Lack of similar leverage to enable the rest of the Third World to alter effectively the distribution of world resources and power can cause these countries to lose faith or turn to a weapon that can prove deadlier and more effective than oil: nuclear power.[232] The danger of nuclear weapons proliferation is that in the hands of an aggressive leader nuclear weapons could be used to blackmail neighbors or compel their political and economic support. Still another possibility, of particular concern to the United States and its allies abroad, is that some new nuclear powers will seek to use the implicit or explicit threat to use nuclear weapons to undermine U.S. readiness to deploy forces to protect critical interests and allies. Their goal would be to tip the balance of political debate against running the risks of intervention. A good example of the likely scenario occurred

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[230] Lewis Dunn, "Rethinking the Nuclear Equation: The U.S. and the New Nuclear Powers," Washington Quarterly 17, no. 1 (Winter 1994): 8.

[231] Wolfgang Panofsky and George Bunn, "The Doctrine of the Nuclear-Weapon States and the Future of Non-Proliferation," Arms Control Today (July-August 1994): 9.

[232] Kothari, 6.

in 1993-94 when Japan and South Korea put pressure on the United States to soften its pressure on North Korea over its nuclear power program. Thus, the possession of nuclear weapons by a regional hegemon could reduce the ability of the U.S. or the other major powers to prevent aggression around the world.

Another reason for the increased concern in the West over the future of nuclear proliferation is the rapidly approaching 1995 NPT Extension Review Conference at which its members must decide on how long to extend the NPT. While the conference is supposed to merely vote on the length of an extension, there is some concern that the conference might vote for a short extension or might be deadlocked. If past review conferences are a guide, the vast majority of NPT parties can be expected to acknowledge that, overall, the treaty has helped to head off runaway proliferation and has thereby added to their security.[233] In the wake of the revelations about the Iraqi and North Korean secret nuclear programs, questions are bound to be raised about the effectiveness of the NPT. If concerns persist about North Korea, then South Korea, Japan, and other countries in Asia could well be less prepared to give the NPT a wholehearted endorsement. Troublesome questions are likely to be posed about Iraq's ability to pursue an undetected clandestine nuclear weapons program in violation of its NPT obligations. If Iraq and North Korea are perceived to be able to circumvent the United Nations' demands over the long term, some renegade states might decide to join existing or new regimes with the full expectation of cheating. Similarly, if the international community is seen to be unwilling to enforce its will over the long term, few states are likely to take serious national security risks in opting for negotiated agreements rather than armaments programs.

While security questions are likely to dominate the conference, the status of negotiations for a Comprehensive Test Ban (CTB), a fissile material cutoff, and negative security assurances are likely to be key topics of discussion at the Conference. At each of the four NPT review conferences to date (held every 5 years since 1970), the slow

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[233] Lewis Dunn, "NPT 1995: A Time To Shift Gears," Arms Control Today (November 1993): 15.

progress in implementing Article VI and its promise of negotiations towards a CTB and nuclear disarmament has been the most contentious issue among delegates. With the end of the Cold War, progress has been made in several key areas. China and France have become parties to the NPT, and have tentatively agreed to a comprehensive test ban. The U.S. and Russia can rightfully point to their progress in reducing their nuclear arsenals. Both the U.S. and Russia have agreed on a cutoff of production of fissile material for weapons in principle, and the U.S. is assisting Russia in phasing out its last operating reactors producing fissile fuels.[234] As a result of decisions by Congress and the Clinton administration in 1993, a CTB once again has U.S. support and negotiations are now in progress at the Conference on Disarmament in Geneva (CD).

One of the positive results to come out of the Iraqi affair was that it altered political expectations regarding the breadth of safeguards coverage. Until the Iraqi case, the expectation of states was that the IAEA would verify that all declared nuclear material could be accounted for. Up to that point, states were more concerned with limiting the intrusiveness of the IAEA, and assumed that any undeclared or clandestine activity would be detected by other means, primarily intelligence sources.[235] After the discovery of Iraq's clandestine program the expectation was extended to providing assurance that no undeclared material or clandestine facilities or activities existed in states that had ratified the NPT or equivalent non-proliferation agreements with the IAEA.[236] Both in 1992 and 1993, the Board of Governors gave its support to measures aimed at increasing the Agency's ability to detect undeclared nuclear activities in states with full-scope safeguards. These measures included confirmation of the Agency's right to conduct special inspections and to have increased access to information, including reports

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[234] Panofsky and Bunn, 4.

[235] Lawrence Scheinman, "Lessons From Post-War Iraq for the International Full-Scope Safeguards Regime," Arms Control Today (April 1993): 4.

[236] Ibid. 5.

on relevant exports and imports and new nuclear facilities.[237] The international community is, therefore, taking steps to tighten controls on nuclear weapons, but it may be too little too late.

One of the limitations of the IAEA is its shortage of funding and inspectors. Prior to the Gulf War, the IAEA had the equivalent of only 42 full-time inspectors to check on 1,000 declared nuclear energy plants around the world.[238] By contrast, according to Alvin and Heidi Toffler, the U.S. fields 7,200 full-time inspectors to check on salmonella in its meat and poultry - 171 for each inspector sent by the world community to check the spread of the world's nuclear disease. In effect, the U.S. spends two and a half times each year to make sure its chicken and beef are okay than the IAEA spends to guarantee nuclear safety on the globe ($473 million versus $179 million).[239]

2. Chemical/Biological Weapons

Despite a 1925 international ban on chemical weapons (CW), the number of countries with chemical warfare development programs has increased from seven in 1972 to twenty in 1988.[240] Although only three countries out of the 179 UN members (the U.S., Russia, and Iraq) have admitted the possession of CWs, U.S. intelligence officials have identified fourteen countries in the developing world with offensive-oriented chemical warfare programs in 1991.[241] Many of the these nations have also engaged

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[237] Roland Timerbaev and Susan Welsh, "The IAEA's Role In Nuclear Arms Control: Its Evolution and Its Future Prospects," Nonproliferation Review (Spring-Summer 1994): 22.

[238] Alvin and Heidi Toffler, 196.

[239] Ibid.

[240] Nayan Chanda, "The Third World Race for Ballistic Missiles," Far East Economic Review, 2 June 1988, 24.

[241] These include: Burma, China, Egypt, India, Iran, Iraq, Israel, Libya, North Korea, Pakistan, South Korea, Syria, Taiwan, and Vietnam. Additionally, Angola, Argentina, Cuba, Indonesia, and Thailand are suspected of possessing or of attempting to acquire CWs. See Sauerwein, International Defense Review, (November 1992): 1065.

in research in biological weapons, and have acquired ballistic missiles that can be used to deliver nuclear, chemical, or biological warheads.[242] Given the simple technology required to make these weapons, this number could quickly expand. Any country capable of building a pesticide, petrochemical or detergent factory would be capable of building a facility to produce chemical weapons. Although lacking the power and leverage of nuclear weapons, many developing countries are being tempted to acquire a "poor man's atomic bomb" which could be used to wipe out unprotected civilians of rebellious minorities - such as the 4,000 Kurds killed in March 1988 in the Iraqi town of Halabja during the Iran-Iraq war - or to be used as leverage over neighbors.

The biggest chemical weapon threat comes from the Middle East where the physical capability to produce chemical weapons is concentrated. While Iran, Libya, Egypt, Iraq, and Israel are suspected of having CW programs, Syria has the largest and most advanced chemical warfare program in the Arab world.[243] Additionally, Syria has recently broadened its long-standing relationship with Iran to include cooperation in the acquisition and development of strategic weapons and related technology. Military cooperation may include cooperation in the nuclear arena, the joint production of North Korean "SCUD-C" and Chinese M-9 missiles, and perhaps the development of chemical and biological warheads for these missiles.[244]

During the Cold War, the two main possessors of CW stockpiles, the U.S. and the former Soviet Union, were inconsistent in their attitudes towards chemical weapons. The U.S. halted production of CWs in 1969, ratified the 1925 Geneva Protocol in 1975, but then launched a modernization program with the production of binary artillery shells

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[242] Testimony by the director of U.S. Naval Intelligence, Rear Admiral Thomas A. Brooks, to the Subcommittee on Sea Power, Strategic, and Critical Materials of the House Armed Services Committee, 7 March 1991.

[243] Michael Eisenstadt, "Syria's Strategic Weapons," Janes International Review (April 1993): 169.

[244] Ibid, 173.

in 1986, which was stopped in 1990.[245] The former Soviet Union for the first time acknowledged the possession of CWs in April 1987, and accepted the principle of on-site inspections. In May 1991, the U.S. renounced its intention to keep a two percent retaliatory reserve of its stockpiles and President George Bush urged negotiators at the Conference on Disarmament in Geneva to conclude a Convention banning chemical weapons.

The UN General Assembly adopted the 192-page Draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in November 1992. Banning the use, possession, acquisition, production, development, and transfer of chemical weapons, the Convention has two objectives. The first is to destroy all CWs and, with some exceptions, all CW production facilities declared by the states. The second is to prevent the proliferation of new chemical weapons.[246] The CWC mandates a challenge-inspection regime, whose language had to be crafted to satisfy the U.S. constitutional prohibition on warrantless searches.

Unfortunately, the Convention has several flaws which may reduce its ability to prevent the development of chemical weapons in the world. The principal doubts about the Convention have to do with its ability to verify compliance. The Convention calls for on-site challenge inspections to be carried out worldwide every year, which has produced estimates of total annual inspections as high as 500.[247] Kathleen Bailey, an authority on chemical weapons proliferation, states that the verification regime for the CWC focuses on perhaps the least likely way of cheating: using declared facilities for

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[245] Brigette Sauerwein, "Chemical Weapons Convention: Belling the Cat," International Defense Review (November 1992): 1065.

[246] See UNIDIR Newsletter No. 19, December 1992, The Chemical Weapons Convention.

[247] Sauerwein, 1066.

producing proscribed quantities of specified chemicals.[248] On the other hand, there are no effective means of verification that would prevent cheating by diverting commercial chemicals, developing nonclassical agents, using covert production facilities, or stockpiling hidden reserves of chemical weapons or bulk agents. Detecting diversion of common chemicals produced legitimately in large quantities is exceedingly difficult. Phosgene and hydrogen cyanide, for example, are used in industry, but can also be used as weapons. They are produced in large quantities in many countries. Satellite and aerial photography are of little use in finding clandestine chemical plants. There are no unique features that make such facilities identifiable in a picture. The Iraqi nuclear example teaches how easily a clandestine weapons facility can be hidden, and a covert chemical weapons plant is even more difficult to discover than nuclear facilities. Chemical weapons are technologically easy to produce, inexpensive, effective in many scenarios, and difficult or impossible to detect. Thus, despite the ambitious hopes of the Convention, a chemical weapons ban may prove unverifiable.

Biological weapons may emerge as the weapons of mass destruction of the next decade. In 1972, only four countries had biological warfare (BW) development programs. By 1994, reports indicated that eleven countries in the developing world were pursuing offensive-oriented biological warfare programs, and the number could be larger.[249] The revolution in bioengineering since the entry into force in 1975 of the global disarmament regime in this area, the Biological and Toxin Weapons Convention (BTWC), has raised concern about the ease with which biological warfare agents can be produced, stockpiled, and used in war, and about the new threats posed by novel, highly virulent agents.

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[248] Kathleen Bailey, "Problems with a Chemical Weapons Ban," Orbis 36, no. 2 (Spring 1992): 241.

[249] Seth W. Carus, "The Proliferation of Biological Weapons," in Brad Roberts, ed., Biological Weapons: Weapons of the Future? (Washington, D.C.: Center for Strategic and International Studies, 1993), 19-27.

The military significance and threat from chemical or biological weapons is a function of circumstance. The chemical and biological warfare capabilities of states of the developing world may be strategic in conflict against similar-sized competitors in their region if they can be used to achieve massively destructive effects. The threat of their use will then operate fundamentally on the perceived choices of the targeted nation's leaders. The evidence from the Gulf War may reinforce the desire to obtain chemical weapons on the part of those countries that believe chemical deterrence works. History shows that chemical weapons have never been used against an opponent in immediate possession of the means to respond in kind.[250] This was true at the outset of World War I, and in the conflicts between Italy and Ethiopia, Egypt and Yemen, Libya and Chad, and Japan and China. Tellingly, both sides in World War II had chemical weapons, but agreed not to use them. Only a handful of countries have the option of deterring chemical use with nuclear weapons like the U.S. did against Iraq (although several are pursuing nuclear weapons). Some countries that do not possess nuclear weapons or superior conventional forces may see procurement of their own chemical weapons as the only deterrent within their reach against the use of chemicals by their neighbors. The lessons of the Iran-Iraq War where Iran lacked any deterrent against Iraq's chemical weapons have not been lost on Iran or other countries bordering states which are suspected of having chemical weapons. Thus, the number of countries pursuing chemical weapons is likely to grow.

3. Missile Proliferation

Compounding the threat from nuclear, chemical or biological weapons is the emerging proliferation of the means to deliver these weapons over longer distances, particularly missiles. Few military systems better illustrate the significant technological thresholds that determine the character of threat presented by specific weapons. "In general," points out John Harvey, "ballistic missiles add a new level of capability even in those arsenals equipped with advanced fighter-bombers because of their speed (hence

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[250] Bailey. "Problems with a Chemical Weapons Ban," 249.

surprise) and relative insusceptibility to countermeasures (survivability)."[251] Yet because of their relative inaccuracy, limited payload, short range, and small number, some ballistic missile forces in the developing world have had little more than nuisance value. With the development of chemical and biological weapons and longer range missiles, this is changing.

Given the dramatically increased military capability that ballistic and cruise missiles can provide for relatively small developing militaries, the proliferation of missiles is a cause for concern for the world. Particularly disturbing has been the sale to the Third World of ballistic missiles such as the former Soviet Union's SCUD-B/C and SS12, and the Chinese M-9 and M-11, and the willingness of these countries to use them. In 1991, twenty-two countries in the Third World possessed ballistic missiles or were actively attempting to acquire them. Thirteen of these countries had programs to design and build ballistic missiles, and at least fifteen had operational missile forces.[252] One official estimated that by 2000 six of these forces will have intermediate-range capability.[253] The threat posed by such weapons was proven during the Iran-Iraq war's "War of the Cities" when Iraq fired some 140-150 surface-to-surface missiles at Tehran alone, killing an estimated one to two thousand people.[254]

Cruise missile proliferation has received slight attention but is more advanced than ballistic missile proliferation. According to a 1988 report, 76 countries boasted crew-served missiles in their arsenals in 1985 compared with only 28 in 1970.[255] By 1994, anti-ship cruise missiles from the U.S., Russia, China, France, and multiple sources had

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[251] John R. Harvey, "Regional Ballistic Missiles and Advanced Strike Aircraft: Comparing Their Effectiveness," International Security 17, no. 2 (Fall 1992): 41-83.

[252] Seth W. Carus, Ballistic Missiles in Modern Conflict (New York: Praeger, 1991).

[253] Testimony by FBI Director William F. Webster, Senate Armed Service Committee, 23 January 1990.

[254] Chanda, 22.

[255] Ibid.

been exported to virtually every navy in the world. Forty-eight navies field cruise missiles, including 2000 Exocets and 10,000 Styx surface-to-ship missiles in developing countries alone.[256] According to John Benedict, naval analyst at Johns Hopkins Applied Physics Lab, the United States has contributed to this proliferation, as well, exporting its Harpoon cruise missile to twenty-one nations.[257]

Although a majority of these missiles continue to be imported, the production capabilities of developing nations are improving. Ten to fifteen countries are already producing cruise missiles.[258] "Eight states (Egypt, Iran, Pakistan, North and South Korea, South Africa, Argentina, Brazil, and possible Syria) already have some ability for missile development and production, including the ability to modify or reverse-engineer SCUD-like missiles. Three states (Israel, India, and possibly Taiwan) are capable of producing more sophisticated missiles."[259] These capabilities will surely increase over the next ten to fifteen years. Accuracy is improving and range is increasing with propulsion systems fielding multi-stage systems. Warhead technology may shift from basically high-explosive and limited chemical warheads to submunitions, fuel air explosives, or even in some cases nuclear warheads. Export controls can, at best, only stretch out the development cycle, increasing development costs and impeding qualitative improvements.

The motivations behind the acquisition of missiles are strategic, tactical, and fiscal. According to John Harvey and Uzi Rubin, only a minority of states acquiring ballistic missiles appear to be buying them for their direct role as combat weapons. Among these are Pakistan and Iran, whose significant air inferiority relative to their adversaries, India and (pre-Gulf War) Iraq, respectively, prompted the quest for ballistic

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256 "Antiship Missile Proliferation Stresses Ship Defenses," Armed Forces Journal International (September 1991): 48.

257 "Third World Offers New Threat," Defense News, 24 June 1991, p. 20.

258 Seth W. Carus, The Prospects for Cruise Missile Proliferation in the 1990s (Washington, D.C.: Praeger, 1992).

259 Harvey, 17.

missiles as substitutes for air power; Taiwan, Israel, Iraq, and North Korea, which acquired missiles for strategic military purposes; and Syria, whose principle motive for acquiring the Soviet-made SS-21 seems to be the missiles potential tactical role.[260] Ballistic missiles may also give certain renegade states an increasing ability to deter, threaten, or terrorize the major powers, due in part, to the fact that these states may someday acquire missiles with longer ranges than the types of aircraft exported to the developing world. For the United States, the threat remains well in the future since no countries other than Russia and China are expected to develop the capability to threaten U.S. territory with missiles for at least a decade.[261] Europe, however, is already more vulnerable to ballistic missiles from Africa or the Middle East. As Europe becomes more vulnerable to missile threats from these areas, it may become increasingly difficult for European political leaders to obtain public support for intervention in conflicts in the developing countries.

A third reason many developing countries are acquiring missiles is the relatively small expense involved. The roughly 400 SCUD and its derivatives fired during the 1980-88 Iran-Iraq War, for example, are believed to have cost some $1 million per missile, for a total cost amounting to just 0.2 percent of the combined military expenditures of both countries during that period.[262] In 1985, Saudi Arabia reportedly paid $2 billion for 50 conventionally-armed Chinese-built CSS-2 ballistic missiles, which represents only about 1.3 percent of its total military expenditures in the last decade. For weapons which provide a strategic deterrent value that is difficult to overestimate, the cost-benefit calculation would support a decision to acquire missiles.

The major effort to arrest or slow missile proliferation in the Third World has been collaboration among the First World producer nations under the guise of the Missile Technology Control Regime (MTCR). The goal of this voluntary organization, which

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[260] John R. Harvey and Uzi Rubin, "Controlling Ballistic Missiles: How Important? How To Do It?" Arms Control Today (March 1992): 14.

[261] CIA Director Robert Gates quoted in Harvey and Rubin, p. 16.

[262] Ibid, 15-16.

contains most but not all missile producers, is to gain voluntary restraint on the export of missiles and missile technology. While the MTCR has contributed to slowing down missile proliferation, its limitations include (1) that not all producing nations - especially not Third World producers - are members, (2) that it represents no legal or treaty obligation, and (3) that it allows collaboration on peaceful space programs that utilize the same technologies as weapons programs.[263] Unfortunately, by the time that the MTCR was enacted in 1987, it was too late to prevent the proliferation of tactical ballistic missiles and the technology to make them. The success of the regime has also been limited by the exclusion of two major exporters of missiles and technology, China and North Korea, from the negotiations leading up to the MTCR. Since the Gulf War, however, the MTCr has reportedly "taken on a new life."[264] The membership of the MTCR, which started at seven countries, now stands at eighteen, with three other states being considered for membership. Israel has passed laws legislating the MTCR guidelines; China has provided written assurance that it will abide by the guidelines; and Russian President Boris Yeltsin has indicated his nation's intention to fully adhere to the MTCR regime. North Korea is now the only nation openly marketing SCUD-Class ballistic missiles.[265] While these developments mark progress, the MTCR remains limited by the absence of Third World missile producers as members, and by continued reports of Chinese and North Korean sales of missiles to the Middle East.

4. Implications of Weapons Proliferation

Whether nuclear, chemical, or biological weapons, the increasing dispersal of weapons of mass destruction threatens to raise a twenty-first century Leviathan. Yet curbing this diffusion, to say nothing of deterring the use of or stimulating actual reduction of world stocks, is a project well beyond the capacity of a single state or

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[263] Snow, 157.

[264] Ibid, 16.

[265] Eisenstadt, 170.

alliance of states. Weapons proliferation provides a strong case for collective action over unilateral action since proliferation can not be solved by one or a few states, and its dangers encompass everyone. The United Nations Special Commission in Iraq (UNSCOM) is an example of everyone in the international community buying into the NPT regime and it working. While the success of the Gulf War definitely set the stage for UNSCOM to work, the war merely provided the opportunity for countries to come together. The legitimacy of UNSCOM did not have to continue after the war, but it did, thereby showing the potential for international cooperation within the UN and the NPT. The proliferation of weapons of mass destruction despite international regimes and conventions prohibiting them poses three dangers to the United Nations and the international community: (1) it reveals a growing lack of legitimacy of these nonproliferation regimes; (2) it threatens the credibility of these regimes if not checked; and (3) it threatens the ability and will of the Security Council to intervene in conflicts.

The violation of NPT obligations and restrictions by two member states, Iraq and North Korea, indicates a very dangerous decline in the legitimacy of the Treaty regime. These violations reflect a growing sentiment among the NPT nuclear "have-not" states that the NPT is discriminatory since it allows some states to have nuclear weapons while preventing others. This is similar to feelings among some developing countries that the UN Security Council has become dominated by the U.S. Although the U.S. and Russia have agreed to decrease their arsenals, the reluctance of either to destroy all of their nuclear weapons merely emphasizes the importance of the weapons to their security. Non-nuclear weapon states around the world faced with possible security threats find it increasingly difficult to forego the nuclear option.

Weapons proliferation undermines the international legal regimes related to the control of armaments, and the norms they embody concerning the use of such weapons. It also erodes efforts to expand those regimes and norms. In the U.S., proliferation is likely to sharpen the debate about vital versus peripheral national interests, undermine the political support for military intervention or even long-term engagement. If this also results in greater uncertainty about the U.S. world role, other developed countries may seek to strengthen themselves militarily through acquisition of nuclear capabilities.

These challenges, though difficult, are not unmanageable. However, with defense cuts by the great powers and reductions in foreign aid, the importance of the UN will continue to increase. The key to managing Third World proliferation of weapons of mass destruction is to rearrange the incentive system that makes these weapons attractive. As long as Third World states feel the need to own these weapons, there will be a demand for them that will attract suppliers. The most promise, therefore, is to be found in diplomatic strategies that reduce tensions in those regions threatened by proliferation. In the Middle East and in South Asia and East Asia, changing perceptions brought on by the end of the Cold War, the Persian Gulf War, and perhaps by the proliferation process itself have generated interest in new approaches to insecurity. There is growing interest in arms control and confidence-building measures in the Middle East and South Asia. A combination of effective development aid, active nation-building measures, and preventive diplomacy will, it is reasonable to hope, contain the level of conflict and eventually reduce the root causes as well.

The key to the success of such diplomatic measures aimed at curbing proliferation will be the credibility of the US and the Security Council in reassuring states willing to gamble on cooperative measures and deferring states from planning or carrying out the exploitation of their military capabilities. Reassurance in the post-Cold War era will depend heavily, though not exclusively, on perceptions of the credibility of the U.S. deterrent posture, says Lewis Dunn.[266] If traditional American friends like Japan, South Korea, Saudi Arabia, or Turkey come to doubt either U.S. will to stand by them, or whether the threat of U.S. retaliation would deter nuclear blackmail or attack by regional enemies, pressures to seek nuclear weapons would increase. Reassurance in the post-Cold War world will depend not only on the willingness of the U.S. and the Security Council to deter aggression, but also on the legitimacy attributed to the Security Council and the international arms control regimes. If insecure or aggressive states perceive these bodies as unrepresentative or dominated by the interests of a few powers,

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[266] Lewis Dunn, 15.

then they are more likely to disregard their resolutions or demands. The key is that reassurance is a long process and will depend on the legitimacy accorded to the UN.

So we see that the world is faced with serious threats to both external and internal peace that raise challenges for the international community not foreseen by the UN founders. What is important about this is that merely tinkering with the UN to make it stronger will not help it deal with a fragmenting community of fragmenting states. The proliferation of weapons of mass destruction poses an even more serious problem for the UN because any attempts to curb proliferation will depend on the legitimacy of the UN to succeed. If the UN is not perceived as legitimate, then proliferating countries are less likely to abide by the demands of the organization. The tricky side of the nonproliferation problem is that if international efforts to curb WMD's fail, they will erode the legitimacy of the UN and the NPT. The danger posed to the U.S. and its allies by such weapons should answer the question of "why do we need a UN?" Since weapons proliferation is a problem beyond the ability of any one country to stop unilaterally, the ability to sustain an international security regime is in the interest of the U.S. This raises the question "what are current challenges to UN legitimacy and its ability to build consensus in the world?"

V. KEY CHALLENGES TO UN LEGITIMACY

The critical factor in whether the United Nations succeeds or fails at whatever endeavors it undertakes is the perceived legitimacy and credibility attributed to it by its member states. Legitimacy, in this sense, can be defined as the "political authority and acceptability" of the organization. The United Nations does not own or control any territory; nor does it have its own army or central bank. The UN is therefore totally dependent upon the support of its member nations for its survival and success. If the United Nations' members perceive the UN as having justified authority - legitimacy - then they are more likely to abide by its resolutions and sanctions, thereby making the UN more effective. Legitimacy can be built up by making the UN not only more representative, but also improving its credibility for successfully solving world problems. This does not necessarily mean that it needs military forces of its own, but it does need to be able to build consensus for action to back up its peaceful diplomacy and to give meaningful political weight to military operations taken in its name.

The big picture from Chapter IV is that from the standpoint of the developed countries, the world is becoming a far more fragmented and dangerous place in which the countries of the developing world have more and more weapons and more voice in the world. This problem is not going away, and is likely to get bigger. The big challenge for the world entering the twenty-first century will be to find a way to bring this divisive world together. While the need for an international response to the new problems is driving the world together, the problem with the legitimacy of the UN is still there and getting bigger.

Recent events in Bosnia have proven the difficulty of obtaining a consensus between countries for action, even between NATO allies, especially when the most powerful countries are unwilling to commit strong forces for decisive military action. Although Bosnia and Somalia have retaught the lessons from the Congo and Beirut about the fruitlessness of half-hearted intervention in civil wars, it also showed that even organizations with strong standby military forces, like NATO, can be hamstrung by a lack of consensus between nations. Giving the UN its own military forces might make

it more able to send forces to a conflict sooner, but without improving the United Nations' legitimacy and ability to build consensus in the world, the UN will continue to plagued by its ineffectiveness.

While reformers have called for giving the UN its own standing forces as prescribed in the Charter, international response has been less than enthusiastic, and the UN has simply tried to expand the role of its peacekeeping forces into election monitoring, humanitarian missions, and peace-enforcement. The disappointing record of the UN peacekeeping missions in Somalia and Bosnia have revealed a threat to the United Nations far more serious than its inability to effectively command military forces: an alarming decline in the legitimacy granted the United Nations by countries or groups within countries. If the UN is indeed to have an enlarged role in security affairs, its decision-making structure and choice of where it intervenes must be seen as legitimate. This chapter will examine four key challenges to the legitimacy of the United Nations that decrease the organization's ability to respond to today's problems: a Security Council unrepresentative of the world's current power structure; the complicating issue of state sovereignty and international intervention; the overextension of peacekeeping into peace-enforcement; and the growing reluctance of the U.S. and the developed countries to accept the responsibilities of world leadership and response to conflicts.

A. SECURITY COUNCIL REPRESENTATION

One of the principal challenges to UN legitimacy is that the Security Council is unrepresentative of the current realities of power in the world. With the end of the Cold War and new-found agreement among previously hostile major powers, the Security Council is wielding considerable power and is clearly the single most important organ in the United Nations.[267] However, its revival has highlighted the gap between the Council and those states within the General Assembly not represented on it. This has

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[267] Peter Wilenski, "The Structure of the UN in the Post-Cold War Period," in Adam Roberts and Benedict Kingsbury, eds., United Nations, Divided World (Oxford: Oxford University Press, 1993), 441.

generated demands that the composition of the Council no longer be dominated by the victors of the Second World War, but more accurately reflect the modern world. Other criticisms of the Security Council have included: concern that three of the Permanent Five powers - France, Britain, and the U.S. - make most of the agenda-setting decisions in running the Security Council; irritation, especially on the part of Germany and Japan, about "taxation without representation;" and frustration that the views of the non-permanent members of the Security Council, and indeed of the great majority of the 181 strong General Assembly, count for little.[268] If its decisions are to retain legitimacy, the Security Council will eventually have to adapt to the changing realities of power in the world.

If the United Nations were being created today, it might look far different than it currently does. The problem is that the current structure does not reflect the realities of the contemporary world, but that of 1945. Like all constitutions written by people without the gift of detailed prophecy and acting to meet the pressing needs of the day, the Charter of the United Nations was destined to become, with the passing of time, an increasingly inadequate description of the organization that developed in response to the changing needs, changing interests of members, and the many pressures exercised within and upon it.[269] It does not include on a continuing basis the economic superpowers, Japan and Germany, or the largest regional powers such as India, Brazil, or Nigeria, or relatively wealthy countries like Canada or Italy.

The principal weakness of the Security Council today is that it has displayed an inability to respond successfully to the new challenges to peace in the world since the end of the Cold War. Part of the Security Council's problem is that it has failed to adapt as the balance of power in the world has changed. If international power were conceived as a combination of geography and population, economic strength, and military assets and potential, the Security Council would have to expand. If geography were used as

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[268] Adam Roberts, "The United Nations and International Security.," 13.

[269] Goodrich, "The UN Security Council," 27.

a criteria for Council membership, seven countries exceed 1 million square miles of territory: Russia, China, USA, Canada, Brazil, India, and Argentina. Populations over 80 million would nominate: China, India, the U.S., Indonesia, Brazil, Russia, Japan, Pakistan, Bangladesh, Nigeria, Mexico, and Germany. If we took GNP as a proxy for economic strength, with $300 billion as a cutoff point, the following countries would be considered: the U.S., Japan, Russia, Germany, France, Italy, the U.K., Canada, Ukraine, China, Brazil, Spain, and India. Countries on both the population and GNP list include only three of the five permanent members (the U.S., Russia, and China), plus Japan, Germany, Brazil, and India.[270] If regional powers and geographic distribution were considered, only about a dozen of the world's countries would qualify for consideration for the Security Council under this criteria. By any criteria, the Security Council's structure does not reflect the realities of power in the world, nor is it representative of the major countries and regions needed to build a consensus for action in the world.

Another criticism of the Security Council has been that it is dominated by the Permanent Five members. The exclusive nature of the Council, along with its increasingly interventionist nature since the end of the Cold War, have elicited accusations of it being a "Big Power Club" which is pursuing a Western great power agenda. UN forays into humanitarian intervention and internal conflicts have also increased concern in many developing countries about post-colonial colonialism and dominance by the rich states of the industrial North. The feeling of being manipulated by the U.S., Britain, and France, which have dominated the Security Council since the collapse of the Soviet Union, has sharpened recently around the issues of Haiti and Bosnia. On Haiti, the Clinton administration pressed and cajoled members to back a resolution authorizing an American invasion, although several nations had concerns about establishing a precedent for armed intervention to restore democracy.[271] In Bosnia and

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[270] Lee, Pagenhardt, and Stanley, 21.

[271] Barbara Crossette, "At the U.N., A Drive for Diversity: New Calls to Expand Western-Dominated Security Council," New York Times, 24 October 1994, p. A5.

Herzegovina, the pace and level of United Nations operations have been largely dictated by Britain and France, which some Islamic countries believe are hostile to the Muslim-led Bosnia government and unwilling to deal harshly with the Serbs who hold nearly three-quarters of the country.

The country most often accused of dominating the Security Council is the United States. "There is already a mounting neurosis that the organization is being "hijacked" by the U.S.," says Anthony Parsons of Oxford University. "This anxiety was demonstrated in the Security Council in the context of the authorization of the U.S.-led coalition in December 1992 to use military force if necessary to distribute humanitarian supplies in Somalia. The majority in the Council insisted that the unqualified *carte blanche* of Resolution 678 should not be given, and that mechanisms should be established by the Secretary General to keep the Council informed."[272] The perception that the Security Council is dominated by the U.S., Britain, and France greatly decreases the legitimacy of the Council as an impartial international body, thereby decreasing the willingness of governments and non-governmental organizations to obey the Council's resolutions.

There are considerable pressures to alter some of the Charter provisions on membership in the Security Council. In 1972, James Barros predicted that the "rigid composition of the Security Council's permanent membership in a world political system which is never static, and often sees the rise and fall of the power of states, is a constitutional defect in the Charter which raises the specter of future difficulties."[273] The framers of the Charter, however, envisioned not a static but a dynamic institution that would evolve over time. A change is by no means impossible: in 1965, by formal

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[272] Anthony Parsons, 121.

[273] Barros, 3.

amendment of Article 23 of the Charter, the number of non-permanent members was increased from six to ten to reflect the tremendous expansion of states in the General Assembly after 1955.[274]

Debate continues about changing the composition of the Security Council to reflect geopolitics (Japan and Germany) and geographic balance (representatives from regions, including Brazil, Mexico, or Argentina; Nigeria, Egypt, or South Africa; India, Indonesia, or Pakistan). Japan and Germany are candidates which figure on nearly all lists for Council membership. Both countries are irritated at their lack of representation on the Council, seeing it as an example of "taxation without representation." Japan's economic power is undisputed and it is the second largest contributor to the United Nations' budget (after the U.S.).[275] Germany's preoccupation with domestic issues arising from its unification in 1990, and the long-standing caution lest Germany appear overly assertive in the sensitive sphere of international peace and security, have meant that its leaders have kept a low profile on the expansion issue. As Germany increasingly asserts itself in Europe, it is likely to become more vigorous in pursuing a reconsideration of its role in the multilateral system. The exclusion of these two powerful countries has encouraged them to use other forums, such as the G-7 group of industrial countries, thereby weakening the legitimacy of the UN by bypassing the organization. Richard Butler, Australia's UN representative, notes, however, that "if you want to amend the UN Charter, you have to have Security Council passage, two-thirds majority in the General Assembly and ratification in national parliaments. I do not think there would be a two-thirds majority just for adding Germany and Japan, since the developing world would see that as merely adding two more countries from the north."[276]

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[274] Adam Roberts, "The United Nations and International Security," 13.

[275] Wilenski, 442.

[276] Crossette, p. A5.

The frustration of the great majority of the 181-strong General Assembly at their lack of representation and influence in the Council has become increasingly evident at the United Nations since the end of the Cold War. Observed Clovis Maksoud, the Arab League's former observer at the United Nations, "As the General Assembly has been marginalized in the last two, three years, the developing nations of the south feel their input at the United Nations is almost irrelevant."[277] Besides the 63 countries which responded to Secretary General Boutros-Ghali's proposal for a Security Council review conference in July 1993,[278] a total of 17 countries used the debate on "An Agenda for Peace" to call for restructuring the Security Council, some calling for elimination of the veto as well.[279] An even larger group demanded an increased security role for the General Assembly in order to check the Council's activism, and some challenged the fairness and impartiality of Council decisions.[280]

Opposition to the expanding Security Council writ arises more often from resentment of its exclusivity than from a dislike of specific actions. Razali Ismail, Malaysia's chief delegate, said there was a growing estrangement between a few nations that make the big decisions and the others who are called on to carry them out:

> The major powers are not prepared to put out the adequate numbers of soldiers for peacekeeping, for example, so they count on us. Malaysia has 2,700 soldiers on various fronts. We are in Somalia, in Angola, in Bosnia. Politically, it is no longer tenable for all of us to supply the troops - to pull the trigger, as it were, for the U.N. - without having the right to say something about the process of decision-making and what peacekeeping is all about.[281]

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[277] Ibid.

[278] Thomas Weiss, "Intervention: Whither the United Nations?" p. 117.

[279] The 17 countries included: Brazil, Bulgaria, Cuba, Ecuador, India, Indonesia, Japan, Libya, Mongolia, Nepal, Palestine, Philippines, Senegal, Tanzania, Thailand, Vietnam, and Zambia.

[280] Peter Fromuth, 364.

[281] Crossette, p. A5.

As a permanent member of the Security Council, the U.S. has voted for a rash of new peacekeeping missions over the past two years. Although the U.S. took the lead in supporting UN peacekeeping in Iraq, Cambodia, and Somalia following the collapse of the Soviet Union, the death of 18 U.S. Rangers in Mogadishu quickly resulted in a rethinking of U.S. policy in Washington. In the wake of the Somalia withdrawal, the U.S. contribution to U.N. peacekeeping missions around the world is meager. In May 1994 the U.S. had 714 troops in three missions: the former Yugoslavia republic of Macedonia, western Sahara, and Israeli cease-fire lines. Thirty other countries - led by France with 6,603 troops deployed - had more peacekeepers on UN duty.[282] Among the developing nations, Nigeria, South Africa, Egypt, India, Indonesia, Mexico and Brazil are considered candidates for membership to the Security Council as regional powers with influence in the developing world.

If the difficult hurdles of the Permanent Five vetoes and getting an amendment of the Charter ratified by two-thirds of the General Assembly can be overcome, perhaps the greatest practical risk in enlarging the Security Council is that decision-making would be more difficult. The behind-the-scenes negotiation of the texts of resolutions would become even more complex and tedious. Within the United Nations, there is considerable resistance, especially among the Permanent Members of the Council, to tampering with the Council just at the time it is showing it can work. As the geopolitical and geoeconomic realities change, however, the legitimacy of the Council's decisions will be undermined. The challenge is thus to ensure that any change to the Council's structure both accurately reflects current global power relationships and is implemented in such a way as to minimize any reduction in the speed and efficiency of the decision-making process. Douglas J. Bennet, the Clinton Administration's Assistant Secretary of State for International Organization Affairs, notes that "to have this come out right, one has to come to a conclusion that everybody regards as legitimate."[283]

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[282] Meisler, p. A18.

[283] Crossette, p. A5.

One approach to Council reform under consideration would establish a second tier of five "alternating seats" between the permanent and elected Council members.[284] Thus key regional countries might be paired, for example: (1) Europe: Germany and Italy, (2) South Asia: India and Pakistan/Indonesia, (3) Pacific: Japan and the Republic of Korea, (4) Latin America: Brazil and Argentina/Mexico, and (5) Africa: Nigeria and Egypt. Only one would serve at a time, rotating annually or in two year cycles, but the potentially most helpful regional powers would thus be permanently drawn into the work of the Security Council. The advantage of this proposal is that it would make the Security Council more representative without making the institution unwieldy.

Failure to provide a credible response will continue to erode the Security Council's legitimacy. Since its decisions are not self-executing but require vigorous compliance by member-states, legitimacy matters. Perceptions of illegitimacy lead a large number of states to non-compliance or outright opposition, and their actions could nullify any measures the Security Council might attempt, threatening a return to the paralysis of the Cold War years. The international community can pretend that the potential for paralysis-by-veto no longer exists, and it can keep bringing more and more issues to the Security Council in the hope that all will go well. The alternative is for the Council to seriously begin laying the groundwork for a General Charter Review Conference to improve the legitimacy of the Security Council.

B. SOVEREIGNTY ISSUES

Complicating all of this is the issue of sovereignty. The legitimacy of the United Nations is increasingly threatened not only by the static membership of the Security Council, but also by the expansion of UN peacekeeping operations into missions which violate the traditional twentieth century concept of state sovereignty. The illusion of a new world order, alongside often violent disorder in many states, has produced a kind

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[284] Lee, Pagenhardt, and Stanley, p. 22. See also Barbara Crossette, New York Times, 24 October 1994, p. A5.

of "new interventionism," as Stephen Stedman of John Hopkins characterizes it.[285] This outlook combines an awareness that civil war is a legitimate issue of international security with a sentiment for crusading liberal nationalism. Of immediate concern to the Security Council is how to react to situations of massive violence, humanitarian emergencies, breakdowns of authority, and gross abuses of human rights. The new interventionists wed great emphasis on the moral obligations of the international community to an eagerness for a newly available United Nations to intervene in domestic conflicts throughout the world.

According to Stedman, many eager advocates of this new doctrine lack sufficient sense of the dilemmas, risks and costs of intervention. They often fail to take account of the special dynamics of civil war or the realistic limitations of the United Nations as the chosen vehicle for action.[286] The precepts of this doctrine chafe at traditional notions of sovereignty, remain contradictory and are leading international actors toward largely uncharted domain. This raises fundamental questions concerning the balance between national sovereignty and international responsibility, and about the nature of the United Nations' basic mission. Member states, many of which have ethnic skeletons in their own cupboards, are understandably reluctant to face such issues in general terms, or to create new legal criteria and precedents for international intervention. Increased support for intervention in the internal affairs of predominantly Third World states for humanitarian reasons raises fears in many developing countries who see sovereignty as the last guarantor of their independence. This conflict between a Western-dominated United Nations' agenda and the differing views and concerns of the poorer developing countries poses a serious threat to the legitimacy of the United Nations.

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[285] Stephen J. Stedman, "The New Interventionists," Foreign Affairs 72, no. 1 (America and the World 1992/1993): 1.

[286] Ibid, 2.

1. Changing View of Sovereignty

For much of the twentieth century and especially during the Cold War, the United Nations championed the idea of sovereignty, primarily because most less-developed countries (LDCs) were sensitive to outside interference in their internal affairs. Most non-Western countries raised the banner of state sovereignty to protect themselves from the unwanted interference of larger states, and the United Nations repeatedly upheld this principle in Security resolutions. Humanitarian crises were not seen as providing outside states with legal grounds for taking forceful action against an abusive state to assist the victims. The concerns of the great powers that actions would be for political gain were undergirded legally by the strength of the non-intervention provision in the UN Charter (Article 2(7)).

Of all the controversies concerning Charter interpretation, the most persistent has been that revolving about the effect of paragraph 7 of Article 2, Chapter I of the Charter:

> Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the Charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII.[287]

A review of the negotiations leading up to the creation of the United Nations (see Chapter II) shows that the Charter was designed by its framers to prevent the Organization from interfering in the affairs of each State, and to ensure that it could intervene only on the explicit request of a government.[288] Article 2(7) embedded the doctrine of non-interference in the UN Charter, making it one of the strongest redoubts of state sovereignty in current international law.[289] With Article 2(7) thus restraining it from intervention in matters within the domestic jurisdiction of a state, the UN has traditionally been reluctant to become involved in what are ostensibly internal or domestic affairs, and its efforts have been belated and hesitant.

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[287] See U.N. Charter, Russell and Muther, Appendix A.

[288] Charles DeGaulle, 144.

[289] Benjamin Cohen, 20.

The international norm has, therefore, long been against intervention in another's domestic domain. Several developments since the creation of the UN have led to an erosion of this norm. James Rosenau writes that "trends toward the relocation of authority are bound to contribute to the erosion of sovereignty."[290] In view of the centrality of Third World countries in the UN system, it is useful to note that the undermining of the sovereignty principle began with its redefinition in the decolonizing processes of the former European empires after the Second World War. In using self-determination as the sole criterion for statehood, irrespective of whether a former colony had the consensual foundations and resources to govern, a number of sovereign states were created, recognized, and admitted to the UN even though they were unable to develop their economies and manage their internal affairs without external assistance.

In the 1960s and 1970s the UN began to reverse the norm of non-interference by censuring the white governments of South Africa and Rhodesia for their policies of apartheid. The erosion of the sovereignty principle has rendered more subject to interpretation what the United Nations' mandates are. A vacuum has come to surround the sovereignty principle in a sense that the boundaries that divide the affairs of states and those of the UN are no longer clear-cut. Javier Perez de Cuellar, Boutros Boutros-Ghali's predecessor as Secretary General, remarked that the world was "clearly witnessing what is probably an irresistible shift in public attitudes toward the belief that the defense of the oppressed in the name of morality should prevail over frontiers and documents."[291] There are two reasons for this shift in international attitudes, especially in Western nations. One is the end of the Cold War, which eliminated one of the main purposes of the norm of nonintervention: the prevention of conflict among great powers trying to impose their own models of legitimacy on other countries; and the increasing

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[290] Rosenau, 19.

[291] Michael Mandelbaum, "The Reluctance to Intervene," Foreign Policy 95 (Summer 1994): 13.

acceptance of the protection of individual rights as an international norm with the growth of democracies. The latter tenet is in conflict with the principle of the inviolability of national sovereignty.

The basis of the shift in the United Nations has been the interpretation of Article 2(7) as allowing interference in the domestic affairs of states if Chapter VII enforcement measures were deemed necessary.[292] The Permanent Five members of the Security Council and the Secretary General have taken the lead in supporting this new interpretation of sovereignty. In the Security Council's 31 January 1992 Summit Declaration definitions of new threats to international security included "non-military sources of instability in the economic, social, humanitarian, and ecological fields."[293] Here the United Nations is moving well beyond traditional definitions of international threats involving civil wars or the aggression of states. In fact, some at the United Nations have gone so far as to see that body as an international police force to protect the environment, avenge human rights abuses, stop humanitarian tragedies, and even right perceived social and economic wrongs. Sir Brian Urquhart, former U.N. Under-Secretary General for Peacekeeping Operations, proposed a UN police force deployed to end random violence and perform armed police functions.[294] The new interventionist trend has been exemplified by Boutros-Ghali and others in the UN leadership who have stated that the United Nations has the right to interfere in the internal affairs of nation-states to correct human rights abuses.[295] He is unclear about how the United Nations plans to right all these wrongs with its peacekeeping forces, but the point is unmistakable: the United Nations has the right to use force against a sovereign nation, not because it has invaded another, but because it mistreats its own people. Given the

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[292] Parsons, 118.

[293] Holmes, 326.

[294] Ibid.

[295] Ibid, 337.

fact that many of the UN member-states are ruled by dictators, gaining an effective consensus on human rights in the United Nations in the near future is likely to prove very difficult.

2. New Humanitarian Rationale for Intervention

The interventionist trend in the United Nations has produce a new rationale for intervention: humanitarianism. The new interventionists advocate "a humanitarian order in which governments are held - by force, if necessary - to higher standards of respect for human life."[296] They contend that "the protection of ethnic, religious, and other minorities endangered by conflict and alienated from a hostile government is now increasingly a recognized obligation of the international community."[297] To adherents of this approach, sovereignty is no longer a tool for creating international order, but a political constraint. Since the end of the Cold War, the United Nations has become actively involved in internal problems in El Salvador, Haiti, Croatia, Bosnia, Cambodia, Mozambique, Angola, northern Iraq, and Somalia. The problem with humanitarian interventions like that in Somalia is that everyone wants to do "something," but no one wants to accept the tremendous costs and commitment necessary to reestablish order in those countries.

While proponents of this new involvement see this as an indication of future operations, it is important to note that the interventions in northern Iraq, Somalia, and Bosnia were notable because they did not involve the consent of the governments involved. Actions taken by the United Nations in response to Iraqi attacks on its Kurdish population in northern Iraq in 1991 have been seen as setting important precedents for humanitarian security. In April 1991, alarmed by Iraq's persecution of its Kurdish minority and the mounting humanitarian and political costs of the Kurds' flight into

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[296] Francis M. Deng and Larry Minear, The Challenges of Famine Relief: Emergency Operations in the Sudan (Washington, D.C.: Brookings Institution, 1992), pp. 8, 131, and 119.

[297] Ibid.

neighboring Turkey and Iran, the Security Council adopted the unprecedented Resolution 688. This resolution established a sweeping writ for international humanitarian action when human rights abuses were perceived. Overlooked, however, were the special circumstances that made the northern Iraqi operation an unlikely model for future collective responses. While UN Resolution 688 established a legal precedent, its practical relevance may have been moot: UN protective forces entered Iraq only after Operation Desert Storm demolished Iraq's capacity to resist. In short, humanitarian intervention could work in Iraq because it followed, not preceded, the most successful UN enforcement mission ever.

The United Nations decision on December 4, 1992, authorizing the deployment of military force to provide humanitarian relief to starving Somalis was the culmination of year-long pressures in the West. Many of the same chorus of congressional leaders, political pundits, television commentators, and print journalists also clamored for U.S. military action to stop Serbian aggression. In turn, U.S. and UN intervention was urged in Liberia, East Timor, Sudan, Zaire, and Haiti as well.[298] In Iraq, Somalia, and Bosnia in 1993, the U.S. found what first seemed like a compelling substitute for the clear rationale of American intervention during the Cold War. The U.S. was drawn into each place to alleviate the suffering of civilians in what appeared to be a noble and low cost cause: humanitarian intervention. Only when 18 American soldiers were killed in an ambush in Somalia in mid-1993 did policy makers seriously begin to recognize the political and military risks entailed in half-hearted "humanitarian operations."

3. Problems with Interventionist View of Sovereignty

The principle problems with the new interventionist view of the United Nations is that interference in the domestic affairs of its member-states is fraught with a lack of consensus over sovereignty and by the danger of multiple interventions and overload.

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[298] Stedman, 2.

The crux of the problem is that intervention in the domestic affairs of states is counter to the letter and intent of the UN Charter, and is therefore much more difficult to build a consensus for in the United Nations.

One of the selling points used in the U.S. Senate debates over ratification of the Charter was that it would not be able to interfere in the United States' internal affairs. In 1945, the great powers codified this attitude with the veto, a provision that protects them even better than any domestic jurisdiction rule ever could. The strength with which countries have held onto their traditional view of sovereignty is shown by China, which in spite of its veto, still constantly cites the internal affairs restriction to fend off demands for democratization and protection of human rights.[299] Such ambivalence is even stronger among the vetoless small states that make up the bulk of the General Assembly.

One of the causes of the ambivalence of many states towards humanitarian intervention is the lack of consensus on a definition of human rights. While the importance of the individual appears to have increased in countries throughout the world, there is a notable difference in the rights and expectations of individuals between countries and cultures. A strong criticism of UN intervention to protect human rights is that the United Nations (read the Western-dominated Security Council) is attempting to impose its view of human rights on the rest of the world. The difference between the Western definition of human rights and much of the rest of the world has caused a backlash by developing countries which are wary of broad definitions of rights many of their citizens do not have. Proponents of intervention for humanitarian purposes claim that there is a consensus about intervening to protect people who are abused by their governments. The problem is in defining what constitutes abuse and what human rights the UN will protect. The dangers seen by many developing nations are the precedents this sets for future intervention.

This is relevant to the United States because while its definition of human rights differs from many developing states, the UN definition differs from that of the U.S. A

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[299] Terry L. Deibel, "Internal Affairs and International Relations in the Post-Cold War World," Washington Quarterly (Summer 1993): 19.

number of UN documents purport to explain the concept, but their definitions remain vague and contradictory. In the Universal Declaration of Human Rights, the United Nations has adopted a very broad notion of "rights," declaring in part, "Everyone who works has the right to just and favorable remuneration ensuring himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection."[300] Such rights are not only different from traditional U.S. interpretations of individual liberty, they are incompatible with it. As a Security Council member with a veto, the U.S. can protect its sovereignty if it disagrees with the UN definition of human rights.

For most developing nations without a veto, the new humanitarian intervention policy causes great concern over the UN using it to justify intervention. Canada's Ambassador to the UN, Louise Frechette, made the point that "developing countries in particular are wary of UN mandates to intervene without the consent of the host government."[301] "Even though most wanted intervention in Somalia," she said, "they would have opposed it if directly polled, for fear that consent would be taken as approval of a principle in support of intervention." Many southern countries are concerned that "humanitarian" Security Council resolutions, like those on access of international humanitarian organizations to parts of Iraq, and on intervention in Somalia, could be used against them. Most less-developed countries have been zealous defenders of the principle of the inviolability of national sovereignty, and they have been joined en bloc, for obvious historical reasons, by the Latin American states. In particular, China has long held to its central principles of sovereign equality of states and non-interference in internal affairs. Chinese Prime Minister Li Peng struck a discordant note at the January 1992 Security Council Summit when he insisted that China would consistently oppose all external interventions in the internal affairs of sovereign states "using human rights as

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[300] Jeffrey Gerlach, 234.

[301] "Meeting New Challenges: Canada's Response to a New Generation of Peacekeeping, Report of the Standing Senate Committee on Foreign Affairs," February 1993, p. 37.

an excuse."[302] The stridency of Li's speech and China's desire to lead the developing countries suggests that the world could see the emergence of the Chinese veto on human rights issues.

In today's circumstances the U.S. and its junior partners must guard against a return of the notion that what is good for Washington is good for all. In particular, too intrusive a policy towards the domestic jurisdiction of states which do not measure up to Western criteria will make such states - China being the leading example - doubt whether the UN is serving their interests. Fresh divisions will open, and the backlash will reduce the effectiveness of the whole organization.

In addition to lacking a consensus supporting humanitarian interventions, if the UN decides to use its power for humanitarian ends it will set dangerous precedents for UN intervention, and will face the risk of multiple interventions overseas in a variety of different scenarios. Almost by definition, its purposes will be difficult to achieve, and it should expect its costs to be high and in many cases unanticipated. Calls for declaring the preservation of all human life to be a vital interest of the United States would require Washington to intervene in scores of places throughout the world.[303] Americans may hope that governments around the world respect the rights of their citizens, but that hope disregards not only current international conditions, in which barbarism is widespread, but virtually the entire history of human existence.

The difficulty of finding a consensus within the UN about sovereignty, human rights, and humanitarian intervention threatens the UN with the loss of support of its member-states, and hence, its legitimacy. The UN only functions to full capacity when all members believe that it is working in their national interest. The United Nations cannot be any more successful than international politics and powerful international players allow. The United Nations can never be an independent political force on the

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[302] Tad Daley, "Can the U.N. Stretch To Fit Its Future?" Bulletin of the Atomic Scientists (April 1992): 42.

[303] See William Safire, "The Right to Intervene," New York Times, 30 November 1992.

world scene. At best, it will be an accurate reflection of the competing interests of sovereign nations. For all the current talk about the purported anachronism of states and national sovereignty, it is instructive to remember that the United Nations is indeed a body of states dedicated to the notion that the sovereign unit of international politics is the nation-state. The internal affairs convention and the prohibitions that accompany it have not lost their utility in the post-Cold War world. As Congressman Lee Hamilton (D-Ind.) wrote, "The principle of nonintervention has played an important role in maintaining international peace and stability. It should not be cast aside lightly."[304]

C. PEACEKEEPING OVEREXTENSION/MISSION CREEP

The debate over sovereignty and intervention in the domestic affairs of states is closely tied to the rapid growth in the number and type of peacekeeping missions begun since the end of the Cold War. Although UN peacekeeping was a product of the stalemate in the Security Council during the Cold War, the end of that war did not result in a decline in its use, but a sharp increase. While Operation Desert Storm exemplified a new era of cooperation between the major powers, the success of past peacekeeping efforts, especially during the late 1980s, marked it as the tool of choice for dealing with all of the new challenges to peace that emerged with the collapse of the Soviet Union. Harvey Sicherman, president of the Foreign Policy Institute, notes that "in a way, the U.S. has been experimenting anew with the Wilson approach over the past two years, envisioning a vast expansion of UN peacekeeping to "right every wrong" and using sanctions as the major tool of enforcement against aggression."[305] However, this desire to have the UN take care of all problems in the world has not been matched by the willingness to provide it with the necessary resources.

The problem with the expansion of peacekeeping missions is that it has stretched UN resources to the limit, resulted in half-hearted support of peacekeeping forces being

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[304] Lee H. Hamilton, "When It's Our Duty to Intervene," Washington Post, 9 August 1992, p. C2.

[305] Harvey Sicherman, "Winning the Peace," Orbis 38, no. 4 (Fall 1994): 538.

in peace-enforcement missions for which they were ill-prepared, and overlooked the essential dependence of the UN on the support of its members. Although the UN peacekeeping missions in Bosnia and Somalia seem to make a case against UN involvement in intrastate missions, a key factor in these missions has been the lack of great power consensus and support for how to solve them. The missions may or may not be doable by the UN, but when they are done in a half-hearted manner without a clear strategy and decision to succeed, such operations lack staying power essential to such missions.

The resurgence in enthusiasm for intervention in civil wars, humanitarian crises, and nation-building is reminiscent of the early years of the 1960s and the controversial Congo peacekeeping mission and the Vietnam war. Speaking in 1962, Senator Henry Jackson spoke out against overextending the United Nations, stating that he had "serious doubts about current suggestions to provide UN presences to help halt infiltration of guerrillas across frontiers, and to help halt internal subversion instigated by a foreign power."[306] The same problems that hounded intervention forces in the Congo (1960-64) and in Vietnam have resurfaced in the UN peacekeeping missions in Somalia and Bosnia. While the U.S. has backed away from peacekeeping since Somalia, the problem of UN peacekeeping overextension and mission creep into peace-enforcement spotlights the tradeoffs that the UN makes when it shifts from a neutral peacekeeping role into a non-neutral enforcement role.

1. Traditional Peacekeeping

Part of the problem with the UN peacekeeping mission in Somalia was that the UN broke a key rule of peacekeeping: remain neutral. It was not the use of force in Somalia that doomed the operation, but the use of force asymmetrically on one side. As long as the U.S./UN peacekeepers were seen as not taking sides, the situation was manageable. When the UN changed the mandate of the mission to include capturing

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[306] Henry Jackson, 48.

Mohammed Aidid, one of the most powerful clan leaders, the whole situation took a turn for the worse because the peacekeepers were no longer seen as neutral.

Peacekeeping, not mentioned in the UN Charter, was originally developed during the post-war decolonization period as a means of filling the power vacuums caused by decolonization, and of reducing the friction and temperature, so that an effort could be made to negotiate a permanent settlement of post-colonial conflict situations in Palestine, Kashmir, Congo, Cyprus, and elsewhere.[307] From 1956 on, especially in the Middle East, peacekeeping proved a useful method of disengaging the combatants after a conflict and establishing a neutral buffer zone between them. Throughout the history of peacekeeping, it has maintained certain characteristics seen as essential to its success. The most relevant previous example of peacekeeping was the 3000-strong League of Nations International Force set up at the end of 1934 to ensure that the Saar plebescite (to decide whether the Saar should join France or Germany) was conducted appropriately. Bowen suggests that "the secret of its success lay in the fact that the force represented a 'neutral' or truly international force which was able to remain aloof from the political issues of the plebescite and thus obtain the respect and support of the population."[308] From their beginnings, therefore, peacekeeping forces obtained their legitimacy and success by their neutral, international nature which kept them above the conflict.

As mentioned above, the United Nations created the first large-scale peacekeeping force in 1956 in response to the Suez canal crisis and the deadlock in the Security Council. Lacking any constitutional basis in the UN Charter, traditionally, peacekeeping forces were sent only with the consent of the country or countries in which they were to be stationed. Unlike combat units, peacekeeping forces are not designed to create the conditions for their own success on the ground. These conditions must preexist for them

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[307] Urquhart, "The U.N. and International Security After the Cold War," 91-2.

[308] D.W. Bowen, U.N. Forces: A Legal Study of United Nations Practice (London: 1964), p. 11.

to be able to perform their role. Sir Brian Urquhart, a man who was present at the creation of UN peacekeeping in the 1940s and 1950s, defined peacekeeping as:

> The use by the United Nations of military personnel and formations not in a fighting or enforcement role but interposed as a mechanism to bring an end to hostilities and as a buffer zone between hostile forces. In effect it serves as an internationally constituted pretext for the parties to a conflict to stop fighting and as a mechanism to maintain a ceasefire.[309]

The then UN Under-Secretary General for Peacekeeping Operations, Marrack Goulding, defined it as "United Nations field operations in which international personnel, civilian and/or military, are deployed with the consent of the parties and under UN command to help resolve actual or potential international conflicts, or internal conflicts which have a clear international dimension."[310] Traditional peacekeeping essentially attempted to overcome a coordination problem between two adversaries by ensuring transparency and compliance to agreed upon rules. The keys to peacekeeping has always been the agreement of the disputants to the United Nations' role and their neutrality.

Important to note is that United Nations peacekeeping has been most effective when its role involved only mediating and observing peace successfully brought about by other parties. The Suez crisis confirmed the UN in its most fruitful line of endeavor: the stationing of international peacekeeping forces between mutually hostile antagonists at that crucial moment in a dispute when both sides perceive disengagement as preferable to continued hostilities.[311] In El Salvador, Angola, Namibia, Mozambique, and other Cold War crisis zones, the UN has proven effective to different degrees in facilitating the establishment of peace and order once a cease-fire has been established. As the Cold War ended, the warring factions backed by the Soviet Union lost their patron and were

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[309] Marjorie A. Brown, "United Nations Peacekeeping: Historical Overview and Current Issues," Report for Congress (Washington, D.C.: Congressional Research Service, 1991), p.5.

[310] The Singapore Symposium: The Changing Role of the United Nations in Conflict Resolution and Peacekeeping, 13-15 March 1991 (New York: UN DPI, September 1991), p. 25.

[311] Thomas Franck, 42.

forced to give up fighting and accept the democratic process. The UN was called in afterwards to help implement agreements already reached by individual states. These operations showed that when a situation called for classic peacekeeping - agreement between warring parties who have reasonable command and control over those with weapons - the UN can do the job. UN experience in Namibia and El Salvador showed that the organization could play a role in ending civil wars after both parties had reached public agreement on ending hostilities.

Besides any immediate calming effect, UN peacekeeping activities have, often with reasonable success, served a two-fold purpose. The first is that of helping manage situations which cannot yet be resolved, because either the international community, or those closely involved in the problem, or both, are not yet able to agree on a feasible and just solution. This seems to have been the case in Cyprus, Kashmir, and Israel/Palestine. Where there has been no fundamental agreement, however, peacekeeping is more likely to become part of the problem inasmuch as it can provide an excuse not to tackle actual peace-making. The success of classic peacekeeping has proven to be a mixed blessing, insofar as it has increased support for the institution, but has also encouraged an expansion in the number and type of missions given to peacekeepers, without a clear understandings of the ramifications of the new missions.

2. Expansion of Peacekeeping Missions

The expansion in the number and type of peacekeeping missions since the end of the Cold War has placed a premium on the legitimacy of the UN, while at the same time damaging that legitimacy by crossing the line of neutrality. Despite the success of Operation Desert Storm and its vision of great power coalition forces as prescribed in the UN Charter, the predominant mechanism now used by the United Nations for conflict control is peacekeeping. Unfortunately, there are concerns that the UN is simply incapable of playing the role that the new interventionists demand of it. The organization is currently overextended and underfunded. More peacekeeping operations were initiated

in the nine years from 1985 (20) than in the United Nations' previous forty (13).[312] This unwillingness of the UN, and more specifically, the members of the Security Council which authorized them, has spread UN forces more thinly around the world and reduced the ability of the UN to keep forces in place, thereby implying a lack of commitment and will to persevere. The estimated cost of peacekeeping grew from $750 million in 1991 to $2.9 billion in 1992.[313] As of March 1994, the United Nations ran 17 peacekeeping missions with 72,000 troops and police at an annual cost of $3.2 billion, of which member nations had contributed only $2 billion, with $900 million in arrears.[314] With the United Nations' burgeoning commitments, the bill for peacekeeping operations is much higher than ever before, and is more than the regular budget of the UN.[315] There is, therefore, a split between calls for intervention around the world, and the willingness of its largest contributors, especially the U.S., to incur increasing costs for its operations.

The crux of the problem is that the UN has attempted to take on overly ambitious peace-enforcement missions using the same peacekeeping forces it used before, while lacking the support of all of its members. According to Thomas Weiss, the three UN peacekeeping missions begun in 1992 - Cambodia, Yugoslavia, and Somalia - are so different in scope and mandate that they can be characterized as peacekeeping operations only by stretching analytical categories to the breaking point.[316] These new kinds of operations are qualitatively and quantitatively different from their predecessors: the consent of the parties cannot be assumed, and the levels of military effectiveness that may be required from UN forces go far beyond the parameters of a traditionally lightly

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[312] Morphet, 183.

[313] Stedman, 10.

[314] Meisler, p. A18.

[315] Urquhart, "The UN and International Security After the Cold War," 91.

[316] Weiss, "New Challenges for UN Military Operations: Implementing an Agenda for Peace," 54.

armed and ad hoc peacekeeping force, as do the dangers. The most recent missions have been far more complex than the old missions, requiring more troops, equipment, and support structures. Their scope now includes the disarming of factions, the return of refugees, temporary administration (in Cambodia), assisting humanitarian relief, and the organization and supervision of elections. The common theme for all of these new missions is the critical importance of a United Nations that is perceived as legitimate, neutral, and possessing the ability to build consensus for UN action necessary to give it staying power.

One of the most damaging aspects of the expansion of peacekeeping missions relates to the unreal expectations of peacekeeping built up in the Western media and elsewhere. Marrack Goulding stressed that "peacekeeping is not a magic wand: it can only succeed in conditions where the parties wish to cooperate. It needs to be related to peace-making attempts to find lasting solutions to the underlying causes of the conflict."[317] The overextension of the UN has resulted in a dispersal of its slim resources, thereby reducing its chances of success. The failures of the UN from this and its overly ambitious missions has thus been compounded by unrealistic public expectations around the world. One of the most controversial aspects of the new missions is that they have involved internal conflicts or civil wars, which have raised sovereignty questions, as well as questions about the wisdom and legitimacy of intervention in internal conflicts.

3. Shift from Peacekeeping to Peace-Enforcement

This shifting from traditional peacekeeping missions to peace-enforcement has put a premium on the legitimacy of the UN and its will to persevere. When legitimacy and persistence are problematic, it makes these missions much more difficult to carry out, thereby negatively reflecting on the UN. It is like police in an inner city who are face with difficult problems of gangs, drugs, violent crime, and many others. The degree to which the police are perceived as being not neutral or lacking staying power directly

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[317] Marrack Goulding, The Times (London), 1 October 1992.

affects their ability to succeed in their job of keeping the peace. The shift from peacekeeping to peace-enforcement missions has been driven by the shift from interstate conflicts to intrastate conflicts since the end of the Cold War. With the end of the Cold War and the information revolution, there is little to distract the world from the ethnic conflicts and humanitarian tragedies that is shown on televisions around the world. This has contributed to an increase in enthusiasm for intervention in the internal affairs of other states for "humanitarian" purposes, as mentioned above. While the goals may be noble, the intervention of the UN in civil conflicts has proved difficult, costly, and unsuccessful in Bosnia and Somalia. Lacking any peace to keep, peacekeeping forces have seen their missions expand into peace-enforcement, or warfighting, operations for which they were ill-equipped because the lack of U.S. leadership and will to build consensus for action has doomed such half-hearted measures.

One assumption often made by proponents of UN intervention in civil wars is that civil war today is more prevalent, violent, and threatening to international security than in previous eras.[318] They tend to believe that active international intervention is necessary to bring a semblance of order to the post-Cold War world, based on the dubious presumption that the Cold War's end makes internal violence somehow more tractable. Today's civil wars should not be expected to be more amenable to negotiation. They will remain among the most difficult conflicts to settle politically. In the twentieth century about 18 percent of civil wars ended with the elimination or unconditional surrender of one party.[319] The end of the Cold War peels away one layer of conflict from civil wars, but it also significantly reduces their ability to influence former internal allies.

Peace-enforcement in civil wars is more difficult than peace-enforcement in interstate wars for several reasons. One of the principle differences is that civil wars often require a long-term presence as an army of occupation, making the occupying force

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[318] Stedman, 3.

[319] Ibid, 8.

vulnerable to attack, and requiring a long-term will to persevere. As the Somalia case reveals, the U.S. lacks this will when its vital interests are not perceived to be at stake. Also, there are no clean civil wars: enemies are rarely concentrated, visible, and vulnerable; and it is often difficult to distinguish between civilians and soldiers or enemies and allies. Brian Urquhart notes that "the tragedy in Bosnia has shown that international organizations are not able to deal effectively, and when necessary forcefully, with violent and single-minded factions in a civil war."[320] While UN troops may carry international legitimacy, internal parties will still command the asymmetries of civil war: parties win by not losing; the will of those who intervene will wane over the long term if resource and human costs run high; and intervention will be one of many for outsiders, whereas internal actors will be singleminded in their dedication.[321]

In domestic conflicts the consent of all parties is likely to remain a compelling requirement. It was clearly shown in non-UN undertakings, in Lebanon in 1983-84, and more recently in Liberia, that without the consent of all parties grave risks are involved and the results can be disastrous. The problem with intervention in civil wars, as in humanitarian interventions, is that the peacekeepers are likely to encounter determined opposition which has political goals that the peacekeepers may not be a position to grant. The U.S. belatedly discovered in Somalia that if the political goals of the warring factions are ignored - if they are seen as a politically neutral - then no peacekeeping operation sponsored by the UN or any other multinational organization is likely to succeed. Peacekeeping will meet resistance by local fighters who have more to lose than the UN forces, and more to gain if the UN fails.

The UN operation in the Congo (ONUC) in 1960-1964 was the most controversial of all UN peacekeeping operations and has often been cited as an example of the legal, humanitarian, and political pitfalls of peacekeeping, especially when it moves into peace-enforcement. It taught that attempting to keep the peace in civil wars was hazardous,

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[320] Brian Urquhart, "For a UN Volunteers Military Force," New York Review, 10 July 1993, p. 3-4.

[321] Stedman, 8.

and virtually impossible to contain, let alone resolve.[322] The Congo operation is also seen as an example of a UN operation failing to enact peace and order due to a misguided peace-enforcement effort. The shift of the Congo operation from peacekeeping to peace-enforcement shattered the consensus within the UN that originally led to the United Nations' involvement. The lessons from the Congo operation were, therefore, that UN peacekeepers should stay out of civil wars and peace-enforcement, and that the UN could not create what did not already exist: a willingness on the part of the warring parties to negotiate a peace.[323]

While there may be a cause for the U.S. and UN to step into civil wars for reasons of international security, the goal of intervention must be clearly defined. Only a combination of coherent strategy, sufficient leverage and a keen sense of timing will allow a third party to bring peace. Stephen Stedman asserts that "most civil wars become amenable to settlement only after they have played themselves out with ferocity."[324] A short-term emphasis on cease-fires may only prolong conflicts and mitigate against parties perceiving that their survival depends on political settlement.

It is in the gray area between peacekeeping and all-out warfighting that the UN has gotten itself in serious trouble. The trouble stems from the fact that the United Nations has misapplied perfectly good tools to inappropriate circumstances. The reason for this predicament is that although the Security Council members have been reluctant to use their own forces for coalition enforcement operations (with the notable exception of Desert Storm), they have been reluctant to provide the Secretary General with the resources necessary to a Chapter VII use of force assignment. The result is that the Secretary General has managed enforcement operations with tools better suited Chapter VI peacekeeping ventures. According to John Ruggie of Columbia University, "the United Nations has merely ratcheted up the traditional peacekeeping mechanism in an

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[322] Barry M. Schultz, "Peacekeeping in Africa: Breakthrough or Politics as Usual?" Transafrica Forum (Fall 1991): p. 53.

[323] Holmes, 333.

[324] Stedman, 9.

attempt to respond to wholly new security challenges. The result is that the majority of the nearly 70,000 blue-helmeted peacekeepers now out in the field serve in contexts for which peacekeeping was not intended."[325] The distinction between peacekeeping and peace-enforcement is becoming further blurred by the increased use of "humanitarian" issues as a reason for intervention. In Bosnia, it was widely feared that a change from peacekeeping to peace-enforcement could, as happened in the case of ONUC, undermine the political acceptance of the original peacekeeping force.

This growing misuse of peacekeeping has not only strained the United Nations materially and financially, but it has brought the world body to the point of outright strategic failure by putting at risk its impartiality and legitimacy. Inis Claude warned that "there is nothing to gain and much to be lost by stretching the concept of peacekeeping to cover missions that must engage in full-scale military operations to frustrate governments or other armed entities that are determined to fight for their objectives."[326] In carrying out their mandates, peacekeepers have benefited from the legitimacy and impartiality that the UN can provide, and from the commitment of the international community to peacekeeping. The British army, drawing from its experience in Bosnia and its long tradition of "imperial policing" has developed a new tactical doctrine analyzing the dangers of peacekeepers sliding into peace-enforcement missions. The multinational force in Beirut, and more recently UNOSOM II in Somalia have demonstrated what seems likely to happen if a peacekeeping force crosses the line of impartiality divide between peacekeeping and peace-enforcement. If perceived to be taking sides, the force loses its legitimacy and credibility as a trustworthy third party, thereby prejudicing its security. The forces' resources will then become ever more devoted to its need to protect itself. It actually joins the conflict it was there to police and is likely to become embroiled in activities that are irrelevant to the overall campaign

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[325] John G. Ruggie, "Wandering in the Void: Charting the UN's New Strategic Role," Foreign Affairs 72, no. 5 (November/December 1993): 26.

[326] Claude, 17.

aim.[327] The use of peacekeeping forces for peace-enforcement duties risks not only the success of the operation, since peacekeepers are not equipped for enforcement operations, but also their effectiveness as peacekeepers in that operation as well as future operations. If a peacekeeping mission can easily be made into a peace-enforcement mission, nations around the world will be even more wary of allowing UN forces within their borders, thereby reducing their utility in their primary role.

4. Dependence of UN on Support of Members

The trend in UN operations has been toward more interventions in intrastate conflicts and peace-enforcement operations overlooks the fact that the UN depends on the support of its member nations for its effectiveness and power. The roots of the United Nations' ineffectiveness in peace-enforcement and humanitarian interventions lies not in its design, but in its basic character: It cannot conduct military operations on its own. That is the business of sovereign states. States, not multinational organizations, have the authority to raise and deploy troops. Their authority springs from their political legitimacy; that legitimacy - stemming from a common history and a sense of common destiny - cannot be transferred by fiat to an international organization.

As policy makers ponder the wisdom of expanding the United Nations' role of peacekeeping, they should remember one fact: the United Nations remains a mere instrument of nation-states, and its success or failure depends, as always, not mainly on the United Nations itself, but on the degree to which sovereign nation-states believe that international cooperation suits their own national interests. This fact defines both the limitations of and the opportunities for the United Nations as a peacekeeping body. The problem with civil wars and peace-enforcement is that it is much more difficult to build support and a consensus for action than for interstate aggression. In Bosnia, differences between the Permanent Members of the Council have become increasingly pronounced over the civil war and the use or non-use of force, leaving serious doubts about the

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[327] Mats R. Berdal, "Fateful Encounter: The United States and UN Peacekeeping," Survival 36, no. 1 (Spring 1994): 44.

general advisability or even viability of peace-enforcement.[328] The Security Council has therefore made frequent paper threats while lacking either the capability or the will to carry them out, eroding its own credibility in the process.

Although conventional wisdom appears to be that peacekeeping is evolving toward a much greater use of force in interventions without the consent of the parties, it should not be forgotten that any peacekeeping operation depends on the ability of a disparate, often distracted, international community to forge the political consensus and the will to act together. As Norman Cousins has written, the international community is still more an arena than it is a community. It will not be easy, he continues, to muster broad political support for major military interventions against the wishes of one or more of the significant parties to a conflict; and this kind of broad support will be a prerequisite to action because the major powers are increasingly constrained.[329]

Peace-enforcement will continue to hurt the legitimacy of the United Nations as long as the Security Council and the operations it orders are perceived as not being neutral, and as long as such operations lack the will and support to provide them with staying power. Among the developed nations, the inability of the UN to successfully carry out peace-enforcement leads to a perception of an inefficient, ineffective organization that could involve their forces in poorly planned missions around the world. Convincing nations to put the lives of their soldiers on the line in far away places when national interests are not at stake is far more difficult than gaining support for peacekeeping. In developing countries, apprehension about UN interventions in their internal affairs decreases the political acceptability and justifiability - in other words, the legitimacy - of the United Nations, and hence, its effectiveness. The developing countries, therefore are the most apprehensive group about the new trends in UN policy. Some are worried about the potential interlinking between peacekeeping and peace-

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[328] Morphet, 233.

[329] Ernie Regehr, "The Future of Peacekeeping," in Alex Morrison, ed., The Changing Face of Peacekeeping (Toronto, Canada: Canadian Institute of Strategic Studies, 1994), 30.

enforcement and the increasing financial burdens imposed by the proliferation of peacekeeping bodies. Leland Goodrich once wrote that "it would not be realistic to expect that states would be willing to vest in any international authority the power to impose a settlement in disputes and situations where important national interests are in conflict. Certainly there is little likelihood of the major powers agreeing to such a limitation on their freedom of action."[330] Peace-enforcement and intervention in internal conflicts are seen as giving the UN powers which many nations are not yet willing to relinquish. The reality of the importance place on sovereignty by developing countries will override any rhetoric in the UN supporting human rights and a stronger UN.

D. RELUCTANCE OF SECURITY COUNCIL TO ACCEPT RESPONSIBILITIES

One of the key features of the post-Cold War era has been the continuing reluctance of the Permanent Five powers on the Security Council to accept their military responsibilities. The United Nations' reluctance to intervene decisively in Bosnia, Somalia, and Rwanda has had much more to do with an absence of political will in the Security Council to provide the necessary resources than any perceived constraints imposed by international law.[331] One of the U.S. administration's basic principles in dealing with the conflict in Bosnia was that no American ground troops would be deployed until after an agreement had been signed. In spite of the recriminations across the Atlantic, American and European policies have reflected a common interest throughout the conflict in the former Yugoslavia: political will has never existed for anything other than the limited objective of alleviating the humanitarian consequences of the conflict.[332]

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[330] Goodrich, 614.

[331] Evans, 8.

[332] Berdal, 36.

A distinctive pattern regarding intervention has thus emerged in the international community: agreement in principle, paralysis in practice. Since the end of the Cold War, the UN Security Council has become a font of resolutions authorizing international action. But the United Nations lacks the means to carry all of its resolutions, and its members lack the will to do so. During the Cold War the international community was divided on what to do. Today, however, it cannot reach a consensus on how to apportion the costs of doing what all rhetorically agree ought to be done. The ultimate way of mitigating suffering is ending conflict. The United Nations' critical weakness, therefore, is its inability to develop a will to act. An understanding of why the Security Council members are reluctant to act may be useful to finding ways in which the UN could improve this weakness.

1. Lack of Threats to Vital Interests

It is undeniable, and very welcome, that there is more agreement among states about international security issues now than there was during the Cold War. There remain, however, fundamental differences of both interest and perception between states. These may not be enough to prevent the Security Council from reaching decisions on key issues, but they can frustrate efforts to turn decisions into actions.[333] While differences remain, threats to vital interests of the major powers have been greatly reduced. Regions that seemed vital during the Cold War have lost their importance. For the moment, the forces that have historically driven the governments of the powerful to intervene beyond their borders have vanished. As the initial response to the horrors in Rwanda starkly demonstrated, it is becoming more and more difficult to get the United Nations' member states to intervene forcibly anywhere, at least when vital interests are not seen to be immediately involved. The unhappy reality is that, in the absence of threats to vital

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[333] Adam Roberts, 12.

perceived interests, it is extraordinarily difficult for democratic states to sustain domestic support for distant and risky military operations overseas.[334]

The lack of threats to vital interests has also made countries more reluctant to transfer control of their forces to international command in peacekeeping missions. Reasons for this include a natural concern about the command of troops being put into the hands of an international body that might employ them, risking their lives in an operation that was distant from home and controversial there, and that might be mismanaged.[335] It may also be due to broader doubts about the UN's capacity to manage a world torn apart by a huge range of conflicts. Also, whereas traditional peacekeeping operations have enjoyed broad support within the international community, the possible expansion of UN military activities, as proposed in "An Agenda for Peace" has provoked controversy. Outgoing UNPROFOR commander Indian LtGen Satish Nambiar warned that "peace is not something that can be imposed by diplomats and political leaders and enforced by foreign troops. There is no reason why men and women from far away countries should shed their blood on behalf of communities unwilling to come to terms with each other."[336]

2. Defense Cuts

Throughout the world, the end of the Cold War and budgetary constraints have resulted in declines in defense budgets. This has made the major powers less willing and able to use their forces in expensive military actions. As defenses have been cut, the major powers have been less willing to act unilaterally, and have looked to multilateral actions to reduce the costs of intervention. For the most part actions taken under UN auspices have involved either methods that seek to control events from afar (economic sanctions, arms embargoes, air exclusion zones, brokering ceasefires) or involve a

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[334] Evans, 18.

[335] Adam Roberts, 16.

[336] Ian Kemp, "Peacekeeping; Between the Battle Lines," Jane's Defense Weekly, 13 March 1993, p. 26.

limited military presence with the consent of the parties. However, the overall record of such methods is patchy. One reason for the tendency to use low-risk methods is that the countries that have had a principal role in carrying out UN Security Council mandates have been reluctant to embark on actions that involve a strong probability of casualties or failure.[337]

Neither the American public nor the UN member states are prepared to play the role of world policeman if it entails a reflexive military response to every incident of violence or repression around the world. Rather, they want a strategy that first encourages peaceful conflict resolution and includes intervention criteria that can be applied with a fair degree of consistency. A problem arises, however, if the U.S. and its allies bring to the UN only those issues on which they are unwilling to act but that also garner considerable media attention, leading them to pressure international organizations to assume the burden in a very public fashion. It creates a no-win situation for the UN which cannot be expected to resolve difficult collective security challenges in which the major powers are unwilling to play their part as the eventual enforcers of international will. Dag Hammarskjold, who was a brilliant and devoted Secretary General of the UN, clearly saw the dangers in overrating the peacekeeping power of the organization. In a letter to journalist Max Ascoli, he once decried the tendency to force the Secretary General into a key role in great power disputes "through sheer escapism from those who should carry the responsibility."[338] The same abrogation of foreign policy responsibility spoken of by Hammarskjold in the late 1950s is repeating itself today. The great powers are increasingly reluctant to accept the responsibilities inherent in their Security Council seats.

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[337] Ibid, 19.

[338] Jackson, 48.

3. Public Opinion

For the U.S. what lies behind intervention in the post-Cold War era is sympathy. Sympathy is a powerful human emotion and a precious one. Whether it can - or should - be a decisive motive in the conduct of foreign policy, however, remains doubtful. Americans approved of the dispatch of troops to Somalia to relieve suffering under the misunderstanding that the forces would be able to steer clear of local politics. The public believed that the interventions would be costless, especially our most valuable currency: American lives.[339] Protecting beleaguered minorities or starving people will enjoy public support at least at the outset of humanitarian operations. One must recall that in the early stages Vietnam enjoyed overwhelming support. But when an operation bogs down and particularly, when there are casualties that the public regards as disproportionate to the gains, that support will rapidly fade.[340]

The Bosnian and Somalian cases illustrate a fundamental dilemma that is likely increasingly to confront not only the U.S. but also other troop contributing countries: how to explain to publics at home why lives should be put at risk when there is no compelling vital or national interest involved. Subsequent developments in Somalia and Western policies in Bosnia suggest that humanitarian principles alone provide an insufficient justification for long-term involvement, particularly if it is to entail both casualties and major economic costs. The American involvement in Somalia suggested that the American public's extreme sensitivity to casualties has created a situation where American vulnerability has come to feed on itself. As one observer of UN affairs pointed out shortly after the killing of 18 U.S. soldiers in Mogadishu in 1993, "anyone wanting to provoke trouble knows that attacking American troops is the best way to go about it."[341] The U.S. Congress has exacerbated this problem by requiring "exit points" telling Congress when troops will be pulled out of peacekeeping missions. The

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[339] Mandelbaum, 16.

[340] Schlesinger, 19.

[341] Berdal, 45.

most obvious flaw in the notion of "exit points" was aptly spelled out by former Secretary of State Lawrence Eagleburger: "If you have a clear exit point in a place like Bosnia, it is like telling the parties that when our people get killed, we will leave. And that is exactly what opponents of our presence would like. Instead of reducing the danger to our forces, it invites attack."[342]

The Security Council has the military power to respond to threats to peace around the globe. The UN has a successful tool for helping to calm conflicts down: peacekeeping. What the UN lacks is the ability to develop the political will and consensus for action necessary to give UN actions legitimacy in the world. Opponents of peace-enforcement and intervention in internal conflicts call for preventive diplomacy and peace-making to prevent conflicts from erupting. Preventive diplomacy depends on quick, decisive action. Information and tools to respond to crises are necessary but insufficient without a firm decision and the demonstrated will to use them.

The common theme among the current challenges to the legitimacy of the UN in the world is that the raised expectations for the UN at the end of the Cold War have actually accelerated the downward spiral in UN legitimacy. The growing power and influence of the Third World has produced more demands for a voice in the running of the world. The unrepresentativeness of the Security Council has therefore damaged the credibility and legitimacy of the UN. The combination of strong rhetoric for "humanitarian intervention" in conflicts around the globe have raised expectations, but it has also lacked the consensus among either the developing world countries who fear violations of their sovereignty, and among the rich countries of the North who are increasingly reluctant to match words with full support. The half-hearted support for UN peacekeeping and the perceived U.S. withdrawal from fulfilling its leadership role in the world have resulted in a UN which lacks staying power. This has, therefore, produced a UN which is perceived by a growing number of states as unrepresentative, inefficient, weak, intrusive, and failing at its task of providing for any countries' security. The problem is that the problems described in Chapter IV are not going away and are driving

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[342] Ibid, 39.

the world together in efforts to respond. The legitimacy of the UN, therefore, is becoming more difficult to sustain at a time when such legitimacy is essential for solving the world's problems.

VI. CONCLUSIONS

Nearly half a century after its Charter was signed, the United Nations organization and system created "to save succeeding generations from the scourge of war" falls far short of the founders' vision. The end of the Cold War and the unblocking of the Security Council, however, have enabled progress towards the United Nations envisioned by its founders seem possible. Consciously or unconsciously, it is against the baseline of 1945 expectations and aspirations that current UN performance is being measured. As Thomas Franck notes, "The hopes born in San Francisco in 1945, and which continued to be nourished during the first decade of the organization's existence, may have died in the hearts of the American public but appear to linger in our collective memory."[343] The end of the Cold War was, therefore, seen by many as providing the opportunity for the United Nations to finally work the way it was intended. Using 1945 as a baseline for the UN organization, however, overlooks the changes that have taken place in the world balance of power and the types of problems to which the UN is being asked to respond.

A. GROWING NEED FOR A LEGITIMATE UN

The challenge facing policymakers is that the growing number of problems in the world requiring an international response has increased the need for an international mechanism, while at the same time challenges to the legitimacy of the UN are also growing. It is often observed that the Security Council is finally fulfilling the role the UN Charter assigned it. In fact, although the Security Council increasingly acts as a kind of global hotline for emergency response, the distress calls are not at all what the Charter's framers had intended. In the framers' world, threats to peace were expected to sweep across borders, not erupt within them. Yet since the end of the Cold War, the pent-up hatred and frustration of nationalist, ethnic, religious, and other forces have

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[343] Franck, 7.

exploded, "splitting the nation-state atom"[344] and sending shock waves across the international system. Paul Thies notes that "the most distinctive feature of the latest 'new world order' is not to be found in the withering away of war, but in a widening gap between the conditions of international life in the advanced democratic states versus those in the Third World."[345] Overpopulation, advanced weaponry, nationalist rivalries, and disputed borders suggest an increased danger of preemptive and preventive wars among Third World states.

The threats these Third World conflicts pose to the developed countries of the North are growing. The increasing dispersal of weapons of mass destruction threatens to raise a twenty-first century Leviathan. With greater numbers and longer ranges, the ballistic missiles arsenals in the developing world will soon be able to threaten not only U.S. forces overseas, but also U.S. allies in Europe and Asia as well, thereby making U.S. and allied coalition intervention much more dangerous and tenuous. Yet curbing this diffusion is a project well beyond the capacity of a single or alliance of states. The extreme improbability that supply-side controls can ever be leak-proof draws attention to the demand side, which will require strong, coordinated collective action if proliferation is to be curbed. With confrontational politics driving competition for nuclear and other weapons on the Korean peninsula, in South Asia, and in the Middle East, only collective action supported by U.S. leadership holds the potential for reducing tensions in these regions that offers the best hope for long-term arms control.

While the problems of the world requiring an international response are increasing, the legitimacy of the UN is increasingly under challenge. The promise that seemed so bright at the end of the Cold War has been dulled by the recent UN peacekeeping difficulties in Somalia and Bosnia. Despite continued great power cooperation in the Security Council, the UN has been frustrated by its inability to build more support within the United Nations for responding decisively to a world disorder

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[344] Fromuth, 344.

[345] Paul J. Thies, "Rethinking the New World Order," Orbis 38, no. 4 (Fall 1994): 624.

best summed up in a single term: fragmentation. The perceived ineffectiveness and inefficiency of the United Nations has produced a UN reform debate between the organization "tinkerers" who want to rearrange the UN, and those anti-UN reformers who want to ignore the organization because they see it as unimportant. The presumption behind each of these approaches is that the UN legitimacy is either automatic or unimportant. While both sides of the reform debate deal with the question of whether the UN is either the right tool or the wrong tool for responding to conflict, neither side appears to address the question of what the UN can uniquely add to conflict resolution. While most would agree that the UN could bring legitimacy or effectiveness to an operation, the organizational reformers tend to overlook the question of UN legitimacy. This thesis attempts to show that UN legitimacy is neither automatic nor unimportant, but rather that the decline in UN legitimacy will be a critical challenge to the United Nations' effectiveness as it enters the twenty-first century.

Most reform proposals for the United Nations tend to ignore the changes that have occurred in the world since 1945. The balance of power and the number of states in the world has drastically changed in the nearly fifty years since the end of the Second World War. Although the United States still retains its position as the preeminent economic, political, and military power in the world, there has been a natural diffusion of power to a large number of countries. The world is no longer dominated by a few great powers with a majority of the military and economic power and population. Instead, the explosion in the number of states and the expansion of economies around the globe has increased the number of nations expecting a "voice" in world decisions at the United Nations.

The crisis in UN legitimacy is therefore two-fold. In the developed countries, the UN is seen as inefficient, costly, and ineffective - therefore, a bad investment unless reformed. As a result of this decline in legitimacy, developed countries, particularly the United States, have grown more reluctant to provide troops to the UN for peacekeeping operations or to pay its share of UN dues or peacekeeping costs. Developing countries see the UN as a forum which should give them a voice in world affairs. The growing perception among many countries, however, that the UN is dominated by an antiquated

Security Council based on an outdated 1945 power structure has contributed to the decline in UN legitimacy. While improving the ability of the UN to respond to conflicts around the globe should be the overall goal, attempts to make the UN stronger are bound to fail if the bigger problem of a declining UN legitimacy and ability to build world consensus is not addressed first.

B. WHY BOTHER WITH THE UN?

What the world needs, therefore, is an organization which can forge unity and support for international action. While the United Nations can not solve all problems, it does have a unique value as a world forum in which all nations of the world are represented. No other organization or institution has the potential for building international consensus, legitimacy, and support for action. Leland Goodrich points out that "the UN has not always been able to work out mutually acceptable accommodations of conflicting interests and demands, but the availability of such a forum for mobilizing opinion and exercising political pressure has served to some extent to lessen tensions and to encourage the use of peaceful procedures instead of methods of violence."[346] If the United Nations did not exist, the world would need to invent some kind of organization to do the things that it can do. Then Secretary-General Dag Hammarskjold told the British Parliament in an address on April 2, 1958 that "we should recognize the United Nations for what it is - an admittedly imperfect but indispensable instrument of nations in working for a peaceful evolution toward a more just and secure world order."[347] The world needs to realize that the United Nations is imperfect and partial, and that its legitimacy within the world is tenuously tied to the support given to it by its member nations. If the UN was seen as an indispensable instrument even during the Cold War, it has become even more so with the difficult new problems of the post-Cold War era.

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[346] Goodrich and Simons, 603.

[347] Courlander, 9.

Why is the role of the United Nations as a world forum so important? The disorder that has erupted in the world since the end of the Cold War is placing great strains on the international system. External and internal conflict and fragmentation within the state system has been accompanied by a diffusion of power to the Third World, especially with the proliferation of weapons of mass destruction. Reconstructing the world order has become even more difficult than during the Cold War. With all of the great powers reducing their military forces under economic and political pressures, individual powers lack the necessary resources, will, and public support to stabilize the world unilaterally. This makes the need for some type of effective international response more critical. The credibility of the UN is being tested and found wanting in the former Yugoslavia and Somalia, as it was in Angola after the 1992 election. Many of the Security Council's decisions on conflict resolution at present lack either the legal and political strength to make them respected (legitimacy), or the means to implement them. While reforms concentrating on making the UN stronger might give better means to implement its resolutions, the effectiveness of the UN will still be limited if its actions are not seen as legitimate by those countries called on to respond to a resolution or carry them out. The danger to the United Nations of this decline in legitimacy is that if this trend is not reversed, both the credibility and relevance of the world organization as the agent for maintaining peace and security will be more and more in doubt.

B. CRITICAL TRADEOFF BETWEEN FORUM AND MILITARY COMMAND

While anti-UN critics tend to ignore the significance of the UN in the world system, organizational reformers ignore an equally severe problem. Leaping directly into the debate over details of organizational charts, standing forces, operations centers, and intelligence sharing, they obscure a critical trade between the United Nations' ability to develop the legitimacy and international support for an action and its ability to effectively command action. To understand this tradeoff, we must remember that organizations are not all purpose activities, they exist to maximize the capability to do certain things, at the cost of the inability to do others. Reformers assert that the UN can be both a world

forum and effectively command military forces in enforcement operations. The critical question one should ask is what role is the UN uniquely able to carry out?

The UN is an organization and is not immune to this central problem in organizational design. I argue that, at least in the medium run (2-10 years), efforts to increase the United Nations' ability to act efficiently and effectively in order to command military forces will come at the expense of its ability to build legitimacy, consensus, and the collective will to act and to persevere in action. As mentioned above, the UN is unique in its ability to serve as a world forum. No other universal forum exists. It is not unique in its capabilities for effective collective military action.

The question which must be addressed is, does the world lack the capability to effectively integrate and support operations, or does it lack the ability to develop the international political consensus necessary to both give an operation legitimacy and to sustain the political will to carry an operation through? When framed in relative terms, the answer is clear. For the foreseeable future, nation-states will be far better equipped to carry out military operations than the United Nations is likely to be. By its basic character, the UN cannot conduct military operations on its own. States can carry out military actions better than the UN because they have been practicing the art a lot longer and they have the domestic political support necessary. As Michael Mandelbaum states, "State authority springs from their political legitimacy; that legitimacy cannot be transferred by fiat to an international organization."[348] It makes little sense to try to make the UN do what states can do better. The UN may be able to carry out military operations eventually, but it will take a long time to get as proficient as states. This points to the United Nations' need to be able to build coalitions to carry out military operations. The central challenge faced in worldwide efforts to manage conflict is not an inability to organize and sustain action, rather it is a lack of will, consensus, and political legitimacy. The world polity lacks a system for generating "will" and the real consensus for action necessary for truly legitimate, long-term efforts at peace enforcement and conflict resolution.

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[348] Mandelbaum, 10.

To summarize, the world is faced with growing international problems requiring an effective international response. As recent events in Bosnia and Somalia indicate, no international response is likely to be successful unless the UN and its actions are perceived as legitimate. At the same time, the legitimacy of the UN is increasingly under challenge and will continue on a downward spiral unless something is done to legitimize the United Nations' structure and operations.

D. RECOMMENDATIONS FOR UN REFORM

The world can not afford to ignore the United Nations. At the same time, if we are to reform it, our reform proposals must be guided by the Hippocratic Oath, which says "first, do no harm." As mentioned above, organizational reform proposals to strengthen the United Nations would do little to improve the legitimacy of the UN while putting at risk the perception of the organization as neutral and impartial. Any UN reforms must, therefore, address the fundamental problem of how to improve the organization's ability to handle the problems of today and the next century. The focus behind all of these recommendations is on increasing the legitimacy of the UN.

1. Expand the Security Council

One of the most important goals of this reform would be to increase the voice of the countries of the developing world. The principal way in which this could be done would be to expand the Security Council to make it more representative of the world's powerful countries. Currently, the Council is not representative of the power balance in the world. In economic power, Japan and Germany are obvious choices, but oil states such as Iran or Saudi Arabia have a strong claim for seats. Regional powers such as India, Brazil or Argentina, and Nigeria all should be included in an expanded Security Council. Adam Roberts of Oxford University stresses that "if the United Nations is indeed to have an enlarged role in security affairs, its system of decision-making must be seen as legitimate."[349] In theory, the members of the UN agree to accept and carry

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[349] Adam Roberts, "The U.N. and International Security," 12.

out the decisions of the Security Council. In practice, the Security Council cannot impose its will on the members in the way this statement implies. The vast majority of the world's approximately 181 nations are not represented on the Security Council. Since most of the conflicts and threats to peace are in the developing world, the UN needs to be seen as legitimate by these countries. Failure to expand the Security Council will delegitimize the UN, further eroding its ability to respond to the new problems of the world.

In order to update the Security Council without making it unwieldy, the Security Council should adopt the current proposal in the United Nations for establishing a second tier of "alternating seats" between the permanent and elected Council members. These five alternating seats would bring key regional countries into the Security Council on an alternating basis, but without a veto. The regional pairings would include: (1) Germany and Italy; (2) India and Pakistan/Indonesia; (3) Japan and Korea; Brazil and Argentina/Mexico; and (5) Nigeria and Egypt/Iran. These countries would alternate every two years, and the potentially most helpful and powerful regional powers would be drawn into the decision-making process of the Council, thereby increasing the voice of these countries and the legitimacy of the UN.

2. Strengthen the United Nations' Consensus Building

One of the ways in which the UN could improve the legitimacy of some of its operations would be to avoid rhetoric concerning human rights and democracy as reasons for interventions around the world. While the UN should support these concepts, both are very problematic since different countries have different beliefs and definitions of the terms. All the rhetoric about human rights merely exacerbates rifts between the rich industrial nations of the North and the developing countries of the South, damaging the ability of the UN to build consensus for action. Using such rhetoric hurts the ability of the UN to build unity in the world by alienating countries in the developing world needed to help solve new problems - such as China and Iran. In a sense this approach to security leads us back to the first principles of the UN Charter. In the work of broadening the world's security consensus, whether it deals with nonproliferation or

terrorism, or regionally destabilizing civil wars, the answer is the same that our membership in the UN and other international institutions has always required. It is the toilsome task of nurturing an international society of common values to inform and vitalize the orderly world. The United Nations is not going to forget about human rights, nor should it. The more important question is whether the UN going to do things to improve human rights or is it going to just talk about it or take half-hearted measures? Improving the human rights of people in various cultures around the globe will require a long-term view of the problem. The UN must decide to actually work on improving human rights, meaning that it must be able to build support for its vision of human rights if it hopes to gain the commitment of member nations to improving them.

3. Establish Criteria for Peacekeeping Missions

A third recommendation is to establish criteria for sending peacekeeping missions into countries in order to avoid the "band-aid" approach and half-hearted support seen for peacekeeping missions in Somalia and Bosnia. The key point here is that the UN has limited resources, and it cannot successfully deal with every problem in the world. Those missions that the UN does take on, however, it must be successful at. The United Nations has provided a means for governments to appear to be doing something without really doing anything. The urge to "do something" in troubled regions around the world must be resisted unless the measures taken have a reasonable chance of success. The moral of Somalia and Bosnia should be that hollow gestures can turn out to be worse than no action at all. Just as there are domestic problems that fall outside the purview of the federal government, so there are foreign problems that are better addressed by local or regional entities than outsiders, who may have neither the depth of knowledge nor the commitment to the long haul to solve the problem. The problem with the UN attempting to respond to all conflicts, therefore, is that it spreads its peacekeeping forces out too thin, inviting failure which damages the credibility and legitimacy of the UN.

What kind of criteria would be established? The Security Council should establish a UN office with the sole responsibility for monitoring world events, predicting possible hot spots, reviewing possible responses, and determining whether peacekeeping

or coalition military forces would be required. Also, votes in the Security Council for peacekeeping missions should be tied to the financial and personnel costs of the missions. Countries that voted for a peacekeeping mission would be required to provide forces and commit funds before any peacekeeping mission would be deployed. If no consensus was possible or the Security Council voted against sending in UN peacekeepers, then the UN should not send in UN peacekeepers. The UN needs to be either more discriminate in its choices, or lower the goals of the missions. Thomas Pickering notes the United Nations' limitations, stating that "we should look to the UN to deliver a part of the security solution at best. How large a part may depend upon its ability to develop two key elements of any new approach to security: legitimacy and flexibility."[350]

An important reason for setting up criteria for deploying peacekeeping forces is to prevent the use of peacekeeping forces for half-hearted peace-enforcement operations. The problem with the current use of peacekeepers for enforcement operations is that it allows the Security Council to avoid making any difficult decisions about building coalitions to provide necessary force. More important, the use of peacekeepers in peace-enforcement operations threatens the legitimacy of peacekeepers. Inis Claude points out that "it is essential to retain a clear distinction between those approaches that involve evenhanded treatment of the parties engaged in conflict and those that involve tilting to one side or the other. There is nothing to be gained and much to be lost by stretching the concept of peacekeeping to cover missions that engage in full-scale military operations."[351] If a conflict is deemed to require the use of force, the Security Council should vote on building a coalition of forces strong enough to be successful. If the Security Council cannot come to a consensus to act, or if the most powerful countries veto any action, then the UN should not take action since it lacks the political support necessary for the operation to be successful. In deciding when to send in military forces, the UN would be wise to remember a quote from Vera M. Dean in 1946:

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[350] Pickering, 98.

[351] Claude, 17.

> As long as there is life on earth, there will be disorder, there will be constant changes in the relations of human beings with each other. Our task is not to prevent all conflicts among nations, but to make sure that when conflicts do arise they are settled by peaceful means, not by war.[352]

The United Nations was designed with the intention that conflicts would be settle by peaceful means first, and then if the UN was unsuccessful, by force.

In conclusion, the United Nations is faced with new challenges and problems which require an international response. Reform debates calling for making the UN stronger overlook the more critical problem of declining UN legitimacy. While UN effectiveness needs to be improved, reforms calling for making the UN stronger will prove fruitless unless challenges to the legitimacy of the organization are addressed first. What must the U.S. do to make the United Nations more useful? For the reasons explained above, the U.S. cannot police the world or stop all of the world's problems unilaterally. It needs an effective UN to help build consensus for collective action. If the UN is to be seen as important and legitimate, the U.S. must act as if the UN is important. This means that if the U.S. says that the UN should respond to a crisis, then the U.S. should participate, and make the commitment to stay until the end. Half-hearted measures and support for UN resolutions - sanctions, no-fly zones, embargos - prolong problems without solving them. The U.S. needs to realize that it may have to give up some power and influence to the United Nations in the short-term in order to solve the new problems of the world in the long-run.

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[352] Dean, xix.

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