

# The Future of the UN after Iraq

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*The UN cannot stay the same after Iraq. It is clear that Security Council can no longer keep up the illusion of a reliable guardian of the world peace and security. Croatia's experience with the UN and Security Council reveals its weakness, indecisiveness and inconsistency. So, do we really need the UN or not? The UN represents the most important organization for global coordination. However, the changed circumstances meant a different treat to peace and security. The probability of global and interstate conflicts lessened, but the number of intrastate conflicts grew. Battles in the war against terrorism can be won by military power, but winning the war requires a global partnership. In the name of a new, more efficient UN, we should all make some compromises.*

**Key words:** UN, Security Council, peace, global coordination

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## 1. Introduction

The UN cannot stay the same after Iraq: it will either slowly fade away, as it happened with the League of Nations, or reform and adapt itself to the new challenges and power relations, and grow stronger.

Iraq is illustrative of the UN's problems, especially the problems of the Security Council. The Security Council was first unable during the past 12 years to disarm Iraq of its weapons of mass destruction in a peaceful way, and then unable to reach an agreement on the means of enforcement to do so. The compromise on Resolution 1441 that was open to individual interpretation finally served as the means to justify armed intervention of the US-led

coalition that the majority in the Council did not authorize, but had no power to prevent either.

Now the armed intervention has started and Saddam Hussein will be disarmed. The consequences for the stability of Iraq and the whole Middle East are not yet clear, but it is clear that the UN, or more precisely the Security Council can no longer keep up the illusion of a reliable guardian of the world peace and security. New, more efficient solutions will be sought either through the reform and strengthening of the UN system, or through some other arrangement in which the US, as indisputably the strongest world power, would have the leading role.

Croatia's own experience with the UN and the Security Council reveals its weakness, indecisiveness and inconsistency. At the height of the aggression against Croatia, the Security Council imposed arms embargo against it, and then decided to turn a blind eye to the illegal import of arms to Croatia and Bosnia. The dilemma on whether the Federal Republic of Yugoslavia is a member of the UN or not has been wearing out its successor states for years. In fact, the Security Council deliberately left it open

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to allow itself room for manoeuvre and manipulation according to its judgements and interests. The greater part of Croatia was eventually liberated by Croatia's own armed forces in operations Flash and Storm, not in spite of the UN, but regardless of it. On the other hand, despite the said and other failures (of which Srebrenica is undoubtedly the most ignominious), the UN did show its potential in the peacekeeping operation in Eastern Slavonia (i.e. UNTAES). The UNTAES facilitated the peaceful reintegration of Podunavlje (Croatian Danube region), the only war-torn region where the change of power did not result in the mass exodus of people.

## 2. Do we really need the UN?

So, do we really need the UN or not? Is its role a positive or a negative one? Could someone else perform the role of the guardian of the world peace and security more successfully? What is the reason for such great differences in the level of success of its operations?

Let us leave aside for the moment the dilemma on whether the UN is the most appropriate framework or not and focus on the question of the necessity of global co-ordination. Here the answer is clear and simple: because of the process of globalization, the countries have become more interdependent, and individuals, at least to a certain degree, citizens of the world. The world's population is constantly growing and technological development brings people together in the realization of their interests: from trade and investment, to preventing global warming, acid rains, ozone depletion, and other forms of environment degradation. Without common action, the stability of the exchange rates and the international economy cannot be maintained, and AIDS, international terrorism, and crime cannot be eradicated<sup>1</sup>.

Finally, there is the question of coordinating the efforts and measures to prevent armed conflicts, solve them if they do occur, and build peace after they end. There have always been conflicts, but their implications have never been so global, whether it is the refugees, the breaking off of economic or trade relations, or danger to the environment. Either way, it is clear that the interests of the world's population are intertwined and that their realization requires global co-ordination.

The UN represents the most important organization for global coordination. It was established after the World War II, primarily to prevent the occurrence of wars. Its mandate, apart from the concern for world peace and security, included such activities as the concern for economic and social development, and

the protection of human rights. And while the UN proved relatively successful in protecting human rights, developing the international law and encouraging development, its success in preventing conflicts was highly doubtful. Still, things seemed to be improving.

The fall of the Berlin Wall and the end of Cold War in late 80's marked the turning point. During the 90's, a higher level of agreement in the Security Council, particularly among the Five Members with the veto power, led to the establishment of peacekeeping operations: their number grew exponentially, and their activities grew more complex<sup>2</sup>. Apart from the traditional role of separating the warring parties, its roles, for instance in East Timor and Kosovo, included organizing democratic elections, organizing public administration, assisting in the establishment of the rule of law, protecting human rights, even rebuilding the infrastructure and economy<sup>3</sup>.

## 3. Global and interstate conflicts lessened, the number of intrastate conflicts grew

However, the changed circumstances meant a different threat to peace and security. With the disappearance of the bloc world and the loosening of control within blocs, the probability of global and interstate conflicts lessened, but the number of intrastate conflicts grew. It is estimated that in the 90's, 220,000 people died in interstate conflicts, which is a 2/3 decrease in relation to the 80's. Unfortunately, this decrease in the interstate conflicts and their victims was overshadowed by a dramatic increase of the intrastate or mostly intrastate conflicts that claimed more than 3.4 million lives in the 90's, while the number of refugees increased by 50%<sup>4</sup>.

The fact that most conflicts are intrastate by nature has challenged the legitimacy of foreign intervention in cases when elementary human rights are being violated and war crimes systematically committed. The answer came in the form of the humanitarian intervention doctrine that is based on the fact that the international duty to prevent conflicts is stronger than the right to remain uninvolved. But numerous other questions remained. Which conditions must be met for an intervention to become humanitarian and therefore legitimate? Is it the exclusive right of the Security Council to define when to intervene? What if a veto by one of the Members prevents the intervention? And finally, how to prevent humanitarian interventions from turning into a disguise for the world powers to arbitrarily interfere in others' internal affairs, using armed force if nec-

essary? There is also the problem of the new global power relations: only one superpower emerged from the Cold War that is economically, politically and militarily more powerful than any other country, to the degree not seen since the time of the Roman Empire.

The first humanitarian interventions already caused controversy. The flight ban over a part of Iraq for the purposes of protecting the Kurds was met with a considerable concern because of its dubious relation to Iraq's sovereignty. Still fiercer controversy was caused by NATO's intervention in Kosovo that was not sanctioned by the UN when it began. Precedents existed for both cases, and the intervention in Kosovo later received the Security Council's blessing because the US supported it.

However, the strong US lobbying did not help the intervention in Iraq to be authorized by the Security Council. Only some 30 states actively supported the US. In spite of the wickedness of Saddam's regime, his refusal to implement the Security Council's resolutions on the disarmament of the weapons of mass destruction, insincere co-operation with the arms inspectors, systematic violation of human rights and crimes committed by the regime against his own people and neighbours, majority of states did not support the preventive strike because there was no firm evidence that Saddam was planning to attack another country or that he was arming terrorists.

What's next? The UN proved incapable of disarming Saddam and maintaining the monopoly over the international use of force. Are we faced with the possibility of the US, supported only by a few states, and having divided the UN, EU and NATO, creating a new and more efficient, but globally only marginally accepted world order? If so, who is the winner, and who is the loser?

The US have proven by some recent actions that they are not always willing to subject their political and military might to the restrictions of the global mechanisms if these disagree with their basic principles or concrete interests. The Bush administration removed its signature from the Rome Statute, refused to accept the Kyoto Protocol restrictions regarding the protection of the environment, and the US Senate refused to ratify the global convention to ban the nuclear tests. Between the national and international law, the US have always preferred the national, and when national interests regarding the extradition of the US citizens to the Permanent Criminal Court disagreed with the international obligations of the countries that ratified the Statute, the US pressured them to sign bilateral agreements that would make an exception for the US citizens.

At the moment, the US can impose their will on the world if they wish so. They can solve the conflicts of interests unilaterally, through domination, instead of compromise, as it is customary within the UN system. This, however, may not prove profitable for the US in the long run. The tragedy of September 11 that indirectly led to the establishment and implementation of the doctrine of preventive strikes against terrorists and countries that support them, is a good example of that.

Battles in the war against terrorism can be won by military power, but winning the war requires a global partnership. The successful solution requires not only the capturing of individual terrorists, but a joint action that includes the assistance in economic and social development that is supposed to eradicate the conditions that provide a fertile ground for anger, intolerance, and fanaticism. In his address to the 54<sup>th</sup> Session of the General Assembly, president Clinton expressed the dilemmas we are facing:

*Will the globalization bring prosperity to all or will it make the desperate people in the world even more desperate? Will we use science and technology for the development of economy and the protection of the environment, or will we risk it all in a world that is ruled by the battle over the natural resources?*<sup>5</sup>

The answer to these fundamental questions depends on whether we will be able to turn the UN into an efficient mechanism of global regulation or not.

The road to this was never easy, but after this blow to the UN's reputation, it has grown even harder. The reform of the UN's role should start in Iraq through the role the UN is supposed to have in the building of peace and the reconstruction of Iraq. As it has finally been accepted in the UN (by consensus), the post-war Iraq should be guaranteed autonomy, sovereignty, and territorial unity. In the realization of these goals, and the development of the rule of law, democracy and the protection of human rights, as well as in enabling Iraq to use its economic potentials independently, the UN serves as an ideal framework. But UN that is supported by the number one world power – the US.

The US should ignore the siren call of the possibility to act unilaterally and accept multilateralism that will be marked by the special role of the US. This is why the UN system needs to be reformed and adapted to the new challenges and the power relations of the 21<sup>st</sup> century. But what does this adaptation include? The list is long. The co-operation between the UN's main bodies – the General Assembly, the Security Council, the Economic and

Social Council - should certainly be improved<sup>6</sup>. In preventing the occurrence or reoccurrence of armed conflicts, military measures should be supplemented with the economic and social measures for the building of peace and its maintenance. The Security Council should become more representative, and the differences between permanent and non-permanent members should be reduced. The number of issues that can be vetoed should also be reduced, and a mechanism should be set up that would allow the

Security Council, at least in certain cases, to decide on an action regardless of the veto.

The question of the US and their global role is probably the most important and the most sensitive one. The world needs the US, and the US needs the world. In the name of a new, more efficient multilateralism, and a new, more efficient UN, we should all make some compromises. ■

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## NOTES

1 On the increased global interdependency and its insight on international relations, see Ivan Šimonović: State sovereignty and globalization: are some states more equal? *GA.J.INT'L & COMP.L.* [Vol. 28: 381 2000].

2 For the increased complexity of tasks see the Report of the Panel on the United Nations Peace Operations [A/55/305-S/200/809].

3 For the Challenges of international administration to help to establish sustainable justice system satisfying international criteria, see Simon Chesterman, *Justice Under International Administration: Kosovo, East Timor and Afghanistan*, International Peace Academy, September 2002.

4 See UN Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World 2* (2002).

5 President Clinton's address to the 54th Session of the UN General Assembly, September 21, 1999.

6 During 2002, we have witnessed some improvement in this respect. It has, for example, become an established practice for the President of the Economic and Social Council to participate in the work of the Security Council, and for the President of the Security Council to participate in the work of the Economic and Social Council whenever they can substantially contribute to the deliberations.