

1993

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### Recommended Citation

Pickering, Thomas R. (1993) "The U.N. Contribution to Future International Security," *Naval War College Review*. Vol. 46 : No. 1 , Article 7.

Available at: <https://digital-commons.usnwc.edu/nwc-review/vol46/iss1/7>

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# The U.N. Contribution to Future International Security

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Thomas R. Pickering

**T**HE MOST IMPORTANT FACT WITH WHICH planners and policy makers have had to contend over the last two years is that the end of the Cold War removed from the international political system its central dominating principle—the East-West dispute. In a speech last year, President Bush outlined his vision of a new framework in the following words: “The new world order does not mean surrendering our sovereignty or forfeiting our interests. It really describes a responsibility imposed by our successes. It refers to new ways of working with other nations to deter aggression and to achieve stability, to achieve prosperity, and above all, to achieve peace. It springs from hopes for a world based on a shared commitment to a set of principles that undergird our relations—peaceful settlement of disputes, solidarity against aggression, reduced and controlled arsenals, and just treatment of peoples.”

What are the security implications of a transition from the Cold War to the kind of new order the president has described? If one looks at our own post-Cold War security interests through a U.N. window, one way to describe the view is to talk about two adjacent circles separated by a rather permeable border. In the first circle are core U.S. security interests: protection against direct attack, protection of U.S. citizens abroad, aid and support of allies, maintenance of unmolested international communications and commerce, assurance of access to vital resources, insulation of essential interests from the effects of foreign wars (such as by the tanker escorts late in the Iran-Iraq War), and so on.

In the second circle are the general and broad goals, values, and principles which are the essence of that civil and cooperative international society whose vision President Bush has invoked. It embraces the rule of law, nonaggression and the peaceful settlement of disputes, respect for sovereignty, defense of human rights and respect for humanitarian principles, control of arsenals, curbs on

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An address delivered by Ambassador Pickering at the Naval War College when he was the U.S. Permanent Representative to the United Nations. He served in that capacity from 1989 until 7 May 1992 and is presently the American ambassador to India.

The views expressed are Ambassador Pickering's own and do not necessarily represent those of the U.S. government.

proliferation, and, in general, a disciplined, cooperative approach to common security and common prosperity.

The essential precondition for progress on this wider group of goals is, of course, a reasonably stable transition from totalitarianism to self-government and democracy for the 300 million people of the former Soviet Union. As Secretary of State James Baker emphasized in his testimony to the Senate Foreign Relations Committee on 5 February, there are many risks. The newly independent republics are trying to create societies based upon representative and accountable government, the rule of law, and the free market. But they are handicapped by the wreckage of seventy years of political and economic misrule. Moreover, the dangers of ethnic conflict and authoritarian rule remain, as do nearly thirty thousand nuclear weapons. Consequently, we face multiple responsibilities: humanitarian assistance, economic guidance and support, help for democratic institution-building, and aid in guaranteeing the security of nuclear weapons as well as ensuring the secure elimination of larger numbers of them.

These are global problems, and as the Secretary of State noted in his address to the Coordinating Conference on assistance to the former Soviet Union, global problems demand global solutions. Whether the challenge is to support a stable and peaceful transformation among the newly independent states of the former Soviet Union or to promote the wider goals of a civil international society, meeting that challenge demands collective engagement. It requires the international community to share responsibilities as it takes concerted action to pursue common interests and solve common problems.

### A Global Crisis Manager?

One of the principal tools of collective engagement is the United Nations. Here I want to share some personal views on the recent evolution of its collective security role and on some of the issues which may challenge and shape that role in the future.

As a point of departure let me say that the centrality of the U.N. Security Council to the shaping and legitimizing of the response to Iraqi aggression has raised expectations (hence political pressure) for a comparable Council role in other crises. Expectations that the U.N. would act swiftly on the Haitian coup, the civil war in Yugoslavia, and in Liberia last year, illustrate the point.

However, it is worth remembering that the Charter never intended the Security Council to be its only or full-time court of first resort. Indeed, Article 53 explicitly mandates regional efforts to resolve or redress threats to peace and security before resort to the United Nations—and that is a good thing. In the first instance, these are often what might be termed “neighborhood” issues.

Hence, common regional interests may permit a wider scope of action.

Nevertheless, the future will bring crises that are not regionally containable despite the best efforts of regional actors. At that point the Security Council can be turned to as a necessary and legitimate step. The Council can also expand on regional efforts when required—internationalizing a trade embargo, for example.

One of the things that drives this global and regional question is the character of conflict itself. Readers of the daily summaries prepared by the intelligence community know that most entries describe conflicts within states, not between them. In the post-Desert Storm period, that is an instructive fact. It reminds us that threats to regional stability will not result primarily from the miscalculations of expansionist megalomaniacs. As the Middle East and Yugoslavia demonstrate daily, regional stability after the Cold War—as it was before it—is shaped largely by essentially parochial concerns of an ethnic, religious, political, economic, and social character. This may cause some nostalgia for the neatness and clarity of

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the Iraqi threat, which from both a political and a strategic perspective was more a caricature of the Cold War with a legal overlay and an ostentatious villain than a useful metaphor for the untidy challenges and conflicts ahead. In both size and scale and in the clarity of the aggression, it is, we all hope, unlikely to be repeated very frequently, if at all, again.

A daily dilemma facing the Security Council in this context is that while the rule of law and the role of order are mutually reinforcing, they are not equivalent. For example, such things as ensuring a return of democratic government to Haiti, a cease-fire and secure conditions for humanitarian relief in Somalia, and a negotiated resolution to the Yugoslav problem are all important and obviously legitimate concerns of the international community; yet relevant international law does not provide absolute guidance for dealing with them.

This is not helped by the fact that the common law of states as well as the covenants and treaties agreed upon between them permit competing and conflicting claims. Nowhere is the tension more evident than when the international community is forced to choose between the rights of states and the rights of peoples.

Our continuing experience with Iraq is instructive. When in November of 1990 the Security Council adopted Resolution 678 authorizing action to expel Iraq from Kuwait, its legal basis was the U.N. Charter prohibition, in Article 2, paragraph 4, of the threat or use of force against another state. When persecuted

Iraqi Kurds fled into Turkey and Iran five months later, the Security Council made a very different finding. It reasoned, in Resolution 688, that the massive flight of the Kurds presented a threat to peace and security sufficient to override the principle of nonintervention in the affairs of another state, a principle protected by another provision (paragraph 7) of the same article.

Yet it is important to bear in mind that this ground-breaking resolution was very difficult to negotiate, notwithstanding the humanitarian issue and the threat to regional security. And when the Yugoslavia and Haiti issues first came to the Council, our own and others' efforts to pass forceful resolutions met very stiff resistance. Since that time, of course, the Security Council has taken a strong stand on Yugoslavia and may soon do more. It has also taken important steps to address the humanitarian situation in Somalia, and may soon do more there as well. And while the General Assembly passed a strong resolution supporting the OAS measures against Haiti's illegal regime, it is not out of the question that the Council itself may have to return to the Haiti question in the future.

I draw three conclusions from this experience. First, before the Security Council is ready to serve regularly as global crisis manager, there needs to be a reasonably clear and predictable consensus on how and to what extent it should address threats to international security arising from internal situations within states. Second, though no such consensus now exists, we have seen a more dramatic narrowing of differences on this issue in the last year of the U.N.'s existence than in the previous forty-five. However, and this is my third observation, so long as sharp political differences of view remain, the international community must stay open—as the United Nations Charter provides—to alternative regional and even unilateral tools to serve the “order” as well as the “law and justice” agendas expressed by the president.

In a sense this approach to security leads us back to first principles. 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 United Nations 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 president calls for and which we all wish to live in. Civil order in the United States benefits from the absorptive power of shared values and a common culture which can dull differences, lessen rivalries, and make most of us stakeholders in the status quo.

The absence of a parallel culture internationally, however tolerable during the Cold War, is now a source of frustration. While the collapse of communism has eliminated the major global clash of values, it has had an opposite effect on other nationalist, tribal, religious, economic, and ethnic conflicts that have been there for some time and may even reenergize North-South economic discord.

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For this reason I believe we are unlikely to see the rapid elaboration of sweeping tenets of international law to provide automatic external guarantees for minority rights, democratically elected governments, or hungry people caught in a civil war. A significant number of U.N. members do not see such principles as leading to order but as subversive of it, or at least subversive of an order based on firm doctrines of state sovereignty and nonintervention. Such views will sometimes prevent resort to the formal organs of the United Nations on occasions when their use would be desirable. But it is important to emphasize that neither the exercise of our rights to self-defense under Article 51 nor careful engagement in support of our foreign policy principles requires us to act under an explicit grant of U.N. authority at all times. The former may well be preferable, but it is not difficult to imagine circumstances where either the fast-breaking nature of the threat or the inability of the Security Council to reach a decision would argue for rapid unilateral or regional action.

On the other hand, as mentioned, the attitudinal changes we have already seen are remarkable. They suggest to me the gradual emergence of a willingness to set limits on governmental behavior, limits whose violation would strip the violator of the protections of sovereignty and nonintervention. We saw this in January with the unprecedented Security Council action to demand that Libya turn over to the United States or the United Kingdom for trial the accused in the Pan Am 103 civil airline bombing.

If my hunch is correct, then it is reasonable to expect future challenges to international security—both the more traditional kind represented by Iraq as well as those of a more nuanced character—where U.N.-authorized resort to force may be both politically feasible and desirable from a U.S. perspective.

Yet with the exception of the Korean War, the subject of U.N.-authorized enforcement actions and their legal and practical features is an unwritten text.

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The job of writing that text is not aided by the fact that the threats we must deal with fit awkwardly into any imaginable U.N.-based structure. And the United Nations—however strengthened—will not easily embrace the potentially wide security missions of the future. So we should look to the U.N. to deliver a part of the 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.

As a starting point, we need to understand what constitutes “legitimacy” for intervention by force. For ourselves and our allies, Resolution 678, authorizing

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“all necessary means” to secure Iraq’s immediate and unconditional withdrawal, was close to an ideal formulation. It gave a U.N. license for the use of force without restriction as to its manner or extent, or explicit terms for its cessation. Both are, of course, important military and political considerations in the successful conduct of operations.

Not surprisingly, these open-ended attributes gave discomfort to many other U.N. members. The outgoing Secretary General himself commented that while the war against Iraq was “made legitimate by the Security Council,” it “was not a U.N. victory,” since that could have resulted only from “hostilities controlled and directed by the U.N.” One need not share Perez de Cuellar’s view to appreciate his point: the most ironclad legal justification may not buy us that more evanescent political commodity called legitimacy. For example, the ambiguity of the phrase “all necessary means” meant that actions necessary for Desert Storm’s success might, in the view of the Council majority, have exceeded the intent of Resolution 678. While that did not occur, it tended to create an uncovered risk. Another consideration is that broadly licensing a few countries to use force in the Council’s name enables detractors to argue that the action is the project of a few governments unrepresentative of the world community.

For military actions comparable in scale to Desert Storm, there does not seem to be an obvious answer to this problem, since a greater degree of collective U.N. direction and control could have imposed disabling constraints on the unity of command. On the other hand, we hope and believe that the scale of Iraq-Kuwait is unlikely to be repeated in the foreseeable future. Moreover, Council cohesion nurtured by the Iraq experience could carry, and is probably now being carried, over to other issues. Thus, there may be pressure for enhancing the Security Council’s role in future peace enforcement, and this should be considered.

### Enforcement Tools

One way the Charter offers to do that is by negotiation of Article 43 agreements between the Security Council and countries it selects. Paragraph 1 of Article 43 requests member states to “undertake to make available to the Security Council, on its call, and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining peace and security.” My own reading of Article 43 suggests several relevant points:

- First, the conclusion of such an agreement need not confer an automatic, mandatory obligation to provide troops to the Security Council, but could instead simply state their availability subject to certain terms or procedures.

- Second, Article 43 is silent on command arrangements—the phrase “on its call” does not necessarily mean “at its direction.”
- Third, by specifying “assistance and facilities” the language permits members to satisfy their obligations by means other than provision of combat troops—a useful flexibility.
- Fourth, paragraph 3 specifies that agreement shall be at the initiative of the Security Council, a helpful limiting factor that ensures selectivity.
- Finally, paragraph 3 also states that agreements may be between the Council and individual members or *groups of members*, offering a potential basis for associations between the Security Council and regionally based alliances. Since alliances offer a more functional basis for concerted military action than a chance grouping of U.N. member states, this too could be a useful feature.

A vital question about “43” is whether it implies command arrangements, and if so, of what kind. In my view, “43” agreements are not incompatible with signatories’ exercise of wide military latitude when those agreements are invoked. In this sense the agreement might be less a format for direct Council control than an expression of its general capacity to enforce decisions and hence, a means of deterrence. In fact, agreements with powerful members or groups of members might have a psychological impact similar to a classic mutual assistance pact, strengthening respect for decisions under Article 39 (power of recommendation), 40 (provisional measures), and 41 (embargoes, diplomatic and other sanctions), and by extension for statements of the Secretary General or the Council president. On the other hand, of course, the reality of the permanent-member veto would remain a factor in this as in any other effort to extend the Council’s scope.

Delegated enforcement is explicitly anticipated in the U.N. Charter, most relevantly in Articles 48 and 53. Article 48 empowers the Council to determine which members shall conduct the action required to carry out its decision “for the maintenance of international peace and security.” Article 53 permits the Council to utilize “regional arrangements or agencies for enforcement action under its authority.”

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***“A technologically advanced but weakly united U.N. force might even be at a disadvantage against a ‘low-tech’ but large or well-directed opponent.”***

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Notwithstanding the legality of delegated enforcement, we should now begin to allow for the possibility that the Council will not absent itself so completely from command and control as it did in Resolution 678. Chapter VII of the Charter provides vehicles for Council involvement:

- Article 42 permits it to act by air, sea, or land forces to give effect to its decisions when Article 41 measures are deemed inadequate.



- Article 46 calls for the Council to develop plans for the application of armed force with the assistance of a Military Staff Committee (MSC).
- Article 47 details the MSC's terms of reference, which include advice to the Council on arms control, readiness planning, and general matters of command as well as strategic direction of forces.

Any move in this direction will raise concerns among troop contributors. The chapter's emphasis on the MSC is especially problematic: no state whose troops are engaged in hostilities is likely to allow their direction by a group to which it does not belong or whose members have not necessarily also contributed troops. There is also the need to ensure that committed troops are not subject to life-threatening surprises by changes in the political parameters governing their use, or by a breach in security or by other factors arising from activities which might be implied by the words "strategic direction." Thirdly, unless the reference to strategic command (Article 47, paragraph 3) is interpreted in some static sense, it has probably been made obsolete by the technology of modern warfare, which requires flexible, decentralized decision making and instantaneous communication—neither is well suited to decision by U.N. committee.

Yet there may be ways of partially employing Articles 42 and 47 while inoculating them against their most intrusive potential, and these may be worth exploring, particularly in the context of small-scale or low-intensity conflict. For example, a more explicit articulation of war aims may sometimes be desirable. More specific goals do not mean more modest ones, but they do make the Security Council more accountable for actions to secure them. A war aims statement might also specify minimum terms for cessation of hostilities—as distinct from terms for an overall settlement. A general statement of permissible means would add legitimacy by further distinguishing peace enforcement from other uses of force, though such pronouncements would only be advisable to the extent that they did not expose troops to additional risk. Member states may also wish to explore arrangements whereby peace enforcers could report regularly and in person to the Council itself or a subgroup of the Council. While not altering command relationships, such a consultative link could be a helpful tool for preserving consensus.

### Command, Control, and Interoperability

One of the questions our security community will need to consider is the issue of command and operational integration of the forces which might be employed to give effect to a Security Council decision. This requires a trade-off between the need to avoid over-identification with a few countries and the exigencies of unity of command, rapid deployment, coordinated movement, and so on. Before going beyond the level of joint action employed in Desert Storm (in many substantive respects a Nato operation), are we persuaded that

there are militarily and politically satisfactory answers to many unanalyzed questions about non-Nato coalition warfare? It was this sort of appreciation for the unexpected that prompted this comment from General George C. Marshall in 1938: "With us, geographical location and the international situation make it literally impossible to find definite answers for such questions as: who will be our enemy in the next war; in what theater of operations will it be fought; and what will be our national objective at the time?"

But today's planners have a tougher task. Not only do we not know the identity of our future adversaries, we do not necessarily know who our friends—in the sense of coalition partners—will be. Yet joint arrangements for defeating a capable foe will require substantial unity of command and control, and the standard peacekeeping command format—decentralized command across national sectors—may not suffice under the fluidity of combat conditions. A technologically advanced but weakly united U.N. force might even be at a disadvantage against a "low-tech" but large or well-directed opponent.

Such considerations suggest that a significant level of interoperability may be needed for U.N.-authorized military operations. Between forces of vastly differing capabilities with no history of cooperation, this would seem to require achieving a sort of "U.N. standard" paralleling that of peacekeeping. It could involve such things as doctrine, rules of engagement, training and joint exercises, command and control, friend-or-foe identification systems, intelligence sharing, language, logistic support, and so on. Achieving all of this would mean unheard-of levels of military openness and may be difficult for governments to accept outside an alliance context. A more detailed look at most of these issues would be a useful first step to helping flesh out the contours of the new order we seek.

In that regard, it is interesting to note that such a review was initiated twice during the early years of the United Nations. The first time, from 1946 through 1948, the permanent members of the Security Council, meeting as the Military Staff Committee, held lengthy negotiations to try to produce a model Article 43 agreement by which a member state would supply forces to the U.N. The second time was in connection with the Korean War. In the event that the international community considers proceeding in this direction, it might be useful to revisit those early discussions which, I understand, produced a high level of agreement on many issues.

Interestingly, the Security Council met at the end of January 1992 at the summit level. That meeting asked the Secretary General for a study of these and other matters, to be prepared by July 1992. While we do not have all the answers, and maybe not all the questions, we look forward to that study as a potentially useful contribution on many of these issues.

## Preventive Diplomacy and Peacekeeping

In the declaration of the recent Security Council summit, the heads of state and government committed themselves to strengthening the U.N.'s roles in collective security, disarmament and arms control, and preventive diplomacy—themes President Bush emphasized in his own remarks at the summit. I would like to comment on the last of these subjects: preventive diplomacy. It is clear to me that in this vital area of conflict avoidance, the United Nations needs to shift to a higher gear. Steps which might be considered include:

- Informal information sharing, by ourselves and other member states, to keep the Secretary General fully informed of existing or potential situations which could lead to international friction. This is now occurring within the context of Resolution 687's Iraqi inspection program for Iraqi weapons of mass destruction;
- Requiring disputants or potential disputants to keep the Secretary General, and through him the Security Council, fully informed of all pertinent facts;
- Supporting the enhanced use of special representatives in "good-offices" and quiet diplomacy missions to help resolve issues which may lead to conflict;
- Inviting the Secretary General and the Council to give early consideration to the use of U.N. forces as a means of forestalling conflict before hostilities occur, such as by deployment to the borders of a threatened state. This may well involve elements of traditional peacekeeping and of peace enforcement as well.

The United States has traditionally opposed participation of our military in actual peacekeeping operations. However, on a case-by-case basis, U.S. personnel have served in a civilian capacity and occasionally as military observers. The possible deployment of peacekeepers as a preemptive measure or as a tripwire raises the issue of participation by permanent members in a different context.

Unlike traditional peacekeeping, where at least a stated commitment to a cease-fire is a given, a tripwire mission is necessitated by the active possibility of belligerence and is deployed to discourage it. The linkage of such a force to great-power military capacity is a deterrent. But such a force would also need the military capacity to slow an aggressor's advance, and it would need an over-the-horizon capacity sufficient to deter the advance from taking place. In simplified terms, this is the principle which effectively served us and coalition military efforts during Operation Provide Comfort. While of course it deserves careful study, in my view the deterrent force idea is a classic tool which, if applied by the United Nations, may justify a new U.S. approach to participation in U.N. peacekeeping forces, provided we and others are prepared to understand and accept the risks.

As a final point, let me say that it is time to put peacekeeping financing on a more stable long-term footing commensurate with its importance to global security—and our own. A step in the right direction within the United Nations

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would be to take a hard look now at creating a substantial peacekeeping account to finance the early start-up costs of new operations. The United States might participate, either as a contribution to our national security (possibly within, or in relationship to, the Department of Defense budget) or in an entirely new context, in recognition of the clear security purposes of peacekeeping expenditure.

**I**n closing let me offer a few extremely general observations to suggest how this transformed security environment might affect the mission of the U.S. Navy. First, it is commonly agreed that threats to the “first circle” of U.S. security interests—direct attack on ourselves or our allies, on sea lanes, etc.—are now extremely low. Second, and perhaps less widely acknowledged, threats arising in the “second circle” are not lower and may indeed be growing. In fact, some observers have dubbed the 1990s “The Age of Proliferation.” Third, unilateral use of force in self-defense remains an essential and legitimate option when the requirements of the U.N. Charter are satisfied. Finally, the context for the application of force is nonetheless changing profoundly for two reasons: the most effective antidote to threats such as weapons proliferation is often economic or political; and, for a variety of political and financial reasons, the United States will often prefer to use force under the aegis of the U.N. or regional organizations.

This suggests to me that while the U.S. Navy will of course need to preserve its war-fighting capacity, it may also need to pursue a widening range of peacetime missions, from humanitarian assistance to deterrent deployments designed to prevent conflicts from breaking out or expanding. A navy’s ability to provide a highly mobile and rapidly deployable and sustainable force on sea, air, and land make it well suited to this task.

The versatility and excellence demonstrated by the navy in its many new and demanding missions over the last eighteen months demonstrates its readiness for a new security age.

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