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The UN @ 75: Multilateralism Then and Now

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This year we celebrate a century of multilateralism. The founding of the League of Nations in January 1920 represented the first real institutionalization of multilateralism, and although the term itself gained currency only in the aftermath of the Second World War, it marked a defining feature of international relations through the 20th century. The League itself became moribund in less than two decades of its founding, and the world drifted into World War II; but the UN which succeeded the League, has survived for 75 years, and remains even today the true promise of a rule-based global order.

While the Preamble of the League's Charter recalled the goals of peace and security, and referred merely to "open, just and honourable relations between nations", that of the UN speaks more loftily of "We the People of the United Nations", and underscores faith "in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" as well as "to promote social progress and better standards of life in larger freedom." The three opening words of the UN Charter, introduced almost as a rhetorical flourish, were to become the lodestar of the UN's mission, especially at the start of the new century.

At its founding, the UN's vision was not so much one of "taking mankind to heaven" as "saving humanity from hell", specifically by averting a possible global nuclear conflagration. The permanent members of its Security Council saw themselves as "policemen" charged with maintaining peace in different areas of the globe in a big-power collective security arrangement. But, even this vision began to crumble with the onset of the rivalries of the Cold War. Importantly also, the Charter makes no mention of any promise of self-determination or independence for the 750 million people covering more than 80 colonial territories in Asia, Africa and the elsewhere, comprising around three quarters of the world's population.

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For the few Asian and African countries who were members at the founding of the world body, a major focus of their attention was to help their brethren in these territories cast off their colonial yoke, and attain freedom and independence as soon as possible and, in the interim, to be treated fairly and decently by the powerful colonial powers.

The former UN Secretary General late Kofi Annan said[1] that the UN's work was rooted in ideas that reflected some of mankind's deepest concerns and aspirations. He listed four such exceptionally inspirational ideas: *Peace* - the idea that sovereign states could create an international organisation, and procedures that would replace military aggression and war by negotiation and collective security; *Independence* - the idea that people in all countries had rights to be politically independent and sovereign, and make whatever national and international agreements their citizens might choose; *Development* - the idea that all countries, long independent or newly so, could purposefully pursue policies of economic and social advance which, over time, would improve the welfare and living standards of their people; and *Human Rights* - the idea that every individual in every country throughout the world shared an equal claim not only to such individual civil and political rights as life, liberty, and the pursuit of happiness but also to a core of economic and social freedoms.

Today, the UN has 193 members. The progressive emancipation of erstwhile colonial territories in Africa, Asia, Latin America, and the Caribbean as well as the Pacific was carefully directed within the organisation and was, with some notable exceptions, unaffected by the rigors of the Cold War. Equally historic was the emancipatory process that followed the breakup of the Soviet Union. If the decolonisation process brought increased self-confidence to the states of Africa, Asia, and Latin America, the admission into the United Nations of many new members from the erstwhile Soviet Union in the nineties was also significant in that it provided possibilities under the New Agenda for Peace in a post-Cold War world. It also gave rise to new anxieties, instabilities and trauma, as became evident in the breakup of Yugoslavia and the internal conflicts in Rwanda, Somalia, Sudan, and some of which rage even today in CAR, Mali, Yemen, and Syria.

Peace and Security

The core responsibility of the United Nations has always been to maintain international peace and security, with the Security Council being given virtually supreme authority in the domain of war prevention and management. While

individual states have continued to retain the right of self-defence that they had always possessed under customary international law, this right, according to the Charter, "shall not in any way affect the authority and responsibility of the Security Council … to take at any time such action as it deems necessary in order to maintain or restore international peace and security". In that sense, the Council remains the "geopolitical cockpit"[2] of the UN system. Key to the proper functioning of the Council was the principle of unanimity among the permanent members in taking substantive decisions in that body. The initial reason for the inclusion of this power in the Charter was to prevent the UN from taking direct actions against any of its principal founding members. However, the use of veto power has become distant from that initial reason, and gradually turned into a tool for protecting national interests of permanent members or their strategic allies. Until the end of the Cold War, the United Nations' reputation suffered because of the deadlock this produced on issues of peace maintenance and, as the debate moved into "the veto-free but non-decisional"[3] arena of the UN General Assembly, controversies also grew around how to allocate peace maintenance responsibilities between the Council and the Assembly. Increasingly too, the onus for the discharge of this responsibility began to be placed on the Secretariat, especially on the Secretary-General.

Since the early years of the United Nations, the practice of UN peacekeeping has evolved as a non-coercive instrument of conflict control, in which the military personnel of member states were used not to wage war but to prevent fighting between belligerents in different parts of the world. There can be little doubt that, in the annals of the Organisation, the record of its peacekeepers and their sacrifices in the line of duty have been among the most glorious and inspiring universally. By the early part of the present century, the United Nations had deployed more than 100,000 soldiers and police personnel in 19 countries at a cost of over US $6 billion each year. While this makes the UN the second biggest single provider of expeditionary forces in the world after the USA, it did this at a fraction of the cost of most national operations. For example, the annual budget of all UN peace operations in recent years has added up to less than what the USA has spent in a single month in Afghanistan during the height of its involvement there.[4]

Over the decades, however, United Nations peacekeeping has suffered enormous "mission-creep" in conceptualisation, operationalisation, and in the range and scope of its ambitions. In addition to ensuring compliance with ceasefires, reducing levels of violence between belligerents, and monitoring state boundaries or borders, PKOs were expected to protect civilians from

violence, provide civilian police support, assist in mine clearance, rebuild logistics infra-structure (like roads, railways, bridges), safeguard humanitarian relief operations, support electoral processes, monitor human rights violations and improve laws and institutions to provide gender equality, inclusivity, and fairness as well as equal opportunities for women.

By definition, however, the UN was meant to preserve peace, not wage wars. Peacekeeping is different from a UN mandated enforcement action, and peace operations are meant to contribute more to the quality of peace between warring parties than to its duration. But, for any such peace to be self-sustaining, countries must develop institutions and policies that generate economic growth and social harmony. For any UN peace-building to be meaningful, it must have a strategy for fostering a self-sustaining economic growth that connects with sustainable peace. Indeed, prolonged peacekeeping in countries like Haiti and DRC have created conditions like the Dutch disease. If economic reforms are not able to bridge the gap between peacekeeping and development, such an effort is meaningless. Though successive UNSGs, including the Present Secretary General Antonio Guterres, have tried to bring more holistic approaches to this primal task, their efforts have not proved effective so far because the politics of the UN Security Council continue to hamstring action over most conflicts. We only need to look at the current conflict areas to realise this.[5]

Development

From its early years, the UN has shown strong concern for cooperative action in support of the peoples of "half the globe struggling to break the bonds of mass misery". The First Development Decade document in the 1960s spoke of the dangers arising from a disproportionate emphasis on the material aspects of growth without reference to concerns of equity. Indeed, this also became the basis for the evolution of the Covenant on Economic and Social Rights during the last decades of the twentieth century. However, it was the articulation of the concept of "human development" by Professors Mahbub-ul Haq and Amartya Sen that took multilateral developmental thinking within the UN in a dramatically new direction by charting an alternative discourse of putting people, rather than economic growth, at the heart of development thinking. The composite Human Development Index (HDI) developed by the UNDP in the early nineties measured and compared the standards of living across countries, rich and poor, using indicators of life expectancy, education, and income, and helped germinate the idea of the

Millennium Development Goals (MDG) that set targets and indicators for poverty reduction and other goals on a fifteen-year timeline. These goals were intended to increase every individual's human capabilities, and "advance the means to a productive life".

In the new century, the 2012 Rio Conference set its sights on the post-MDG horizon, and the UN eventually identified 17 Sustainable Development Goals (SDG) and 169 targets for a common future for mankind. These SDGs were influenced by three key summits in 2015: the World Conference on Disaster Relief Reduction (Sendai); the International Conference on Financing for Development (Addis Ababa); and the UN Climate Change Conference (Paris), and were adopted in New York in September 2015. Unlike the MDGs which exclusively focused on the developing countries, the SDGs are universal, and apply to all countries, industrialised and developing. They are comprehensive, tackling issues of development and climate change together, and addressing both global public goods problems as well as national concerns. While strongly focusing on the means of implementation, particularly the mobilisation of financial resources, capacity building and technology as well as on strengthening data collection and institutions, the UN has not been able to help surmount the major challenge of harnessing financial resources. An IMF study in 2019 estimated annual spending needs by 2030 of the order of US$ 2.6 trillion in low-income and emerging markets, for delivering SDG targets in education, health, power, roads, water, and sanitation. Recent moves to repackage development assistance as a joint public-private endeavour have been criticised as attempts by official government donors to escape their obligations. Even so, private money has decreased, with FDI dropping by 30 percent in 2018 over the previous year; there is no rise in ODA flows or those from other sources except for the remittances by migrants. The emerging challenge is particularly daunting for fragile states with weak growth trajectories and strong population pressures.

Like most countries, India has designed its own framework for implementing the Sustainable Development Goals. The task of coordinating them is entrusted to the NITI Aayog which has formulated an agenda in line with the SDG's 15-year time line. The Vision 2030 Agenda replaces the previous Five Year Plans. Simultaneously, the 29 states and 7 Union Territories are also developing long term plans consistent with the SDG framework and a SDG index as well as a dashboard for monitoring their progress, and allowing competition among states to become frontrunners and high achievers in meeting these important targets and challenges.

Human Rights

This brings us to the humanitarian and human rights pillar which remains a fundamental priority to the United Nations today. It is relevant to recall that the Universal Declaration of Human Rights was being drafted at the same time as the drafting of the Indian Constitution. Many important concepts of the latter document served to inspire Indian delegates in the fleshing out of the UDHR. Over the decades, Indian delegates have also actively contributed through the UN to create a global governance system that has stood up for human rights and social justice. Today, the UN's work in human rights is carried out by a number of bodies, with a distinction between Charter-based and treaty-based human rights bodies. The first derive their establishment from provisions contained in the UN Charter. They hold broad human rights mandates, address an unlimited audience, and take action based on majority voting. Treaty based bodies, on the other hand, derive their existence from specific legal instruments, hold more narrow mandates (that is, the set of issues codified in the legal instrument), address a limited audience (that is, only those countries that have ratified the legal instrument), and generally base their decision-making on consensus.

The Human Rights Council was set up in 2006 as a reorganised mechanism to look at the human rights policies of all UNGA member-states without "double standards or politicisation". This was to be done primarily through a Universal Peer Review (UPR) mechanism, meant to be transparent and accountable. Also, to articulate these structures, strong civil society networks have sprung up around the world, focusing the attention of the people on accountability and legitimacy failures in global and national governance. Civil society organisations are today important movers of innovative measures to deal with emerging global humanitarian and human rights threats. And, while some may have made controversial use of the social media and internet in mass mobilization and global perception management, they have, on the whole, played a useful and important role, and are collectively recognised internationally as representing the "We, the People" of the UN's Preamble.

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Today, the multilateral experience has come full circle. The ubiquity of information and knowledge, the rush of technology, and the expansion of trade and finance across nations, have made us interconnected and interdependent; but they have also brought new vulnerabilities springing from

the intolerance, arrogance, overreach, greed, and anxieties of individual and communities in a globalised world. As the borders of nations and individual minds get blurred, we are forced to look for common solutions to the common problems that afflict us, whether they relate to terrorism[6], migration, environmental fragility, or deadly disease. Yet, in critical quarters of the international system, we see a narrowing of horizons, a stoking of populist rhetoric through the reification of prejudices and stereotypes as well as a dangerous weakening of the multilateral impulse among governments. This trend needs to be reversed.

Refugees and Migration

The problem of refugees and forced migration has afflicted communities throughout history, giving rise to policies of discrimination, exclusion, racial hatred, ethnic cleansing, and even genocide. The UN Convention Relating to the Status of Refugees adopted in 1951 is, today, the centrepiece of international refugee protection law. Though many countries, including India, are still non-signatories to this Convention, there is widespread recognition of the fundamental principles underlying protection to refugees, notably of non-discrimination, non-penalization, and *non-refoulement* as well as the minimum standards of treatment for them, including access to the courts, primary education, work, and minimal documentation.

Today, almost 70.8 million people find themselves forcibly displaced worldwide as a result of persecution, conflict, violence, or human rights violations across the world. About 60 percent of the world's refugee population lives in just ten countries, all in the global south; and, they live in the poorest parts of these countries. In 2018, the UN General Assembly adopted two landmark global compacts: the Global Compact for Migration, and the Global Compact on Refugees. The first is a robust framework of international cooperation to address the multi-dimensional aspects of migration. The second is a comprehensive refugee response framework to be undertaken by the international community to ease pressure on host countries, enhance refugee self-reliance, expand access to third-country solutions, and support conditions for the safe and dignified return of refugees. Both Compacts affirm the human right to health for migrants and refugees, and encourage stakeholders, including trade unions and civil society, to cooperate with governments and international agencies to realise this right, through a whole-of-society approach. Though both these Compacts are not legally binding on states, their adoption by universal acclaim demonstrates a strong political commitment of all UN

Member States to implement them, and is indicative of a new direction of 'soft" international law.

Climate Change

While global emissions have reached record levels, with peaking summer and winter temperatures, rising sea levels, dying coral reefs, and the life-threatening impacts of air pollution across the world, the UN Secretary-General called upon world leaders in New York in 2019 to add more ambition to realise their nationally determined contributions so that greenhouse gas emissions are reduced by 45 percent over the next decade, and we progress to net zero emissions by 2050. While it is true that the COP 21 held in Paris in 2015 had changed attitudes and influenced policy on a wide scale, the retrenchment by important nations since that time made it clear that more substantial action was needed if the world was to get anywhere near the goal of reducing global emissions to net zero by mid-century. As countries face the imperative of making stronger commitments at COP 26, some grounds for optimism appear on the horizon in the slowing of greenhouse gas emissions. Renewable energy currently outcompetes fossil fuels in many areas, and continues to become cheaper every year. New energy storage options, ranging from cheaper batteries to green ammonia are emerging, and new ways to produce proteins at scale without destroying rainforests are being developed.[7] But, to get to these goals, serious and sustained focus will be needed on these green technologies, supported by policies and resources to get them rolled out.

A Pandemic and the Future of Multilateralism

If the cynicism and complacency displayed by the US leadership on the issue of climate change was frustrating to a majority of countries around the world, no less disappointing was the attitude of China during the initial phase of the Corona virus epidemic in that country. Despite the lessons of the SARS epidemic of 2002, authorities in China's Hubei province spent almost two months prevaricating on the range and intensity of the virus even as it was spreading through the country with ferocity. Meanwhile, the UN's WHO, despite having a pandemic preparedness framework in place since 2012, kept "whistling in the dark", in the face of the clear danger signals emanating from China, hoping the issue would be resolved domestically. When the virus began to spread outside China, major Western European countries - and even the

USA - displayed unimaginable casualness over implementing serious preventive measures, including lockdown, being afraid of its temporary destabilising effects on their economies. For weeks, no serious multilateral effort was mounted to meet the crisis. Unlike during the 2014 Ebola crisis, as of early April, no Security Council meeting was held. It was at Prime Minister Modi's initiative eventually that a G-20 meeting was convened on March 26, 2020 to even consider urgent short term action to help vulnerable countries - including activating the WHO Response Strategy and other broad measures - to safeguard the global economy and address trade disruptions. Though the meeting temporarily halted the recrimination and blame games, there was little evidence of commitment to the kind of collective multilateral action to contain the spread of the virus through information-sharing or lessons-learned, coordinated provision of protection, testing, and treatment, supplies and equipment, management of cross-border controls, and directed help to individual nations to cope with infection control at the primary and secondary levels. Meanwhile, the crisis deepens.

There can be little doubt that the post-Corona virus world will not be the same as the one before it. Earlier, in the new century, the interconnectedness and interdependence of our globalised world was recognised universally as a promising reality. Economic thinkers, like Inge Kaul, were suggesting that effective and fair international cooperation was in everyone's interest and, while nations would continue to compete, in many areas, they were also likely to face a "sovereignty paradox" where they may need to cooperate at a regional or global level by limiting their own policymaking space and sovereignty. States needed to accept "limiting" their sovereignty while exercising it more "responsibly". Given the interdependence between states, such action would sometimes make more sense in helping their own people better conditions of development and prosperity vis-à-vis other states, and vis-à-vis the world as a whole. She called this an exercise of "smart sovereignty."[8]

The experience of the Corona crisis has sharply challenged this logic. Most societies that have borne its brunt have emerged from it deeply suspicious of globalisation, interdependence, and multilateralism even as their peoples and leaders have retreated into their "inner citadels." But while the interdependence in global value chains in production, supply, and marketing witnessed across the globe in recent years will be sharply attenuated as countries raise autarchic walls, and search for alternate sources or redundancies to avert any future *force majeure* situation, it would be unrealistic to assume that the genie of globalisation can be put back into the bottle, or that we can pull the plug on our interconnected world. A retreat from

multilateralism will not work. The time may finally have come for the world to look for a more durable and cooperative way to address the underlying issues through a more transparent and rules-based multilateral process to be overseen by an institution like the UN. But, even for such a system to work, the underlying power dynamics of the UN will have to undergo thoroughgoing structural change.

Notes :

[1] Kofi Annan, 'Foreword', in *Ahead of the Curve? UN Ideas and Global Challenges*, (ed.) by Louis Emmerij, Richard Jolly, and Thomas Weiss, Bloomington, IN: Indiana University Press, 2001.

[2] Ramesh Thakur FAIIA and John Langmore, *UN Security Council Needs More Elected Members*, Australian *Outlook*, 4 August 2016.

[3] Douglas M. Johnston, The Historical Foundations of World Order: The Tower and the Arena by (Brill, 2007).

[4] "At $8bn, the entire peacekeeping budget is equivalent to one month of US military spending in Afghanistan at the height of the conflict in 2010, or just 1.4% of the current US defence budget, which stands at $573bn." See, Joe Sandler Clarke, *The Guardian*, 6 April 2016.

[5] In a debate at the General Assembly pertaining to the concept of the 'Responsibility to Protect' (24 July 2009), the Indian Permanent Representative, Ambassador Hardeep Puri, said: "We ... need to be cognisant that [the] creation of new norms should at the same time completely safeguard against their misuse. In this context, responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action." He further stated: "Even a cursory examination of reasons for non-action by the UN, especially the Security Council, reveals that in respect of the tragic events that were witnessed by the entire world, non-action was not due to lack of warning, resources, or the barrier of state sovereignty, but because of strategic, political, or economic considerations of those on whom the present international architecture had placed the onus to act. The key aspect, therefore, is to address the issue of willingness to act, in which context a necessary ingredient is real reform of the decision making bodies in the UN like the Security Council in its permanent membership."

[6] The issue of terrorism is not considered in this paper. Despite its inability to define terrorism so far, the UN has tackled the issue through: the Sanctions Committees under UNSCR 1267, 1383 et al; and a Global Counterterrorism Strategy and Plan of Action agreed in the UNGA, which is continuously reviewed. At the Secretariat, the UN Office of Counter-Terrorism (UNOCT) is headed by an Under-Secretary-General (USG) and a UN Global Counter-Terrorism Coordination Compact which was signed by 36 UN entities, INTERPOL, and the World Customs Organization, all of which aimed at improving coordination, enhancing transparency, and to evolve better mechanisms for monitoring and evaluation.

[7] See, *The Guardian*, 10 March 2020, at https://www.theguardian.com/commentisfree/2020/mar/10/glasgow-climate-conference-uk-green-tech-revolution-cop26

[8] Inge Kaul, *Global Public Goods: A Concept for Framing the Post-2015 Agenda?* Bonn: German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE)), 2/2013, p. 3, at http://www.die-gdi.de/CMS-Homepage/openwe. Annex 2 is of interest in the current context. See also, *The Governance Report*, Oxford, UK: Hertie School of Governance, Oxford University Press, 2013.

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