

Of Words and Wars: The Security Council's Hard Life Among the Great Powers

by Ian Hurd

In assessing the damage done to the UN by the Iraq-U.S. war, many commentators have found reason to conclude that the episode represents the final, fatal blow to a long-suffering institution. Michael Glennon recently concluded that the UN Security Council has finally “fallen victim to geopolitical forces too strong to withstand,”¹ and no less a light than Richard Perle calls it the “parting irony” of Hussein’s reign that “he will take the UN down with him.”² The ruins of the Iraqi regime symbolize for Perle “the intellectual wreckage of the liberal conceit of safety through international law.” Far from lamenting this development, these writers celebrate it—the world will be better off for it” says Charles Krauthammer—as the beginning of a new “realism” in American foreign policy, a moment comparable to E.H. Carr’s decisive critique of liberal idealism at the end of the Second World War.³

Today’s argument, repeated in newspapers by columnists and off-the-record by U.S. officials, goes like this: since the UN represented “a grand attempt to subject the use of force to the rule of law,”⁴ the opposition in the UN to the American attack on Iraq stands as evidence that this does not work. More generally, the American unipolar moment means a shift in international power “toward a configuration that [is] simply incompatible with the way the UN was meant to function.”⁵ Therefore, according to Charles Krauthammer, continuing to look for policy guidance from the “corrupt, perverse, institutional relic” that is the UN is a strategic and moral mistake.⁶

This analysis is wrong. It is based on a fundamental misunderstanding of the nature of the Security Council, one that sees the Council in moralistic and legal terms rather than in realistic political terms, and it leads to a wrong policy conclusion. Ironically, Perle and others who would dismiss the UN as powerless, share with the progressive idealists an over-inflated sense of the Council’s power, purpose, and ambition in the world. Both criticize the Council for failing to act—either for failing to support or failing to prevent the war. Getting the Council wrong in this way is extremely significant, since it means these writers also get wrong their analysis of the future of American power. A more realistic assessment of the origins and function of the Council is crucial for making sensible policy in the new age of American dominance—the budding American unipolar hegemony will be stronger if built on a foundation that includes the Security Council.

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Greater realism in assessing the UN would recognize that the Security Council is at its heart a political pact among the Great Powers, the five permanent members of the Council, to keep the peace among themselves. The Council, born in the laborious diplomacy of Dumbarton Oaks, Yalta, and San Francisco, enshrines the principle that the more powerful states should manage the international system on behalf of the rest, and it institutionalizes this principle in the device of the veto. This is neither a system for emancipating the less powerful states, nor one that requires that the Great Powers subject themselves to collective decisions about international security. Both the liberal and conservative critics perpetuate the myth that it is the Council's job to rein in the Great Powers. Far from Glennon's imagined "legalist institution" in opposition to "geopolitical forces," the Council comes from a realistic political compromise among the powerful.⁷

To see this, one must return briefly to the basic document setting out the Council's powers: the UN Charter. It is here that both the substantive, legal authority of the Council and the procedural mechanism of the veto by which that power is limited are spelled out. Taking these two together, one sees the "problem" the founders of the UN saw themselves as addressing—avoiding conflict *among* the Great Powers. The founders of the Council were not looking to protect the weak from the adventures of the strong or to impede the strong in their periodic fits of imperialism.

THE SECURITY COUNCIL'S AUTHORITY AND PROCEDURE

The legal authority of the Council in the international system is impressively broad. As the central location in the UN for international security, the Council may intervene in the domestic affairs of states when these are thought to pose a threat to international peace and security. Under Article 42 of the Charter, the Council can decide to take any action "by air, sea, or land forces as may be necessary" to "restore international peace and security." This permissive language allows the Council to ignore the restraining clause in Article 2 (Section 7) that says that the UN cannot "intervene in matters which are essentially within the domestic jurisdiction of any state." Once the Council decides that a state poses a threat to international peace, it has full freedom to intervene in that state. There is no opening for judicial or other review.

However, this authority is limited by the important procedural mechanism of the veto. Each of the Great Powers has the power to block any intervention that it feels goes against its interests. Article 27 gives each member of the Council one vote, but says that decisions on substantive matters require nine in favor "including the concurring votes of the permanent members." The veto was crucial for the Great Powers at the San Francisco conference in 1945, where the Charter was drafted: without it, they made clear, there would be no UN at all. The Great Powers presented this as protecting the less powerful states from future great-power wars; the British delegate at San Francisco suggested, apparently seriously, that the Council

“represented one of the most remarkable advances in all human history.”⁸ The real payoff, though, is of course that the Great Powers can cut off action against themselves or their allies.

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The fact that the veto works negatively, in permitting the Great Powers to kill resolutions with which they disagree, means that the Council is biased in the direction of inaction. But inaction, as the UN founders knew, can be very useful. The inaction implied by the veto guarantees that the Council will be paralyzed at precisely those moments of the greatest tension between the Great Powers. When one finds oneself standing in a minefield, sometimes the best way to avoid a catastrophic misstep is to not step at all. When the Great Powers disagree, the Council will not be able to act, and the drafters of the UN Charter believed that in such cases, it should *not* act since to act would be to invite disaster for the whole organization. The veto is the convenient institutional mechanism by which the Council gets out of the way when the Great Powers clash. This is not a “flaw” in the design of the Council—this is the *sine qua non* of the Council. Thus, far from putting forward “imaginary truths that transcend politics”⁹ as Glennon claims, this system is a sensitive political compromise to manage the competing interests of the Great Powers and also to maintain some opening for a useful international organization.

The Council was intended to manage how the strong could dominate the weak—not for the benefit of the weak, but rather to avoid the strong stepping on each other’s toes. It does not prohibit the intervention of the Great Powers upon other states; in fact it *encourages* intervention as long as the Great Powers can all be brought to agree on it. In cases where the Great Powers disagree, the members of the Council have never been so deluded as to believe that their job was to stop the unilateral action of a fellow member. Further, there was no expectation at San Francisco that the Council’s contribution to world order was to regulate the foreign adventures of the Great Powers.

Nothing has changed in the subsequent sixty years to alter these limits on the Council’s authority. The system of Great-Power management established in 1945 remains the central logic of the UN security system today. This is clear from the mixed history of UN adventures in peacekeeping and peace building. When the Great Powers agreed on interventions in the 1990s, the Council empowered the UN to intervene quite dramatically in places like Cambodia, East Timor, and Latin America—but these same conflicts were allowed for years to fester while the Great Powers quarreled their way through the cold war. While some would like to see the Council increase its influence over the Great Powers, the terms of the Charter make this very difficult and amendment of it on this point is nigh inconceivable.

POWER AND LEGITIMACY AT THE COUNCIL

In this more realistic assessment of the purposes of the Council, one finds a more modest set of goals and powers for the Council than some critics imagine. However, this does not mean one can dismiss the council as entirely inconsequential—the lowering of expectations does not mean abandoning them altogether. The Council does have some power over strong states, even over the United States, and this comes in the shape of the “audience effect.”

Many countries believe that the Council carries legitimacy in the area of international peace and security. They alter their behavior based on the results of Council deliberations. This belief in legitimacy may be the product of misguided idealism about the nature of the Council of the type criticized by Perle and Krauthammer, or of a genuine commitment to the principles of multilateralism and consensus, but its origin matters less than the fact that many governments take the Council seriously and adjust their foreign policies accordingly. Over Iraq, had the mythic “second resolution” come to pass, it is not difficult to imagine middle-of-the-road countries falling in line behind it—including some, like Turkey, that could have made a significant contribution to the war.

Faith in the legitimacy of the Council is more prevalent in the less powerful states than in the Great Powers, and in general the normative component of the UN is carried more by the less powerful than by the hegemonic. It is the less powerful states that perceive Council decisions as conferring legitimacy on outcomes, and it is therefore these countries that press for the rule-of-law in international affairs. But even the more powerful states have good self-interested reasons for recognizing the power that this legitimacy represents. These beliefs are extremely important, even for states that may not hold them, since they are a useful device in understanding (and manipulating) the behavior of the less powerful states.

What matters in either case is that many governments take seriously the Council and adjust their foreign policies accordingly.

In such an environment, a wise American foreign policy must take this sentiment into account, even if U.S. policymakers themselves do not share the belief in Council legitimacy. The costs to the Great Powers of acting unilaterally are raised to the extent that other countries react negatively to the United States’ bypassing of the Council. This effect is seen when the Great Powers seek Council approval to legitimize their actions. When the Council does not grant its approval, the option of unilateralism certainly remains viable and is often taken. This is arguably what happened in the U.S.-Iraq case, as well as in the NATO-Kosovo case. At such moments, the political costs to unilateralism are raised, but no realistic observer of international politics should be surprised that Great Powers continue to intervene in world affairs. Certainly the drafters of the Charter would not be surprised.

Understanding the power of the Council to legitimize policies is the key to understanding the great American need for the UN in U.S. foreign policy, especially as the United States embarks on a new age of imperialism.

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THE COUNCIL'S CONTRIBUTION TO THE U.S.-IRAQ COMPLEX

The conservative and liberal critics of the Council disagree on a lot, but they agree on the basic contention that the Council demonstrated its irrelevance by its failure to act over Iraq. Inaction, both say, violated the fundamental Charter obligation of the Council to “maintain or restore international peace and security” and, given the high stakes of the crisis, showed that when most needed, it cannot be relied upon. But to dismiss the Council for failing to be more active in the Iraq crisis is to imagine a straw-man version of the Council, pumped up on idealist and legalist steroids. It misses the point of the real purposes of the Council. Admittedly, the real objectives of the Council are more modest than the critics suggest and it might be a cause for complaint, but it is by these standards that the Council's contribution should be judged. A more realistic assessment of the Council's purpose reveals that its contribution was not negligible, even if it was less than both what the conservatives are afraid of and what the progressives aspire to.

On Iraq, the veto worked as intended—it provided an escape route, honorable or otherwise, for the Council in a situation where Great Powers were irreconcilably at odds. Even within the constraints of this basic inaction, the Council managed to contribute in three small ways to its general goals of maintaining international peace and stability. Each of the three ways is small relative to the stakes of the crisis, but each raises the political costs of unilateralism. Given the chasm that opened up between veto-holding states, this is the most that could be expected of the Council.

First, the Council has sufficient legitimacy in international politics that Washington found it advantageous to seek Council approval for the operation. This produced the first round of diplomatic maneuvering and reopened the debate over how to deal with Saddam Hussein in the fall of 2002. It also forced the United States to justify its position, particularly on weapons of mass destruction, and it now finds itself trying to live up to its public claims.

Second, many third-party countries, such as Canada and Turkey, looked to the Council to signal whether it was appropriate to support the mission. When the Council failed to approve the military solution to the Iraq problem, these countries (and a wide swath of public opinion) chose to stay on the sidelines. Had the Council acted differently, it is likely that many countries and publics would have acted differently also, and both the military and diplomatic challenges faced by the United States would have been lessened.

Third, the Council, by refusing to approve the operation, accomplished both of its (realistic but more modest) goals when Great Powers disagree: it reinforced the legal principles of the Charter on the use of force, and it slightly raised the political costs of unilateralism for the hegemon. This is the most that the Council can do relative to a Great Power.

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It cannot be seriously claimed that the UN Security Council is a failure as an institution unless it effectively restrains the Great Powers from their military adventures, nor that Great Power disagreement in the Council chamber signals its irrelevance. This position is untenable because it misunderstands the basic structure of the Council and the political compromise that brought it into being. When the strong disagree on how to organize the system, then the Council, by virtue of the veto, wisely steps aside.

THE FUTURE OF U.S. FOREIGN POLICY

Seeing the Council in this light is important because it affects how American foreign policymakers assess U.S. interests in world politics. The liberal critics of the Council are right that it has neither the legal nor the military capacity to block American unilateralism; yet, they are mistaken that it is therefore wise to ignore it. Blocking American action is beside the point. What matters is how the UN affects the political calculations of the United States pursuing its preferred policies, and in most cases, it can affect the costs and benefits faced by American foreign policymakers. When the United States mobilize the legitimacy of the Council behind its interests, it becomes easier to win the support of third-parties, and the United States gains leverage in deflecting criticism. This may in reality be an illusion, as the conservative critics note, but as long as it is an illusion that *works*, then it is worth investing in. The value of legitimacy for American policies will rise, not fall, in the coming years if unipolar hegemony indeed emerges as the guiding principle of U.S. foreign policy. Hegemony, as is known from past experience, is more efficient and less costly when supported by both brute force and legitimacy.

As for the future of the UN, this more realistic reading of the Council suggests a great deal more continuity with the past than the critics are willing to admit. When the Great Powers agree, the Council can be empowered to work constructively to “restore international peace and security,” as it did on occasion in the 1990s. When they disagree, the Council will certainly sit idle, as it did through the cold war, sidelined by disagreements over the very questions that matter most. A period of energetic American military hegemony will not necessarily result in the obsolescence of the Security Council, since there is no incentive for other permanent

members to oppose the United States on *every* issue. Thus, there will be moments of Great Power consensus alongside moments of deadlock, and the Council will from time to time be found by the United States to be a useful venue. All in all, the future looks to be very similar to the past.

Notes

¹ Michael J. Glennon, "Why the Security Council Failed," *Foreign Affairs*, May/June 2003, p. 16.

² Richard Perle, "Thank God for the Death of the UN," *The Guardian*, March 21, 2003.

³ Charles Krauthammer, "UN RIP," *Washington Post*, Jan. 31, 2003

⁴ Glennon, "Why the Council Failed," p. 16.

⁵ Glennon, "Why the Council Failed," p. 18.

⁶ Krauthammer, "UN RIP."

⁷ Glennon, "Why the Council Failed," p. 16.

⁸ United Nations, *United Nations Conference on International Organization* (San Francisco, CA: 1945), v. 11, p. 435.

⁹ Glennon, "Why the Council Failed," p. 32.

