

## John Holmes Memorial Lecture



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I DID NOT KNOW JOHN HOLMES, BUT I THINK I WOULD HAVE LIKED HIM. HIS long service to academia, the United Nations, and the government of Canada is emblematic of the ties that the Academic Council on the United Nations System (ACUNS) seeks to foster between research and practice. And his own humility and humor provide inspiration to us all.

I recently reread his 1988 keynote address, “Looking Backwards and Forwards.”<sup>1</sup> Holmes perceived—in those dying days of the Cold War—that the UN had reached a crossroads in its history. But he also cautioned that a moment filled with promise and uncertainty should not give way to reinvention without a due understanding of what had come before. Those times—thought by some to herald a “new world order”—required visionary leadership in global affairs. They offered the UN a chance to reclaim the purpose of its founders. Our own times, you might think, bring more uncertainty than promise.

It is true that the foundations of the global order are creaking under the weight of myriad challenges—from militant extremism to climate change. Such phenomena not only confront us with direct threats, but also risk an erosion of our faith in the potential of the UN to act in the interest of the global collective good. It seems that, while the need for more effective global governance is more pressing than ever, those actors with the potential to provide it are faltering. Indeed, *global governance*, a term itself emblematic of the post-Cold War order and the beginning of the new century, is in a state of deep crisis.

Just as in 1988, the challenge falls to us to renew the promise of the world organization. Holmes and his colleagues undertook to “save succeeding generations from the scourge of war.”<sup>2</sup> This timeless duty is now ours.

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To my mind, a particularly useful framework to assess the current health of the UN is the prism of security and justice.

### **The Interaction of Security and Justice**

The UN Charter is redolent with concern for security and justice. Their mutual and complementary pursuit forms the basis of the Charter’s Preamble, which

not only avows to banish war but also to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.” I think it is important to highlight the alignment of aims in the UN’s fundamental text because too often we conceptualize security and justice as aims in opposition to each other. Too often the UN is viewed narrowly as either a great-power security pact or a putative attempt at world government. Such an inflexible view stems in part from conceptual rigidity and disciplinary divisions.

Until relatively recently, *security* was synonymous with the pursuit of order. It appeared to imply a concern, above all, with the absence of chaos, be that within the boundaries of a state or at the level of the international system. And in keeping chaos in check, authorities—be they domestic political leaders or concert of powerful states—were understood to resort to methods that overrode the rights of the individual. *Justice*, on the other hand, was seen by some as the goal of the idealist, or even the legalist. Narrowly conceived, it is viewed as a mechanism for righting historic grievances, regardless of prevailing political realities or the long-term consequences. For such reasons, notions of “global justice” tend to connote a certain utopian romanticism.

These caricatures—for they are just that—are unhelpful, but they must be addressed because too often they stand in the way of a more useful understanding of the interconnectedness of security and justice. It is my view that societies—and the international society they form—can truly thrive only when justice and security work in tandem. In practice, without justice, security is a chimera; it is rule by the sword, which is never a rule that lasts. Without security, justice can never be delivered—or, once thought to be blossoming, will wilt like the autumn leaf. In this sense, it is true that the provision of security without any concern for justice will lead to arbitrary rule, and equally correct that pursuing justice without regard for its interrelationship with the current or future security situation may be foolhardy. But that is because security and justice do not—or ought not to—act in isolation from each other.

To the framers of the UN Charter, this was axiomatic—and I believe it is still true today. But in other respects, we have come a great distance in the past seventy years. It is through constant exchange between academia, policy, and practice that these concepts have been elaborated and enriched. Security is no longer the security of the state or its leader alone, but the security of individual people, which is increasingly understood to be rooted in human dignity. Justice, moreover, is not just the thin justice of judicial procedures in the courtroom, but rather the flourishing of a genuine rule-of-law culture within an overall structure of fairness that provides equal opportunity for a country’s citizens and—at the global level—for humanity at large, and leaves no group marginalized and disenfranchised.

It is therefore precisely the dynamic interplay of security and justice that is critical to the provision of both as public goods. That is why my own or-

ganization—The Hague Institute—focuses on the critical intersection of peace, security, and justice. It is why the Commission on Global Security, Justice & Governance, a high-level panel chaired by Madeleine Albright and Ibrahim Gambari, have advanced a new concept of “just security.”<sup>3</sup> And it is why the interrelationship of security and justice forms the basis of my own assessment of the current performance of the UN.

As Holmes would have it, we must learn from the wisdom of the framers of the UN Charter, who set security and justice side by side in its Preamble, but also learn from developments—conceptual and practical—that have shaped the operation of security and justice over the past seventy years.

### **What Is the UN Doing Right on Security and Justice?**

Let us begin, as is my predilection, optimistically. Although many of us are reformers by inclination, we should allow ourselves pause to take heed from the many ways in which the UN is “getting it right” when it comes to security and justice. I would like to highlight three aspects of the organization’s work in this regard:

- First, the UN’s role as forum for the hardest cases;
- Second, its success in integrating security and justice in the policies and practices of peacekeeping; and
- Third, the leap forward taken in 2005, which drew in large part on conceptual innovations of the preceding decade.

First, let us not forget that *the UN remains the actor of last resort* when all other avenues are exhausted. In a world of power politics, mutable media agendas, and hashtag activism, it is inevitable that some crises garner more attention than others. But without the UN, such imbalances would be far more egregious. Constituted of 193 member states, each of which enjoys an equal voice in the General Assembly, the UN is the world’s only truly global forum.

As of this writing, there are sixteen peacekeeping operations in the field. Many operate in corners of the world—such as Western Sahara and Côte d’Ivoire—which have not made the front pages for some time. Together, these missions comprise around 107,000 peacekeeping troops, who represent 122 countries.<sup>4</sup> Seventy-one such missions have been deployed since 1948.<sup>5</sup> This is the tireless, thankless work of the UN. And it is often dangerous work. As of March 2015, there had been 3,395 fatalities in peace operations since the first was deployed in 1948.<sup>6</sup>

And while the high-profile impotence of the UN in situations such as Syria and Ukraine tends to color global opinion, it is often in the places far from the minds of the great powers that the Blue Helmets work for more secure societies. The UN missions in the Central African Republic and Liberia,

among fourteen others, should serve as a reminder that, notwithstanding deficiencies and biases, the collective security system advanced by this organization is a far cry from the balance of power politics practiced by nineteenth-century statesmen. That the UN so often acts in this way is surely in the interest of global justice.

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Second, *the conceptual integration of security and justice has informed the practice of such peace operations*, making them more effective than ever. Whereas traditional peacekeeping involved “military personnel, but without enforcement powers . . . to help maintain or restore international peace and security . . . based on consent and cooperation,”<sup>7</sup> complex multidimensional peacekeeping has demonstrated that the UN can learn from experience and rise to the challenge that intrastate conflict in fragile polities presents.

The surge in demand for UN peacekeeping in the 1990s, and the innovative nature of multidimensional missions, meant that there were high-profile failures. But the UN showed courage, not least in the reports it commissioned on its darkest chapters, in Bosnia and Rwanda, as well as in the overall review of peace operations undertaken by Lakhdar Brahimi.<sup>8</sup> The new review of peace operations that is currently under way further illustrates the UN’s capacity for self-improvement. Harnessing, as it does, the extraordinary potential of this seventieth anniversary year, it further demonstrates the developing understanding that the various elements of the UN’s work must complement and reinforce each other. The transformation of peacekeeping that the Brahimi Report helped to crystallize has seen enhanced coordination between the various actors involved in peace missions—civil, military, official and nonofficial—as well as better functional cooperation between the various aspects of a mission’s work.

And although the names that such missions are awarded are becoming increasingly unwieldy—take the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), for example—what may seem a disservice to plain English (or French) is in fact a symbol of progress in conceptualizing the joint advancement of security and justice. The mission in Mali is instructive. Its mandate emphasizes its duty to ensure “security, stabilization and protection of civilians” (also relatively new, of course). But it is also tasked with exercising “good offices, confidence-building and facilitation at the national and local levels” to anticipate, prevent, mitigate and resolve conflict.<sup>9</sup> It plays a key role in fostering reconciliation, restoring state authority, and building trust in institutions. To do so, it has deployed not only 11,200 military personnel, but also 1,440 police as well as a sizable civilian contingent.<sup>10</sup>

MINUSMA has been an innovative mission in many respects. It is one of

several missions, for example, to have benefited from the slow but steady roll-out of the Global Focal Point on Police, Justice and Corrections, a collaborative initiative between the UN Development Programme (UNDP) and UN Department of Peacekeeping Operations (UNDPKO) that seeks to enhance the services that UN headquarters can provide to missions on integrating security and justice. In Mali, a Global Focal Point mission helped to undertake an assessment of police justice activities and provided a fillip to ongoing integration efforts. MINUSMA has also tested the limits of previous practice when it comes to conflict analysis, intelligence gathering, and early warning.

The operation in Mali represents demonstrable progress in the story of UN peace operations. It shows how the organization can learn from its mistakes, draw on evidence from scholarship as well as practice, and integrate security and justice to provide the countries it supports with the best possible chance of forestalling a descent back into conflict.

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The third way in which the UN is performing well when it comes to security and justice is the way it has served as *the incubator for new norms and reformed its own institutions*, drawing on the insight that security and justice must act in a complementary fashion.

To those who doubt the UN's capacity to change, I point to the flurry of activity that accompanied the organization's sixtieth anniversary in 2005. Under the able leadership of Kofi Annan, the UN demonstrated an impressive ability to assess its shortcomings, draw on the insights of experts, and reform itself in the interest of those it seeks to serve. Without doubt, the reforms realized in 2005 were insufficient. No political organization can successfully balance the competing interests of its member states, Secretariat, agencies, and the wider concerns of civil society and come up with a perfect solution. But in 2005, the UN showed that it had the will to try, and the results in some cases were rather impressive. The critical understanding that international security must go beyond *realpolitik* informed all the innovations of that time. Indeed, a golden thread ran from the human security agenda first outlined in the 1994 Human Development Report<sup>11</sup> to the agenda for change that Annan's own report, *In Larger Freedom*,<sup>12</sup> sketched out.

Conceptual cross-fertilization found form in the Responsibility to Protect (R2P), which echoed Annan's view of two sovereignties—of states and of people; in the peacebuilding architecture, which was designed around the understanding that security was not the mere absence of violence; and in the Human Rights Council. A decade on, there is much more work to do to enhance the effectiveness of the Human Rights Council and the Peacebuilding Commission and to operationalize R2P. But I would venture that these innovations

have found their feet: consider the fact that the Peacebuilding Fund is now able to attract donor funds that would otherwise have gone to traditional funds, programs, and agencies; and the ongoing debate about enhancing the UN's work on human rights, not by watering down the role of the Human Rights Council, but by joining its work with the organs in New York.

In understanding that security and justice must be combined in novel institutional form, the international community struck the right chord in 2005, and the successes of these institutions have been a testament to the boldness of that vision. As Holmes recalled in 1988, some have compared the UN system to a cobweb “because of the unsymmetrical yet functional pattern of its connections.”<sup>13</sup> Cobwebs, he added, “are fragile but can be quickly re-woven.”<sup>14</sup> The UN, indeed, is far more agile than we give it credit for.

### **What Is the UN Doing Wrong on Security and Justice?**

I hope these reflections give us cause for cheer about the strides that the UN is undeniably making. But we are not a group accustomed to self-congratulation, nor to satisfaction with the status quo. And it would appear Panglossian, to say the least, if—given the serious challenges that the UN currently faces—I were to identify only areas where it is performing well when it comes to security and justice. So, where is the UN performing inadequately, and where is it missing in action?

We cannot deny, first of all, that the *inequity that stems from the political reality* of the contemporary world order has deleterious effects on our pursuit of a more secure and just world. What is the hope for global justice when some states are more secure than others, by dint only of the geopolitical interests of more powerful sponsors or adversaries? Such cases—I think principally, in our own time, of Syria and Ukraine, but there are many others—not only do a demonstrable disservice to the suffering peoples of the world, abandoned to their fate because of an accident of birth, but also weaken the legitimacy of the UN and damage its prospects for action in the longer term.

In his new book *World Order*, Henry Kissinger identifies—albeit in a rather detached fashion for someone so intimately involved in world events in the past century—the crux of the UN's failure. Associating the UN with the League of Nations, he argues that “what these international institutions have failed to do—and were incapable of accomplishing—was to sit in judgment on what specific acts constituted aggression or prescribe the means to resist when the major powers disagreed.”<sup>15</sup> We might justifiably shudder at Kissinger's use of the past tense to describe the UN, and his critical amalgamation of the UN with the League, but his central contention stands. Despite the understanding of the UN's founders that justice must be woven into international security arrangements, the shadow of power politics still haunts the UN's ability to act impartially.

But political will is an obstacle not only because of the interests of the Permanent Five of the Security Council, but also—in a mirror image—because of the suspicions of the wider UN membership about the intentions of powerful countries, which prevent the world body from effectively preventing conflict. If one traces the genesis of the peacebuilding architecture from conception to birth, the most striking part of the story is the gradual erosion of any effective preventive mandate. The need for such a mandate was flagged by scholars and practitioners alike, but it was more than the political traffic of the time could bear. There are understandable concerns in the capitals of developing countries about the use of prevention as a Trojan horse. During the debates of 2005, major powers made it clear that they would not be willing to share their own intelligence, and other states feared that intelligence-gathering tools would be used against them.

But while the debate is understandable, it shows that there is a long way to go before human security truly supplants state security as the guiding light for UN action, and it demonstrates that justice is too often still the junior partner of security.

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At the operational level too, notwithstanding the progress I referred to earlier, I argue that we observe a *disproportionate focus on security, with insufficient attention to justice*. The adoption of mechanisms that seek to integrate justice-promoting programs into the work of peacekeeping missions—such as the Global Focal Points initiative—has been too slow to unlock their transformative potential.

And while there is increasing recognition that, to be successful, peacekeeping missions must be multistakeholder in addition to multidimensional, there has not been enough progress in adopting such a network approach. Too often, the lessons that civil society can impart are ignored; in many cases, business is seen as an opponent—or at best, an irrelevant actor—rather than a partner for peace. This approach is failing because it does not take due account of the conceptual developments in peacebuilding: developments that emphasize the importance of a rule-of-law culture that embraces the participation of all relevant actors, and that draws on traditional authorities and customary justice mechanisms as well as formal judicial institutions.

Certainly, there are positive examples to cite—such as the encouragement by the UN of reconciliation processes through traditional means, like the Loya Jirgas in Afghanistan and *gachacha* in Rwanda. But the overall picture is one of slow progress. Progress is slow, not only because of intransigence, but also because of a failure to learn. Indeed, a “Responsibility to Learn” was one of six principles we identified at The Hague Institute in our 2013 publication, *The Hague Approach: Six Principles for Building Sustain-*

*able Peace in Post-conflict Situations*.<sup>16</sup>

It is clear that we could make better use of existing knowledge as well as enhance links between local and international peacebuilders to provide them with the opportunity to learn from each other in areas including the justice sector.

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It is perhaps *unsurprising that justice remains an afterthought at the operational level if—at the level of global institutions—there is still a stark divide*. Just how often is the fundamental role of Hague-based institutions at the heart of strategy in New York?

We have witnessed, in the past decade, a revolution in accountability. The way the Hague-based institutions have restored the notion of individual criminal responsibility to international salience, the courts and tribunals based in The Hague represent an enormous step forward in the fight against impunity. This is a victory not for lawyers, but for justice. And it is a mission that deserves more recognition and support from the wider UN family. Allow me to provide three examples of where there could be more effective collaboration between the courts and the wider activities of the UN system:

- First, the UN Security Council and Human Rights Council ought to ensure that efforts they undertake in the realm of fact-finding are complementary to the work of international courts.
- Second, all states should submit voluntarily to the compulsory jurisdiction of the International Court of Justice, as seventy-one countries have already done.
- And third, while recognizing the need for a careful balance between the “political” role of the UN Security Council and the “judicial” role of the International Criminal Court, there ought to be more cooperation between the two bodies including, for example, exchanges of briefings and a more coherent rationale for when the Security Council should refer cases to the court, or defer action by it.

International law is not a sufficient condition of global justice, but it is a necessary one. To build a more secure and just world, we must invest in building the rule of law not only nationally, but at the international level too.

### **How Must the UN Rise to the Challenge?**

These failings create, as I have argued, challenges on two levels. First, there is an immediate impact on the people that the UN is failing to serve. Second, there is an enduring impact on the organization’s legitimacy and effectiveness.



We see the results of declining faith in multilateralism all around us. Trade agreements are increasingly bi- or plurilateral, rather than agreed on through the World Trade Organization. Climate talks are stymied at the international level, with agreements between major powers seemingly making more headway. And in security, the UN risks being bypassed on the most urgent issues of the day.

Is, then, Kissinger's skepticism prescient? Will the UN go the way of the League? To my mind, the promise of the UN remains one unique in human history, and one we must all commit to renewing. To do so, scholars and practitioners alike must unite to improve the organization in three key ways, which include improvements in the UN's internal organization but that go beyond this:

1. While the UN must become more accountable, there is a need for broader accountability in international affairs.
2. We must not be loath to look within states because, ultimately, dysfunctional states make for dysfunctional international organizations.
3. We must endow the UN with effective leadership at all levels.

The UN is the creature of a political world and, if the UN is found wanting, that is symptomatic of wider *fault lines in global politics*.

We live in turbulent times. That at least is clear. Realignments in global power are recalibrating global influence and have brought geopolitics back to the fore. And just as the last major rebalancing of power created the moment of opportunity in which liberal internationalism found institutional form, so our own times put at risk the continued functioning of effective multilateralism or—at the very least—call for its reinvention.

How must we, adherents to multilateralism, respond? Above all, there is a need for broader accountability in international affairs: *a responsibility of the governors to the governed*. The social contract that operates—in successful cases—at the level of the state, whereby government provides security and justice to create an atmosphere conducive to liberty, must be replicated more consistently at the international level.

For the UN, this means accountability for its own agencies and staff. There have been too many examples where the organization has failed in this respect, as recent cases of abuses by UN peacekeepers illustrate. But it also means accountability for the states of which the UN consists. As economic influence is redistributed, rising powers must invest in the global order by contributing resources to multilateral efforts. And where states are unwilling or unable to fulfill the social contract to their people, part of their downward accountability is to accept the support of actors at the international level—the reason for the establishment of bodies like the UN Peacebuilding Commission.

In part, this accountability revolution can be facilitated through *transparency*. Already, open government initiatives have transformed the relationship between state and citizen, between donors and recipients. New technologies have enabled such processes to accelerate, putting tools for accountability in the hands of ordinary citizens. These tools bring with them the opportunity to transform traditional hierarchies. One example is in the international humanitarian system, where traditional vertical structures of benefactors in UN agencies and donor governments and beneficiaries in countries affected by conflict and disasters are giving way to a truly networked approach, in which affected people can enunciate their needs through readily available technology and where actors without formal connections to the system can transform humanitarian response by voluntarily providing expertise.

For true accountability at the international level, it is also essential that we ensure fair *representation*. Representation is a complex concept. Were geographic equity alone the principal concern, there would still be cause for legitimate and irreconcilable disputes between states. But geography alone is not destiny. We must ensure that not only states' but also citizens' aspirations are represented. And we must allow for the representation of ideas as well as people.

But notwithstanding the complexity of representation, we must recognize that the current structures of the UN reflect the political realities not of 2015, but of 1945. Efforts at reform should not eschew genuine changes to the composition and powers of the Security Council, but would-be reformers also should not use the difficulty of Security Council reform as an excuse to delay progress in other areas. Moreover, equitable representation is not just a matter for the UN, but must extend to other multilateral bodies.

The consequences of inertia are clear and are underscored, for example, by the recent decision by China, long frustrated with the governance of the international financial institutions, to launch its own development bank.

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We would not expect a national legislature to function if members with decisionmaking authority had exhibited tendencies toward corruption, incompetence, or arbitrary rule in their own fiefs. And yet many continue to look to the UN to provide security and justice in the most difficult cases, even where its own membership is lacking.

The UN, it bears repeating, is the sum of its parts. In the final instance, it is only as strong as its weakest link. In service of a world organization that effectively promotes, cultivates, and advances security and justice, we cannot shy away from the need to consider the domestic affairs of the UN's constituent parts. To do so, we must first make better use of existing mechanisms to hold countries accountable to international standards.

The Universal Periodic Review process of the Human Rights Council is, for example, something that governments could do more to champion. But more than this, although the environment for such conversations may be less auspicious than a decade ago, we must not relent in advancing a shared adherence to the sovereignty of peoples. This is an innovation that deserves nurturing. It is not one we can take for granted, or cast aside in trying times. It is, furthermore, an innovation that we must not shrink from advancing institutionally, where possible. So, although there have been challenges in bolstering the preventive mandates of UN missions and institutions, it is a case worth making, drawing on evidence of success.

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Member states must more forthrightly hold their peers accountable for actions within their own borders. In support of that task, they must be more ably assisted by the UN itself. This requires foresight, strategic vision, and, ultimately, leadership.

If the failure to operationalize prevention still haunts us, then there is also too little forward thinking in the UN as a whole. As a former strategic planner, I know both the importance of over-the-horizon thinking, and the difficulty of mobilizing resources to undertake it. To my mind, the UN ought to be doing far more to anticipate future challenges, including the changing nature of conflict.

Echoing Holmes, in looking forward, the UN must also look backward. This is as much a state of mind as it is a recognition that should have policy and programming implications. We cannot make a historian of every diplomat, but we can provide them with the tools to draw on the lessons that past experience provides. It is for this reason that my own institute and many others are engaged in discussions about how to preserve the judicial heritage of the International Criminal Tribunal for the Former Yugoslavia, and it is why—I believe—one much-needed reform of the UN system would be to improve its archival capacities more broadly.

More resources are needed across the UN for long-term planning, and the organization must improve its collaborations with outside bodies, including think tanks, nongovernmental organizations, and scholars. This is essential to spot the innovative partnerships that could mitigate future threats, and to ensure that a lively exchange of scholarship and practice forms a virtuous circle of analysis and policy. It is, incidentally, the reason for which this organization—ACUNS—was set up. For these changes to take place at the UN, and for member states to rally behind them, there is little that can substitute for bold, visionary, and accountable leadership.

When we talk of leadership, we tend to think of the Secretary-General. Certainly, as my earlier discussion of Annan's leading role during the World

Summit in 2005 was intended to illustrate, an effective Secretary-General can make the difference between change and stasis.

And without doubt, I admire the efforts of those who are attempting to make the selection of the next Secretary-General a more transparent and democratic affair. Even more important than the process for the Secretary-General's appointment, of course, are the qualities of the appointee.

But beyond the Secretary-General, whoever she or he may be, one should not underestimate the importance of the UN attracting and retaining the most talented and committed people. This is the key to any organization's success, and it is apparent that more could be done—in terms of open and flexible hiring practices—to ensure that this is the case in New York and in duty stations across the world.

## Conclusion

We often complain that politics makes what is necessary at the UN too difficult to achieve. And it is true that political will has been lacking, even when the solutions to contemporary challenges have come into focus. But political will can be generated only through the work of entrepreneurs: entrepreneurs for new norms, entrepreneurs for new ways of doing business, entrepreneurs for change.

We are those entrepreneurs. It falls to us, I believe, to combine scholarship with radicalism—to be bold, but to ground that boldness on our analysis and experience.

It is true that our times are turbulent, and we ought to be realistic about the scale of the challenge that faces the UN and the kind of world system it represents. Belief in the possibility of the UN to meet the challenges of the day has fluctuated considerably over the organization's seventy-year history. But the tools, conceptual and practical, to equip the UN as the foremost provider of security and justice are at our disposal.

With respect for what has come before, and realism about the task ahead of us, I believe we can create a United Nations that guarantees security and justice. 🌐

## Notes

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