

## **The Great New Stink: Breaking the UN deadlock**

by Simon Prentis

Humans being humans, a bad situation generally only gets sorted out when it becomes really unbearable. For centuries, the Thames was little more than an open sewer into which all the effluent from London's ever-growing population flowed. Various public bodies were formed to deal with it, but each one was only concerned with its own district. Finally, in the hot summer of 1858, the terrible smell from the river of untreated sewage flowing past Sir Charles Barry's stylish new Parliament buildings became so overpowering that MPs were forced to act. Within the space of eighteen days, a bill was voted through to fund a comprehensive reconstruction programme for London's sewers – bringing an end to the political bickering that had frustrated all attempts to solve the problem over the previous half-century.

We are in the midst of our own Great Stink right now. Though tyrants have been slaughtering their own people with scant regard for world opinion since the beginning of time, it has often been because the world has known little about it until too late. But with rolling news coverage now able to rush fresh images of the horrors in Syria and elsewhere straight to our living rooms, these days it's happening right under our noses. And we naturally react to it. We can't just watch innocent people being bombed, burnt and gassed without wanting to stop it. We all know "something must be done". That's why David Cameron pressed Parliament for a commitment to act. That's why President Obama will be doing the same in Congress. But he too may be outvoted, on the same grounds that Parliament rejected Cameron's proposal.

And with good reason. Though there are still all kinds of questions about what military action might actually achieve – let alone how it might be done – the more fundamental problem is that it would be illegal under international law, regardless of the Government's legal advice. It would be illegal because without a specific Security Council mandate to the contrary, no member state of the UN is allowed to interfere in the sovereign affairs of another, not even on humanitarian grounds. Even the much-trumpeted R2P ("Responsibility to Protect") initiative, formalized at the 2005 World Summit, does not confer the right to take military action without the say-so of the Security Council, a say-so which is unlikely to be forthcoming given Russian opposition. So is there a practical alternative to going it alone?

Actually, there is. Though seemingly ignored by the current generation of politicians and international lawyers alike, a mechanism exists for legally circumventing a veto at the UN Security Council. It dates back to 1950, and – as the UK has good cause to remember – it was first used to spectacular effect during the Suez Crisis, when Britain and France’s veto over Security Council action to oppose their invasion of Egypt was overruled by a decision of the General Assembly, which established an emergency International Force to enforce a ceasefire and compel Britain and France to withdraw. Known as the “Uniting for Peace” resolution, its full title is Resolution 377 A (V), and although used sparingly over the years (on only ten occasions to date) it is still very much on the books. The key passage is as follows:

*"...if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."*

What this effectively means is that it is possible for a draft resolution that has been vetoed at the Security Council to be passed to the General Assembly. Not only that, the General Assembly can then recommend specific measures, including military action, designed to address the situation. In particular, the small print provides that in the case of a so-called procedural vote, members of the Security Council do not have the ability to block the adoption of any draft resolution. Essentially, it’s a veto of a veto. Don’t believe me? Check it out on the UN website.

The excuse the world has been giving itself for not acting over Syria is that nothing could be done because of obstruction at the UN, and that there was no legal basis for intervention on purely humanitarian grounds. But now the ‘red line’ of chemical weapons usage has been crossed, that suddenly doesn’t seem to matter – even though it’s still nominally an internal Syrian affair, and Syria is not a signatory to the

Chemical Weapons Convention. Unfortunately, it does still matter. Any action that the UK, the US, France or any 'coalition of the willing' decided to take without seeking UN approval would most certainly be the grave violation of international law that Russia has warned of. After Iraq, after Afghanistan, after the experience of almost every ill-starred imperial adventure since Vietnam, the West cannot once again risk being the vigilantes of the world. If nothing else, others are waiting in the wings to step into our boots, on whose feet they may not seem so comfortable.

So if action is to be taken – and surely in the name of humanity it must – there is only one option remaining. “We” have to go back to the UN and use this resolution to get a binding democratic agreement in the General Assembly that will trump any potential Security Council veto. With some two million Syrian refugees now in Turkey, Lebanon, Jordan and Iraq, and Israel feeling threatened, there is a powerful argument that this is exactly the kind of threat to international peace and security that this legislation was designed to address. But that is not even the main point. For over two years we have been sitting on our hands looking at the Syrian conflict as if it was some kind of snuff movie that really had nothing to do with us. Well, it does.

Leaving aside the history, the century of misguided meddling that has loaded up the 'powder keg' of the Middle East, it has something to do with us because ultimately we are all in this together. In a world where nuclear weapons mean it is no longer possible to have an all-out war, we have to use other means to resolve our disputes. In particular, we have to accept that there are no more excuses on our increasingly interconnected planet for the “genocide, war crimes, ethnic cleansing and crimes against humanity” that are the focus of the R2P initiative. As with the sewage that once streamed so freely into the Thames, enough is enough. We have all agreed as much through our membership of the United Nations, and the time has come to enforce it. We already have the tools. Those who worry Britain has lost its place in the world with last week's defeat in Parliament should now be leading the charge to implement Resolution 377 at the UN. The veto no longer belongs in world affairs.

The time has come to vote.