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The United Nations Promise of Peace – Also In Ukraine



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The hybrid war in Ukraine has sadly revealed how ineffective the United Nations Organisation has been when it comes to preventing armed conflict or even negotiating a cease-fire when hostilities have broken out.

It is not only the fault of the Security Council and General Assembly, but also the fault of the mainstream media that continues to disseminate dis-information and pour fuel on the fire, the fault of the war-profiteers worldwide, the fault of the military-industrial-digital-financial complex that drives the process and prevents a sensible compromise to end hostilities.

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Many are asking the question, what good is the United Nations? Who still believes in it? What good is a Secretary-General who does not take the bull by the horns, does not name a spade a spade, does not proactively propose implementable blueprints for peace and mobilizes the entire UN system in support of valid peace initiatives.

As we all know, the UN Charter is akin to a world constitution, which could serve as a basis for achieving a valid “rules based international order”, reflecting the interests of eight billion human beings and not only the interests of the “elites” of a handful of countries. Unfortunately, the drafters of the Charter of 1945 chose not to equip the organization with an effective enforcement mechanism. The “talk shop” vibrates with lip-service to peace and human rights, while the movers and shakers continue provoking conflicts and making sure that wars are prolonged.

The Organization’s declared Principles and Purposes aim at achieving peace, development and human rights, noble goals that require genuine political will, commitment to the cause, readiness to reach compromise through dialogue and multilateralism.

Following the peaceful dissolution of the Soviet Union the world had an opportunity to leave both cold and hot wars behind, convert military-first economies into human-security economies, promote disarmament for development, transform the world of hostility into one of constructive cooperation. This achievable scenario was frustrated by the megalomania of a few politicians, the ambition to be and remain number one for all eternity. Zbigniew Brzezinski’s imperial vision in *The Grand Chessboard*, the neo-con *Project for the New American Century*, and other retrograde blueprints aimed at imposing a unipolar world on the rest of humanity, ruled by one and only one super-power, destroyed the real possibility of a *Pax universalis* based on the UN Charter.

These geopolitical and economic ambitions negate the Organization’s core Object and Purpose, which is and remains to promote international cooperation and thus save succeeding generations from the scourge of war. We can only acknowledge with regret that in the 77 years of its existence hundreds of wars have taken place and that wars are continuing today, which the United Nations failed to anticipate, failed to prevent by coming forth with viable alternatives to resolve existing grievances.

Admittedly, the Organization has provided a forum for negotiation, which has been successful in some cases, notably during the Cuban missile crisis of 1962, when the world was very close to a nuclear confrontation.

When wars do break out, it must be the priority of all United Nations agencies to facilitate negotiation for an early cease-fire and proactively come forward with compromise

proposals. Indeed, an imperfect peace is always better than a “good war” – if there is anything that can be termed a “good war” or even a “just war”? Indeed, in human affairs there are no simple black and white situations, but a continuum of actions and reactions, injustices, imbalances ... there is good in the bad and bad in the good. The function of the UN is precisely to listen to all sides, weigh all narratives, mediate between adversaries, recognizing that the root causes of conflicts often go back to grave historical inequities.

The outbreak of hostilities today does not mean that all responsibility falls on one party alone. Most of the time responsibility is shared. The party that provokes a conflict is not innocent. Thus, what the world needs is a mature, proactive UN that breaks the vicious circle and promotes reconciliation in mutual forgiveness.

Unquestionably, the UN mandate goes beyond helping to create the conditions for peaceful coexistence. Ideally the Organization should also advance international solidarity and cooperation in all fields of human activity, promote fair trade, cultural exchange, global health, solving global problems such as pandemics, climate change, deforestation, desertification, earthquakes, volcanic eruptions, tsunamis, coordinating disaster relief.

On the other hand, we cannot forget that over the past seven decades the UN has done a superlative job in standard setting, it has established monitoring mechanisms, treaty-bodies, petitions procedures. Much progress was achieved during the 1950's and 60's decolonization process, when the right of self-determination of peoples was recognized as *jus cogens*. Yet, the indigenous peoples of North and South America, were never decolonized. This remains an important task for the United Nations.

Thanks to the United Nations considerable progress was achieved in the recognition of women's rights, minorities rights, the adoption of the Declaration on the Rights of Indigenous peoples, the Sustainable Development Goals, numerous judgments of the UN Human Rights Committee, e.g. concerning the right to water of indigenous communities, etc. Unfortunately, a significant implementation gap remains. International law is not self-executing.

As we know, international security is strengthened through stable relations among nations and benefits from internal peace in states, which is promoted by UN agencies like the United Nations Development Programme, the GA Department on Economic and Social Affairs, UNICEF, the Office of the High Commissioner for Human Rights and the High Commissioner for Refugees, etc. When there are internal and external imbalances among countries, international peace and security is threatened, and the UN Security Council is called to act under article 39 of the Charter. Unfortunately the organization remains very

polarized and has not taken effective action pursuant to Chapters VI and VII of the Charter to solve problems through mediation, diplomacy, advisory services and technical assistance.

The process of globalization, endorsed by UN agencies including UNESCO, WHO, ILO, WTO, WIPO, ITU, UNEP has contributed to international security, but the insistence of one country, the United States of America, to assert exceptionalism and to act outside of the UN Charter has destabilized the world.

The only existing “rules based international order” is the UN Charter, which, however, American pundits and think tanks consider obsolete, primarily because it has not permitted international law to fully surrender to US hegemony. In any event, many UN agencies have hitherto largely served the interests of the US and EU and kept silent in cases of gross violations of international law, e.g. with regard to torture centers in Guantanamo, the persecution of Julian Assange, etc.

The misuse of the veto power, e.g. to block legitimate UN investigations, e.g. into bio-labs in Ukraine, have diminished the authority and credibility of the Organization. The perception of failure, however, is downplayed by the mainstream media, which disseminates fake news and propaganda while suppressing inconvenient facts and dissenting narratives. More and more we witness grave democracy deficits in countries ostensibly committed to freedom of opinion and expression and the tendency to divide the world into democracies and autocracies, between “good guys” and “bad guys”. It is this binary approach that leads to armed conflict.

The implications and consequences of NATO’s eastern expansion

At the NATO ministerial meeting of 29 November 2022 in Bucharest, the so-called “open door policy” was confirmed, and the 2008 invitation to Ukraine and Georgia was renewed. This confirms that NATO leaders have learned nothing from the consequences of their intransigence in the years 2008-2022 when they failed to understand that a European security architecture would have to take Russia’s legitimate security interests into account. European security cannot be built at the expense of Russia. The Bucharest meeting confirms that NATO is not interested in co-existence and de-escalation, but persists in its hegemonic ambition. NATO’s intransigent posture as evidenced in the Bucharest meeting constitutes a further provocation of Russia and is contrary to the letter and spirit of the UN Charter. Any objective observer would agree that for decades NATO and the EU have engaged in a consistent pattern of provocations against Russia, weaponized sports against Russia, boycotted Russian sportsmen and women, demonized

Russian leaders, imposed unilateral coercive measures, trade embargos and financial blockades that have destroyed the benefits of globalization and broken supply chains, affecting not only Russia but the rest of the world as well. The “Western democracies” have also violated the right to property of Russians, confiscated or frozen billions of dollars of Russian private citizens, whom we like to defame as “oligarchs”, as if we did not have our own oligarchs, including in the military-industrial complex. These confiscations can only be referred to as *magnum latrocinium*, massive theft, and surely a prohibited form of “force” for purposes of Article 2, paragraph 4, of the UN Charter.

Moreover, it bears repeating that, article 2 (4) of the Charter prohibits both the actual use of force, and the threat of its use. NATO’s strategy of encircling Russia, the parallel attempt by the US to encircle China, the 800 US military bases worldwide, constitute a further menace to international peace and security for purposes of article 39 of the UN Charter. Hence, Russia and China undoubtedly have a legitimate security concern that has been articulated repeatedly in the UN Security Council. Hitherto without success.

NATO has not been a “defensive alliance” for decades, at least since the dissolution of the Soviet Union and the Warsaw Pact. US President Bill Clinton’s decision in 1997 to expand NATO eastwards, in contravention of assurances given to Mikhail Gorbachev, clearly transformed the alliance into an offensive alliance that would threaten other states. This expansion was condemned by US Diplomat par excellence George F. Kennan, the father of the “containment” doctrine. In a critical essay that appeared in the New York Times on 5 February 1997, Kennan warned “expanding NATO would be the most fateful error of American policy in the entire post-Cold War era. Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking ... ”[1].

Not only George F. Kennan warned against NATO expansion. The last US ambassador to the Soviet Union, Jack Matlock, Prof. John Mearsheimer of the University of Chicago, Professor Richard Falk of Princeton, Prof. Jeffrey Sachs of Columbia University, Prof. Francis Boyle of Illinois, Prof. Dan Kovalik of Pittsburgh, even former Secretary of State Henry Kissinger have expressed their concern over provocations that could lead to a nuclear confrontation.

Barely two years after Clinton’s decision to expand NATO, the Western Alliance demonstrated that in reality it was an offensive alliance, impervious to control by the UN

Security Council. NATO's naked aggression against Yugoslavia in 1999, a State that was not threatening any country, objectively constituted a violation of article 2(4) of the UN Charter and a "crime against peace" within the meaning of article 6(a) of the 1945 Nuremberg Statute, and a violation of article 5 of the 1998 Statute of Rome, which entered into force in 2002.

It is a disgrace for the UN Organization and for the International Court of Justice that this massive violation of the UN Charter was not formally condemned, that there was no accounting from the perpetrators. This created a precedent of impunity that has further eroded the credibility of the UN.

In 2014 the US and NATO's overt and covert involvement in the *coup d'état* against the democratically elected President of Ukraine Viktor Yanukovich constituted a violation of the principle of non-interference in the internal affairs of other states as laid down in countless General Assembly Resolutions, including 2123, 2625 and 3314. Moreover, the rapid militarization of Ukraine, delivery of lethal weapons, drones and missiles since 2014, the training of its soldiers posed a growing existential threat to Russia. In a very real sense, the Ukraine war began already in February 2014, not February 2022.

Article 2(3) of the Charter imposes an obligation on all States to settle disputes by peaceful means, an obligation that continues even after armed conflict has broken out. This obligation to negotiate requires a compromise, a *quid pro quo*, and does not accept "victory or death" or any demands of "unconditional surrender", which in the nuclear age means Apocalypse.

Prolonging a war by refusal to negotiate entails both a crime against peace and a crime against humanity, especially in a situation where the peace and security of the entire planet is at stake, bearing in mind the growing danger of nuclear confrontation.

NATO as a "criminal organization" or a Ship of Fools ?

The perception of NATO as a legitimate alliance is largely a result of Public Relations. Observers have already indicated that because of NATO's aggressive wars, war crimes and crimes against humanity in Yugoslavia, Afghanistan, Iraq, Libya and Syria, because of the involvement of NATO forces in torture and "extraordinary renditions" in violation of the Geneva Red Cross Conventions, NATO could very well be considered a "criminal organization" for purposes of articles 9 and 10 of the Nuremberg Statute, which found the Nazi SS and the *Reichssicherheitshauptamt* to be criminal organizations.

We can also think of NATO in softer colours, if we compare its orientation and practices with the famous painting by Hieronymus Bosch about the *Ship of Fools*.^[2] In a very real

sense, NATO is behaving like a Ship of Fools, or worse, as Arthur Rimbaud's *Bateau Ivre* – the drunken ship.[3]

Information war

The mainstream media has played a nefarious role in creating false perceptions, not only in Western public opinion, but also in the world at large, because many in Africa, Asia and Latin America are still influenced by the foreign language news services of CNN, BBC, Reuters, AP, Deutsche Welle, to say nothing about the purely propagandistic *Voice of America*. They all disseminate fake news and suppress dissenting views. Alas, the United Nations has no mechanism to counter this development, even though such dis-information ultimately constitutes a threat to international peace and security.

The mainstream narrative on Ukraine would make you think that there were no issues in Ukraine prior to February 2022 and that the Russian military action is totally irrational, aggression for the sake of aggression, predicated on generic, unreasoning villainy. Such manipulated “perception” actually constitutes a form of war propaganda and incitement to hatred, which is prohibited by the International Covenant on Civil and Political Rights (Article 20). Of course, the UN Human Rights Committee, which monitors compliance with ICCPR, has no effective mechanism to enforce compliance with Art. 20 ICCPR, even when it threatens the right to life (article 6).

Often enough the mainstream media succeeds in gaslighting us into submission, making us deny our own feelings and instincts, brainwashing us into cognitive dissonance and loving “Big Brother”. It is up to us to assert our rights and push-back against the media gaslighters. We must demand from our democratically elected representatives in the US Congress and in Parliaments the world over, to stop provoking World War III, stop fuelling the proxy war in Ukraine, to commit to Peace as a Human Right, and to the United Nations Charter as our universal constitution.

Conclusion

In this spirit, let us reaffirm that sustainable peace requires multilateralism and mutual respect among nations and peoples. One of the conditions of sustainable peace is the realization of the right of self-determination for all peoples, including the peoples of Crimea, Donbass, Abkhazia, South Ossetia, Transnistria, etc. The mainstream media downplays or even denies this crucial aspect of the conflict, but it was Ukraine's aggressive stance against the Russian population of Crimea and Donbass, the countless breaches of the Minsk Agreements of 2014 and 2015 that directly led to the Ukraine war.

Let us remember that self-determination is much more than a right that has been codified in the International Covenant on Civil and Political Rights (Art. 1), anchored in the UN Charter (Arts. 1, 55, Chapter XI) and in countless General Assembly and Security Council Resolutions. It is part of fundamental *natural law*, as recognized by Francisco de Vitoria already in the 16th century. Even before we explore natural law and its metaphysics, we should acknowledge that self-determination is an inborn impulse, an instinct for freedom, a sense of identity, individualism, self-fulfilment.

Far from being the source of conflict, self-determination is a condition for living together. Conflict emerges not from the exercise of this fundamental right, but from the unjust denial thereof. Far from being a form of anarchy, it constitutes a building-block of civilized governance, the fountainhead of a just society based on equal rights and level playing fields. The alternative is colonialism and exploitation – or the many manifestations of neo-colonialism and 21st century imperialism. Democracy is another word for self-determination. Freedom is an expression of self-determination, which concretely means the individual and collective right to shape our own future.

Undoubtedly, Russia broke international law on 24 February 2022 when it invaded Ukraine, but the Ukraine had broken international law and the Minsk agreements since 2014 and engaged in gross violations of the human rights of its Russian-speaking population. Both international crimes must be condemned. The international community, the billions of human beings in Latin America, Africa and Asia should also demand immediate peace negotiations and condemn the enormous danger to the survival of the planet which NATO's provocations against Russia have engendered. A NATO/Russia querelle over the question whether Lugansk lies in Ukraine or in Russia does not justify risking the nuclear annihilation of planet Earth.

If we genuinely want peace, we must also cultivate justice. This is the motto of the International Labour Organization – *si vis pacem, cole justitiam*. Let us make it our own motto.

Let us remember the Cuban missile crisis of October 1962 and the peace lecture by US President John F. Kennedy on 10 June 1963^[4], which is eminently applicable to the situation we find ourselves in today. Kennedy said:

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude—as individuals and as a Nation—for our attitude is as essential

as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

... So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

... Above all, while defending our own vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

Notes.

[1] <https://www.nytimes.com/1997/02/28/opinion/IHT-nato-expansion-letters-to-the-editor.html>

[2] This allegory goes back to Book VI of Plato's Republic about a ship with a dysfunctional crew. The allegory alludes to governance problems when the leaders are ignorant or fanatics. In 1494 the book by Sebastian Brant Ship of Fools was published, a fleet setting off from Basel bound for a Paradise for Fools.

[3] Artur Rimbaud "Le Bateau Ivre", 1871. The ship itself manifests a death wish: "*Ô que ma quille éclate! Ô que j'aïlle à la mer!*" "O that my keel would break! O that I would go to the bottom of the sea!" This 100-line verse-poem recounts the drifting and sinking of a boat lost at sea.

[4] <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/american-university-19630610>

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