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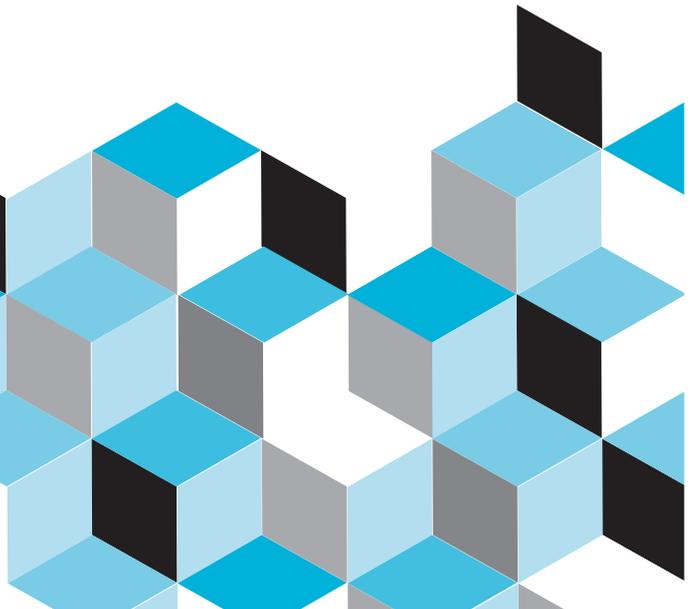
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CONTESTED MULTILATERALISM: THE UNITED NATIONS AND THE MIDDLE EAST

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ABSTRACT

In the Middle East, multilateralism has often been associated with intervention and creating order (or disorder), rather than being a positive force for integrating the region in an equitable manner. Many of the regional struggles and their attendant multilateral implications that have taken place have played out in international institutions, and particularly in the United Nations, through its resolutions, agencies and emissaries. This paper explores how conflicts in the MENA region are dealt with within the context of this (contested) multilateralism, focusing on the UN as its main institutional embodiment and as a site of competing claims of legitimacy. The paper uses concepts from critical realism and constructivism, and claims that the Middle East is a central site in which both the world order and many of the UN institutions have been produced or contested. The paper first sets out the context for multilateralism and world order, and explores how this has played out in the Middle East through the UN during the main phases of contemporary international order, from the Cold War to the immediate post-Cold War period, to the war on terror and beyond. It concludes by briefly evaluating the UN during the Arab uprisings, arguing that the organization's ambivalence reflects an evolving and contested multilateralism.

INTRODUCTION

The Middle East is often deemed to be a deeply penetrated system that is characterized by external intervention, with the ensuing fragmentation and violence common features. Indeed, some argue that such external intervention has actually co-constituted the regional order for well over a century, up to and including the period of the Arab uprisings (Makdisi 2017: 103). Multilateralism has often been seen as part of such intervention and ordering, rather than a positive force for equitable integration of the region.

Indeed, the region's relatively low level of political and economic integration, and the weakness within multilateral institutions, has historically made it difficult for its states to protect themselves from the disadvantages of global developments. Such a levels of integration "limits the benefits of globalization, allows foreign interference, accentuates geostrategic rivalry and fosters tendencies of self-peripheralization" (Csicsmann et al. 2017: 16). It should be pointed out that while this reality is apparent to the majority of the region's people, a small political and financial elite has gained considerable wealth and influence by serving global rather than local interests.

Nevertheless, it is important to observe from the outset that, despite such regional penetration and vulnerability, no external power has been able to "attain full hegemonic control or successfully

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order the region and quell the array of national, local and transnational resistances” (Makdisi et al. 2017: 4). Even US attempts at ordering the region during its peak unilateral moment of the 1990s – within a paradigm of “aggressive multilateralism” (Schlesinger 1998: 1) – ultimately broke down in countries such as Somalia, Iraq, Lebanon and Palestine. Various mainstream and more radical (and transnational) Islamist movements have since proliferated and, in the cases of Al-Qaeda and Islamic State (ISIS), have also disrupted the post-US so-called war on terror attempts to forcibly order the region outside a formal and multilateral frame altogether.

During the Arab uprisings, with the multilateral framework increasingly contested as the USA retreated, external powers jockeyed for influence in countries such as Iraq, Libya, Yemen and Syria. The subsequent rivalries and interventions fuelled, exacerbated or prolonged conflicts, and prevented or stalled emerging political solutions. Moreover, the growing Iran/Resistance Axis–Saudi Arabian/Israeli rivalry is continuing to threaten the regional order.

Many of these regional struggles and their attendant multilateral implications have played out in international institutions, and particularly the United Nations, through its resolutions, agencies and emissaries. Here too, despite the overwhelming power and reach of the USA in the contemporary period, the Middle East has proved to be stubborn. It has not fallen quietly into place within a “hegemonic legitimacy” conferred mainly by the USA and corresponding to the idea and practice of multilateralism (Falk 2016).

Some scholars claim that the region’s subordination within the international order – particularly in the post-Cold War period and during the demise of Arab nationalist political influence – means that Middle Eastern states are “more the objects, rather than the subjects, of the decision-making processes taking place in international institutions” (Csicsmann et al 2017: 16). However, others look at the broader context and spectrum of movements and struggles on the ground, and find that international institutions such as the UN, and the world order within which they exist, are sites of contestation that constantly react to, and are even produced in, the Middle East region (Makdisi and Prashad 2017).

This paper explores how conflicts in the MENA region are dealt with within the context of this (contested) multilateralism, focusing on the UN as its main institutional embodiment and as a site of competing legitimacy claims. It suggests, in line with Csicsmann et al. (2017: 4), that the place and role of the Middle East in the international system can be understood and analysed “as a set of asymmetrical relationships”, but equally that the relative balance between the global and the regional is dynamic and “continuously shifting”. As such, the “external environment affects the security, political, economic and social developments in the MENA, while these not only interact with, but often set, the international agenda, prompt international global action, and challenge or reinforce the existing order and norms” (Csicsmann et al. 2017: 4).

The first part of the paper examines multilateralism within the relationship between the global and regional orders, before focusing on how this tension has played out through the prism of the UN during the key phases in contemporary international politics: Cold War, post-Cold War and the war on terror. The paper then explores how the UN reflects international politics, and particularly a US-dominated order; but also serves as a prime site for pushing back and resisting this order,

something that has even produced the UN in its current form in the process. The paper claims that the Middle East is a central site in which both world order and many UN institutions have been created or contested. It concludes by reflecting on the UN's role during the Arab uprisings, and shows how, as in other phases of international politics, it reflects multilateralism, in this case a more ambivalent version.

1. MULTILATERALISM AND WORLD ORDER

Broadly speaking, multilateralism can be viewed as “an institutional form which coordinates relations among three or more states on the basis of ‘generalized’ principles of conduct” (Ruggie 1992: 571). In this sense, multilateral negotiation constitutes “the most prominent method by which states address joint problems, resolve disagreements, and formulate common norms in world politics” (Tallberg 2006: 1).

This liberal view suggests that multilateral diplomacy is a process of negotiation among officially sovereign states, separated only by their material capabilities and thus their potential influence, taking place in an impartial venue belonging to an international organization that is overseen by an impartial network of bureaucrats. As Ian Hurd states, this fits the classic Lockean liberal idea that multilateral rules “represent a kind of social contract founded on freedom and consent at the international level”, as such ensuring that policy and scholarly attention focus on compliance issues rather than the substance of the rules themselves (Hurd 2018). The advantage of such a concept is that “It is possible for states and institutions to pursue successful multilateral processes while the world is falling apart around them”: in other words institutions are unquestioningly accepted and, crucially, continue despite apparent world crises (Gowan 2018).

As with these liberal theories, constructivist international relations theories suggest that multilateral diplomacy allows smaller states to overcome their deficit in material capability to achieve better bargains at the negotiation table. But as Vincent Pouliot argues, “inequality is the rule not the exception” in multilateral diplomacy: “beyond the formal pretense of sovereign equality”, then, “informal dynamics of hierarchy prevail at the multilateral table” (Pouliot 2016: 9). His main point is that in addition to the “organising principles of hierarchy”, multilateral diplomacy is “contingent on the *nature* and *form* [emphasis added] of prevalent practices in the governance of international security” (Pouliot 2016: 11). He asserts that social stratification thus “springs out of interaction and everyday performances, against the backdrop of the opportunities and constraints of the situation at hand”. Therefore, he concludes that the “production, reproduction, and contestation of international hierarchies [are] part of the multilateral diplomatic process itself” (Pouliot 2016: 11).

Given such a critique, we can see that multilateralism, like many other political concepts, has contested meanings depending on how it is deployed. This paper builds on Pouliot's notion of hierarchy and contestation in the practice of multilateral diplomacy, and further considers two important concepts that re-emphasize how power and legitimacy should be at the core of any discussion of multilateralism, particularly in relation to the Middle East.

The first concept is based on the critical realist argument that asserts multilateralism can only be meaningfully understood and analysed within a frame of global power relations (Cox 1992). In particular, Robert Cox suggests that multilateralism in an asymmetrical world order is bound up with competing notions of order maintenance and transformation:

Multilateralism can be examined from two main standpoints: one, as the institutionalization and regulation of established order; the other, as the locus of interactions for the transformation of existing order. Multilateralism, in practice, is both, but these two aspects find their bases in different parts of the overall structure of multilateralism and pursue different tactics. (Cox 1992: 163)

We will see how, in the Middle East, multilateralism indeed plays out not as an impartial venue for bargaining and negotiation, but rather as a contested site where international order is maintained or subverted.

The second important concept that this paper will consider is based on the critical constructivist understanding of legitimacy. Ian Hurd defines legitimacy in sociological terms as “belief in the rightful use of authority by an institution” and notes that it is “operationalized as the observable behavior of either deference to the institution or opposition to it” (Hurd 2018). Again, what is important for us here is the notion of contestation of such authority and institutions. For Richard Falk, legitimacy balances two understandings: the first is a “hegemonic legitimacy” that coincides with the actions of a great power (today the USA) in a multilateral context; and the second is related to the “politics of resistance” that the militarily weaker side utilizes as it perseveres in its struggle despite the odds (Falk 2005, 2016).

In the next section, we turn to the role played by the UN within the context of multilateralism and world order, before focusing on its role in the Middle East. We will see that notions of power, resistance and legitimacy play a key role.

2. THE UN: REFLECTING INTERNATIONAL ORDER AND MULTILATERALISM

International institutions lay at the heart of the very concept of multilateral governance, and the “security community” in the US-led, post-Second World War liberal international order (Ikenberry 2018: 17). But what liberal theorists such as G. John Ikenberry call “liberal internationalism” (Ikenberry 2018) – based around the universalized “western idea” of liberal democracy, institutions, cooperation, multilateralism and the benefits of globalization – is what the historian Mark Mazower, among others, calls “imperial internationalism” (Mazower 2009, 2013). For scholars such as Inderjeet Parmar, understanding the liberal international order and its attendant institutions cannot be dissociated from interventionist and colonial/imperial assumptions (Parmar 2018).

Scholars and policymakers now accept that the liberal international order is in crisis, though they disagree about its causes or implications (Ikenberry et al. 2018). Newman and Thakur actually distinguish between the fundamental *principle* of multilateralism – which, they say, is not in crisis – and the *values* and *institutions* of multilateralism, which are indeed under serious challenge (Newman and Thakur 2006: 531).

One result of this crisis is that the UN, guided by the primacy of geopolitics in matters of international security, has struggled to define its increasingly contested role, particularly in the Middle East. In order to think about the role of the UN in the Middle East, this paper takes seriously the long-standing contradiction at the heart of the UN itself – a contradiction exacerbated during this crisis. As Falk has argued, the UN serves as a reflection of geopolitical power but also as a site of struggle, one where material and ideational results (in terms of legitimacy) are determined and the UN itself is created (through the resulting institutions and norms). This can be briefly illustrated in some of the main phases of the post-Second World War international order, from the Cold War to the immediate post-Cold War period, followed by the war on terror. Understanding this broad context of the UN within the international order is important for a subsequent analysis of the UN in the Middle East.

While traditional international relations scholars represent the Cold War period as a relatively stable time during which the UN was deployed to fight fires here and there, for the Third World the Cold War represented a clash between two “regimes of global intervention” (Westad 2005: 407), in which the USA and the Soviet Union in general wanted to keep the bipolar order stable (at least until the mid-1980s), while creating proxy wars and crushing postcolonial struggles that would assist the move towards an order based on Third World solidarity and a new international economic order based on economic and resource sovereignty for all (Prashad 2012).

In Cox’s terms, multilateralism via the UN served as the site of interactions for potential transformation as opposed to the maintenance of the existing colonial order, largely in the form of the Palestine question – it appearing to the vast majority in the Middle East that Israel was simply a Western colonial outpost. Thus, the UN’s main regional activities in political and security terms dealt with containing the Arab-Israeli conflict via peacekeeping operations. Indeed, more than half of all UN peacekeeping operations were deployed in the Middle East (Makdisi and Prashad 2017).

In early post-Cold War terms, the “liberal peace” became the key instrument of intervention with an even clearer North–South direction (Makdisi 2017: 94). The UN’s 1992 “Agenda for Peace” document institutionalized and legitimized a liberal approach to intervention, which would move its focus away from Cold War notions of interstate mediation and conflict resolution towards the search for a conflict’s root causes through reconstituting what were now deemed “weak” or “failed” states (Makdisi 2017: 94–5). As Toby Dodge argues, this new approach to peacebuilding was given “ideational and instrumental coherence” by linking the main drivers of increased humanitarian suffering and conflict to the “sins” of the state itself (Dodge 2012: 10, 2013: 1195).

What set this project apart from the bulk of Cold War interventionism during the period of US global hegemony, then, was its clear *transformative* component, mainly through peace- and state-building projects in the Third World that were organized around neo-liberal principles (Makdisi 2017). The concept of sovereignty, the cornerstone of the UN charter that was acknowledged as sacrosanct (in principle) by the major powers during the Cold War, was now overtly more fluid. The transformation of UN peace operations during this period, for example, clearly illustrate this fluidity: they could now be authorized to include state-building exercises – whether with the consent of the recipient state or not – such as amending constitutions, arranging and monitoring elections, security sector reform and the promoting of civil society. By the late 1990s, however,

the limitations of the UN's interventionist policies had been exposed in the tragedies of Rwanda and Srebrenica, and the organization "was no longer considered as the central actor in the field of crisis management, especially by western states" (Tardy 2004: 15).

The US war on terror, begun in earnest by President George W. Bush following the 11 September 2001 attacks made good use of this interventionist turn in the post-Cold War period, turning security issues into legitimate *casus belli* for dismantling and rebuilding states, or parts of states, by force. For the UN, this attack was "a critical event" and its reaction was considered "forceful and comprehensive" (Haaland Kramer and Yetiv 2007: 410). The UN first responded by accommodating the USA's self-defined terrorism agenda by unanimously passing a series of Security Council resolutions, including Resolution 1368 that affirmed the USA's inherent right of individual or collective self-defence, and was used to justify its invasion of Afghanistan despite the lack of a specific Security Council resolution authorizing war. The UN scrambled to stay relevant in the face of the Bush "you are with us or against us" challenge, and it was forced to link two fundamentally different concepts and practices, peace operations and the fight against terrorism. The UN would now deploy prevention and peacebuilding as key tools, staying relevant by locating and addressing the "root causes" of insecurity and terrorism worldwide (Tardy 2004: 25).

Arguably, the overtly militaristic and unilateral phase of the US war on terror ended in the years following the catastrophic war against Iraq in 2003 and the subsequent dismantling of the Iraqi state, with all attendant consequences. The UN had withstood the most serious challenge to its very existence, and the Barack Obama presidency in the USA restored some measure of importance to it once more. However, by adapting to the new international order, the UN would face serious challenges on the ground in the Middle East. It is to this that we now turn.

3. THE MIDDLE EAST: CENTRAL SITE FOR PRODUCING AND CONTESTING THE UN

Having set the context for multilateralism and world order – and the tensions that exist among them as institutionalized by the UN – this section suggests, in line with Lori Allen's framing, that the Middle East is a central site in which both world order and many of the UN institutions have been produced or contested (Allen 2017). The point here is to show that while the UN reflects international politics, and particularly a US-dominated order; it is also a prime site for pushing back and resisting this order, something that has even produced the UN itself in the process. This further corresponds to Pouliot's notion of hierarchies being produced and resisted in the informal practice of multilateralism.

3.1 UN: PRODUCED IN THE MIDDLE EAST

Many of the early UN agencies were created as a result of the Palestine/Arab-Israeli conflict. Indeed, there is little that the UN has done or still does that is not to be found in the narrow strip of land along the Mashriq coast, whether this be relief operations for the Palestinian refugees (UN Relief and Works Agency for Palestine Refugees in the Near East, UNRWA), observer missions and peace operations along the unsettled borders (UN Truce Supervision Organization, UNTSO;

UN Emergency Force, UNEF; UN Disengagement Observer Force, UNDOF; UN Interim Force in Lebanon, UNIFIL), advisory opinions from the International Court of Justice (the “Construction of a Wall in the Occupied Palestinian Territory”), use of good offices by the Secretary-General, fact-finding missions through the UN Human Rights Council, political negotiations and statehood bids at the UN General Assembly and Security Council, or participation in the post-Cold War “peace process” that was partially mediated by the UN, albeit through a distinctly ineffective role within the “Middle East Quartet” (Makdisi and Prashad 2017).

The conflict over Palestine introduced the idea of a political role for a UN Secretary-General’s Special Representative when Trygve Lie first appointed the Chinese official Dr Victor Hoo as early as 1946 to represent him at the UN Special Committee on Palestine, and then when the African-American diplomat Ralph Bunche was deployed to Palestine in 1948. These appointments effectively paved the way for what would become, in UN terminology, “peacemaking” (Fröhlich 2013).

The struggle over Palestine also produced the institution of a “UN mediator” thanks to the appointment by the General Assembly in 1948 of Count Folke Bernadotte, a Swedish diplomat who was assigned the task (supported by Bunche) of brokering a truce between Arab and Jewish armies following Israel’s unilateral declaration of independence. After Bernadotte’s assassination in Jerusalem by Jewish terrorists in September 1948, the Secretary-General gained approval for the appointment of Bunche, his personal representative, as the Palestine Mediator. In terms of the UN, Bunche’s pioneering appointment – and success in securing the 1949 armistice agreements that won him the first Nobel Peace Prize – paved the way for the UN Secretary-General’s special representative role not only to be functional (as with Victor Hoo) but also to be substantive (as with Bunche) (Fröhlich 2013: 232).

The Arab-Israeli conflict further resulted in the creation of the institution of “peacekeeping”, which includes both unarmed observer missions and armed peacekeeping (Makdisi and Prashad 2017). On the one hand, the unarmed UNTSO was created to supervise the May 1948 truce and then the 1949 Armistice agreements between Israel and the neighbouring Arab states. On the other hand, the armed UNEF was deployed along the Egypt/Gaza–Israel border following the Suez War of 1956, with the mission of supervising French, British and Israeli military withdrawal from occupied Egyptian lands, and then serving as a buffer force between Egypt and Israel. In creating UNEF, Dag Hammarskjöld effectively created the UN’s peacekeeping doctrine – subsequently enshrined in UN practice – with its core principles of consent of all parties, impartiality of the peacekeepers and the avoidance of the use of force except in self-defence.

In the post-Cold War phase, the Middle East served as the laboratory in which the UN recreated itself in humanitarian terms. In the aftermath of the Iraq War in 1991, the UN Security Council passed Resolution 688 that ensured assistance to Iraqi Kurds while preventing them crossing the border into Turkey. According to Arafat Jamal, this was the “first explicit use of UN enforcement action to contain refugee crises”. It was highly politicized and militarized, and profoundly shaped the approach of the UN High Commission for Refugees (UNHCR) to emergency responses and working in such environments (Jamal 2017: 338). Indeed, the devastating sanctions regime in Iraq during the 1990s compelled the UN to produce an innovative “humanitarian exception” via the Oil-for-Food Programme (von Sponeck 2017).

Just as Palestine and Iraq helped to produce the UN in the Cold War and post-Cold War periods respectively, in the more recent Arab uprisings period the concept of the “responsibility to protect” (R2P), which had been developing for over a decade in UN and policy circles, was applied in military terms for the first time: this took place during the UN-authorized strikes against the Libyan regime in 2011. These events tested the limits of such a concept, as the UN was unable to use the same logic subsequently in such places as Syria. In humanitarian terms, the UN has had to deal with unprecedented flows of displaced persons and refugees, first in the aftermath of the 2003 Iraq war and then in the post Arab uprisings period. As Arafat Jamal notes, the UN was actually further produced in the region through these conflicts, and in turn was able to create a new form of humanitarianism (Jamal 2017).

3.2 UN: REFLECTING US-INFLUENCED ORDER IN THE MIDDLE EAST

There can be little doubt that the UN’s work in the Middle East can be closely correlated to the international political and security structure, and specifically to four general phases of US foreign policy agenda (and resistance to it). These are: (a) Cold War interests and the need for third-party intervention (via peacekeeping) in the Arab-Israeli conflict to maintain regional stability; (b) increasingly more direct US intervention (diplomatic and otherwise) in the post-Cold War era to assert US regional hegemony at the expense of UN participation and its standing in the region; (c) the new security paradigm and militaristic ideology that emerged from the US war on terror, and in particular following the 2003 invasion of Iraq; and (d) the apparent retreat of the USA in the Middle East over the past decade.

For most of the Cold War, US policy sought to increase its hegemonic role in the Arab region while preserving some measure of stability (in the Westphalian sense) in the aftermath of conflict between the Arabs and Israelis. More than half of all the UN peacekeeping missions during the Cold War were deployed in the Middle East, mostly along the Arab-Israeli borders (Makdisi and Prashad 2017). President Eisenhower, for instance, went to extraordinary lengths to create UNEF in 1956 as part of a broader policy to compel Israel, the United Kingdom and France to withdraw from Egypt and return to the status quo ante; while President Carter employed UNIFIL peacekeepers to supervise Israel’s withdrawal from southern Lebanon in 1978 in order to safeguard the momentum that was propelling the Israeli-Egyptian peace process.

In the early Post-Cold War period, the USA signalled a more assertive form of multilateralism as President George H.W. Bush succeeded in gaining UN – and official Arab – legitimacy in attacking Iraq in 1991, and proclaiming a “new world order” that included a central role for the UN and its universal norms. Even during the first years of the Clinton administration the USA officially committed itself to “assertive multilateralism” in the Middle East and beyond. However, this trend was short lived. In the aftermath of the disastrous US-led peace enforcement mission in Somalia, US multilateral approaches within the UN setting were replaced by more direct intervention that had undermined the role and standing of the UN in the region by the turn of the 21st century. This was reflected in the fact that no other UN peacekeeping operation was to be deployed in the region throughout the 1990s.

Moreover, the UN gradually accepted its demotion to junior partner in the Middle East “peace process”. Indeed, by sponsoring the secret Oslo negotiations in 1993, the USA basically removed the fate of Palestine from UN forums and international law claims, transferring it to bilateral and piecemeal agreements under the umbrella of the deeply contested notion of US “neutrality” and the Middle East “peace process” (Makdisi 2018). UN-led multilateral diplomacy and resolutions, the main tools utilized since the UN partition of Palestine in 1947, were replaced by the principle of bilateral negotiations removed from international legal mechanisms and frameworks (Falk 2017). Again, the UN found itself working on the margins, supporting the socio-economic refugee and humanitarian situation inside the Occupied Palestinian Territory.

At the same time, the Clinton administration’s imposition of crippling UN sanctions against Iraq throughout the 1990s precipitated an unprecedented humanitarian crisis there, and further lowered UN standing in a region whose people had now begun to equate the UN with US policy in the region. The UN was restricted to merely softening the impact of the sanctions through policies such as the Oil-for-Food Programme, which supported a “humanitarian exception” (von Sponek 2017).

The long and hitherto successful construction of UN “neutrality” in the Arab region was thus in danger of being squandered as the humanitarian and political situation in both Iraq and Palestine deteriorated rapidly, while opposition to unpopular US-backed governments grew across the region amidst social and economic crises.

The US war on terror phase following the attacks of 11 September 2001 crystallized a new stage of international politics in the Arab region. Influenced by an extremist neo-conservative agenda, US policy transitioned towards more overtly militaristic operations intended to force regime change in those countries – especially Iran, the centre of the US-termed “Axis of Evil”, and its main ally Syria – deemed hostile to US and Israeli interests, and to secure Gulf oil resources and pipeline routes via a more permanent physical military presence. The 2003 war in Iraq was followed by several US-backed Israeli invasions of the Gaza Strip and the Israeli invasion of Lebanon (and Hezbollah) in 2006, a move that was meant to presage regime change in Syria and Iran.

However, with the total breakdown of order, the worsening of the humanitarian crisis and rising insurgency in Iraq, coupled with the lack of international legitimacy and plummeting domestic support in the USA, the Bush administration shifted its more radical regional ambitions of “controlled chaos” away from direct armed intervention. The USA would instead focus on supporting political groups within Arab countries – from Mahmoud Abbas’s Fatah party in the Palestinian territories and the “March 14” coalition in Lebanon to the Allawi and later Maliki governments in Iraq – to carry out the US agenda by proxy. During this period, the Arab region witnessed civil wars and conflicts in Lebanon, Palestine, Iraq, Sudan and Somalia; while US-backed authoritarian regimes in Egypt, Saudi Arabia and Jordan cracked down on opposition movements.

This shift in US policy in the region opened up a new window of opportunity for UN participation, and thus relevance, in the wider global liberal project of politically and socially “reforming” Arab countries from within. UN peace operations with decidedly post-Westphalian mandates would constitute part of this larger project, where international security and development agendas were

merged in order to keep alive failing or weak states across the region and undesirable groups were prevented from attaining power. In June 2004, the UN Security Council authorized the deployment of the UN Assistance Mission for Iraq in the occupied Iraq, with a sweeping mandate that included assisting in the selection of a national Consultative Council; advising the interim Iraqi government on holding elections, developing civil and social services, and conducting a national census; promoting human rights, national reconciliation and the rule of law; and coordinating reconstruction, development and humanitarian assistance.

Similar UN operations, under the UN Charter's Chapter VII enforcement and coercion mandate, followed in Sudan and Darfur. The US-backed Israeli war on Lebanon during 2006 was meant to follow a similar pattern, but the survival (even victory) of Hezbollah in this war meant that a hybrid consensual/coercive mandate was established by the UN. The long-standing UNIFIL peacekeeping mandate was enhanced and made more robust, and the small UN political office in Beirut was upgraded to the Office of the UN Special Coordinator for Lebanon.

With the Iraq War clearly deemed a US failure, the presidency of Barack Obama brought back the principle of multilateral diplomacy with respect to the region. The war on terror phase had led to the rise of non-state radical Islamist networks and the weakening of state structures. The eruption of uprisings throughout the Arab world after 2010 reflected the diminished role of the USA in the region and the increased contestation of the regional order, which, in the terms presented by Cox, was experiencing a battle between those powers (state and non-state) that were desirous of order transformation and those that were trying to maintain it.

Russia, moreover, emerged as an important player, which both advanced and muddled the multilateral diplomacy at the UN. Consensus was, once again, needed in a way that it had not been needed during the US hegemony in the post-Cold War period. Military action in Libya in 2011, and the successful multilateral disarmament agreements – one that concluded in the Iran nuclear deal in 2015 and the other in the elimination of chemical weapons in Syria in 2013 – were important indicators of multilateralism and the positive role of the UN (Makdisi and Pison Hindawi 2017). On the other hand, the diplomatic deadlock and repeated use (or threat) of vetoes by Russia (in Syria) and the USA (in Gaza and Yemen) put the UN under huge pressure on the ground as the humanitarian situation worsened and the numbers of displaced persons surged to unprecedented levels. A similar pattern occurred when the USA blocked Palestine's statehood bid in the UN Security Council, despite overwhelming support from all UN member states.

3.3 CASE STUDY: PALESTINE REFUGEES CONTESTING MULTILATERALISM AT THE UN

The Palestine question produced one of the first mass waves of refugees after the creation of the UN and led to the establishment of the very first UN agency dedicated to refugee relief (UNRWA). During the 1947–8 wars, Zionist/Israeli armed forces forced the vast majority of indigenous Palestinians to become refugees overnight (Smith 2013: 197). Roughly two-thirds of them ended up (and remain) in the West Bank and Gaza, while the rest were scattered in Lebanon, Jordan and Syria.

The UN General Assembly passed the seminal resolution 194 in 1948. This recommended the refugee right of return, and in December 1949 UNRWA was created to provide relief and works for Palestinian refugees. The UN served as a site that reflected the ambivalence or contestation of international politics towards Palestinians. Having recognized Israel in 1948, even the Western states (and Soviet Union) saw UNRWA as a temporary agency, as they called for Palestinian refugees to return to their lands. Arab countries explicitly linked UNRWA's mandate to Resolution 194 as they "wanted to reassure the refugees and their own citizens, who were then hugely supportive of the Palestinian cause, about their commitment to the 'right of return'" (Al Hussein 2017: 303).

Indeed, though the UN established its High Commission for Refugees (UNHCR) one year later – largely to deal with European refugees following the Second World War – UNRWA was specifically *not* dissolved and incorporated into this larger UN agency, which otherwise has purview over all other refugee problems globally. This remained true even with the passage of the 1951 UN Refugee Convention, which became UNHCR's legal basis and set out obligations and responsibilities to all the UN's member states. Palestine refugees were exempted from this Convention and effectively afforded special status under a different mechanism: As such, UNRWA was and remains unique, and represented another bond at birth between the UN and the Palestinian Question.

Moreover, while UNHCR's core principle is "non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom",² UNRWA explicitly embodies a refugee population's political right to return. For Palestinians, UNRWA has from its inception and to this day embodied the international community's responsibility and commitment to implement the right of return. Accordingly, no other UN agency in the Middle East is viewed in such a "largely positive light in the region" (Jamal 2017: 337).

The renewed contestation over UNRWA following the election of US President Trump in 2017 thus has significant bearing not only on Palestine but on the wider multilateral commitment to resolve the Palestine refugee problem equitably and in line with international commitments over the past seven decades (Makdisi 2018). The USA, which had from the start served as UNRWA's leading donor, plunged the agency into an unprecedented crisis after Trump's abrupt decision to de-fund it in early 2018. Moreover, key members of Trump's team are at the time of writing (February 2019) actively pushing for the termination of UNRWA and the stripping of Palestinians' "refugee" status (Lynch and Gramer 2018). Despite all this, however, UNRWA was able to meet its financial targets for 2018 as countries all over the world stepped in to fill the financial gap. This was a clear signal that there is international consensus to preserve the multilateral approach to the Palestine question, but it also preserved the space for UNRWA to serve, in Falk's terms, as a site for the legitimacy struggle for the Palestinian right of return.

CONCLUSION: THE UN AND THE ARAB UPRISINGS

The Arab uprisings that began in 2010 reflect the ambivalence of multilateralism. As Falk states clearly, "During the current period, UN behavior has been particularly uneven and controversial in the Middle East and North Africa with some commentators complaining that it is doing too much,

2 See UNHCR website: *The 1951 Refugee Convention*, <https://www.unhcr.org/1951-refugee-convention.html>.

and others not enough” (Falk 2016: 80).

Shortly after the start of the Arab uprisings, the UN Under-Secretary-General for Political Affairs, B. Lynn Pascoe, declared that the “old Middle East is dead” and that, “without interfering”, the UN had to “support these historic transformations which have come so suddenly and represent such a fundamental break from the past” (Pascoe 2012: 5). Accordingly, during these early days, the UN dispatched high-ranking diplomats to mediate the conflicts in Libya and Yemen, and provided technical assistance in the Tunisian and Egyptian-led elections processes. Even the explicit use of the R2P principle in the Security Council resolution justifying military intervention in Libya – for the protection of civilians – was unanimously passed and promptly celebrated in UN circles as the dawn of a new era in which violent state clampdowns on their own citizens would no longer be tolerated and international norms would prevail.

These sorts of intervention, popular locally and supported by consensus among the key UN member states, were very much in line with the UN’s wider peacebuilding mandate in the post-Cold War paradigm of the liberal peace. Before long, however, during the Arab uprisings the UN was thrust into increasingly uncomfortable positions and the spotlight as the violent counter-attack began in the region (Makdisi 2017). Its role in the global liberal peace project depended on international consensus, and this was quickly dissipating – as it did during the 2003 US war on Iraq – as regional actors competed to fill the void and direct this regional transformation. In particular, Libya, Yemen and Syria witnessed humanitarian tragedies, unprecedented displacement crises and high-profile diplomatic failures. In each of these instances, the UN was increasingly disparaged, at best, or accused of complicity.

In Libya, for example, Jeff Bachman (2017: 226) represents many anti-NATO interventionists by holding the UN responsible for legitimizing NATO’s likely “crime of aggression” and violations of international humanitarian law through its regime change agenda that, he argues, caused more harm to Libyan civilians than good.

In Syria, criticism of UN complicity went well beyond the Security Council. Reinoud Leenders blasted the UN’s “systemic” failure and the “moral bankruptcy” of its aid programmes that since 2012, he argued, had effectively legitimized the Syrian regime (Leenders 2016). Zaher Sahloul, president of the Syrian American Medical Society, went further, telling *Al Jazeera* that “The UN is [the] main culprit and they are as responsible as [Syrian President] Bashar al-Assad’s regime.”³

The harsh criticism of the UN’s response in the Syrian war, and its failures in Libya and Yemen (not to mention its silence in places such as Bahrain), are certainly valid. But, as I have suggested before, the UN has all too often been used a convenient punch bag, masking the moral and political failures of key regional and international players (Makdisi and Prashad 2017).

As with the other phases of international politics outlined above, at its most basic level the UN and the multilateral context within which it operates is a reflection of great power politics. But, to go back to the first part of this paper, we can return to the concepts proposed by Cox and Falk to

3 “Syria’s War: Aid Agencies Suspend Cooperation with UN”, in *Al Jazeera*, 9 September 2016, <https://www.aljazeera.com/news/2016/09/syria-war-aid-agencies-suspend-cooperation-160908164810695.html>.

better situate and understand the role of the UN during this period.

Cox's argument of a struggle between order transformation and order maintenance allows us to think of the UN within the prism of a changing form of multilateralism. During such a transformation, it is helpful to read the UN as a key actor of (interstate) order maintenance. One of its most important mechanisms in this regard is simply retaining the space needed to negotiate international politics. As Bâli and Rana have asserted, unlike military intervention by NATO states or Russia, only UN involvement retains the ability to make space for local and external parties to negotiate a political settlement (Bâli and Rana 2017).

For his part, Falk's concept of legitimacy struggles plays out in the way in which various forces interact with the UN to gain legitimacy. We have already seen how this works in the case of UNRWA above. In the case of Syria, the Syrian state has from the outset placed great emphasis on retaining its international legitimacy (with Russian backing) within UN fora. By accepting the relevant UN Security Council resolutions and acceding to the Chemical Weapons Convention in 2013, for instance, it forced the international community's de facto legitimization of its institutions and authority during and after the chemical weapons disarmament process.

Overall, the uncertain and ambivalent role of the UN during the Arab uprisings reflects a world order in transition. It is caught between maintaining an old order that it is familiar with – mediating, working with sovereign states to find political solutions, creating space for humanitarians to work in and assisting the liberalizing process – and an emerging order in which US power is in decline, a more “multiplex” order is emerging, and non-state players increasingly challenge the notion of sovereignty. During such turbulence, the default position for UN machinery is working towards maintaining order and stability rather than promoting genuine transformation. Such a view makes it easier to understand – if not to accept – why Pascoe's remarks about the UN siding with the “people” during the uprisings was merely aspirational.

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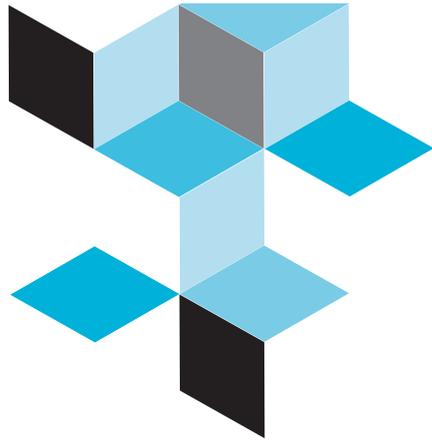
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