

# THE SECRET INTERVIEW



We can not reveal the name of the person with whom we have conducted this short interview on the current state of international law, international organisations and geopolitics. She/he has worked in various national and international organisations, has published several articles/books on these subjects and still holds a senior role in a major international organisation. This interview was conducted on January 05 of 2021.

**David Tavadian: Political scientists who specialise in geopolitics argue that the United Nations is essentially a useless and a hopeless organisation. World superpowers do what they want and there isn't much the UN can do to stop them. Do you agree with this view?**

**Secret Guest:** The UN is often blamed for being ineffective and slow. The UN's failures in Rwanda and Bosnia; the cholera pandemic its peacekeepers caused in Haiti; its inability to prevent the genocide of Muslim Rohingyas of Myanmar; to stop the conflicts in Syria, Libya, and Yemen; to tame North Korea's and Iran's nuclear aspirations; to tackle the refugee problem around the globe; to find a lasting solution to the Israeli-Palestinian conflict; to eradicate HIV and malaria; to eliminate extreme poverty and inequalities; to find a solution to recurrent tensions in the Security Council, and so on.

But all this criticism is based on a fundamental misunderstanding of what the UN is and what it was set up to do. The UN cannot be held responsible for political decisions made by sovereign nations. The UN is like an empty bus whose route and final destination are decided by its passengers or its member states.

As long as the international legal order is primarily based on the sovereign equality of states principle, as opposed to the rule of law principle, the UN's success will depend entirely on the support of its member nations.

The UN Charter provides that the organization was set up primarily for four reasons: (1) "to maintain international peace and security", (2) "to develop friendly relations among nations", (3) "to achieve international co-operation in solving international problems and to promote human rights and fundamental freedoms" and (4) "to be a centre for harmonizing the actions of nations in the attainment of these common ends."

These four purposes should serve as the UN's performance indicators. To maintain international peace and security is the UN's primary responsibility. The remaining three purposes deal with self-determination of former colonies, human rights, and development. These were the UN's secondary purposes.

### **Maintenance of peace and security:**

The UN Charter states that the organization was created mainly "to save succeeding generations from the scourge of war, which twice in our lifetime brought untold sorrow to mankind."

In other words, the UN's main task was to avert World War Three. As the former Secretary-General of the UN, Dag Hammarskjöld, famously remarked "the United Nations was not created in order to bring us to heaven but in order to save us from hell."



While it is true that armed conflicts continue to occur in many parts of the world, these human tragedies are not the type of conflicts that the UN was set up to prevent.

Fatalities resulting from armed conflicts have been continuously declining since 1946 and the vast majority of battle-related deaths result from intrastate conflicts or civil wars, albeit with occasional foreign state intervention.

With respect to peacekeeping activities, the success of the UN is a mixed bag. Measuring the UN's overall performance in a systemized manner by using objective yardsticks is not an easy task as there is no agreed definition of what constitutes success or failure in a peacekeeping context. Between 1945 and 2020, the UN has operated approximately seventy peace operations. It currently runs fourteen peace operations with 100,000 peacekeepers worldwide.

The UN also contributes to international peace through its judicial dispute resolution organ, the *International Court of Justice*. The Court adjudicated an impressive number of cases, particularly territorial and maritime disputes between neighbouring countries thereby reducing tensions and the likelihood of armed conflicts.

### **Decolonization, human rights, and development:**

As to its secondary role, under the UN's watch, nearly one-third of the world's population gained independence through the decolonization process. Of course, the determination of colonized peoples who fought for their independence was important and cannot be ignored. Nevertheless, decolonization would not have occurred so quickly without the UN.

The General Assembly was the ideal shaming platform that the USSR and its allies used to exert pressure on the colonial powers of Europe to divest themselves of the colonies.

In the area of international cooperation, the UN and its network of agencies manage to implement their mandates relatively well, albeit at a slightly higher cost than required. In particular, UNICEF continues to provide vaccines to 45 percent of the world's children, saving three million lives each year. It has saved an estimated ninety million children since its creation in 1946.

The WHO, a UN specialized agency, has played a key role in eradicating smallpox and other infectious diseases. It coordinates the efforts of member states in fighting pandemics. Each year, UNFPA helps twenty-five million pregnant women give birth without childbirth complications. These are just a few examples.

**David Tavadian: It is often said that for small states/countries the most important rule in geopolitics is *not to irritate the superpower they live next to*. I would say there are three military superpowers in the world today – America, Russia and China. This means that small countries located in these superpowers' *spheres of influence* must work hard at forging strong friendships with them. Otherwise these superpowers can cause them major problems. Do you agree with this argument?**

**Secret Guest:** Maintaining a good relationship with one's neighbors is always wise, particularly if the neighbor is powerful. However, the desire to please powerful neighbors should not dictate the foreign policy of a country.

There are many states that do not rely on a neighboring superpower and are not part of a collective security alliance or system (such as NATO), including Switzerland, Austria, Finland and Sweden.

In international relations, like in human relations, to be respected one must respect oneself and others. For a state, self-respect means to have an internal constitutional order based on rule of law and democratic values. To respect others means to fulfill its international obligations in *good faith*. These two basic precepts should govern the conduct of a nation that seeks respect on the international arena.

If these small nations do not respect the above-mentioned principles, have corrupt governments, do not have much respect for the rule of law, then they end up living by jungle rules. In these cases *spheres of influence*, as you called it, become much more relevant.

**David Tavadian: Turkey has tense relations with many NATO members – Greece, France – and I believe this undermines the trust in NATO. From this perspective what would a small country such as Armenia gain from joining the NATO?**

**Secret Guest:** Armenia has no incentive to seek membership in NATO. You have to remember that NATO's chief focus is Russia, a country that does not pose a risk to or represent a threat for Armenia. On the contrary, Russia has often been Armenia's ally. Armenia's biggest threat is Turkey, which is a member nation of NATO.

In terms of NATO rules for NATO members, the North Atlantic Treaty does not apply to conflicts between two or more NATO Allies. In fact, Turkey and Greece have had an unresolved territorial dispute for decades even though they are both member nations of NATO. Therefore, a NATO membership would not really mitigate the major risk and threat faced by Armenia.

In any event, as long as Turkey is a Member Nation, Armenia's prospects of joining NATO are slim. Article 10 of the North Atlantic Treaty requires "unanimous agreement" of all Allies before any other European state can accede to the treaty. Turkey will likely object to Armenia's accession.

In terms of Turkey causing problems within NATO, the North Atlantic Treaty does not contain provisions governing the expulsion of an existing member nation. Any NATO Ally may cease to be a party to the treaty, but it cannot be expelled. Therefore, Turkey's political tensions with France and Greece will not result in its expulsion from NATO.

**David Tavadian: What would be your advice to the current Armenian government, from the perspective of international law?**

**Secret Guest:** My advice is to continue strengthening the rule of law in Armenia. Armenia should introduce constitutional and institutional reforms that impose constraints on Government powers. This requires a robust, independent, impartial, well-remunerated, and easily accessible judiciary.

The administrative and civil justice systems must be easily accessible to all and procedural rules must be simplified so that any citizen can challenge an arbitrary or abusive decision.

Laws and complaints mechanism must be publicly accessible and widely publicized. To guarantee the independence and impartiality of its judiciary branch, Armenia should establish a *judicial council* which will exercise oversight functions over its judiciary and provide for a system of disciplinary accountability of judges.

Reforms might also require legislation by which governmental officials can be held accountable under the law. It includes non-governmental checks on the government's power, which may consist of constitutional guarantees of freedom of speech, independent press and policies protecting whistleblowers.

Government regulations must be applied and enforced without improper influence, including from Armenia's prime minister and cabinet. Administrative proceedings must be conducted without unreasonable delay. Laws that give free access to data held by the government and right to information are also important.

Armenia should also improve its track record on fundamental rights and freedoms. Laws and regulations should guarantee equality of treatment and prohibit discrimination in all areas, particularly when applying for or obtaining licenses, permits and other privileges involving a discretionary exercise of governmental powers.

At an international level, Armenia should comply with its international obligations in *good faith* irrespective of how painful such compliance is. Militarily weak states such as Armenia have a huge interest in promoting the supremacy of the law because this protects them against rogue neighboring states.

Armenia should also work on eliminating nationalism and radical discourse that can fuel armed hostilities. Another armed conflict will take Armenia back several decades.

I don't know much about Armenia, but from what I know, Armenia could have a great future if it puts the right foundations and mechanisms in place.

With best regards,

*David Tavadian, CFA*  
*Founding Partner*

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