

Reforming the United Nations

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I want to focus on three specific areas of special importance to the United States, some of which are frequently discussed and some of which are not. I think these areas are important for understanding what we have seen recently in the United Nations and some of the things we are likely to see in the future. In that context I want to include not only the activities of specific UN agencies, funds, and programs, but conferences that have been called under UN auspices as well, because these form an important part of the overall picture.

The first issue I want to talk about is a subject that in international circles is often called "norming;" however, for many Americans falls under the rubric of sovereignty. This is an effort to use international organizations to create standards or norms, which drive domestic politics in various countries, particularly the United States. This issue is an important part of the debate about the role of the Constitution in our society, and involves questions of democratic legitimacy—of how a population decides what its policies are. One of the patterns we have seen over the past 20 years or so in the United States is that many groups that find themselves unable to gain traction domestically on political issues of importance to them have increasingly resorted to finding

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like-minded views in other countries and taking issues into international conferences and organizations—issues that I think properly are reserved to domestic debate in a constitutional democracy such as ours.

One such issue is the death penalty. The death penalty is the subject of controversy in the United States. We debate it at the federal and state level. Different people will have different views. I want to suggest that at least for democracies, this is an issue that should be considered in their domestic polity. The notion that the United Nations as such has a position on the death penalty represents a fundamental and illegitimate effort at norming. The relatively new UN secretary-general, Ban Ki-moon, found himself in a dilemma early in his tenure when he said that the subject of the death penalty is for each member government to decide upon. Indeed, South Korea is one country that has the death penalty. Ban was then informed that the United Nations does have a position. Why did the United Nations have a position? Because of numerous resolutions passed by the UN Human Rights Commission over the years. This is an idea that is not untypical of many UN debates—passing resolutions over an issue that in our country is the subject of democratic disagreement.

12 Another subject is the topic of gun control, an issue that also inspires strong feelings on both sides in this country. In the UN system, people have had conferences trying to promote resolutions on what they call small arms and light weapons flowing into conflict situations. The very rubric of small arms and light weapons itself is deceptive since it covers everything from .38 revolvers to crew-served mortars. But the argument that many people have tried to make is that the way to reduce small arms and light weapons in conflict situations is to ban the private ownership of firearms. Now it has been the position of the Bush administration, and I was certainly happy to advocate it both as undersecretary and as ambassador to the United Nations, that the United States would not support any international covenants or resolutions that, if adopted as positive law in the United States, would violate our constitution. Indeed, in 2001 at the United Nations, I explained why such an agreement would violate the second amendment, and I was roundly criticized for invoking the Constitution in this debate. What it showed was that there is a hidden agenda of many non-governmental organizations engaged in this small arms and light weapons controversy. They are less concerned with the flow of weapons into conflict zones than in setting a small precedent to advance their domestic political interests in the United States.

Abortion is a third subject. Again, this is a very contentious issue in U.S. politics, but also a subject we find ourselves referring to time and again in UN resolutions—even when the real subject matter of the resolution has little or nothing to do with abortion. Sometimes it creeps in under the rubric of reproductive health services or other subjects. Again, this is an example of looking for international approval of what should

be a fundamentally domestic issue.

This happens in a range of international issues as well. Consider for example the Ottawa Treaty [the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction], which was negotiated in the 1990s. The United States has not ratified the convention and I do not think it will, partially because our landmines are not the kinds that have caused the terrible damage that many people are concerned about. Our landmines tend to be high-tech and we like to be able to turn them on and off for our own good and sufficient reasons. In fact, we have a very good strategic reason to keep landmines in places like the demilitarized zone between North and South Korea. This treaty was part of an effort to change U.S. strategy for reasons little related to the actual strategic considerations. Norming doesn't just target the United States. My favorite example in that debate was the case of Finland, which uses landmines along its border with Russia. Finland was attacked viciously by some of the high-minded countries that wanted to ban landmines. The best incident was when the Swedish diplomat criticized the Finns for not signing on to the convention, and the Finish diplomat responded, "That's because Sweden thinks Finland is its landmine."

These are the examples of norming we have seen, and there are going to be many more. I think it involves more than questions having to do with the substance of the issues being debated; it also involves the underlying legitimacy and the appropriateness of these questions in a constitutional democracy such as we have in the United States.

Let me turn, as a second priority, to what I think most people look at when they consider the U.S. role in the United Nations—our capacity as a permanent member of the UN Security Council. In the early days of the United Nations, many people assumed the countries sitting on the Security Council would somehow behave as though they had achieved a true status of platonic guardians, that they would cast away their national interest in their calculations of how they would act on the Security Council, and that they would rise above all those mundane considerations like instructions from their capitals and the realities that they face. That obviously has not proven to be true, and I think that is the starting point for understanding the Security Council and what should be the U.S. role in it. At best, the Security Council is going to be a reflection of international reality. Once you understand that, some of the reasons why the United States in recent years has not rested its foreign policy on approval by the Security Council become clear.

This was an issue that came up during the 2004 election, and I think may well come up again. Senator John Kerry said that U.S. foreign policy had to pass what he called a global test, a test of legitimacy. When pressed on what exactly passing the global test meant, he said that it would involve approval by the Security Council for major foreign

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policy initiatives. This flows in substantial part from the debate over the Iraq war and the overthrow of Saddam Hussein. It is important to understand that countries serving on the Security Council, and especially the five permanent members, follow their own national interest, and there is absolutely nothing wrong with that. The inability of the Security Council to reach agreement does not represent the failure of a global test of legitimacy; it reflects the political reality in the world as a whole.

This was certainly the reason why during the cold war the Security Council was about as irrelevant to the major issues of our time as you can imagine. The competing vetoes of the Soviet Union and the United States made it almost impossible for the Security Council to be involved in issues of significance, and certainly not in the cold war itself. There was a period when communism collapsed and many people thought that, free of the constraints of the cold war, the Security Council could return to that idealistic vision that at least some had in 1945. I think we can see in the more than a decade that has passed since then that this is not going to happen. In fact, on the great issues we confront—the proliferation of weapons of mass destruction and the international conflict with terrorism—the Security Council will be nearly as gridlocked as it was during the cold war.

In the case of terrorism, despite a resolution promptly after 9/11, the Security Council has done next to nothing other than a few sanction resolutions—in large part because neither the council nor the United Nations itself can agree on a definition of terrorism. If you cannot agree on a definition of what the problem is, it is not surprising that people find it difficult to solve it.

Looking at a current threat in the proliferation area, Iran, we have seen Russia and China persistently covering for Iran in the Security Council. There may well be a third Security Council resolution sanctioning Iran in the coming weeks, but it will be almost as toothless as the first two resolutions. That is not surprising because it is not just Russia and China that are the problem—it is also our friends in the European Union, whose interests are represented by their two permanent members, Britain and France, and by their nonpermanent members, which this year happens to include Italy, one of whose energy firms just signed a hundred million dollar plus deal for the exploration of oil and natural gas with the Iranians in the Persian Gulf.

Whatever the solution to the problem of Iran's search for nuclear weapons, or the problem of North Korea's continuing efforts to keep its nuclear weapons program, the United States, if it is going to prevent further proliferation, will have to use means and methods outside of the Security Council. We can get into a long debate about what that might entail, but my point is it is more than likely that we will not reach a position on Iran or North Korea satisfactory to the United States in the Security Council. If we have to act outside of the council, that will not make our action illegitimate.

Former secretary-general Kofi Annan once said that the Security Council is the sole source of legitimacy for the use of force in the world. After he made that statement, I once suggested to the Senate Foreign Relations Committee that the Senate ought to debate that proposition. I thought that it would be very instructive to hear those who agreed with the secretary-general and those who did not. Senator Joe Biden, who was then the ranking Democrat and is now the committee chair, said, "No, there's not going to be any debate in the Senate. Nobody agrees with the secretary-general on that point." In part that is because I do not think anybody would want to stand on the floor of the Senate and say that. I think that is a very important point, especially as we see the Security Council's inability not just in key areas like proliferation and terrorism, but in other areas where we might expect the council to be more effective: in putting UN peacekeepers into Darfur, in trying to play a constructive role in Lebanon and the Middle East more broadly, and other areas where the council has repeatedly been ineffective over the years. My take on that is that it will not change because the council reflects the political reality of the world as it is, not as we might want it to be. That is a reading of where things are: it is useful to have Security Council support, but it is most certainly not delegitimizing to not have Security Council authorization.

That brings me to my third and last major point, which regards efforts over time on the operational side of the United Nations to make it more effective. These efforts, I am sad to say, have largely failed. Take the Human Rights Commission, which is a body so embarrassing to the United Nations that even former secretary-general Kofi Annan said that it needed to be eliminated. We had a huge debate in 2006 over a replacement for the UN Human Rights Commission. It started out with the United States and a number of its European friends advocating a new body with a series of procedural changes for creating the membership of the body, no one of which would have been earth shattering, but which taken in the aggregate would have produced a different kind of body. We found that in light of the profound opposition of Russia, China, and the non-aligned movement, our friends in Europe gave up one after the other of these new procedural suggestions. I knew we had reached the end of the line when the Europeans abandoned the provision that would have barred from membership on the new human rights body any country under Security Council sanctions for gross abuses of human rights or support for terrorism.

It was so bad that ultimately the United States and a small number of other countries voted against the resolution creating the new human rights council, because we saw it as creating a new body that would not be reformed and would be just as bad as the old body, and that by acting to create the new body, we would be eliminating any further chance of reform. In fact, the new body has been as bad as or worse than its predecessor, certainly in its record of anti-Israel resolutions. That is not just my opinion,

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that is the opinion that has been voiced on the editorial pages of the *Washington Post* and the *New York Times*.

Many Americans saw problems in the United Nations exemplified in the Oil-for-Food scandal and in the corruption and mismanagement of what should have been a humanitarian program of relief for the people of Iraq. Saddam Hussein, with the full complicity of member governments on the Security Council and the secretariat, turned the program into an operation that reinforced his power. Paul Volcker, a man of great distinction, a public servant for much of his career and former chair of our Federal Reserve, was brought in by Kofi Annan to review the Oil-for-Food program, and he came to an extremely important insight, one that he had not expected to see. Volcker saw that the problems with the Oil-for-Food program were not unique to Oil-for-Food; rather, it represented endemic problems in the United Nations itself, problems reflecting UN regulations, personnel, culture, and practices that had grown for over a decade. Volcker recommended a series of reforms, probably the most revolutionary of which was that there ought to be a truly independent and external auditor that would be able to overrule auditing mistakes inside the United Nations. How is that for raising the flag of revolution? We supported that reform, and so did Kofi Annan. It was defeated by the General Assembly. Fifty-plus countries voted in favor of it, and 120 countries voted against. And under the system of contributions the United Nations has, the fifty-plus who voted in favor of these very modest reforms contribute 90 percent of the budget of most UN agencies. The 120 countries that voted against the reform contribute less than 10 percent. And that tells you an awful lot about the problems in the United Nations and why the United States' voice is not heard more effectively.

I have come away from numerous efforts at UN reform over the years convinced that efforts at marginal, incremental reform simply will not work. Every time you try to move on from an Oil-for-Food scandal you find something like the cash-for-Kim scandal, in which United Nations Development Program funds have been used by Kim Jong Il's regime in North Korea. So I've concluded there's only one reform that will be satisfactory, only one reform that makes sense—a reform that will have impacts not only on UN programs and funds and specialized agencies, but also on the political side of things, in the Security Council, dealing with these issues of norming. This is a reform that would finally give the United States' voice the weight that it deserves.

I would change the way by which the United Nations is funded, away from a system currently of assessed or so-called mandatory contributions, through which United States pays 22 percent of the regular budget of most UN agencies—27 percent in the case of peacekeeping. Other governments pay lower percentages: Japan is the next biggest contributor, paying just under 17 percent, and it goes on down from there. The bottom fifty contributors pay 0.2 percent of the total budget. And two-thirds of the

UN members, the bottom two-thirds, pay just over 5 percent of the budget, two-thirds being the majority you need in the general assembly to task important questions.

I would eliminate this system of assessed contributions. I would have all contributions to the UN system by member governments be voluntary. Let each government contribute as much as it wants to programs that it considers effective, and not contribute anything, or contribute lesser amounts, to programs it considers less effective. We have seen in the case of voluntarily funded agencies like the World Food Program, the UN High Commissioner for Refugees, and others, that these agencies tend to be more effective, transparent, and responsive. They know that if they cannot demonstrate that they can deliver, the donors will take their money elsewhere. I think that is a good, market-based test for the UN system as a whole. If countries want to outvote the United States and fund programs that we do not like, that is perfectly acceptable—let them go ahead and do it. But we will insist on a principle that I do not particularly consider revolutionary: we should pay for what we want, and get what we pay for.

RICHARD HOLBROOKE

I am pleased to be here today to discuss with you the role of the United Nations. When I was at Brown University, the student body looked at the United Nations, as did much of the world, as the last best hope of what we then called mankind—but now we're more correct about it. Things have changed a lot in the last 45 years. Even the United Nations' strongest advocates know that it is a deeply flawed institution. We are more realistic about the United Nations now. We have to decide whether the United Nations is an important part of the United States' national security interests that is in need of strengthening and improvement, or whether we should continue to weaken it and undermine it, as has happened over the past last seven years. John and I represent two different tendencies. I believe that the United Nations is a flawed, but vitally important institution. U.S. foreign policy should not be built around the United Nations—it is not the parliament of man that some people once dreamed it would be, and it never will be, never could be. But on the other hand, it does things that help the United States. It does things that help the world. The problem is, it does not do enough of them.

I believe that a stronger, more efficient, better United Nations, one that more lived up to its ideals, would be in our national interests. I do not believe the United States can leave its foreign policy in the hands of an international body, anymore than John Bolton does. But we do disagree clearly, unambiguously on the central role of the United Nations and how to strengthen it.

The United Nations is nothing more, or less, than the sum of its parts—the 192 nations who are its current membership. To talk about the United Nations as if it

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were an organization is a misnomer: it is a club of its nations, ranging from countries with less than 10,000 people in them, which have a meaningless vote in the General Assembly, to the greatest nations in the world—the United States, China, members of the European Union. To blame the United Nations, as so many people do, for what happens in the building on the East River in New York is like blaming Madison Square Garden for the New York Knickerbockers. It is where 192 ambassadors come to represent their nations' views.

If, for example, people are upset with the situation of Darfur—and they should be—and the administration in Washington, D.C. blames the United Nations for failure to act—as they have—what are they really saying? The United States, Britain, France, Russia, and ten other nations in the Security Council voted 14 to nothing, with China abstaining, to take action in Darfur. Action was not taken of that sort, however. The United States did not contribute anything to the peacekeeping mission we had advocated so strongly. Now, the secretary-general of the United Nations is begging people for helicopters, jeeps, communications equipment, and troops, but President Bush said in his Africa trip that we are not going to participate. That is the United States' decision—you could argue with President Bush or not—but you cannot blame the United Nations. The United Nations can only do, tin cup in hand, what its member states want, and in that member state group, the five permanent members of the Security Council really matter. So, if you are upset about Darfur, do not blame the United Nations; blame the member states who advocated the resolution, which was passed fourteen to nothing—China abstaining—but then was not implemented. Implementation is the key, but the lead nation in the world, the founding nation of the United Nations, the largest contributor, and the host country has to take the lead. If we want to make the United Nations more effective, we must lead. That takes resources. That takes leadership. That takes unambiguous efforts to make the United Nations better.

The United Nations was founded in 1945 and a charter was written by a U.S. delegation—with a little input from Britain and a few other countries—and it reflected U.S. ideals and values. When Eleanor Roosevelt saw that it lacked what in the United States we would call a bill of rights, she insisted that we add the Universal Declaration of Human Rights. That was all done, and then it was downhill slowly after that, during the cold war and the post-cold war period. Countries did not live up to it. But if the United States does not take the lead, the organization will get weaker and weaker. And the weaker it gets, the more anti-American it will get.

There are many aspects of the United Nations which are corrupt, nepotistic, or inefficient. The UN Commission on Human Rights is one of them. There are many countries in the world that have signed the Universal Declaration of Human Rights but do not live up to one word of it. That is not the fault of the document or the orga-

nization, that is the fault of the government. The United Nations is one of a number of vehicles through which we can advance our goals. If we weaken the United Nations and at the same time turn to it for help, as in Iraq, we only weaken our own objectives. At the very time when the Bush administration was denigrating, weakening, underfunding, and under-supporting the United Nations, it was turning to the United Nations to carry out elections in Iraq and to help other parts of civil society. The United Nations responded, reluctantly since many countries had opposed the U.S. invasion of Iraq, because Kofi Annan stood up and said we should help the United States even if we disapprove of the involvement. So he sent the very best team he could assemble, led by one of the greatest civil servants I have ever known, Sérgio Vieira de Mello. We all know what happened next: Sérgio Vieira de Mello and 19 of his colleagues were killed in a terrorist attack.

So I submit to you that a better, more efficient, more effective United Nations is in our U.S. national interests. Now I need to be extremely clear on this: if there is an issue on which the United States feels its own interests are involved and it does not agree with UN positions, we will do things our own way. A perfect example of that occurred in 1999, when Slobodan Milošević refused to accept the U.S.–NATO ultimatum on Kosovo. I deliberated with him personally in March 1999 and told him that if he did not accept our position, we would begin bombing as soon as I left the country. He turned me down, as we expected he would. I said goodbye to him, flew to Budapest, and the bombing started that evening. After 77 days, Milošević agreed to withdraw all his security forces in Kosovo in return for our stopping the bombing. Kosovo was turned over to the United Nations to administer for the next seven years, and last week Kosovo declared its independence.

The point I want to make about the United Nations is that the bombing I talked about—which I believe was the correct and unavoidable thing to do—was not authorized by the United Nations because the Russians threatened to veto a resolution authorizing force in Kosovo. So President Clinton and his team decided to bypass the United Nations and get a NATO agreement. We carried out that agreement in a unified manner. Then the Clinton administration went to the United Nations and got a resolution that in retrospect, without approving or disapproving the bombing, authorized the United Nations to go in to Kosovo. The Russians agreed to that because of very good diplomacy in 1999.

The United Nations administered Kosovo for the last seven years. Then the United Nations—with U.S., Russian, and European approval—set up a commission headed by the former president of Finland, Martti Ahtisaari, to decide the future of Kosovo. Ahtisaari came up with a very good plan that gave Kosovo a glide path to independence with all sorts of provisions to respect the cultural freedom and autonomy

of the Serbs. When Ahtisaari finished, even though Putin had agreed to the plan in Ahtisaari's working group, he nonetheless announced that Russia would not support this plan unless Belgrade did, knowing full well that the Serbs would not approve it. So the Russians said they would veto the plan if it went to the Security Council. In August 2007, when it became absolutely clear that the Russians really meant what they said, the other countries—the European Union and the United States—decided they would make one last try. They agreed to a proposal from the Russians for a 120-day period during which a European, Russian, and U.S. diplomat would make one last try. That period ended in December, and the Russians and Serbs still would not agree. So the Kosovars made a unilateral declaration of independence, without UN approval, because the Russians threatened to veto. The United States, Britain, France, Germany, and many other countries recognized Kosovo's independence.

I tell this story because it illustrates both the strengths and the weaknesses of the United Nations. Should we have allowed the Russian veto threat to stop our movement toward Kosovo's independence? Not in my view—the United States was right to lead this effort. They should have done it four years ago, however, when Putin was less aggressive and it would have been much easier. The prime minister of Serbia at that time, Zoran Đinđić, was a brave reformist who was assassinated in the streets for his courage. But nonetheless, there were only two choices: leave Kosovo under the Serbs and as a UN protectorate, which would have been endlessly expensive and unproductive, or move forward. The United Nations was not the vehicle to do it, so we had to bypass the United Nations. But in doing so, we had to take strong leadership. I want to stress that I am not of the view that the United Nations is the only place that legitimizes military action: I was a strong advocate of going around the United Nations both in 1995 in Bosnia and 1999 in Kosovo. I do not think what President Bush did in Iraq was illegal; I just think it was wrong. Nobody is arguing that the United Nations should take precedence over the United States in terms of war and peace issues.

So what is it about the United Nations that is so valuable and important? It can make a difference and help. It did a good job in Kosovo and it tried to help us in Iraq. It did a good job in East Timor after that country became independent. Its specialized agencies, like UNICEF, and all sorts of other programs serve a common good. For the United States, our involvement with the United Nations is actually cost-effective. The United States pays about 25 percent of the UN peacekeeping bill. And the United States gets highly leveraged returns on those payments. It is much cheaper for us to support an international peacekeeping force than to be left with sending our own troops, which is what happened in Bosnia when the UN peacekeeping mission failed.

We need to strengthen the United Nations, not weaken it. We need to make it live up to its ideals, not undermine it. Ambassador Bolton's proposal that contributions all

be voluntary would effectively be the death of the United Nations as we know it. It is absolutely clear that if 192 nations are invited to make voluntary contributions, every one's contributions will go down—with the possible exception of Norway. Norway is like a giant NGO, as I like to tease the Norwegians about. The United States must lead financially if we want to lead politically. Yes the UN is flawed, yes it has made mistakes. All large institutions are flawed—even Washington makes mistakes and has corruption—but does anyone think the world or the United States would be better off without the United Nations? Does anyone think the United States is not advantaged by the fact that the United Nations is located here in New York, instead of that empty, tall palace in Geneva, where the League of Nations lived and died? I hope not. 

For additional exclusive interviews with both John Bolton and Richard Holbrooke, please visit our website at <http://www.bjwa.org>.

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