

An address by His Excellency Paul Heinbecker Ambassador and Permanent Representative of Canada to the United Nations To The Canadian Club of Ottawa

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### **Leading Horses to Water: Lessons from the (East) River's Edge**

Thank-you Vice-Admiral Jarvis, Ms MacDonald, Mr Sharpe...

It makes me very nervous to be here today with so many former bosses and current bosses and colleagues, but I'm very happy nonetheless to have this chance to talk. If I had known however, that the head table was going to be on the dais, I would have suggested better looking people.

One of the speech making techniques that I was taught can be explained by a story I heard many years ago, and that was when a young priest was giving sermons and he didn't feel he was being very effective. So he went to one of the older priests and he said: "why is it that you seem to be so successful and people pay attention, but when I speak everybody's head goes down?" And the old priest said: "it's easy, every once in a while I say 'and finally', and everybody perks up." So I fear I am going to do that today.

It isn't very often, by the way, that a boy from Kitchener, Ontario, is brought into a room to speak with a piper. I could get used to that. Can you imagine the Security Council being led in by a piper? They're already pretty worried about what we are going to say.

I want to make one essential point at the beginning, and that is that I never take for granted the honour I have been given to be the Canadian Ambassador to the United Nations. It is a position of responsibility, of respect, and of high expectations, and I never take it for granted that a job half done is going to be done well enough.

I would like to say also that the context of this speech is a lot different than when Mr. Armstrong and I first discussed it a year ago.

You know that I am an Ambassador, a serving Ambassador, and as Mr. Graham has said recently quoting Harold Macmillan: "a serving Ambassador speaking in public is always poised between a cliché and a pink slip". And you have to go all the way back to Sophocles for the origin of the message: "don't kill the messenger". And finally, Robbie Burns: "to see ourselves as others see us, would from many a blunder and foolish notion free us". I'll try to avoid blunders and foolish notions, but I'm afraid the issue lends itself to both.

Today I am going to discuss: first, the Canadian compromise to avoid war in Iraq, what it was and what happened; second, the continuing importance, indeed the indispensability of multilateral cooperation – not multilateralism; third, the continuing significance of the United Nations to that multilateral cooperation; and fourth, the need for reforms to keep the UN effective.

Aujourd'hui, je parlerai: premièrement, du compromis canadien pour éviter la guerre en Iraq, ce dont il s'agissait et ce qui est arrivé; deuxièmement, de l'importance continue voire à du caractère indispensable de la coopération multilatérale; troisièmement, de l'importance que conserve l'ONU dans cette coopération; et quatrièmement, de la nécessité de réforme pour que l'ONU reste efficace.

The Canadian compromise... what was it? People will have, I think, been watching the issue develop in the media. We came to the conclusion back in February that the situation was beginning to deteriorate, that all of the arrows were pointing in the wrong direction. I therefore had a discussion with Jim Wright, who's here today, about what the outlook was at the UN and whether something could be done to avoid a collision. We recognized that both sides had a point. We went to the Minister and to the Prime Minister, before I made the first speech on the subject, to say effectively that both sides have a point but the issue was 'how to reconcile war and no war'. How do we get to a situation in which we can give weapons inspections a sufficient chance, but not make an eternity out of it.

So we collectively worked on that prospect, and we decided that the only way to reconcile the position of one side of the Security Council, that is: that weapons inspections had been given enough chance, the government of Iraq had been given enough chance, time effectively was up, it was time to act -- with the view of the other side of the Security Council, which was: there is no timeframe in Resolution 1441, weapons inspections had begun to look like they might be working and so they should be given a greater chance. So what do we do about these divergent positions.

Well, what we decided to do was to pick a deadline far enough into the future that people would be able to see whether the Government of Iraq was cooperating on substance or just on form. And the way to do that was to work with the weapons inspectors, because we knew that they already had available, or nearly had available, a set of outstanding tasks that the Iraqis had been asked to do. So we could set the inspectors a substantive job to do, we could establish a timeframe in which they could do it, and at the end of that we would be able to tell better, at least, whether or not the Government of Iraq was really cooperating. There was much diplomacy in New York and a great deal of diplomacy between capitals, and numerous phone calls and by visits by the Prime Minister, by the Minister of Foreign Affairs and by senior officials.

In effect, we tried to bring horses to water, but in the end none were seen to be thirsty enough. The US remained adamant that time was up and that military action was necessary without delay. The United Kingdom agreed ultimately with the US, but did seek a compromise very much along the lines of our own. The so called 'undecided six', which was Mexico, Chile, Pakistan, Guinea, Angola and Cameroon, also hoped to work with us to create a compromise around which people might rally – but in the end that didn't materialize. And the other side, the French, the Germans, the Russians and others, I think began to move in the general direction of a compromise but, as you know, not in time.

The Council was profoundly divided and the Council remains profoundly divided. The majority didn't accept the *casus belli* because they didn't believe the case had been made. They didn't agree on the significance of the threat, they were not persuaded by the urgency of the matter, they were not persuaded by the evidence on weapons of mass destruction, and they were not sure about the connection with Al Qaeda. And further, they were apprehensive about an approach that seemed to presage a new emphasis on pre-emption, even on prevention.

In any event, the "second resolution" proposed by the US and others did not attract a majority of votes in the Security Council. It didn't attract also, as you will remember, all of the votes of the countries that had vetoes, and it was allowed to die in effect on the order paper.

The Council remains profoundly divided, as I said, but there is a disposition now in the Council to turn the page, to put the interests of the Iraqi people in the forefront, and to go ahead with a new resolution provided that those who opposed the resolution in the first place, the resolution for the decision to go to war, provided that the aftermath doesn't require them to validate the decision that they disagreed with *ex post facto*. And from what I see in New York now and from the number of people I have talked to, I think that's likely to be the outcome.

Since then an industry of pundits, academics and media commentators has arisen to try to explain what happened. I have a few insights that I think are worth thinking about, but I caution you that the first lesson to draw in this circumstance is not to draw lessons too quickly.

I am mindful of what happened in Kosovo. You will recall that in Kosovo we went to war in a kind of similar situation, where the UN Security Council didn't explicitly authorize action, although there was a legal case, we argued, that did authorize it.

We thought, at that time, that NATO was going to become 'Globocop'. NATO was going to go "out of area". NATO would be the instrument for bringing international security. The end of the Kosovo war was negotiated not in the Security Council but by the G8 countries, by the G8 political directors and their Ministers, and then ratified at a G8 summit in Cologne. And it was passed by the UN Security Council with the instruction, to our people at least, to all of the G8, that their members on the Council shouldn't touch a word of it.

So, the conclusion some people reached -- some thought it desirable, some feared it -- was that NATO was going to become Globocop and the G8 was the new 'super security council'. What happened? Wrong in both cases.

What really happened in the Kosovo case was that the most powerful country, the United States, actually soured a bit on NATO and on its consensus decision-making procedures, which it found cumbersome in the middle of military action. As for the G8, it

never again came back to the same kind of issue or played the same kind of role. And everybody who was involved, more or less happily, went back to the familiar diplomacy and confines of the Security Council and the United Nations. So the first lesson is, don't draw lessons too quickly.

The second lesson though I think we can draw is that, notwithstanding the situation in Iraq, multilateral cooperation remains indispensable more than ever. And here I'm saying 'multilateral cooperation', and not 'multilateralism'. Multilateralism, like plurilateralism, and bilateralism and unilateralism, suggests process as an end in itself. It suggests a kind of exclusivity, almost an ideology.

Multilateral cooperation is just that – it is a proven way of solving global problems. That's all. Multilateral cooperation is a complement to bilateral cooperation. It's not an alternative to it, and bilateral cooperation is not an alternative to multilateral cooperation. Multilateral cooperation is just a community of nations acting together on common problems. There's no way that that is going to stop. Terrorism can only be controlled by multilateral cooperation. A purely unilateral approach to terrorism won't work. Weapons of mass destruction – the proliferation of weapons of mass destruction – can only be stopped cooperatively. It can't be done unilaterally. The non-proliferation regime of treaties and practices is indispensable. Economically, in a global economy of \$31,283,848,000,000, trillions of dollars in financial capital cross borders every day. Only multilateral cooperation can make those flows orderly and beneficial. Only multilateral cooperation can create conditions in which international trade flourishes. Only multilateral cooperation can prevent the spread of diseases. Only multilateral cooperation can stop global warming or diminish ozone holes. And only multilateral cooperation can deal with the major migration challenges.

So the third lesson is – beware apocalyptic predictions about the demise of the United Nations. It is the only international organization whose mission it is to integrate all aspects of international political intercourse - from war, to economics, to environment, to social policy, to human rights, to law and peace. No other institution has that mandate. The UN is not dispensable.

Consider. The UN protects the vulnerable. Last year, the World Food Program fed 77 million people. The UN High Commissioner for Refugees sustained over 22 million refugees and internally displaced people. The UN Mine Action Service coordinated the clearance of approximately 165 million square meters of land. The UNFPA, the population group, brought reproductive health and family planning services to 140 developing countries. UNICEF helped immunize 575 million children, over the years, against polio. UNICEF, UNESCO and the UN Development Program have helped poor countries promote literacy, from 63% of adults to 79% of adults, at a time when the world population was doubling. And UNICEF and the other UN organizations have brought the education of girls, the single, probably most important development initiative any government, any institution can take. Now, in developing countries, 80% of primary school age girls are going to school. That's a huge increase and, again, that's when world population is doubling.

The UN fights terrorism, with 12 conventions against terrorism. There is a UN Security Council committee to oversee the actions of all of the countries of the world and what they're doing about terrorism. And, more important, to help those countries that are not up to enforcing their own laws, to help them build capacity to do that.

I mean, we're very conscious in Canada that we can't be a back door on terrorism into the United States. But what about the Caribbean? What is their capacity in these circumstances, for example? Helping them build their capacity is one of the things the UN does.

The UN establishes human rights norms; there are six core treaties, including eliminating discrimination against women, including the elimination of torture, and including the elimination of racial discrimination.

There are 170 environmental treaties - the Montreal protocol on ozone, the Kyoto protocol on climate change, the convention on Persistent Organic Pollutants, which is so important to the Inuit and all Canadians living in the Arctic.

And the UN promotes arms control.

These things are not dispensable.

Fourth lesson – the UN may be at the centre of all this, but in its core security mandate the UN is staggering.

The first objective of the United Nations is "to save succeeding generations from the scourge of war". The UN can certainly claim a share of the credit for avoiding World War III, together with NATO and the doctrine of Mutually Assured Destruction. The UN's emphasis on collective security and prohibition on the threat or the use of force really has been effective in reducing the number of conflicts between countries. The number of conflicts within countries is going up, and civilians are becoming the target in these cases. But wars between states are less prevalent.

But in Iraq, the UN's most basic objective was not achievable. It seems likely that the UN will be able only to deal with second order conflicts, that is to say conflicts in which the interests of major powers are not directly engaged. That's been the case in the past. The UN has had its ups and it has had its downs. But before people dismiss the significance of the UN, if you happen to be living in the Congo this morning, you would be very happy to have the UN intervening on your behalf.

The situation is far from ideal. The ideal situation is that the UN would take on every conflict. It would take on the Middle East conflict. It would take on Kashmir. It would take on, let's say, the relations between North and South Korea. But as a practical matter, that's not going to happen.

But at the same time, some of the things that the UN does do still are extremely important and shouldn't be diminished. Again, if you were one of those people in Bunia, in the Congo, you would be delighted to have the UN helping you. And that's one of the issues before the UN Security Council right now, and it's one of the issues in which the UN failed, as we know so tragically, in 1994 in Rwanda.

Fifth lesson, and I'll just assert this – when the permanent members are divided, the UN can't act. And we've seen that before. We've seen it in Korea, and got around it in Korea when the Soviet Union decided not to attend. It was the case in Kosovo. It was the case in Rwanda. In Rwanda, the Security Council certainly was apprised of the situation that was taking place there; many people in this audience know General Dallaire and know the story. The UN Security Council failed.

The UN Security Council is not some kind of a disembodied third party. The UN is not some kind of institutional department; sometimes we hear that kind of sentiment. When is the UN going to stand up for its regulations? When is the UN going to have the backbone to do so? But the UN has no independent power of decision.

The UN is us! The UN is its membership, and if the membership isn't willing to act, things are not going to happen. And in the nature of things, when five Permanent Members have the veto, if they don't agree on action, action is not going to happen.

Sixth Lesson – legality matters.

Perhaps the Iraq war marks the beginning of a new era, perhaps it doesn't. Creating a doctrine on the basis of one war, I think, is a highly dubious proposition. Bad cases make bad law. But nonetheless, there is much disagreement now over the legitimacy and the legality of the invasion of Iraq. I'm not an international lawyer, and I'm not going to try to interpret what's legitimate and what's not legitimate. But I will tell you what I think is clear, and that is the following.

In going to war, the coalition countries were careful to inform the Security Council, under Chapter 7 of the Charter, of their actions. They each notified the Council that they were taking military action, and cited Iraq's failure to comply with past Security Council resolutions as the reason and the legal basis for their doing so.

With the war won, the coalition has returned to the Security Council to legitimate its efforts in Iraq going forward. Further, the coalition has accepted the obligations under international law of occupying powers. The Coalition will negotiate a resolution in the coming couple of weeks, in all probability, on how Iraq will be administered and, as I said earlier, the rest of the Council seems disposed to find a way forward.

So politically and strategically the attack on Iraq may have been unprecedented, and legally, opinions may differ, but the Coalition itself has been careful to comply with the requirements of the UN Charter.

Septième leçon – Ne pas prêter à l'ONU des qualités surhumaine. L'ONU représente nos aspirations et exprime nos valeurs partagées. Mais L'ONU n'est pas un gouvernement mondiale; c'est un instrument pour la gestion globale des affaires du monde. L'Assemblée générale est plus un forum qu'un parlement. Mais ce n'est pas le club des tyrans que certains imagine, selon Freedom House pas plus qu'un tiers des pays membres ne sont pas libre; les deux tiers sont, soient libre, soient partiellement libre. Le Conseil de Sécurité n'est pas le cabinet du monde. Le Secrétaire Général est un mélange unique - le Chef d'État et le Vice-ministre. Il a un "bully pulpit", mais il est largement paralysé par le Conseil divisé. Il est l'instrument du Conseil.

Certaines commissions de l'ONU, par exemple, la Commission du développement durable, peuvent valoir leur pesant d'or. D'autres, notamment la Commission des droits de l'homme, à mon avis, qui a fait du très bon travail dans le passé, parfois pose plus de problèmes qu'elle n'en résout. On assiste présentement à des cabales, ou les pires contrevenants se protègent entre eux de mesures de censure et s'allient pour attaquer d'autres pays. Les réformes sont nécessaire immédiatement.

Huitième leçon – ne pas demander à l'ONU d'en faire plus qu'elle ne peut. L'ONU n'a pas la capacité, tout simplement, pour diriger l'Iraq. Même si les pays de la coalition le lui demanderait. L'ONU dispose d'une base de ressources équivalant au Ministère des affaires étrangères du commerce international. Demander à l'ONU de diriger l'Iraq reviendra à demander au Ministère des affaires étrangère de diriger le Canada, et en plus de ses tâches courantes.

Iraq is 24 million, Canada is 31 million, and the UN has the resources of the Department of Foreign Affairs. Asking them to take over Iraq is just not in the cards; they cannot do it and wouldn't want to, although they can certainly contribute.

Ninth lesson – After 50 plus years, the UN desperately needs reform. But changing the charter is even more difficult than changing the Canadian constitution, if that is possible. I think perhaps that neither is possible.

The Security Council needs modernization, but getting rid of the veto, if desirable in principle, is impossible in practice because the people who have to agree to get rid of the veto are the people who hold the veto, and they can veto the decision.

But there are many changes that can be made and some new thinking that's necessary. For example, why is it that we think in terms of attacking countries; why do we hold the people of Iraq responsible for the behaviour of their government. Can't we all get to a point where we decide that it's the governments that are responsible, and that the action that's going to be taken by the United Nations or by coalitions is about the government. There must be a better way of doing this than punishing the population as we have had to do in case after case after case.

Second, why not reach some kind of agreement on how to intervene in order to prevent the worst cases of human rights abuses – in order to prevent widespread loss of life and

widespread suffering. Why can't we come to some kind of understanding? Is it really beyond our ken? Is it so impossible to reconcile our ideas of sovereignty and human rights that we have to stand aside when we see these terrible things happening? Because sooner or later we end up intervening anyway, as has been the case in Iraq.

Why not a self-denying ordinance on the part of members of the Security Council on using the veto? If we can't ask them to get rid of the veto, why don't they take it unto themselves not to use a veto except in those cases of their supreme national interest, rather than as an instrument to achieve one goal or another in their foreign policy?

And the General Assembly can try anyone's patience. It's 191 countries, and they bring 191 bureaucratic cultures to bear. It is extremely difficult to get anything done in the General Assembly, and yet it is the place where the great overriding conventions eventually get passed. But it is extremely difficult work, and surely it can be done better.

The tenth lesson, and finally, the UN is only as effective as its members. The UN is us. The Security Council is us. The General Assembly is us. The Commission on Human Rights, and all of the commissions and agencies, is us.

Peace enforcement, peacekeeping, peace building, norm building, capacity building, terrorist control, or health or education or environment, all of that takes resources. The UN has the same size of budget as the Department of Foreign Affairs. If the UN is to prosper, and is to serve Canada's interests as an instrument of multilateral cooperation, not multilateralism, we need to invest in it, just as we need to invest in foreign policy. We need to re-examine both the UN's place in our foreign policy, and our place in the UN's future.

And finally, some conclusions.

First, the Canadian compromise could have worked. There is no question in my mind that the possibility was there. The probability may never have been there, but the possibility was always there and I do think it would have been a far better outcome.

Second, for all the talk about unilateralism, and bilateralism and plurilateralism, and coalitions of the willing, multilateral cooperation is indispensable to solving global problems and it's going to remain so.

Third, predictions of its demise notwithstanding, as Mark Twain may have put it, the UN is indispensable to that multilateral cooperation. Just bear in mind that the UN is a multi-purpose instrument; it is not an all-purpose instrument.

And finally, for those countries who believe in the UN, we really do have to invest in it. It cannot succeed on a shoestring.

Thank you very much.

