

Presentation By

Paul Heinbecker*

At the

Canadian Forces College

Toronto, March 31, 2004

***The U.N .in the Twenty-first Century: Why an Old Dog
Has to Learn New Tricks***

Check against Delivery

*Paul Heinbecker is Director of the Centre for Global Relations, Governance and Policy at Wilfrid Laurier University and Distinguished Research Fellow at the Centre for International Governance Innovation. He recently retired after 38 years with Canada's Department of Foreign Affairs, most recently serving as Ambassador to the United Nations (2000- 2003). This paper does not necessarily reflect the views of the institutions above.

Tonight, I am going to discuss indispensable role of the United Nations, the very negative impact of American foreign policy on the U.N., and on the United States itself, the U.N.'s own problems, the adaptations that the U.N. will have to make if it is to serve us all in the 21st century and what Canada can do to help, if time permits. It was not so long ago that the United Nations' future looked bright indeed. On December 10, 2001, Secretary General Annan accepted the U.N.'s 8th Nobel prize, for its "work for a better organized and more peaceful world," the Security Council and the Secretariat had belatedly accepted their responsibility for the shameful failure of the U.N. in Rwanda and reforms had been launched in response. The U.N. was back in charge in Kosovo. After rocky starts, UN military interventions in East Timor and Sierra Leone were proving successful. Seventy-five heads of government had come to New York that Fall to mark the Millennium by establishing very ambitious economic and social targets, the Millennium Goals. The Millennium goals established targets and time-frames for poverty reduction, human rights, education, health and security. The Secretary General had personally succeeded in putting HIV-AIDS back at the top of the international agenda. He had persuaded, some said, coerced drug companies and governments to cooperate and had, himself, raised hundreds of millions of dollars for the cause.

These successes obscured but did not obviate the very real need for change at the U.N. Before discussing the need for change, perhaps I should spend a minute on what the U.N. is not.

SG no head of state

GA no parliament

SC no cabinet; no exec branch – not accountable

POGO – UN is us, the members not independent

The U.N. is a mirror of the international community and the international community is itself profoundly divided.

There is very little agreement on what the most important issues are, much less on how to resolve them. No agreement that the US has a "mission". The world is polarized between "North" and "South", between the rich countries and the poor, over the causes of the all pervasive issue of poverty and how to remedy it. The world is also split between the United States and most other countries on security and how best to respond to terrorists. e.g. Iraq war seen by most as elective not last resort, terror generating. And there is no agreement on how to reform the aged structures of the U.N., which were built for another time and which skew representation on the Security Council, the most important security body on earth.

This is not to say that the U.N. is an abject failure. It is far from that. But security failure in Iraq; Oil for Food scandal. Multilateral cooperation, not multilateralism, is essential.

Over-arching problems can only be solved over-arching cooperation. This goes for everything

from terrorism e.g. the UN's 12 conventions,

to human rights, e.g., the six core treaties,

to arms control and disarmament, e.g., the nuclear non-proliferation regime,

to health, e.g., SARS, to the environment, e.g., the 76 treaties concluded under U.N. auspices,

to international trade and investment rules, and so on.

In fact, the UN is central to multilateral cooperation and it has many successes. For example, UNICEF has inoculated 575 million children against childhood diseases, the WFP has fed 100 million people (last year alone), the UNHCR has housed 22 million refugees and internally displaced people, the UNMAS has saved countless limbs and lives. This work has been belittled by some as mere international social work but it is social work with very real human and security benefits.

Nevertheless, two years later, some of the U.N.'s harshest critics were, albeit with Mark Twain-like prematurity, writing its obituary. Neo-con Richard Perle, (co-author with Canada's David Frum of a current book on terrorism and,) until last Spring, the Chairman and now still a member of the US Defence Policy Board, spoke for many members of the U. S. Administration when he professed to see two benefits to the war in Iraq:

- 1) the disappearance of Saddam Hussein
- 2) the end of the United Nations

"Thank God for the death of the UN" he wrote in the Guardian, last March. Such American hostility to the U.N. is a relatively new phenomenon.

Skepticism of the U.N. was not always the basic operating principle of U.S. administrations. President Franklin D. Roosevelt, in his younger days a member of the USA's League of Nations delegation, was the driving force internationally for the creation of a United Nations. President Truman was equally convinced of the need for such a world body. Truman told the assembled delegates in San Francisco that "you have created a great instrument for peace and security..." "We all have to recognize that no matter how great our strength, we must deny ourselves the license to do always as we please. No one nation ...can or should expect any special privilege which harms any other nation..." President Kennedy called in 1963 for the United Nations to become "a genuine world security system . . . capable of solving disputes on the basis of law". President Nixon said "the U.S. will go the extra mile...in doing [its] part in making the U.N. succeed". Speaking at the inauguration of the Reagan Library, President Clinton recalled that Mr. Reagan had said that the U.N. stood as a symbol of the hopes of all mankind for a more peaceful and productive world. For most of the U.N.'s existence, then, the United States clearly saw its security best assured collectively.

What happened? A lot happened. The USSR collapsed the Cold War ended. With the end of the Cold War, the U.S. became progressively more powerful and its single significant international "check and balance", the Soviet Union, disappeared. Elegant but self-serving theories have been appearing in the U.S. in order to explain the inevitability of American dominion and to justify its exceptionalist manifestations. The European Union was said to indulge itself with Kant, while the U.S. was stuck with Hobbes, reflecting Venus and Mars according to a popular book.

Kagan

All that separated civilization from chaos was Washington's willingness to project power. Revolution in military affairs happened
The end of the Vietnam syndrome
Highly professional US force
A corollary has been that others, particularly feckless allies, were considered to owe the hegemon decent loyalty, at least when it decided an action is in its vital interest. There was no patience with moral qualms or strategic quibbles, leading some to wonder whether the U.S. was the solution or the problem.

Most tragically, 9/11 happened. A country that had pursued a policy of invulnerability through high cost high, tech defence suddenly found itself vulnerable to a low tech, low cost attack by terrorists in the service of medieval Islamic extremism, with horrific consequences. In response, the U.S. administration propounded a national security strategy based on prevention, which is not foreseen in international law, not just pre-emption, which is. And yet there was little in the post 9/11 reaction of the international community to justify abandoning collective defence, undermining the U.N. or jeopardizing 60 years worth of international law, most of which previous U.S. Administrations had promoted. And all of which were significant Canadian interests.

Further, after the attacks on New York and Washington, the U.N. General Assembly and the Security Council had both acted with despatch. On September 12, 2001, the General Assembly, which is not a decision-making body, issued a unanimous message of solidarity with the American people. Iraq hadn't paid dues, couldn't vote. Within days of September 11, the U.N. Security Council, whose decisions are legally binding, proscribed cooperation with terrorists, denying them both safe haven from which to operate and the use of national banking systems to finance their operations. Many governments, Canada included, sent troops to Afghanistan to fight alongside Americans. Many also committed themselves to spend very large amounts of money to lift Afghanistan out of its failed-state status, so that it would not again become a rear operating base for terrorists.

Nevertheless, influential Americans, especially the "neo-cons", seemed to persuade themselves that the potential nexus of terrorism and weapons of mass destruction meant that U.S. security was best, in fact, only assured by the U.S. acting free of the constraints of international law, multilateral institutions and quarrelsome allies. Digress: Kosovo experience of US Military . In doing so, they declared war on terrorism, which they portrayed in monolithic terms, not on something tangible such as the Al Qaeda network, thereby effectively making victory impossible. Worse, they also sought war on Iraq, despite the absence of evidence of any links between Al Qaeda and the Iraqi regime. Richard Clarke, Iraq a costly distraction

On Iraq, Washington appeared to regard the UN at best as an instrument for rallying support for U.S. action, and at worst as an unhelpful artefact from another era. The UN weapons inspectors were made particular objects of ridicule, which is all the more surprising in light of the

great extent U.S. and other intelligence services had depended on them through the years to corroborate third-party allegations. From February, 2001, when the Secretary of Defense apparently first raised in cabinet the idea of attacking Iraq to 23 March 2003 when the attack began, Washington steadily raised the pressure for war. At no time did it seem to register in Washington that a large number of UN member states disagreed that war was necessary and urgent and that their disagreement mattered.

Unlike Kosovo

Just feckless

A superpower has to do what a superpower has to do

Perhaps emboldened by their success in the Security Council in bulldozing their own interpretation of the International Criminal Court. Criminal Court Treaty to which they were not a party, they seemed convinced that the Council would ultimately endorse the war. In any case, the U.S. pressed its case. The State of the Union speech repeated the hoax that Iraq had bought uranium from Africa. In the Security Council days after arguing at the Davos World Economic Forum that the United States had earned the trust of the world, the U.S. Secretary of State laid out an extensive bill of accusations against the Iraqis that will probably never be corroborated. Meet The Press was told by the Vice-President on March 16, 2003, that the Iraqis had reconstituted their nuclear weapons, an assertion that he much later admitted was wrong and the IAEA couldn't be trusted. Mobile weapons laboratories were still being cited as proof of Iraqi weapons of mass destruction (WMD) in January, 2004, months after the U.S. Chief Weapons inspector David Kay sounded the alarm on the intelligence. Later, Jan, said wrong across the board..

For this and other reasons, the bottom dropped out of support for the U.S. in the Muslim World, according to the Djerejian report on public diplomacy that Washington itself has commissioned. Recent international opinion polls show that opposition to the war has if anything increased. Throughout the latter part of 2002 and the first quarter of 2003, a steady stream of invective was directed at an institution that most other members considered to be central to their national interests. The rhetorical targets were not limited to the U.N. The Germans were chided for playing electoral politics on a policy initiative that the U.S. rolled out on the eve of the U.S. 2002 mid-term elections. The Russians were mocked for protecting their economic self-interest while Halliburton moved to the centre of Iraqi oilfield recovery. The French were derided for lack of principle while the Security Council was misled about the causes and the urgency of the war. Canada was warned not to pursue a compromise, precisely because it might have delayed the war. Ironically, it might, also, have bought the U.S. more time to deploy troops for the tumultuous aftermath of the war and delivered more international support for military action.

Some here will recall that a year ago in New York, I led a Canadian effort to find a compromise between the U.S., in its determined march to war, and others, in fact the great majority of others, equally determined to give the U.N. weapons inspectors more time to do their jobs. The substance of the compromise consisted of setting a series of tests of Iraqi cooperation,

on a pass or fail basis, and a limited time-frame within which to assess Iraqi compliance. We knew the odds were long against selling the compromise but we believed the consequences of a war made the effort mandatory. Many, including members of the so-called coalition of the willing, encouraged us to persevere. There is little doubt that it would have been in everyone's interests, especially Washington's interests, to have accepted the compromise. In the end, the horses would not drink. The war proceeded, with consequences that the world is still trying to calculate.

Some believe that even though the *casus belli* has evaporated, attacking Iraq was still the right thing to do. Saddam was an evil man who had taken his people hostage. I agree that Saddam was evil but I respectfully disagree that that made war mandatory. I do agree with Kenneth Roth, the head of Human Rights Watch and a former prosecutor in the Southern District of New York that "to justify the extraordinary remedy of military force for preventive humanitarian purposes, there must be evidence that large-scale slaughter is in preparation and about to begin unless militarily stopped. But no one seriously claimed before the war that the Saddam Hussein government was planning imminent mass killing, and no evidence has emerged that it was." There were at least two previous occasions when such an attack would have been justified, when Saddam attacked the Kurds with gas in 1988 and when he suppressed the Shiites at the end of the 1991 Gulf war. There is no statute of limitations on these crimes and Saddam should have been prosecuted. I also agree with the report of the Carnegie Endowment for International Peace, which found that:

1. in Iraq, WMD was not an immediate threat
2. the inspections were working
3. the terrorism connection was missing, and
4. the war was not the best or only option

I, further, agree with the report published last week by the US Army War College, that argued among other things that:

1. The invasion of Iraq was a strategic error.
2. It was a distraction in the war on terrorism.

That is also the view of the former counter terrorism "czar" of successive U.S. governments and a member of the Bush II White House and the man who actually directed the U.S. response on 9/11, Richard Clarke.

The most obvious consequence of the war in Iraq is that the U.S. and its posse are caught in a morass. They cannot end the occupation precipitously without triggering a civil war and undoing the good they have done in removing Saddam Hussein. But they cannot stay in Iraq without losing more soldiers and more money. Echoes of Vietnam. Meanwhile, the Iraqi toll also rises. As one Arab Ambassador at the United Nations put it, the Americans have swallowed a razor blade and nothing they do now will be painless or cost-free. The U.S. has done itself, and the U.N., incalculable harm.

It would be a mistake, nevertheless simply to lay all the UN's misfortunes at Washington's

door. The U.N. Charter was written in and for a different age. It treats national sovereignty as an immutable good. As a consequence, a contradiction has arisen between the most basic purpose of the U.N., "to save succeeding generations from the scourge of war" and one of its cardinal tenets, state sovereignty. Most wars, the Iraq war a significant exception, now arise within the borders of existing states. Responsibility to Protect A.M. Slaughter. The citizens of those states cannot be protected if the international community is precluded from intervening when their own governments cannot or will not protect them, or is itself abusing them.

National sovereignty is also the reason why the Charter has little current purchase on the crucial nexus of WMD and terrorism. "Responsibility to Protect". It is not necessary to agree with American purposes in attacking Iraq to accept that they genuinely have a point about WMD and terrorists. The issue is not made simpler by American resistance to restrictions on a range of disarmament issues, and by their flirtation, at least, with the idea of producing another generation of nuclear weapons, counter to their international treaty obligations. Exceptionalism again. Nonetheless, it is incumbent on the U.N. to come to terms with the dangers we face and to reach some understanding on this dimension too of the intervention conundrum, if it is to serve our security interests effectively in the years to come.

Some also argue that the international community needs also to be able to intervene when democratically-elected governments are overthrown. Thus the fundamental policy and legal challenge facing the UN is to determine when the international community is justified to intervene in the internal affairs of member states. Addressing such matters would facilitate the construction of a new consensus between the UN and the U.S. Unfortunately, the largely ex post facto humanitarian rationale for the war on Iraq has raised suspicions, even hostility towards U.S. motives and thereby complicated the task of using military force for human protection purposes.

The Iraq war conflated all these issues and made both a common assessment of challenges more difficult and the prospect of UN reform more remote. Moreover, the world organization's problems are complicated by the rigidities inherent in its regional and especially cross-regional groups. The hoary Non-Aligned Movement and the equally outdated G-77, holdovers from the Cold war, have become engines of group-think, given to lowest common denominator outcomes.

Some of the U.N.'s performance has been disgraceful. Beyond its undeniable failures— notably Rwanda, Bosnia and Kosovo, it has countenanced behaviour that has brought discredit to the organization, notably the Durban Conference against Racism and putting Libya in the chair of the Human rights Committee. Some of the apologists for the U.N. have been almost equally as wrong-headed as some of its critics have been. The U.N. suffers from an acute case of old-think at a time when it is facing decidedly new challenges. Much of its membership is stuck at the Treaty of Westphalia, the 17th century treaty on which subsequent norms and state practice have been built. It is difficult to exaggerate the attachment of former colonies who have gained their statehood in the living memories of their peoples to the idea of sovereignty, which some see as a crucial bulwark against their former, or would-be colonial masters. Their

determination not to give anyone a new pretext to dominate them is very understandable, given what mainly European colonists did to them in the name of progress. Their worries are understandable but not in themselves a sufficient basis to protect their interests in a changing world.

If the UN is to regain its essential effectiveness, all of its members are going to have to come to a new understanding of the limits of state sovereignty. Sovereignty will have to be interpreted in a way that facilitates not impedes international cooperation on this century's pressing human security problems, and which responds to the causes of American insecurity. Kofi. The responsibility does not fall exclusively on the poorer, younger countries. The United States, for its part, will need to resist its exceptions exceptional treatment and cooperate again with others on global issues that can only be resolved multilaterally.

Secretary General Annan put the issues starkly in his seminal address to almost 100 heads of government gathered in New York for last fall's General Debate. "Some say...[that] since an armed attack with weapons of mass destruction could be launched at any time...states have the right and obligation to use force pre-emptively". (The SG clearly was referring to this US Administration) "This logic represents a fundamental challenge to the principles on which, however imperfect, world peace and stability have rested for the last fifty-eight years..." The Secretary General went on to say that this could result "in a proliferation of the unilateral and lawless use of force, with or without justification." Finally, he told the leaders assembled that "we have come to a fork in the road" and that we must decide "whether radical changes are needed." The Secretary General has established a blue ribbon panel to examine UN reforms both what the UN does and how the UN does it in particular in that order.

Can Canada help the U.N. to reform itself? Canada can help. We do have the standing to contribute. We can be an active voice for reason and accommodation. When I spoke for Canada at the U.N., I was always given a respectful hearing largely because of who we, Canadians, were. Others rightly saw Canada as one of the very few countries where tolerance and generosity towards minorities and foreigners was the norm. Our years of peacekeeping and trying to put the protection of people at the heart of our foreign policy have gained us considerable respect. Our decision to stay out of the war has gained us substantial political credit with the less powerful among the U.N.'s members. And with many, probably most of the more powerful, as well.

Washington did express its disappointment that Canada did not support the war but there is no sign that Canada-U.S. relations have suffered enduring harm. We should also not lose sight of the fact that the Americans themselves are deeply divided over the war, among other things. Further with its Iraq enterprise in jeopardy and the November's elections at risk, however, Washington has come to see new utility in the U.N. and in enlisting whoever can and will help. The SG reminded us a week ago in Ottawa that Canada, with its long tradition of bridge building among different international constituencies, can play an important role. We need to use our political capital to work with the Third World countries, the Africans above all, to persuade them

that adapting the idea of national sovereignty is in their interest. It is the Africans who most need intervention. We also can work to persuade the Latin Americans, who hear echoes of the Monroe Doctrine in Iraq, that a less rigid interpretation of national sovereignty is not the threat to them they believe it to be. We also need to help the Secretary General rebalance the international agenda, to address seriously the issues of third world poverty. We need to help him ensure that the pressing insecurities of the poor four-fifths of humanity—poverty and disease, especially HIV-AIDS and malaria— the current causes of real mass destruction, are also addressed.

If we can help the U.N. on these scores, we help ourselves and we also help the US. They need the U.N. to adapt to changing times, to become more responsive to their worries about the nexus of terrorism and weapons of mass destruction. They cannot make themselves secure on their own. For their part, the Americans will need to recapture the spirit of Roosevelt, Truman, Kennedy and others — to work with the UN not against it, to change the U.N., not try to destroy it. No one believes that on its 100th anniversary the U.N. can be or should be the same as it is now. It took the suffering of the Second World War to create the United Nations. Perhaps the shock of a second Iraq war will be enough to produce the reform that the world body so seriously needs. For everyone's sake, let us hope so.

Thank you.