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“The Future of the United Nations”

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MICHAEL REISMAN: Ladies and gentlemen, I have the pleasure of introducing two of the participants in the very intense discussion yesterday who will address a number of issues that to them appear to be critical in this debate, and relevant for policy clarification.

It’s perfectly clear that from the Foreign Policy Association standpoint, no particular position is taken by the Association, but the Association is committed to bringing views and information to the public such that it can enrich and make more responsible the civic decisions that we all have to make.

And I call first on Stephen Schlesinger.

STEVEN SCHLESINGER: Thank you. I want to thank the Foreign Policy Association for inviting me here today and yesterday. I want to pick up on some of the points that Michael made in his talk just before we began this event. He is quite right to point out that the reform process that is now going on at the UN is really directly related to the UN’s I would say combative position on the invasion of Iraq, as regards the decision by the Bush administration.

I frankly think that the reform process would not have attained the energy and dispatch that it has without that invasion. I think Kofi Annan was so startled by the fact that there was this dramatic upset in the American government over the refusal of the Security Council to endorse the U.S. intervention in Iraq, that he felt he had to take some sort of action to show that the UN was willing to confront terrorism in a way that would deal with the issues of preemptive action or preventative war, however you want to express it.

And what I want to try to do today is try to address how I believe that Washington is going to deal with the various reform proposals that have come up, but in doing so, I just want to talk a little about Kofi Annan and the Bush administration.

I think it's fair to say that the appointment of the High Level reform commission was Kofi Annan's first direct attempt to accommodate the Bush administration by showing that the United Nations could seriously address issues dealing with its own structural deficiencies.

It's interesting in my view, of course this has been complicated by Kofi Annan's problems himself with the oil-for-food scandal, the sexual harassment issues that have to be addressed both in the Congo and recently with the head of the refugee agency, Mr. Lubbers, his own son, and the question of whether the job was given to his son by insiders because of his connection with the Secretary General.

And in doing so, this accommodation process is actually probably what most Secretary Generals wake up at some point and realize that they cannot conduct business at the United Nations without the United States. And whatever administration is in Washington, they have to deal with the reality of whoever is in power.

As a consequence, as you may know, a few days ago, Kofi Annan made a call to John Bolton who in my view is one of the most odious appointments made by the Bush administration, and said he hoped the confirmation would happen very quickly. Well, I think that is testament to the fact that Kofi Annan deals with the reality that this administration is in power for at least another three years.

At the same time, he appointed the former Bush Agricultural Secretary, Ann Veneman to head UNICEF. He's appointed Mark Malloch Brown to clean up the UN's act as far as how it deals with immediate issues and Brown as you know has been a very public figure in advocating all sorts of changes within the UN. Even by the way, the report that Kofi Annan gave in March entitled "In Larger Freedom," where he outlined all the reforms he envisages for the UN.

He made an artful gesture towards the Bush administration. You may recall, he mentioned the word freedom at least a half dozen times, which is a kind of echo of Bush's own second inaugural address in which he mentioned the word I believe 23 times.

Still, for all of these acts of accommodation, I think that the Bush administration will probably, its own response to the reforms will be mixed. And in fact, I take as my guideline to this yesterday's Op Ed piece by David Brooks in the *New York Times* which in my view outlines or gives the best guidelines about what the Bush administration regards not only about the UN but all the international organizations.

A particularly apt quote is one which Brooks says, in his support of the John Bolton appointment, "John Bolton is just the guy to explain why this vaporous

global governance notion as expressed or articulated by members of the United Nations is a dangerous illusion and that we Americans like most other people, will never accept it.”

Well, I think that gives you some of the atmospherics in Washington as regards everything to do with the UN over the next three years. Obviously, the U.S. has to live with the UN, so there are combinations on the American side. But in view of the reforms that have been put forward, I think it’s fair to say that, and I would also echo Michael’s somewhat more pessimistic view than Robert Orr’s take on the reforms, I just happen to think that they’re going to encounter great difficulty.

I do think, I’m just going to go through them quickly here, because I know we don’t have a lot of time, we do have a lot of time. At least a reasonable amount of time. I do think the Bush administration will be happy to accept a new definition of terrorism.

As you know, the United Nations has never quite grappled with how to define terrorism, but the new definition seems to go in the direction of condemning the indiscriminate killing of civilians in order to intimidate governments into changing their policies.

I think there will be some at least residual support by the Bush administration to replace the old Human Rights Commission. At least if you value their words and actions in the past when they’ve denounced the Human Rights Commission, now when it was particularly guided by the Libyan government. But replacing it with the Human Rights Council is going to be a difficult venture no matter who supports it.

I think that it’s certainly one of the issues though that is identified clearly with the Bush administration. That administration would probably also push strongly another reform proposal which wasn’t quite gone into earlier. For the ability of UN inspectors to make challenge visits to nuclear sites in all those nations who have signed the Nuclear Non-proliferation Treaty. Clearly that is part of the whole Bush approach about terrorism and how you deal with nuclear rogue states.

I believe that they would have a more lukewarm support for the proposed Peace Building Commission which was mentioned by Robert Orr. Why? Because I don’t think they like the idea that their own nation building efforts, which by the way is a repudiation of George Bush in the year 2000 as you recall in the presidential election, opposed any nation building on our part. It’s now embraced it both in Afghanistan and Iraq.

I believe that Washington wants to control the process totally itself, and gives them a chance to give Halliburton a few more contracts.

Then I also think that on the question of the Security Council, I personally believe that none of the five states who have the veto really care very much about any changes in the Security Council. I think they’re perfectly happy with the status quo.

I know that the United States has endorsed Japan's membership on the Council, but I don't see any sign that the US is out there campaigning for Japan. And I know some of the other members who are veto power as permanent members, have made overtures to certain states they're going to support. But again, I don't see any campaigning on their behalf.

It looks like China will be the bad guy. China by opposing Japan's membership is in a sense deflating the whole process of any change on the Security Council, and I think the other four permanent members will be perfectly happy to let China be the hostile element in this process.

I also feel that there may be some compromise in order to show some progress on Security Council, which the Security Council will be expanded by five or 10 nations, but these would be two year appointments on a rotating basis, non-permanent.

On the issue of preemptive action, the Security Council, the High Level Reform Commission and proposal of the Security Council in the end should be the determining body as deciding whether a nation can take any sort of preemptive action. I don't think this is acceptable at all to the Bush administration, and it may not be acceptable even to a democratic administration.

On the issue of the responsibility to protect, which would allow the UN to intervene in conflicts which are endemic in a particular state, my guess is that the Bush administration would be fairly ambivalent on that, mainly because it might commit American forces to disputes that it does not want to get involved in itself.

And finally, on the economic issue, I know that the Bush administration has already come out against this target that Kofi Annan has proposed of 0.7% of a nation's GDP to be given to foreign aid.

There have been references to the International Criminal Court, the Kyoto Global Warming Pact and to some of the other global treaties. We all know the Bush position on those are in opposition.

So I think that kind of summarizes where my feelings are, anyway on the reform process.

YOSO YOKUTA: Thank you very much, Professor Reisman. First of all, I also thank the organizer, Foreign Policy Association, for inviting me to this panel. Particularly I am happy that I am back to my home town which is New York because I won't tell you exactly how many years ago, but I was born in New York. But it was by coincidence. The ship on which my parents were on, happened to be in New York Harbor when I was born.

But in any case, it is very happy occasion for me to be in New York. I take every advantage of coming back to New York whenever I'm asked to be back.

I have been in the past 35 years of professional life engaged in various UN activities, including peacekeeping and human rights as an academic, as well as a practitioner.

So I would like to address on two major aspects of UN reform that we are discussing today, both of which have been touched on by earlier speakers, including Professor Reisman and also Professor Schlesinger. One is Security Council Reform, and second is the reform in the field of human rights activity of the United Nations, and particularly the proposed Human Rights Council by the Secretary General, Kofi Annan.

First, let me talk a little bit about the Security Council reform which has already been discussed in detail by previous speakers. I would not begin by saying which countries should be sitting in the Security Council permanent seats, I come from Japan, so you would assume that I would support that.

I don't speak in that kind of political context. I think I should begin as a scholar, as a practitioner of UN activities to begin by the role of the UN in today's world and in the future.

And I think UN has been playing and is playing and will play an important role in today's globalized and interdependent world. No country, even the United States which is considered to be the only super power, can deal with all the important needs of the people of the United States. If you talk about safety or security or economic stability, growth, preservation of environment, United States is a big country, and the government has a lot of means to deal with many of those issues.

But still, the U.S. cannot deal with all the issues Americans are facing today. And only the United Nations, however defective it may be, however weak it may be, UN is the only global universal institution through which the member states cooperate to work for the betterment of mankind as a whole, which the United States citizens are an important part.

Now, why Security Council particularly? Because today's United Nations under the charter is the central organ of the United Nations. Many people talk about the General Assembly. Yes, we heard the Chairman of the General Assembly earlier this morning, and it is true that the General Assembly is an important and legitimate organ of the United Nations, but the General Assembly does not have the power to formulate policy and decide on actions which are binding on member states.

Only Security Council can act on the issue of peace and security and also adopt resolutions and decisions which are binding to all the member states. So Security Council, how it will function or it will not function will affect the future of mankind if you want to say it, whether you are talking about the new threats of terrorism or organized crimes or proliferation of the weapons of mass destruction. All of them, if you want to be with them through the mechanism and the structure of the United Nations, you have to go through the Security Council. And only through the Security Council can you take strong actions and binding decisions.

Now, why this Security Council needs a reform today. As previous speakers have touched on, the world has changed drastically and dramatically in the past 60 years. The big five, U.S., UK, Russia, China, France, they do not anymore represent the majority of the powers of the world. Right after the Second World War, perhaps they shared 60%, 70% of all the economic and political as well as military powers of the world, and therefore if those five big powers support the decision of the Security Council and therefore the decision of the United Nations, it will be implemented. Because the backing of the five big powers meant a lot.

But today, just to give you an example of the financial powers of those Big Five, it shares only 35% or 36% of the UN budget. Now people are talking about a new place to be provided to Japan, Germany, Brazil, India and perhaps one or two countries from Africa. People have been talking about those countries.

Now if you put those potential candidates for the permanent seat in the Security Council, their financial contributions to the UN, it comes very close to 35, 36%. Certainly more than 32%.

Now, if you combine those two together, it will come very close to 67, depending on the economic power of those countries in the future, it may come up to 70%. Then all of the decisions with the support of those countries together and decided at the level of the Security Council, will be able to implement effectively and efficiently.

This is what we need to think about when you talk about Security Council reform. And of course, the world has change. The threats that mankind is facing today are no more interstate wars that most of the people who participated in the creation of the United Nations back in 1945 had in mind. To prevent wars between nation states.

But today we are facing terrorism, not between states, terrorism by powerful organized terrorist groups. We are also threatened by powerful organized criminals. Also proliferation of the weapons of mass destruction are going to be a serious problem for mankind.

In order to deal with such serious issues which are no more controllable by one or two or three states, they have to be addressed properly by the United Nations. And particularly through the powerful Security Council. And we have to make this Security Council strong enough to cope with those threats. How to make it to mobilize the powers of the capable and willing states backing the decisions of the Security Council.

This is what we have to deal with when you talk about the reform of the Security Council. Now in this connection, there are two models which Professor Reisman has described. Model A deals with addition of six permanent members without a veto, and three more non-permanent two-year term non-permanent seats.

And model B doesn't provide any permanent seats, but four year instead of current two year, four-year renewable non-permanent seats for eight. And then the remaining 11 would be two-year non-renewable non-permanent seats.

Which is a better approach? You can add other elements to either model A or model B to make it more flexible and acceptable to some countries. But if you compare model A and model B, it is very clear that model A is better because you can be sure of this report of the six permanent members in the case of model A, six member states which are capable and willing to support and back the decisions of the Security Council.

Model B doesn't guarantee this, and therefore it is much weaker as a reform model. And therefore, I personally support model A.

One last point on this Security Council reform. People have been talking about privileges, privileges of veto of the current Big Five and a permanent seat for all the permanent members, including the new ones. Those are certainly privileges. But I think we have to also consider important responsibility which goes with those privileges.

And they should be ready to take up bigger responsibility in supporting and pushing the Security Council decisions through so that the Security Council can be addressing those threats that humankind is facing today.

Now let me address the next question of the human rights activities of the United Nations. Kofi Annan's proposal to create instead of the current Commission on Human Rights, to create a Human Rights Council is a difficult one to evaluate. My evaluation would be a mixed one. And I think a lot of debate will take place in the forthcoming months on this issue.

Let me point out some of the good things about this proposal. First, the present Commission on Human Rights is a subsidiary organ under the Economic and Social Council. Now if you create a new Council of Human Rights, this will elevate. And according to the proposal of Mr. Kofi Annan, this will meet regularly, that means basically any time you need to meet.

Now, this is certainly progress in the sense that human rights will be dealt with daily by the United Nations and also more focus will be given to the human rights issue because it will be dealt with at the council level, directly responsible to the general assembly.

At this moment, we have to go through the ECOSOC through the General Assembly. And usually it takes time, sometimes months, sometimes a year or two to go through ECOSOC deliberations and approval to go to the General Assembly.

Now if you create a new council directly under the General Assembly, it's very easy to report to the General Assembly. This is an advantage. I also support the proposal of the Secretary General that this council will be smaller than the present 53 membership of the Commission on Human Rights. This is in fact, too

big and I think it should be smaller to be more effective and also concentrating on important human rights issues of today.

Now, there are some problems, however. First of all, at this moment, the human rights issues are discussed in the ECOSOC, the Economic and Social Council, and rightly so because human rights has close interconnection with other social, economic and council issues: poverty, health, environment, development, all are closely related to the protection and promotion of human rights.

If you take this element out to a new council, how do you ensure the coordination of human rights issues with other interconnected issues? It is not easy, because any person who knows about the work of the United Nations, coordination is the most difficult one to deal with because once you create an organization or structure, people working under this particular activity would stick to their own agenda. And it is very difficult to talk with other people under another agenda and coordinate the two.

I think it is going to be a big issue of the coordination between human rights and other relevant issues of economic, social and cultural nature, if you create this new council.

Second problem, Mr. Kofi Annan's proposal is to elect the members of the Council of Human Rights directly by the General Assembly. This is fine, but the election will take place by two-thirds majority. And I wonder if this is practical and preferable. In order to gain for any country, a two-thirds majority is not an easy task in today's UN voting practices.

Now by changing from the current Commission of Human Rights to a Human Rights Council, I do not like to lose some of the important practices and institutions developed by the Commission of Human Rights in the past 60 years. For example, the Commission of Human Rights has developed techniques and procedures for standard setting -- that means adoption of the draft conventions and declarations in the field of human rights. And also monitoring by appointing special rapporteurs and independent experts to look into the human rights situation of a particular country.

I was pleased to serve as special rapporteur on the situation of human rights in the AMA way back in the early 90s. This function is very important. I do not want to see this disappear as a result of the change in the structure. So within the process of creating a new council, I think monitoring and the standards setting, those are the two important activities of the UN in the field of human rights, should be kept and perhaps strengthened. This is my hope.

And the third and fourth points are related. At this moment, there is a Sub Commission on Human Rights of assisting the commission's work. And this is composed of 26 independent experts. I am happy to be one of them now.

Now, when you create this council, I hope that the council will also create a new committee of experts, because if you discuss human rights only among the

representatives of the governments, human right issues become always political. And there has to be an important committee of independent experts to support the political body of the newly created Human Rights Council.

And also today in the field of human rights, particularly in the work of the United Nations, civil society organizations and human rights [groups] are playing a vital role in the promotion and protection of human rights, by elevating the level from commission to the council in the field of human rights, some way should be devised so that non-governmental organizations in the field of human rights can make effective contributions to the deliberations of the council.

Those are the comments I would like to make. Thank you very much.

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