

Commentary by Ambassadors to the United Nations

DOUGLASS CASSEL:

¶1 Our first panel to respond to the presentation by Lord Hannay is a panel of distinguished diplomats: Ambassador Johan Verbeke, Permanent Representative of Belgium to the United Nations; Ambassador Gilbert Laurin, Deputy Permanent Representative of Canada to the United Nations; Ambassador Enrique Berruga, the Permanent Representative of Mexico, whose flight was canceled, is represented by Consul General Carlos Sada Solana; Ambassador Richard Williamson, our United States Ambassador to the UN Human Rights Commission and former Deputy Permanent Representative to the United Nations, among many other diplomatic posts in his career.

JOHAN VERBEKE.*

¶2 Thank you very much. Thank you to Northwestern University for allowing me to associate myself with this exercise. Congratulations for having taken this initiative, which I think is quite timely and bears on the report which indeed I think is a special report. It is an exceptional document.

¶3 We have just had the opportunity to listen to what I think was a very comprehensive overview of what is in the report by David Hannay.

¶4 I am not going to go through the report as such but highlight some of the points from my point of view, because that is the purpose of our being here together. Let me start by saying again that I personally think this is, indeed, an exceptional document.

¶5 We have been reading many papers for the last few years and having read that document, I have been struck by the very balanced and articulated way in which the document is written. The language also is a very straight language; it is not the kind of euphemistic language to which we are accustomed. It is also not the common journalistic language. It is a very refined language of people who want to communicate and to enlighten an audience that is genuinely interested in how this world turns around and can even be made better turning around.

¶6 For me, the document is more than a report, and this is a compliment to Lord David Hannay. It is for me almost a strategic document, a kind of strategic paper as those we

* Ambassador Johan Verbeke was appointed as Permanent Representative of Belgium to the United Nations in October 2004. Prior to joining the diplomatic service, he was an Assistant Professor in European economic law at the University of Ghent (1975-77) and an associate with the law firm Cleary, Gottlieb, Steen & Hamilton in New York (1978-81). Ambassador Verbeke joined the Ministry of Foreign Affairs in 1981 and was posted in Lebanon, Jordan, Burundi and Chile, serving as the Ministry's chief spokesman between 1990 and 1992. He also served as Chief of Staff to Belgium's Permanent Representative to the European Union (1992-94), Deputy Chief of Mission at the Belgian Embassy in Washington, D.C. (1994-98), First Deputy Director-General for Political Affairs (1998-99), Director-General for European Affairs (1999-2000), and Chief of Staff to the Minister for Foreign Affairs of Belgium (2000-04). Ambassador Verbeke received his Master of Arts and law degrees in 1974 from the University of Ghent, and a Master of Laws (LL.M.) degree from Yale University in 1978.

know from experience in NATO, for instance, where we had a couple of years ago in the context of the Washington summit a forceful strategic concept coming out well-balanced, well-thought.

¶7 We Europeans have our own little strategic concept of September 2003, which is the beginning of bringing about a strategic concept for Europe. It is not the kind of forceful document that this is, but it is the beginning of an ambition on behalf of Europe to have something in terms of a concept.

¶8 I do indeed think this is not just a report being made by the High-Level Panel to the Secretary-General, this is a strategic report. I am referring particularly to some of the chapters, such as those on which Lord David Hannay has already gone into some detail, with respect to the use of force on the one hand and so-called humanitarian intervention on the other hand, which is being turned around as being an obligation or responsibility to assist.

¶9 I am sure that if had we had those kinds of elements when we were discussing the issue of the Iraq War one and a half years ago, the whole debate would have been carried out in a much more rational way. I am not saying necessarily that we would not have had the kind of discussion we have seen, but at least we would have had the terms of reference for an enlightened, rational debate.

¶10 That is the general approach I have to the document.

¶11 Let me now go into some of the points which I will try to highlight constructively and sometimes somewhat more critically.

¶12 I would like to start by stressing an underlying methodological premise which is in the document and which has been implicitly mentioned in the document but which, I think, should have been made more explicitly, because the document is a methodological starting point in fact making. This premise is the underlying logic of collective action: that a threat to one is a threat to all.

¶13 This premise also underlies some of the defense coalitions which we know; for instance, NATO. Now, we have in the European Union a new solidarity clause since the last summit, so we have already accepted the premise that a threat to one is a threat to everybody.

¶14 But, this point is made in the report for the first time in an explicit way and would have benefited, I think, by having been made more explicit.

¶15 Many states still today have not fully understood that the logic of collective action is something other than the logic of parallel individual interactions. The logic of collective action is, indeed, that through true cooperation you can end up in a win-win situation; whereas, with parallel individual interactions, you can end up in a zero-sum game.

¶16 And those among you who are familiar with the prisoners' dilemma know that it, in fact, very clearly demonstrates how devastating entities, persons, and states can be by not entering into a kind of cooperative collective action.

¶17 Now, the point is made again that a threat to one is a threat to all, because all these threats are interrelated. There are some good examples of this in the report. For instance, a serious HIV problem in South Africa can be debilitating to the nation states; it can enhance international strife which can destabilize the region, which through migration can put pressures on Europe or the United States, which can themselves be brought under stress.

- ¶18 So, you can make it shorter or you can make it longer, but this is one example demonstrating that something which may seem to be a far-fetched threat in another continent may, in fact, indirectly affect your own interests.
- ¶19 And that point is clearly related to the kind of necessity of entering into the logic of collective action which could have been made more forceful.
- ¶20 The second point I would like to talk about is the new broad security concept which this report is pleading for.
- ¶21 It is not the first time that we have broken up our security concept. You remember that twenty years ago, more or less, security was essentially a military matter. Our services and most of the militaries at that time who were dealing with security issues were called political-military departments.
- ¶22 The concept has been broadened in the past. For instance, and most prominently in the OSCE – the Organization for Security and Cooperation in Europe, moreover, the purely security and military dimension – the security issue has been broadened and broken up with the incorporation of socio-economic dimensions and human security.
- ¶23 This report has continued on that track but has done it in a much more convincing and forceful way by showing that security is not just a question of the military, but that security is also a question of development, extreme poverty, diseases, malnutrition, and environmental degradation. I think that is really the strong point of this report having broken up security in the very narrow sense of the word.
- ¶24 This being said, we should note that to some extent we are, of course, proceeding with what I would call a normative definition of security. It is not a purely descriptive definition. It is a normative description of security, which is welcome, and which I think also serves some political purpose. By making your security concept that broad, you are, of course, giving the floor to both the north and the south: to the north through a traditional concept of security, and the south through the enlarged concept in which they can more easily recognize themselves in this new effort. Therefore, let us contribute to the implementation of the ideas which we find in this report.
- ¶25 As far as the identification of the threats, Lord David Hannay already mentioned them. As regards the identification of the threats, there is one threat which for me is mentioned, and which I consider to be a very serious threat today. The threats which have been mentioned, you know, more or less, are international strife, intrastate conflict, terrorism and weapons of mass destruction.
- ¶26 When I read the report, I must say that I would definitely have added a fifth one, which is related to ideas and values. Ideas and values can kill too, and we see that in such dark things as aggressive nationalism, which unfortunately is on the rise in this world and particularly in Europe; rejectionist ideologies; anti-Semitism; and Islamaphobia.
- ¶27 These are fairly new phenomena with which, clearly, today we have to deal. Within the OSCE, for instance, within the last twelve months, two conferences have been organized for dealing specifically with this kind of problem.
- ¶28 The problems that I call aggressive nationalism and rejectionist ideologies are related to values and ideas that are not as tangible as terrorism and weapons of mass destruction. These values and ideas are intangibles which can, I think, be dangerous and can kill as well.

¶29 A recent example was the hatred you saw in Rwanda in 1994 when the genocide broke out. This was an investment of a couple of dollars, but the effect, the threat which that constituted, has been tremendous. And recently you have seen that in the recent problems in Darfur between north and south where, again, hate speech has taken over.

¶30 So let us not underestimate – and that is basically the point I wanted to make – let us not underestimate that ideas can constitute a threat. Therefore, they should be fairly closely watched in keeping such values as respect for the other high and prominent on the agenda.

¶31 The third topic which I will briefly mention is the chapter on regional organizations. Again, I am not going to repeat what has been said by my neighbor this morning, but I personally feel that the potential to be drawn out of the cooperation between the UN on the one hand, and the regional organizations on the other hand, could have been greater, both in a descriptive way as far as looking to the past, and in a future-oriented normative way, which is to say I think the Panel should have pushed the point as to how regional organizations now, much more than in the past, can affect and contribute to international peace and security because that is basically what the report is doing.

¶32 We have some well-known organizations, collective security organizations or even defense organizations, such as NATO. The European Union, as most of you know, is working hard to introduce a foreign and security dimension. We are working hard now at the kind of more prominent security and defense mechanism, and they are picking up more and more mandates. But there are other organizations as well that have done a nice job: ECOWAS in Western Africa has a good record of responsible guidance through the Nigerians, but now we have the African Union increasingly becoming a significant security organization.

¶33 But we should, as much as we can, support the African Union's recently set-up peace and security commission, which is working well as far as the concepts are concerned. The implementation and capabilities are still lagging behind, but that is exactly where we Europeans, you Americans, and all of us, United Nations, should help such an organization.

¶34 So I think the potential coming out of the interaction between the UN and the regional organizations is much greater than what is stated in the report.

¶35 A final remark regarding the institutions, the kind of institutional recommendations which have been made. I think that peacebuilding is a very good idea; we should take that up. We are familiar with the fairly new problem of transition, which is to say that you cannot simply state that there was a crisis and you do crisis management. Rather, there is post-crisis humanitarian relief, which is followed by the human reconstruction, which is then followed by the political rehabilitation.

¶36 That kind of slicing around does not make a bit of sense, and in that respect, the report again is visionary: it is daring to make the concept of peacebuilding more prominent in the report as being a rule which has to do with all the dimensions of a post-conflict situation.

¶37 A final, slightly critical remark on the Security Council – I think the criteria as Lord David Hannay recalled them this morning are the right ones.

¶38 I regret, however, that the Panel came out with too many options. I personally – and this is merely a political remark much more than a kind of academic remark – think it

would have been better not to have come out with too many options, and the reason for that is two-fold.

¶39 First, if a group of enlightened people who have had the calm and the rest to reflect upon the Security Council reform have not succeeded in coming out of the problem and therefore have to put on the table two opinions, then I definitely cannot see how a group of 191 states would be able to do what the High-Level Panel was not able to do, and this fact can be played against us, in terms of people making exactly that point because they do not want to proceed with a genuine Security Council.

¶40 So I think it would have been better to not have said anything as far as models are concerned, and to simply have stated the criteria, followed up with either one model or no model at all.

¶41 Well, I will leave it at that, because otherwise I am going to take too much of the time, but these were the kind of slightly critical remarks I wanted to make on the overall report which I think is a very, very good one. Thank you.

DOUGLASS CASSEL:

¶42 Thank you very much, Mr. Ambassador. Ambassador Gilbert Laurin.

GILBERT LAURIN:**

¶43 Thank you, and thank you first to Northwestern and Leuven. Congratulations and thank you for inviting Canada to participate in this meeting.

¶44 We are a very multilateral country. We value the UN immensely, and public meetings like this, which will create a better understanding of the far-reaching proposals that are in the Panel's report, we consider very important.

¶45 We would cross the United States from one corner to the other to be given an opportunity to participate with future decision-makers in order to advance the very excellent recommendations that are in this Panel's report.

¶46 Let me just add my recommendation to that of Ambassador Verbeke about reading the report. Those of who you have not read it, and many have not simply because you have read other UN documents and you know how they can be turgid and difficult to fathom, be assured that this is not the case.

¶47 Sir David's eloquence this morning can be found in this document. You will find it as easy to read as you did to listen to him explain the questions relating to the use of force.

¶48 What I would like to do this morning rather than deal specifically with the details of the report's recommendations (though I will deal with some of them on the use of force), is to talk a little bit about what happens now.

** Ambassador Gilbert Laurin is Deputy Permanent Representative of Canada to the United Nations. He has served in that capacity since August 2002. Ambassador Laurin joined the Canadian foreign service in 1980 and served abroad in Marseille, Paris, Damascus and Rome. In Ottawa, he served with the Human Rights Division, the Senior Personnel Division, the Senior Appointments Secretariat at the Privy Council Office, and between 1994 and 1997 as Deputy Director of the Legal Operations Division. In 2001, he became Minister-Counsellor with the Permanent Mission of Canada to the United Nations in New York. Ambassador Laurin received a B.A. (Honours) from the University of Manitoba in 1967, and a L.L.B. from Osgoode Hall Law School in 1975.

¶49 Sir David said that – I think his words were “no blue-sky thinking.” For instance, the report did not talk about abolishing the veto because it simply is not going to happen, so why bother. “They will not fly,” he said.

¶50 Well, the United Nations is the resting ground of hundreds of incredibly good ideas, and the reason for that is very simple. There are 191 countries in the United Nations. They do not all have the same objectives, and their first objective is very rarely what is good for the institution. That should come as no surprise. We would be naive to think otherwise.

¶51 Countries look at what is in their national interests, and it is all very well to say that what is in the international community’s interest is ultimately in their national interest, but unfortunately most countries have a shorter vision, a shorter time frame, and so they look at what is specifically in their immediate interest.

¶52 And so getting this report or getting the recommendations of this report adopted is a colossal job that will fall to my government, to the governments of those around this table, and to the diplomats in New York who will attempt to forge what is called the outcome document of the 2005 summit.

¶53 A key part of that process will involve the High-Level Panel Report. It will involve the Sachs report on the millennium development goals,¹ and it will involve an assessment of the Secretary-General’s report, which will come out in March and will, in effect, launch the negotiations.

¶54 At this stage, we are discussing, statements are being made, and we are exploring one another’s points of view. But after the Secretary-General presents his report in March, we will actually start trying to negotiate an agreement on reform. And it is not going to be a very pretty sight. It never is, because the kind of horse-trading that will occur will involve bargains of apples and oranges, things that are totally unrelated.

¶55 “If you give me this, I will agree to that.” There is no connection between these things. But at the end of the day, it will be the willingness to look at a global picture, not simply threats to peace and security that will produce an agreement.

¶56 One of the great challenges that those who will negotiate this outcome document will face is that for many developing countries, the report is acutely short on how to address development notwithstanding the enormous leap that the report makes in linking development to security.

¶57 From my perspective, that would be a very positive leap, but I know that from the perspective of a number of developing countries, this is seen as making the statement that development is a subset of security. In other words, we have got to talk about development because our first priority, “security,” will only be addressed if we agree to talk about development.

¶58 Well, for developing countries that is not good enough. Development is an objective in itself, not a subset of security. In fact, the very title of this conference would probably rankle some of my colleagues.

¶59 They would say reforming of the UN as it is examined in the High-Level Panel Report is limited to the Security Council. There are only fifteen out of 191 countries on

¹ UN MILLENNIUM PROJECT, INVESTING IN DEVELOPMENT: A PRACTICAL PLAN TO ACHIEVE THE MILLENNIUM DEVELOPMENT GOALS (2005), *available at* <http://www.unmillenniumproject.org/reports/fullreport.htm>

the Security Council. There are five who have a veto and that makes them have more votes than all the others put together, so it is not a very representative institution.

¶60 And so if reforming the UN is seen as involving the use of force, then we are talking about the Security Council, and indeed representatives from many developing countries have pointed out that what the report does is to add to the power of the Security Council by defining threats very broadly and essentially passing the authority to deal with those threats to the Security Council.

¶61 Many countries who value the General Assembly as the only truly representative body in the United Nations (the Economic and Social Council only having fifty-three members) believe that any time the responsibility for an issue is passed to the Security Council, it diminishes the authority of the General Assembly. That is the perception.

¶62 When you talk about health being a threat to peace and security as it surely is, the report is undoubtedly correct on that. Well, if it is a threat to peace and security, and the Security Council is the body responsible for peace and security, well, then you are really transferring what the majority of members of the UN would have seen as the prerogative of the General Assembly to the Security Council.

¶63 When you propose the creation of a Peacebuilding Commission, an imminently useful organization from the perspective of Canada, the immediate analysis by a majority of the members of the General Assembly is that a Peacebuilding Commission which deals with situations before you have a conflict and after the conflict has ended should be under the Economic and Social Council, which already has commissions and bodies that deal with post-conflict situations: for example, for Burundi and Haiti.

¶64 And if you are going to deal with measures involving development and creating stability, should not that also be the responsibility of the General Assembly – or of the Economic and Social Council?

¶65 That is, to achieve success on some of the Panel's recommendations will require that member states be persuaded that it is in their immediate interest – not only in their long-term interest, but in their immediate interest - to adopt some of these recommendations. One of the ways that will occur is because concessions will be made elsewhere because what I told you a few moments ago is that in this unseemly process of negotiations, there will not always be a link between one item and the other. But, at the end of the day there will be compromise in one place based on the understanding that there will be compromise in an unrelated place.

¶66 Individual countries will work very hard for certain things. I can tell you now that in terms of security and the use of force, we will expend an enormous amount of energy and political capital to try to advance the concept of the responsibility to protect.

¶67 It is one that we think is indispensable in order to achieve real peace and security in the world. This is particularly so as most threats are internal today, intrastate as opposed to interstate.

¶68 Many states are very uncomfortable with the concept of the responsibility to protect, and they will only accept it if there is agreement elsewhere in areas with which we may not be entirely comfortable or prepared to go financially, such as in some development-side issues.

¶69 But, that is the sort of bargain that we will have to live with if we are to achieve the implementation of the most important recommendations in this report, bearing in mind that a very significant number of the recommendations do not need intergovernmental

approval in order to be achieved. Some of them can be dealt with directly by the United Nations. Others can be dealt with directly by the member states.

¶70 If I can just finish on one note, and that is to say that this is a grand bargain (and that is the word that is used these days).

¶71 Certain areas that are not covered very thoroughly by the report for perfectly sound reasons, such as the reform of the General Assembly or ECOSOC, two important charter institutions, or even reform of the Commission on Human Rights, or the question of the protection of civilians, gender issues and human rights at large, children, all of these issues will have to be brought into the final grand bargain because if in September 2005 the leaders of the international community adopt an outcome document which makes no reference to women or children or human rights, the message that will have been sent is that the international community does not consider these issues to be of fundamental importance, certainly not on par with development or security.

¶72 We know development will be there. There are a majority of states that will ensure that. We know that security and the response to security threats will be there because that is in this report, and it is also being driven by a number of countries, but it will be up to us to introduce these missing items in the outcome document if it is truly to reflect the priorities that we believe that this world should have. Thank you.

DOUGLASS CASSEL:

¶73 Thank you very much, Ambassador Laurin. Consul General Sada Solana of Mexico.

CARLOS MANUEL SADA SOLANA:

¶74 Well, as has been said by Douglass Cassel, Ambassador Enrique Berruga Filloy could not make it due to the weather conditions, but he sent me his remarks so I am going to read them even though I am more in the bilateral world rather than the multilateral as in the United Nations so I will speak to this text.

¶75 It says, distinguished guests and participants: I want to thank Northwestern University for its kind invitation to talk about the present state and likely future of the United Nations and the multilateral system. As you may know by now, I was unable to fly to Chicago because of the snowstorm.

¶76 This leads to me to think that next time we should meet in Mexico where the closest thing to snow we have is the ice cream parlor. So there you have it: an open invitation to organize a seminar like this in Mexico for the two universities, Leuven and Northwestern University.

DOUGLASS CASSEL:

¶77 We accept. January only.

CARLOS MANUEL SADA SOLANA:

¶78 Okay. So besides the more pleasant conditions in Mexico, you will find a keen interest in multilateral affairs and a considerable concern about the future of the United Nations.

¶79 In September 2003, Vicente Fox spoke before the General Assembly of the United Nations, and as usual, he held a number of bilateral meetings with foreign dignitaries. But what was unusual about that occasion is he had thirty-eight such bilateral encounters, partly because Mexico was at the time holding an elected seat on the Security Council and partly because experience has shown Mexico that our collective security system was passing through a particularly destined time.

¶80 On those bilateral meetings that I myself attended with Ambassador Berruga, it was most revealing that all presidents and prime ministers he met with spoke about the unfolding situation in Iraq and, of course, about the sense of crisis the United Nations was passing through.

¶81 As a result of those talks, it became apparent that this sense of crisis in the multilateral system was widespread and that a major effort needed to be done in order to revamp it and put it back to date.

¶82 As a consequence, President Fox invited fourteen leaders of the world, who had shown deep concern and enthusiasm, to join him in an effort to reform the United Nations.

¶83 It was then that a Group of Friends for United Nations Reform² was established, taking into account the initiative of Secretary-General Kofi Annan to gather a group of distinguished diplomats and experts to produce a report on threats, challenges, and change. The Group of Friends became instrumental at the level to bring about and implement, when possible, the recommendations from the Panel of which Lord Hannay is a noted member.

¶84 One of the lessons learned from this political exercise is that most governments and societies believe that the multilateral system is undergoing a deep crisis. However, it is also true that very few of them could agree on why it is in crisis. Some complain that it does very little to address the relevant issues. Others say it is too slow and inefficient in meeting security challenges, and yet others say that they do enough to help human rights situations, just to name a few.

¶85 Perhaps one of the underlying problems is that we all expect too much and something different from the United Nations, and that, in turn, also becomes a sign of crisis. To simplify the argument, it seems as if all countries expect that the United Nations is able or should be able to solve all of the world's problems, from gender equality to international rivalries, and from arms control to overseeing the development of aid – everything.

¶86 The report of the High-Level Panel and its 101 recommendations is a sign that the crisis is real and that something – major surgery – is promptly needed. The Panel members show their wisdom by placing no threat above any other in the hierarchy; indeed, our normalized world cannot afford to focus solely on international terrorism

² See, e.g., U.N. Econ. & Soc. Council, Commission on Human Rights, 61st Sess. 4th mtg. at ¶ 55, U.N. Doc. E/CN.4/2005/SR.4 (Aug. 26, 2005); U.N. GAOR, 59th Sess., 90th plen. mtg. at 9, 12, U.N. Doc. A/59/PV.90 (Apr. 8, 2005).

without addressing the issues of poverty and marginalization. Our collective system cannot deliver adequate results by merely pointing out environmental disasters but being oblivious to the problems that may cause them.

¶87 For all these reasons, the momentum to reform to the United Nations is unparalleled. This is not as it used to be. As you all know, efforts for reform were made on the fortieth and fiftieth anniversaries of the United Nations, but there was not a pressing and obvious need for change as it is perceived now.

¶88 One of the main political problems we face today is that the United Nations is called to meet challenges for which it was not even designed. In 1945, in San Francisco, as was mentioned by Lord Hannay, its main tasks were to bring interstate wars to an end and to bring about economic and social development. Under that score, the United Nations has been rather successful. Classical international wars are, by and large, a figure of the past. As the Panel points out, more civil wars have been brought to an end by diplomatic means in the last fifteen years than in the previous two centuries. Diplomacy and the United Nations as such cannot be overlooked or underestimated as a true and effective means for peace.

¶89 However, the problems confronted by the international community nowadays are of a nature not faced by the United Nations' founding members. The most salient threats we face today were not at the forefront of the world's concern in 1945. The so-called non-passport issues, such as international terrorism, organized crime, failing states, environmental degradation, invention of weapons of mass destruction, and widely spread contagious disease, are more of a real and present danger than an interstate war. A new world, or rather a new, safer place, demands an altogether different global security system.

¶90 Part of the crisis is in explaining the tools, or lack thereof, that the international community has in its hands to tackle these very dangerous issues. Therefore, a new tool box is needed in order to effectively deal with these kinds of threats.

¶91 The year 2005 should be the year of reform of the United Nations. The new tool box should come in the form of an addendum, an additional protocol to the United Nations Charter, that enables the international community to deal effectively with the new threats and to view the kind of cooperation that is needed for states to deal with them. It is no longer sufficient to rely on the Charter, but rather we must expand the capabilities of the multilateral system to face the new challenges.

¶92 It is with these concerns in mind that Mexico established the Group of Friends for United Nations Reform. You may recommend your conversation over San Francisco's second conference to review the working and capabilities to reshape the United Nations in line with the needs of the mother world.

¶93 Regardless of how powerful or weak a state might be, we should be all mindful that lacking an effective political security system is a major threat in itself. It is impossible to tackle robbery or any other type of crime without a proper police force. Likewise, in the international scene, it is impossible to effectively deal with common threats in the absence of a strong national security system.

¶94 In this sense, one of the most obvious – and not at all a failure of the way the collective system works – is that these resolutions and recommendations are increasingly complied with. The most dramatic change was the resolution of the General Assembly, a

far cry from changing the course of events, but it is also increasingly the case in the Security Council.

¶95 Iraq was a clear case in point throughout a decade of sanctions and lack of compliance. This is indeed a sign of the multilateral system in crisis, which we need to swiftly address. The very nature of the system, the collective decision-making, is at risk.

¶96 The levels of grandeur posed by the new threats and the lack of compliance with resolutions call for a comprehensive review of the United Nations, the members' commitment and interest, and the need to bring about reform so that the United Nations is in tune with the rest of today's world.

¶97 It is quite clear that our society cannot afford to stay the course; there is too much at stake. It would be of historic irresponsibility to remain idle in the face of such major challenges or to accept that the unilateral system is too heavy and full of inertia that we cannot bring about this necessary transformation.

¶98 In Mexico's view, the one issue that draws the most attention, the enlargement of the Security Council membership, is nowhere near the target. Certainly, it is not part of the big decisions and answers that are needed; it would be wonderful that it were as easy as that. Most recently, this discussion has prompted a new set of problems as rivalries to take new permanence increase, as nationalists tend to take again a much higher profile, and as a decisive number of countries feels that they are in line for the decision-making process.

¶99 It is indeed a contradiction in terms to realize that, in the very moment that the world needs the commitment of as many countries as the challenges we face require, it is hopeless to try to narrow the scope of international participation of our collective efforts.

¶100 In the very same way that it requires a high level comprehensive approach to spell out the recommendations, the member states need to be mindful that only collective effort can render the results we all expect from the multilateral system. To tackle issues, such as international terrorism and weapons of mass destruction, demands a joint and concerted effort, a rules-based system, and a multilateral effort that clearly enhances everyone's national interest.

¶101 The year 2005 can provide as tremendous an historic opportunity as 1945 was in its time to overhaul the international system and to produce the collective method that enables us to deal with the major worries of our time.

¶102 It is about time to launch a San Francisco II conference to come to grips with our modern predicament. Thank you very much.

DOUGLASS CASSEL:

¶103 Thank you very much, Mr. Consul General, on behalf of Ambassador Berruga. Ambassador Williamson from the United States.

RICHARD WILLIAMSON:^{***}

¶104 I thank Professor Doug Cassel for organizing this conference. The United Nations is very important and valuable to the world and also very valuable to the United States Government.

¶105 I have seen it in action, from the UN giving inoculations in El Salvador to the 1998 Cambodian elections which would not have taken place without the UN's significant role, the coordination of international aid to East Timor, visiting refugee camps in Ethiopia, meeting with some of the victims of abuse in Sierra Leone who have looked to the special court of which the UN is a part to help in transitional justice, and last fall when I led an international monitoring team in the Afghan elections where the UN did truly a remarkable job.

¶106 Furthermore, I would say that it is important to have rules of the road for the United States, because predictability is important for us as well as for other countries. In that, the United Nations can play a valuable role.

¶107 I applaud Secretary-General Kofi Annan for commissioning the High-Level Panel Report, and we are indebted to those who served on the Panel, such as Sir David Hannay, Brent Scowcroft and others. They have seriously addressed important issues and have made interesting recommendations.

¶108 I am speaking in my own personal capacity, and I will say that I agree with some of those recommendations and with others, I do not agree.

¶109 Elsewhere, in more depth during these two days, the preventive use of force and the legitimacy of humanitarian intervention will be addressed, so I will just touch on them briefly.

¶110 On the use of force: in recent years, the suggestion has developed that the UN Security Council might have a monopoly on legitimacy. I have a hard time embracing this suggestion. As Sir Hannay mentioned, there were many conflicts during the long Cold War in which the Security Council did not sanction use of force. There were 220-plus wars during that time. Since the end of the Cold War, most dramatically in both Kosovo and Iraq, the Security Council has not sanctioned the use of force. It is hard to argue that the use of force to stop the ethnic cleansing in Kosovo was not legitimate, based on our values and on the fact that people on the ground were suffering.

¶111 At the same time, there is a natural tension between the powerful and the less powerful. In the nineteenth century, the United States was less powerful and wanted more rigid and acceptable rules to govern the sea lanes. Britain and France were more powerful, and they resisted such rule-making. Where this tension arises depends on where you sit, and I think the High-Level Panel Report will contribute greatly as a platform to explore these tensions.

^{***} Ambassador Richard S. Williamson is currently the United States Representative to the UN Commission on Human Rights and was most recently the Alternate Representative of the US to the UN for Special Political Affairs. Ambassador Williamson is a partner in the Chicago office of the international law firm of Mayer, Brown, Rowe, and Maw. His foreign policy experience includes service as Assistant Secretary of State for International Organizations from 1988 to 1989, US Ambassador representing the US at the UN Office in Vienna, Austria, from 1983 to 1985, and delegate to the UN Human Rights Commission in 1987, 1988 and 1989. Ambassador Williamson has been a board member of the UN Association - USA, the International Republican Institute and the Foreign Policy Research Institute. He has authored five books and over 100 articles for a variety of periodicals. Ambassador Williamson is a graduate of Princeton University and the University of Virginia Law School.

- ¶112 It is important to note that Presidents Franklin Delano Roosevelt and Truman both invested greatly in the birth of the UN, in particular FDR. Even though the world had undergone a terrible war with atrocities in the Holocaust, FDR had faith in collective security, because during that war the great powers, however painfully and awkwardly, had been able to agree, driven by a common enemy. It is also worth noting that Stalin agreed to support the launch of the UN based on his belief that it would help protect the status quo and the Soviet Union's position, in particular.
- ¶113 Without the same type of external identifiable threat that existed during World War II, collective security is a much more difficult endeavor, but it is worth the effort.
- ¶114 I think the High-Level Panel made a very helpful contribution by providing a definition of terrorism. The Panel defined terrorism as any action intended to cause death or serious bodily harm to civilians or noncombatants, and the purpose of such action, by its nature or its context, is to intimidate a population or to compel a Government or international organization to perform any act or to abstain from performing any act. This is very useful and very helpful, and it is something we have not yet been able to do in the counterterrorism committee in New York or other UN venues. Hopefully, this definition will stimulate further muscular activity by the counterterrorism committee in the UN.
- ¶115 Furthermore, under the Panel's discussion of terrorism, it makes a useful statement that "there's nothing in the fact of occupation that justifies the targeting and the killing of civilians."³ The double standard on Israel in the General Assembly, the Security Council, the Human Rights Commission, and other UN organs is among the most harmful practices that undercut the legitimacy of the United Nations.
- ¶116 I think the report is properly critical of the UN Commission on Human Rights, which has a well-earned credibility deficit with members such as Sudan, Cuba, and Libya, as well as with its inability last spring to pass a meaningful resolution on the genocide in Darfur. Countries subject to UNCHR resolutions should not be allowed to serve, and the whole issue of democracy caucus in the Human Rights Commission and elsewhere is one that should be explored and, from our point of view, should be developed.
- ¶117 The report also properly identifies the need to strengthen counterterrorism regimes, especially nuclear proliferation. But at the same time, the UN Security Council has been unable to deal with North Korea since it was referred to the UN two years ago, because one of the permanent members does not want it to be brought to the Security Council.
- ¶118 Finally, let me just briefly address the question of the Security Council itself. During the discussion of an eighteenth Iraqi resolution, the Singapore Ambassador told me of his concern that the disconnect between power in the real world and the power distribution in the UN Security Council was great and getting greater, and he worried that it would undercut the effective reach of the legitimacy of the Security Council. He explained that this was because the Security Council was so valuable for a country like Singapore, which otherwise does not have a voice at the table on many security issues.
- ¶119 Regarding the membership of the Security Council, both proposed formulas – whether you add six new permanent members and three new two-year term members or create a new tier of eight semi-permanent members chosen for renewable four-year terms plus one additional two-year term to the existing ten – both proposed formulas are

³ High-Level Panel on Threats, Challenges, and Change, *A More Secure World: Our Shared Responsibility*, ¶ 160, U.N. Doc. A/59/565 (Dec. 2, 2004).

interesting. However, I am not sure they deal with the fundamental problems of the Council.

¶120 First, I do not think that the problem is the numbers but rather how the Security Council operates. I am concerned that any expansion will just increase and heighten the two-tiered dynamics already existent within the Security Council. Secretary-General St. Clair was the first to suggest that the P5⁴ meet and deliberate on their own regarding some important security issues. These separate discussions flourished during the deliberations on the First Gulf War, and they still occur with regard to matters of direct importance to any of the P5.

¶121 I fear that if the Council is expanded, it will become even more unwieldy and even more subject to lengthy speeches as opposed to real discussions. The two-tiered nature of the Security Council will become even more dramatic, as the P5 will deal with more and more issues in separate deliberations before bringing them to the attention of the Council's nonpermanent members.

¶122 Also, increasing the size of the Security Council will change how countries behave. I would like to relate two interesting things I realized during the deliberations of an eighteenth Iraq resolution. The first occurred when one of the elected members on the run-up talked to me outside the Security Council chamber after one of our debates. I went through the various arguments, reviewing what was included in Resolution 1441 and how significant components had not been complied with, and therefore we had already voted on the need for serious consequences.

¶123 What he said to me was very revelatory and reflected not only his country's views but others. He said, "Rich, you ask too much. We ran for the Security Council to be important and to have a voice. We did not run to make decisions on war and peace. That's your problem."

¶124 More publicly, during Security Council deliberations, the Chilean Ambassador attacked the P5 a number of times for not achieving consensus. He did not attack them for not getting consensus for war or for not getting consensus against war; he just attacked them for not reaching consensus, because it was their responsibility to do so.

¶125 Now, I am not saying that these two elected members represent all nonpermanent members of the UN. They certainly do not, but they do represent at least a component constituency. And they raise important questions on the ability for unipolar action and on collective security versus coalitions of the willing. More fundamentally, at this time of the US's significant strength, should the Security Council be trying to restrain US power or embrace a directive? This is an issue which the P5 especially needs to address.

¶126 In closing, let me repeat that I think the High-Level Panel did important work, raised important issues, and made a number of very good recommendations. They have stimulated thought regarding some reforms. Hopefully, the 191 members of the UN will be able to reach some form of consensus to adopt some of these reforms, because we will all benefit if we have a more effective UN.

¶127 Thank you.

⁴ The five permanent members of the UN Security Council are China, France, the Russian Federation, the United Kingdom, and the United States. UN Security Council, Membership and Presidency of the Security Council in 2005, at http://www.un.org/Docs/sc/unsc_members.html (last visited Sept. 13, 2005).