
Can the UN Be Fixed?

Michael Soussan

THE LAST few years have hardly been kind to the United Nations. Accustomed to regarding itself as the world's indispensable institution, it has suffered a series of debilitating blows, raising questions about its long-term viability. The immediate source of its troubles, observers from across the political spectrum agree, has been the role played by the world body in the various stages of the war in Iraq.

In early 2003, the diplomatic debacle leading up to armed action against Saddam Hussein made the UN appear all but irrelevant in responding to a major international crisis, especially in the terms urged by its most important member, the United States. Then, some months after the successful completion of the U.S.-led military campaign, a devastating terrorist strike against the UN's Baghdad headquarters brought into doubt the organization's ability to work in an environment increasingly marked by violence against diplomats, aid workers, and other civilians. More recently, the UN's credibility has been shaken to the core by revelations concerning its mismanagement and corruption in overseeing the Oil-for-Food program for Iraq. In sum, President Bush was under-

MICHAEL SOUSSAN, a New York-based journalist, resigned from the United Nations Oil-for-Food program in December 2000. He has written about the UN for the Wall Street Journal, the New Republic, and the International Herald Tribune. This is his first appearance in COMMENTARY.

lining the obvious when he appointed John F. Bolton, a blunt critic of the institution, as our new UN ambassador. As Secretary-General Kofi Annan himself put it realistically, the United Nations today is "passing through the gravest crisis of its existence."

Annan's own response to this situation has been to open a new chapter in an already long-running debate on how to reform the UN. Over the course of 2005, member states will consider more than 100 proposals drawn up by a group known officially as the High-Level Panel on Threats, Challenges, and Change—a collection of "eminent persons" appointed by the secretary-general himself. Having cast the organization's crisis in existential terms, Annan asked the panel—and, by implication, the world at large—an existential question: can the UN continue to function on the basis laid out at its creation in 1945, or are radical changes needed? The panel did propose changes, but whether they will improve the UN's performance is another matter.

THE PANEL's report, released in early December, aims to improve the UN's ability to deal with several different "clusters of threats," from poverty and epidemic disease to genocide, terrorism, and weapons of mass destruction. The report is itself a mixed bag. Much of the document, predictably, is devoted to the sort of exhortations that have always been a hallmark of UN literature: member states are urged to "rededicate themselves

to the principles of the UN Charter,” to ratify recent treaties if they have not done so already, to live up to their peace-keeping pledges, to pay their dues, and so forth.

But the report also includes a range of concrete proposals for action. A number of these are structural in nature, the most controversial being a recommendation for expanding membership in the Security Council, the UN’s sanctum sanctorum. It is the Security Council, after all, not the much larger General Assembly, that has the power to impose sanctions and authorize armed intervention. The body is currently composed of fifteen members, five of which—the U.S., the United Kingdom, China, France, and Russia—have permanent seats and wield a veto.

In the panel’s view, widening participation in this critical decision-making body would give the UN greater legitimacy, especially among the nations that contribute money and troops to peace-keeping operations. The report offers two different formulas for achieving this goal, both of which would bring the total membership in the Security Council to 24 (with varying combinations of permanent and temporary seats) but without adding new veto powers. Germany and Japan would be the most obvious candidates for permanent seats, but South Africa, Nigeria, India, Pakistan, Brazil, Argentina, Turkey, Egypt, and others would vie for them as well.

Another structural proposal would give every member state a seat on the UN Human Rights Commission. For years, the commission has been paralyzed by the obstructionism of its own members, many of whom are representatives of the very states responsible for the world’s most outrageous violations of human rights. Rather than establish new criteria for membership, which the panel deemed “too political” a move, the report suggests making the Human Rights Commission as large as the General Assembly itself.

But how should a reconfigured UN *act*? The panel suggests several changes in the organization’s mandate and powers. In one proposal, the Security Council is urged to target the leadership of an uncooperative country with “smart sanctions,” isolating the government while providing for the humanitarian needs of the people. On the question of preventing genocide, the basic problem, the panel argues, is not a lack of authority but a lack of political will; if the Security Council were to conclude that a large-scale ethnic slaughter constituted a “threat to international peace and security,” it is already fully empowered to intervene under the terms of the UN Charter.

In the fight against terrorism, the panel’s principal achievement is to suggest the adoption of an official definition of the phenomenon. This may seem a pathetically minor feat, but no international convention on terrorism—twelve are already on the books—has accomplished it, for the simple reason that groups seen as terrorists by some states are often hailed as freedom fighters by others. The panel, by contrast, defines terrorism in simple, direct language: “any action . . . intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose . . . is to intimidate a population or compel a government or an international organization to do or abstain from doing any act.”

GIVEN THE composition of the panel—to say nothing of the usual quality of UN “consensus” documents—the fact that the report was able to reach *any* substantive conclusions on controversial issues is, in itself, a small miracle. Though a majority of the panel’s members were from democracies—the UK, France, Australia, India, Russia, Japan, Norway, Thailand, Nigeria, Ghana, and the U.S.—its “eminent” members also included former Russian Foreign Minister (and Soviet KGB leader) Yevgeni Primakov and diplomats from dictatorial states like China, Egypt, and Pakistan. The only American representative was Brent Scowcroft, a former National Security Adviser and consummate “realist.” Such a group was never going to propose a revolution at the UN.

Still, small steps do count for something. The most welcome aspect of the report is its proposal on terrorism, which, if adopted, would finally bring the UN into the post-9/11 world. It is already a historic first for a UN organ to endorse a definition of terrorism applying equally to every group that deliberately targets civilians. For decades, Arab and Muslim countries have refused to support any anti-terrorism measure that failed to provide a loophole for Palestinian terror groups, arguing, in effect, that Israel’s occupation of Gaza and the West Bank made its civilians a fair target.

What remains to be seen is whether this definition will affect how UN officials react to attacks by democracies *against* terrorist leaders. Old habits die hard. Early last year, Annan responded to Israel’s elimination of the Hamas leaders Sheikh Ahmad Yassin and Abdel Aziz Rantisi with a “strong condemnation” of what he called “extrajudicial assassinations.” The secretary-general was also critical of last fall’s assault on the terrorist den of Falluja; in an October 31, 2004 letter to Iyad

Allawi, the interim Iraqi prime minister, Annan asserted that the use of force against insurgents only risked “deepening” the Iraqi people’s “sense of alienation.” To which the Iraqi leader replied: “I was a little surprised by the lack of any mention in your letter of the atrocities which these [terror] groups have committed.”

Then there is the matter of genocide. Here too the panel deserves credit for recognizing the problem, but its treatment of it amounts to little more than an evasion. Though the report is correct in stating that the Security Council can invoke a threat to international peace and security to justify the use of force in stopping genocide, it rarely does so.

Consider Rwanda. When action was called for in April 1994, the Security Council’s response consisted of ordering the immediate evacuation of UN personnel, including blue-helmeted soldiers who might have contained the murderous rampage. A similar refusal of responsibility held for Kosovo in 1999, when the U.S. had to skirt the Security Council because of a threatened veto by Russia, which considered the Albanians living in that province to be a threat not to international peace but to its own traditional ally, Serbia. The panel argues that “the principle of non-intervention” in the internal affairs of member states “cannot be used to protect genocidal acts,” but, in reality, that is exactly what happens, again and again.

Will adding more seats to the UN’s key organs change this pattern? And, more generally, will such a move improve the organization’s performance on the wider “cluster of threats” identified by the panel?

Chairs do not make decisions, the people who sit on them do. For the past two years, Syria has held one of the rotating seats on the Security Council, despite its continued support for terrorism against Israel and against Iraq’s nascent democracy. Has this example of “inclusiveness” enhanced the UN’s legitimacy, let alone its effectiveness against the threat of terrorism?

The same question can be asked of plans to expand the UN Human Rights Commission to include every member nation, and the answer is even more self-evident. Just last May, the commission voted to renew Sudan’s seat until 2007—this, in the wake of the Sudanese government’s widely documented genocide against its own citizens in Darfur. The U.S. delegate walked out in protest. Exactly what purpose would be served by admitting still more states guilty of mass murder?

THIS BRINGS us to the core issue, ignored by the High-Level Panel as by every previous reform initiative. Membership in the UN has never been contingent on good behavior. Since its inception, the organization has included a great many states that openly violated its founding principles, spelled out most explicitly in the Universal Declaration of Human Rights of 1948. The Soviet Union, with its permanent seat on the Security Council, was the original and most glaring beneficiary of such accommodation, but in the postwar period the UN also put out a welcome mat for a range of unspeakably brutal revolutionary movements and tyrannical regimes. There were occasional dissenters from this orthodoxy—one thinks, in particular, of Daniel Patrick Moynihan who served as the American envoy in the mid-1970’s—but UN “neutrality” on the internal character of its member states has faced no sustained challenge.

Until now, that is. After the attacks of 9/11, the Bush administration adopted a radical new policy—one that would not be bound by the UN Charter, which guarantees the sovereignty of all its members. The Bush Doctrine refuses to pretend that there is no difference between democracy and tyranny. At the center of this transformation in American policy is the long entanglement between the U.S. and the UN over how to handle Iraq.

When the UN gave its imprimatur to the first Gulf war, led by President George H.W. Bush, it was on the condition that it be fought solely for the purpose of liberating Kuwait, not in order to supplant the ruler in Baghdad. Having no interest in nation-building or in a lengthy occupation—and believing, moreover, that Saddam Hussein’s regime would fall on its own—the first Bush administration accepted this restriction.

For more than a decade after the war, the international community then chose to keep Iraq under sanctions while maintaining formal respect for the sovereignty of Saddam Hussein’s regime. The impact on the civilian population of Iraq was devastating. By the most conservative estimates, a quarter of a million children died from waterborne diseases and inadequate nutrition in the years following the first Gulf war. This led to the Oil-for-Food program, set up by the UN in order to allow Iraq to sell oil for money that was supposed to be used exclusively for desperately needed humanitarian goods. The program grew into a \$64-billion-dollar operation, the largest in the UN’s history—and also, as we have had occasion to learn, the most corrupt.

Because Saddam Hussein was prepared to let his people suffer rather than compromise with his enemies, there was no way the international community could provide for the country's civilians without strengthening the Iraqi dictator—at least, not so long as the UN Security Council refused to confront the fundamental contradiction of a policy that aimed both to “enforce” and to “alleviate” the sanctions, and did neither well. After the largest military coalition in history bombed Saddam Hussein into submission in 1991, the international community had an obligation to secure a better future for Iraq. That responsibility could not be met, however, unless the UN was prepared to cease equating Iraq's sovereignty with Saddam Hussein's right to rule, and to begin equating it with the Iraqi people's right to self-government. This it would not do.

TO DEAL with the conflict between its inveterate respect for sovereigns, no matter how murderous, and its ostensible commitment to human rights, the UN has long resorted to grand declarations that are moral in appearance but not in substance. The new report is no different. “What we seek to protect reflects what we value,” the panel declares. “The Charter of the United Nations seeks to protect all states, not because they are intrinsically good, but because they are necessary to achieve the dignity, worth, and safety of their citizens.”

How do genocidal states fit into this picture? As early as 1795, Immanuel Kant, the German philosopher who first dreamed up the vision that would inspire the UN, had foreseen the contradiction inherent in the inclusion of unaccountable, war-prone states in an international body dedicated to peace. Thus, one of his key prerequisites for such a world organization was that no member state should be governed by a tyrant. It was with this end in mind that President Woodrow Wilson fought World War I to make “the world safe for democracy.”

In a sense, the UN was born into a world that was not yet ready for it. But now that a majority—in fact, over 60 percent—of the organization's members are democracies, there is an opportunity for greater democratic activism within the UN system, even despite the obvious differences that have separated the U.S. from a number of its European allies.

At the 2004 General Assembly, the U.S. took the lead on this issue by proposing to create (and to provide start-up capital for) a “UN Fund for

Democracy.” Such an agency would mark an important change in the organization's internal culture, putting democracy on the same *institutional* footing as world hunger, children's rights, and economic development, all of which already have their own specialized bodies within the UN.

But even this would not suffice to transform the world body. As the French political philosopher Raymond Aron once noted, great institutions are always subject to “the ideas in the heads of the people who populate them.” Until UN leaders are ready to ask themselves how exactly a brutal or tyrannical regime contributes to achieving “the dignity, worth, and safety” of its citizens, no genuine change can be expected to take place in the way they do business. In other words, change must be premised on the idea that membership carries responsibilities, just as it does in NATO, the European Union, and the World Trade Organization. Not even a bridge club can function coherently if members are not required to follow its rules.

THE ORIGINAL drafters of the UN Charter understood this, which is why they included a provision that would allow the UN to kick out its worst members. According to Article 6, a member that “has persistently violated the principles contained in the . . . charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council.” Despite flagrant and persistent violations of the UN Charter over the past 60 years, Article 6 has never been invoked, and the panel's report has no thoughts about enforcing it.

It is difficult to think of a legal or moral argument that would require the UN to maintain the membership of a state guilty of genocide or other crimes against humanity. The mere threat of expulsion would be a frightening prospect for any dictatorship, since losing its UN membership would mean losing its claim to sovereignty as well as the protections against foreign intervention spelled out in Article 2 of the Charter. No other reform—certainly none of those contemplated by Kofi Annan's hand-picked panel—could provide a more powerful tool to enforce accountability.

Dangerous? After all, it might be argued, any move to activate the relevant provision of the Charter might inspire a countermove on the part of others to single out and exclude a democracy like Israel, as the UN General Assembly has done consistently in the past. But this would be a losing game, as anybody in his right mind could see in an instant. No such proposal could get past the Security Council.

A stronger objection is that the idea is unrealistic. Certainly the mind boggles at the thought of, say, France, which recently maneuvered to reduce scrutiny of Sudan at the UN Human Rights Commission, getting behind such an approach. But it is even less realistic to expect significant improvements in the UN's performance in the absence of measures that would enforce greater accountability on its worst members.

The entire point is to reverse the UN's current approach to politics and place the body squarely behind the principle of genuine self-governance. The choice is between Kafka and Kant, between an ever more pointlessly expansive bureaucracy (as the High-Level Panel proposes) and a vision of world organization that gives pride of place, in practice as well as in rhetoric, to democracy.

The measures recommended by the UN panel might help the world body do a marginally better job of responding to the "cluster of threats" it has identified. But each of those threats—extreme

poverty, environmental disaster, the spread of weapons of mass destruction, organized crime, interstate warfare, terrorism, civil war—stems in large part from, or is exacerbated by, tyrannical regimes and societies emerging from their rule. By contrast, no two democracies have ever gone to war against each other, and, as a whole, democracies have proved far better than any other political arrangement at raising the living standards of their populations, managing environmental challenges, keeping tabs on weapons of mass destruction, overcoming civil disputes, and fighting terrorism.

In trying to come up with reforms that would help the UN deal with the 21st century, the sages appointed by Kofi Annan overlooked the overarching threat that led to the creation of the United Nations in the first place. If millions of Iraqi fingers stained with purple ink do not remind them of how ready people are, given the chance, to confront and overcome tyranny, one can only wonder whether anything ever will.