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## **1. The Political Landscape at the UN**

The world has changed a great deal from the time of the United Nations' birth in 1945, and so has the United Nations. Sixty years ago democracies, both nascent and well-established, comprised the majority of the founding nations of the UN. The UN structure was dominated by the Allied Powers through the framework of the Security Council. The members of the General Assembly were strategically aligned primarily along what would become the lines of the Cold War. America was confident that the UN would be an organization which would work in tandem with American national interests in promoting the welfare of humankind and the basic rights of every human spirit.

But within two decades, global politics and the United Nations had been radically altered. By the mid-60's, UN membership had more than doubled, and the majority of members were not democratic. By 1975, democratic states constituted little more than a third of UN members. There were burgeoning regional organizations of essentially democratic states outside the UN, such as the Council of Europe, the European Economic Community, the North Atlantic Treaty Organization, and the Organization of American States. But the cumulative membership of most of these bodies tended not to operate cohesively *within* the UN framework. Many of these regional units were centered in Europe, with the United States, Canada, Australia and a few others often situated on the perimeter. By contrast, within the UN, an entirely different realignment of power was taking place. Third World states formed a series of regional bodies focused on UN enterprises and outcomes. The Group of 77 (G-77), established in 1964, was composed of 77 developing countries calling themselves the largest Third World coalition in the United Nations. The Non-Aligned Movement (NAM), which held its first gathering of heads of government in 1961, boasted a membership of over 60% of UN states by the mid-60's. The largest subset of both the G-77 and the NAM was the Organization of the Islamic Conference (OIC), established in 1969, to which 30% of UN members belonged. The focus of the OIC, in their words, included "Islamic solidarity" and "non-interference in the internal affairs of member states." Today, UN members number 191, the G-77 numbers 132, the NAM includes 115 member states, and the OIC 56. According to Freedom House, 88 or less than half of UN member states are free or fully democratic.

There are other indicators of major shifts in the dynamics of the UN since its creation. Intergovernmental organizations have associated themselves formally with the UN in order to influence the UN political landscape. Participating as observers in the work of the General Assembly are, for example, the League of Arab States, the Organization of American States, the African Union, the European Community, International Organization de la Francophonie, and the OIC. Only six of these forty-one intergovernmental entities and organizations include the United States.

Moreover, the UN's tectonic plates shifted in the early 1960s into five so-called regional groups. What began as an informal means of sharing the distribution of posts for General Assembly and other committees took on a much more expansive role. Depending on the UN context, regional groups now coordinate substantive policy and form common fronts for

negotiations, in addition to controlling elections to UN-related positions and dividing up the pie on the basis of geographic representation. Although the membership of the regional groups has somewhat shifted since the demise of the Soviet Union, the five groups are the Western European and Others Group (WEOG), the Eastern European Group (or CEIT – countries with economies in transition), Latin American and Caribbean Group (GRULAC), the Asian Group and the African Group. The breakdown of the numbers of UN states in each of these groups is: WEOG 27, EE 22, GRULAC 33, Asian 53 and African 53. (Kiribati has not yet opted to become a member of the Asian group.) The United States does not formally belong to any regional group, but it attends meetings of WEOG and is a member of that group for electoral purposes. As a regional player within the UN infrastructure, therefore, the United States is a member of one subset of five regional groupings. Contrary to the UN Charter, Israel is the only UN member state denied full membership in any regional group. WEOG will only permit Israel to participate temporarily in a subset of UN bodies.

In addition to the five main regional groups, WEOG is sub-divided into Europeans and Others, which partially serves to offset the European Union's tendency to present pre-determined and united positions within WEOG. The others, to which the US belongs, with some additions, are referred to as JUSCANZ. It is usually comprised of 14 or 15 members: Japan, the United States, Canada, Australia, New Zealand, Switzerland, Norway, Iceland, Andorra, Korea, Liechtenstein, Mexico, San Marino, Turkey and sometimes Israel.

The change in membership has had a major impact on the balance of power in the UN. Despite the fact that the United States pays 22% of the UN's annual regular budget of 1,899,456,250 billion dollars, it is often on the periphery of the negotiations and the outcomes of the General Assembly (GA) and its related activities. A striking example of the UN metamorphosis is the so-called Uniting for Peace resolution. In the 1950's the US was sufficiently comfortable with its role in the GA to support the Uniting for Peace resolution. (Resolution 377(V), 1950) The resolution introduced a mechanism for moving beyond a deadlocked Security Council on matters concerning "a threat to the peace, breach of the peace, or act of aggression." But over the decades the procedure's actual use led to something quite different than was originally envisaged; it has been used 10 times to convene emergency special sessions of the General Assembly, six of which have focused on Israel. The tenth emergency special session has now been kept permanently on the agenda of the GA, having been "reconvened" thirteen times since 1997. By contrast, no emergency special session was ever convened to address the genocide in Rwanda, the ethnic cleansing in the former Yugoslavia, or the crimes against humanity in Sudan.

Political realignments had consequences for other voting patterns. Considering the General Assembly's regular sessions, on those issues on which a vote was taken State Department figures indicate the overall General Assembly voting coincidence of all UN members with the United States in 2005 was 23.5%. Of the 119 votes (committee and plenary) taken in the 2005 General Assembly, the United States found itself in the minority 76.5% of the time. At the final substantive session of the Commission on Human Rights in 2005, the United States was in the minority 79% of the time in respect of the 65 votes held. In the first two

decades, the veto power in the Security Council was cast in 106 of 114 times by the Soviet Union, and never by the United States. Over nearly the following four decades, the veto power was cast 80 of 128 times by the United States (and another 29 occasions by the United Kingdom.)

In short, over the lifetime of the United Nations, there has been a crucial shift in the balance of power in the General Assembly and in the coincidence of Security Council activity with American foreign policy interests.

At the same time, most of the resolutions of the General Assembly are adopted by consensus. But it is a consensus between democracies and non-democracies, between rights-respecting cultures and rights-reviling cultures. The dynamic of false consensus – concealing disagreement over fundamental values – is widespread at the UN. Democratic governments often do not believe it is necessary or important to say no, especially when they know they cannot carry the day. This phenomenon can be illustrated by the resolution entitled “Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity.” This resolution began in 1985, when it was first introduced by Angola, Czechoslovakia, Ethiopia, Lao People’s Democratic Republic, Syria, the Ukrainian S.S.R. and Vietnam, under the title “Inadmissibility of exploitation or distortion of human rights issues for interference in the internal affairs of States.” With a more opaque title, it was eventually adopted in 1986 by a vote of 154-0 with 1 abstention, the abstention being that of the United States. But since 1990, the resolution has been adopted by consensus, despite the fact that the continuing objection and defeat of country-specific resolutions by the UN system is done in the name of “non-selectivity”. Similarly, in the last two decades Western governments agreed on the products of a succession of UN World Conferences that introduced the idea of cultural, religious or philosophical “particularities.” Although these themes are the currency of those states opposed to universal human rights standards, Western governments wanted final consensus documents at any cost. The Cuban delegation exemplifies the nature of UN consensus; speaking of the importance of human rights protection during a recent UN General Assembly debate they insisted: “only on the basis of cooperation can we meet the challenges of humanity.” Consensus at the UN, therefore, represents the lowest common denominator, a position often at odds with principle.

Consensus or cooperation at the UN has been held up as the model of mutual respect, between democratic and communist societies, between developed and developing. The truth is, of course, that communist countries were never interested in international human rights, and that poverty or freedom from want often serves to justify totalitarianism and oppression. Cultural, religious or philosophical “particularities” are not really about sensitivity, accommodation and respect for difference; they camouflage self-aggrandizement and true isolationism. At the end of the Cold War, the fundamental rifts in the U.N. system simply metastasized. The Cold War conflict of priorities between economic, social and cultural rights on the one hand, and civil and political rights on the other, was recast as development versus democracy.

Though essential differences are masked by constant reference to “interdependence,” the

standard that has taken hold is not common dignity but moral relativism. This is the radical shift in values from the original UN mission that consensus has wrought. UN language is deliberately confusing. “Cooperation” is used to mean “criticisms of any specific states’ human rights record, particularly my own, are inappropriate.” “Politicization” is used to mean “the politics are not my state’s politics.” But the language cannot hide the fact that by the outset of the 21<sup>st</sup> century, universal human rights consistent with American values are not the driving force behind so much of what occurs at the United Nations.

These developments can be contrasted this with the Council of Europe, created on May 5, 1949. Its founding documents require that “Every member...accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim...” Any member that has “seriously violated” this condition of membership may be suspended and ultimately removed. The Parliamentary Assembly of the Council, which has 46 members, has put in place mechanisms for evaluating and monitoring its members’ willingness and ability to uphold the principles of democracy, the rule of law, and human rights.

The United Nations has no such pre-conditions for membership or participation. UN bodies across the system include representatives drawn from among the least free states in the world today:

- the Human Rights Council (the UN’s primary human rights body): Algeria, Azerbaijan, China, Cuba, Russia and Saudi Arabia. (The United States, represented by Eleanor Roosevelt, was Chair of the Human Rights Commission from its inception in 1946 to 1950. The US never served as Chair of the Commission again.)
- The Secretary-General’s Advisory Committee of the UN Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: Iran, Lebanon, Nigeria, Pakistan, and Sudan.
- The Economic and Social Council (ECOSOC), (with broad responsibility in the areas of economic and social development and observance of human rights and fundamental freedoms): China, Cuba, Saudi Arabia, Tunisia, and United Arab Emirates.
- The Commission on Crime Prevention and Criminal Justice: Algeria, Central African Republic, China, Cuba, Egypt, Iran, Pakistan, Russia, and Saudi Arabia.
- The two five-person Working Groups of the Commission on Human Rights on Enforced or Involuntary Disappearances and on Arbitrary Detention both have an “independent expert” from Iran.
- The UN Commission on the Status of Women: Burkina Faso, Ghana, Nigeria, Sudan, and the United Arab Emirates – (all countries with significant incidence of female genital mutilation) - as well as China and Iran.
- The Committee on Non-governmental organizations: China, Côte d’Ivoire, Cuba, Iran, Pakistan, Sudan, and Zimbabwe – (states with severe limits on freedom of association.)
- The Governing Body of the International Labour Organization (dedicated to equality in the workplace): China, Cuba and Saudi Arabia.
- Among the 21 Vice-Presidents of the forthcoming 61<sup>st</sup> General Assembly are China, Libya, and Zimbabwe.

The UN is clearly not a collection of like-minded democratic states with genuine human rights cultures. It is therefore inevitable that such a composition should profoundly affect its ability to meet the major challenges of our time: the spread of democracy, the protection of human rights, the war against terrorism, and the threat to international peace and security posed by weapons of mass destruction.

It is important to note that not all UN members within the NAM or G-77 are non-democratic. However, these members feel little compunction to vote in the UN in a manner consistent with the interests of the United States and its closest allies. Looking at State Department figures across the board, in the 2005 General Assembly, on those issues on which a vote was taken, the average overall General Assembly voting coincidence with the United States for UN members from the African, Asian and GRULAC (Latin American and the Caribbean) regional groups was 13.5%, 18.7% and 19.7% respectively.

Exacerbating the problem for the United States is the fact that democracies themselves often do not present a common front at the UN. This is because the composition of the UN permits democratic states to further their individual interests by forming tactical alliances with non-democracies. The United States often finds itself on the receiving end of such maneuvers. In the 2005 General Assembly, on those issues on which a vote was taken, the average overall General Assembly voting coincidence with the United States for those UN members from the WEOG regional group was only 46.4%. A desire for enhanced power on the world stage, is a reality that crosses political divides.

Even on issues where democratic states have common interests, however, the UN system increases the tension among them. Since US-led initiatives – regardless of Washington’s political stripes - almost invariably antagonize large numbers of UN members, the US is often forced to operate through the European Union. The EU relishes the role of middleman, and spends much of its time pointing helplessly over its shoulder in the direction of the villains. But the half-way point is not where America, or its fellow democracies, ought to be.

## **2. The Consequences and Output of a Club of Non-Democracies and Democracies**

### **a. Reform**

The composition and political make-up of the UN system has inevitable consequences for its output and its inherent ability to change. We are currently witness to the fact that despite valiant efforts by members of Congress and Ambassador Bolton, the UN remains impervious to reform on a number of issues crucial to the original promise of the Organization. On almost every issue of central interest to democratic states, the UN reform effort has predictably failed. What follows is a summary of the state of play in respect of some of the major reform targets.

## **i) Human Rights**

- **The Human Rights Council**

The new Human Rights Council, which replaces the discredited Human Rights Commission as the U.N.'s lead human-rights body, was elected May 9, 2006. The United States quite rightly voted against the resolution creating the Council, whose founding charter did not contain a single substantive criterion for membership, the only qualification being geography. The Council also changed the distribution of seats among the UN's five regional groups, from that of the Commission, to the detriment of democracies. The new distribution reduced the proportional representation of WEOG and gave a controlling interest of 55 percent of the Council's votes to the Asian and African regional groups. Not surprisingly, the election resulted in the selection of some of the world's worst human-rights abusers, such as China, Cuba, Russia and Saudi Arabia. At the same time, the election gave a 62 percent interest in the African and Asian groups to the Organization of the Islamic Conference (OIC), which will now dominate the Council to a greater extent than it did the Commission. Overall, issuing human rights abusers a new license to judge human rights abuse does not constitute not successful reform.

The Council's first session begins June 19, 2006 and an initial draft of the agenda has already been altered in response to pressure from the OIC. The OIC advocated adding "pressing human rights issues" to the agenda – by which it means Israel. As of this writing, the final agenda has not been adopted. It remains to be seen what resolutions would be passed under such an agenda item, and what will ultimately be deemed "pressing." After all, the OIC and the G-77 are in a bit of a bind – they wish to repeat their pastime of using UN forums as platforms for demonizing Israel, but they seek to avoid any criticism of states in the G-77. At the Commission the way out was to have a single agenda item or special session/sitting only on Israel. The technique was highly successful – 30% of the country-specific resolutions critical of a state's human rights record, (over the forty-year history the Commission adopted such resolutions), were directed at Israel alone. No such resolution was ever adopted, for example, on China, Saudi Arabia, Syria or Zimbabwe. We are currently witnessing the OIC and G-77 effort to find a similar scheme for the Council. There is a widespread expectation that the Council – in contrast even to the Commission - will not adopt any resolutions condemning human rights abuse by specific states, with the exception of Israel, in the foreseeable future.

The draft agenda issued on June 15, 2006 allocates time for Working Groups on "Durban" (a short-hand reference to follow-up to the Durban Racism Conference); the right to development; economic, social and cultural rights, the drafting of an instrument on disappearances, and indigenous peoples. Mysteriously omitted are the three existing working groups that name specific states -- on arbitrary detention, enforced and involuntary disappearances, and the "working group on situations" which has the task of specifically identifying states engaged in gross and systematic human rights violations.

As for transparency, the Office of the High Commissioner for Human Rights has

apparently decided that the embarrassing events are best left seen by as few witnesses as possible. Only the opening speeches of high-level diplomats in the first few days (the least important element of the proceedings) will be webcast, despite the fact that if one could travel to Geneva, the sessions are open to members of “civil society.”

- **Beyond the Human Rights Council**

While much emphasis has been placed on remedying the UN Commission on Human Rights, the UN human rights system is much broader. The political bodies also include the Commission on the Status of Women, as well as the bodies intended to follow up on their recommendations: the Economic and Social Council (ECOSOC), the Third Committee on Social, Humanitarian and Cultural Issues of the General Assembly, and the plenary of the General Assembly itself.

Considering UN resolutions critical of a specific state’s human rights record, at the 2005 General Assembly there were 19 resolutions adopted on Israel, one criticizing the US for the Cuba embargo, and only seven on any of the other 189 UN states – Afghanistan, Burma/Myanmar, the Democratic Republic of the Congo, the Democratic Republic of Korea, Iran, Turkmenistan, and Uzbekistan. Despite millions of dead and displaced, a resolution on Sudan was defeated by a procedural no-action motion that prevented an up-down vote on the merits of the resolution.

At the 2006 Commission on the Status of Women, the UN’s highest body dealing with women’s rights, only one resolution was adopted that specifically condemned the abuse of the rights of women or girls by any of the 191 UN member states. That state was Israel.

Neither the human rights operations of the General Assembly nor the Commission on the Status of Women has so far been touched, or is likely to be touched, by UN reform.

## **ii) Management reform**

On management reform, efforts at ensuring accountability have run into a brick wall. Secretary-General (SG) Kofi Annan put a minimal reform package (Investing in the United Nations) on the table in March 2006. This package attempted to reduce micromanagement by the General Assembly by allowing the Secretary-General to make certain financial decisions and reallocate posts without GA approval. The General Assembly majority -- which pays a small fraction of the U.N.'s costs -- objected. Instead, for the first time in 19 years, that same majority (the G-77) forced a vote in the U.N.'s budget committee on April 28, 2006, successfully sidelining the subject by requesting a further series of reports from the SG. The 50 countries that voted in the minority, which included the United States, pay 87 percent of U.N. dues.

During the negotiations, the SG made an attempt to mollify the G-77 by taking the extraordinary step of issuing a letter on April 27, 2006 withdrawing two of his proposals. This offer had the predictable effect of whetting the G-77's appetite for more, and the vote setting aside all of the proposals ensued. On June 16, the SG introduced another series of reports intended to respond to the G-77's resolution. The concessions continued. The Assistant Secretary-General, Controller Warren Sachs, stated: "...the five elements originally proposed under proposal 16 have been dropped and two new proposals for limited discretion have been made." While discussion of the report will begin on June 19, 2006, Mexico presaged the G-77's response: "...some of the proposals don't have sufficient clarity or require more development to make it possible for states to take well-informed decisions...My delegation will therefore ask for technical clarifications..." In other words, the G-77 is poised to reject the SG's report as unsatisfactory.

In the meantime, the G-77 has introduced a bargaining chip: a resolution on development issues that they say is a prerequisite to progress on other fronts. A resolution on development is due shortly, though some Western diplomats refuse to acknowledge the linkage, probably because progress on development issues is highly unlikely to translate into progress on other matters.

There are some aspects of the issue of management reform in which the G-77 is keenly interested, such as human resources. Changes in this area could open up more jobs inside the secretariat to their compatriots by redistributing some positions on the basis of geographic representation. In the words of a June 5, 2006 letter "to the United Nations," the G-77 says:

*"We stress that reform of human resources management...and procurement should reflect the international character of the Organization...[W]e... underscore the need to provide concrete measures to ensure greater market access by businesses from developing countries in United Nations procurement; and stress the need for establishing clear mechanisms to increase the representation of developing countries in the Secretariat."*

For the G-77 "investing in the United Nations" equals investing in the G-77.

In essence, the G-77 is seeking to ensure as much power as possible is vested in the GA

and not in the hands of the Secretary-General or the Security Council. The double-speak they use to describe their effort to retain control – and use it, as the April 28<sup>th</sup> Fifth Committee vote exemplifies – is equality, inclusiveness, accountability and cooperation. As the Egyptian ambassador said in the Fifth Committee: “We are all equal partners in this organization, regardless of our level of development and contribution to the budget.” This is the reality of UN life – non-democracies who do not respect equality at home, but constitute the majority inside the organization, claim they are entitled to control the purse strings and the size of the bill presented to taxpayers in democracies.

### **iii) Preventing genocide**

A UN Commission of Inquiry that reported in January 2005 refused to identify the millions of dead and displaced in Darfur as victims of genocide. It is well known that the conflict has clear ethnic dimensions; the vast majority of the victims of the Sudanese government's military campaign in Darfur are Africans from various tribal groups, and the perpetrators are Arab, government armed forces and Arabic-speaking groups of nomadic people recruited and deployed as *Janjaweed* militia. But the UN's Commission of Inquiry did not find there was genocide because, they said, there was no intent to annihilate a group distinguished on racial or ethnic grounds. This pre-September 2005 Summit failure, along with Sudanese intransigence, African Union reservations, and Chinese and Russian self-dealing, has contributed to the continuing spectacle of U.N. troops still marginalized, despite the carnage.

### **iv) Mandate review**

On March 30, 2006 the Secretary-General handed UN members a list of over 9,000 mandates of U.N. entities with no recommendations for streamlining and elimination. His obvious reticence was likely a result of the delicacies surrounding some of the most obvious anomalies and duplications. For example, there is one U.N. Division within the secretariat for Palestinians and another Division for everyone else in the Asia and Pacific region; there are two refugee agencies, one for Palestinians and one for every other refugee; there are two U.N. human rights websites and databases, one for Palestinians and one for everybody else; there are two parts to the Department of Public Information, one devoted to Palestinians and one for all other subjects.

U.N. member states are still arguing about which mandates ought to be reviewed. Last September's Summit called for a review of all mandates older than five years. The G-77 is claiming that any mandate that has been renewed in the last five years, regardless of when it was first introduced, is exempt – a tactic which would eliminate 93% of the list before review even begins. The other G-77 and NAM tactic has been to challenge all the mandates of the Security Council and to insist they be debated in the General Assembly. This is how the NAM (representing a majority of UN members) perceives the idea of mandate review:

*“The [mandate review] exercise is not aimed at cutting the costs of the Organization or to reduce the budget levels and fund more activities within the existing resources...Member States should be willing to increase the financial and human*

*resources...if the lack of resources hinders the full implementation...Resources that might be freed as a result of a collective decision by the entire membership...would be redirected to...the development field. This exercise is not about the consolidation of reports and/or resources nor is it about biennializing or triennializing the UN resolutions.”* (May 23, 2006, Malaysia on behalf of the NAM)

Likewise, the G-77, (the NAM states plus a few others) made its position on mandate review clear. In their June 5, 2006 manifesto, they laid down the gauntlet. According to the G-77, the issues of “utmost priority” for the UN begin with “the right to development, [and] environmental and social corporate responsibility.” Mandate review

*“is not aimed at cutting the costs of the Organization or to reduce the budget levels and fund more activities from within the existing resources...[A]ny savings that may result from the outcome of the exercise should be redirected to the activities of the Organization in the development area.”*

What mandates are the NAM and the G-77 prepared to discuss? Here’s one: a request for a report from the Secretary General on “armed Israeli aggression against the Iraqi nuclear installations” adopted in November 1981.

In the face of G-77/NAM opposition to reviewing more than a fraction of mandates, the Co-chairs of the mandate review process from Canada and Pakistan capitulated. In the last week, they have circulated a letter agreeing that the process “will focus on 5 year old non-renewed mandates and identify other possible areas where there can be agreement.” The Pakistani co-chair told member states that there was no agreement on discussing mandates more than five years old that had since been renewed, so the GA could either discuss 7% of the 9,000 mandates or nothing at all. Even the European Union said only that there should be a first phase dealing with five-year old unrenewed mandates, and the rest could come later. American objections that the September Summit document made no mention of the G-77 caveat fell on deaf ears. The G-77 retorted that the Summit document had been drafted deliberately to be ambiguous because there had been no agreement on this very issue. (It was a rare moment of candor; UN consensus = an outcome that means different things to different people.) Consequently, therefore, only 7% of the mandates will be reviewed, and there is no agreement on reviewing anything else.

Furthermore, Algeria and Cuba now claim the entire process of mandate review is subject to a deadline of December 31, 2006. The G-77 has said this is a “one-time review” that “should show due regard for the political sensitivities of mandates and should not be a pretext to eliminate political mandates.” In other words, if anything of interest to the G-77 comes up within the 7%, it too will be taken off the table.

So instead of being able to show any progress by the time the budget cap expires, not one mandate has been reviewed.

#### **v) Combating terrorism**

On terrorism, the U.N. is no closer to a definition. At the September Summit, world leaders “agreed” to condemn terrorism, but since there is no agreement on what constitutes terrorism the condemnation of itself is an empty gesture. This lacunae is not a theoretical shortfall. Following the Tel Aviv bombing on April 17, 2006, the UN Security Council engaged in negotiations over whether to condemn the attack. But agreement could not be reached, even for a press statement, because Council member Qatar refused consensus. Only a week later, however, the Council had no difficulty adopting a presidential statement condemning “in the strongest terms,” as “terrorist acts,” the bombings at an Egyptian Red Sea resort.

The UN’s lead counter-terrorism agent, the Counter-Terrorism Committee (CTC), established in the wake of 9/11, has yet to name a single terrorist, terrorist organization or state sponsor of terrorism.

The working group charged with drafting a comprehensive convention against terrorism cannot even agree on its next meeting date. Progress on the convention is at a standstill due to the blockading efforts of the OIC; there are two drafts on the table on the main outstanding issue, one from the OIC and the other from the Coordinator on behalf of everybody else. The OIC seeks to add a paragraph stating that “The activities of the parties during an armed conflict, including in situations of foreign occupation....are not governed by this Convention.” Or, as the Syrian delegate described the position, the OIC “emphasize[s] the need for a clear definition distinguishing terrorism from the legitimate struggle of peoples against foreign occupation and alien domination.”

Meanwhile, the Secretary-General’s report on a UN counter-terrorism strategy, produced as part of the reform program, is in the middle of a war of words being waged in informal consultations. The co-chairs of this reform committee from Spain and Singapore circulated on June 9, 2006 a paper containing “draft elements for a possible United Nations counter-terrorism strategy.” It contains such suggestions as: “continue to...make...use of the capacities of the UN...taking into account the particular situation of peoples under colonial domination or foreign occupation that often create conditions conducive to the spread of terrorism.” Pakistan, Algeria, Syria, Iran, Egypt and Sudan, in particular, are making a concerted effort to redirect attention to the alleged root causes of terrorism: the underlying evils that supposedly drive unfortunates to blow up themselves along with as many Americans, British, Iraqis, or Israelis as possible.

The June 14, 2006 remarks of the Pakistani Ambassador on the development of a UN counter-terrorism strategy sum up very well why UN negotiations have failed for years and why they cannot be expected to empower this institution to make a serious contribution to the war on terror. In Ambassador Munir Akram’s words:

*“...several of the words concepts, actions offered in the draft elements – as also in the Secretary-General’s Report – need clarification, legally and politically. For instance, there is no clarity on what constitutes “instigation” of terrorism; “sanctuaries” for terrorists; “victims of terrorism.” Some other words are loosely used e.g. “soft targets”; “internationally shared values....General Principles for the Strategy:...It*

*should address the underlying causes – political, economic and social – which give rise to the phenomenon of terrorism...It should prevent the suppression of legitimate resistance against foreign occupation or for self-determination under the guise of countering terrorism.”*

He went on to talk about the “suppression of the rights of peoples to self-determination (e.g. Palestine, Kashmir.)”

Quite simply, the political reality of today’s UN is that there are no undisputed internationally shared values. Killing some men, women and children is justified in the eyes of a substantial number of UN states.

As for really dealing with root causes of terrorism, such as hate, bigotry, or anti-semitism, the original text of the Secretary-General called for UNESCO to

“scale up existing programmes for strengthening the capacity of educational systems worldwide to integrate human rights education, internationally shared values...into...educational systems, including through the development of curriculum standards, the training of teachers and the approval of school textbooks.”

But the co-chairs removed from their draft the reference to all the specifics in the last phrase (everything after “systems”) following OIC objection to the reference to textbooks.

In short, a UN counter-terrorism strategy is an oxymoron.

## **vi) Security Council**

The UN is currently seeking to expand the range of states which will be entitled to define threats to international peace and security and the reach of self-defense, by increasing the seats on the Security Council. The slogan is to increase the “democratic” nature of the body, supposedly by making the Security Council look more like the General Assembly. Such an expansion of the Security Council would only further incapacitate it. There are various proposals to increase Security Council membership on the table, along with two earlier reports from the Secretary-General and a High-Level Panel which the SG appointed.

None of the proposals specifically require that a country be democratic or abide by the rule of law when governing its own people. The two reports simply speak about countries that will not “impair effectiveness.” There is no suggestion that there be a method by which to remove a state which does impair effectiveness. The Secretary-General proposes that “developing nations” are entitled to greater representation. Why is “developing” in and of itself a condition of entitlement? A democracy condition could and should be applied to both developing and developed applicants.

The UN thinks in exactly the opposite direction from the march of history and the understanding that only states motivated to embrace democracy should be entitled to chart its course. The movement to lessen, not increase, the control of democratic states over the United Nations is a move in precisely the wrong direction.

### **vii) Steps Forward**

There have been some very modest successes towards reform:

- A peace-building commission to assist in post-conflict situations has been created, and its organizational committee was finally chosen on May 16, 2006.
- A new ethics office has been established, along with new rules governing ethical behavior for the U.N. secretariat. The rules include reducing the maximum amount for undisclosed gifts to a selected 1,300 U.N. staffers from \$10,000 to \$250. Since then, the Secretary-General has accepted a (disclosed) \$500,000 prize from the U.N. member state of Dubai. This incident raised serious questions about conflicts of interest, among them the fact that a judge on the panel awarding the prize was subsequently named to head the U.N. Environment Program.
- A U.N. Democracy Fund, first proposed by President Bush in 2004, has been established. But little more than a dozen states have made or promised contributions. The current total is less than \$50 million, close to half of which is apparently from the U.S. alone.

### **b. Beyond Reform**

The inherent composition of the UN stymies not only reform, but also U.S. initiatives and foreign policy priorities in areas the UN is supposed to consider as a matter of course:

- The International Atomic Energy Agency decided three years ago that Iran had violated the Nuclear Non-Proliferation Treaty and associated legal obligations. The job of the Security Council is to determine the existence of any threat to the peace and to take measures to maintain international peace and security. But the Security Council has yet to adopt a single resolution finding Iranian action to be a threat to international peace and security, let alone adopt serious sanctions before it's too late. Statements by the head of the U.N.'s nuclear watchdog, Mohamed ElBaradei, and Secretary-General Annan have repeatedly sought to scuttle Security Council resolve. Meanwhile, Iran was elected a vice-chair of the U.N. Disarmament Commission in April.
- Having reviewed every 2005 U.N. document, report, and resolution critical of human-rights records of specific states, EYEontheUN.org found that the country subject to the most U.N. condemnations was Israel (35% more than Sudan,) while the U.S. was ninth – on the same level as Afghanistan (*all UN documents cited at [www.eyeontheun.org/browse-un.asp?ua+1&sa=1&y=2005&tpa=1&search=1](http://www.eyeontheun.org/browse-un.asp?ua+1&sa=1&y=2005&tpa=1&search=1)*). Countries subject to less U.N. condemnation for human rights abuse than the U.S. in 2005 included China (11th), Iran (17th), and Cuba (25th). As of May 29, 2006, the top five countries most criticized for human rights abuses in official 2006 UN documents, reports or resolutions in order are Israel, Sudan, the United States, Myanmar, and Russia. [www.eyeontheun.org/browse-un.asp?ua+1&sa=1&y=2006&tpa=1&search=1](http://www.eyeontheun.org/browse-un.asp?ua+1&sa=1&y=2006&tpa=1&search=1)

### **3. The Money Trail**

The UN regular budget is 3,798,912,500 dollars for 2006-07 (subject to certain adjustments). The U.S. assessed contribution to this budget is 22%. The US makes a much larger voluntary or extrabudgetary contribution to a wide range of UN Programmes and Funds, Specialized Agencies, Related Organizations, Peacekeeping Operations, International Tribunals, Commissions and Ad Hoc bodies. Such contributions are both monetary and in-kind. Member states of the General Assembly determine priorities; they decide what will be funded from the regular budget and what will be relegated to extrabudgetary resources. Certain activities are allocated to extrabudgetary resources as a result of the constituent instruments of the UN entity.

Funding UN activities under the regular budget ensures that the vast majority of the dollars for the activity come from other states – that the burden is shared. Funding UN activities by way of extrabudgetary resources gives the donor a greater degree of control over its uses. The process of approving the budget involves the consideration of the Secretary-General's recommendations by the Advisory Committee on Administrative and Budgetary Questions (ACABQ.) The comments of the ACABQ along with the Secretary-General's budget are considered and approved by the Fifth Committee of the General Assembly, a committee of the whole, and ultimately rubber-stamped by the plenary of the General Assembly. The ACABQ examines and reports only on the regular and peacekeeping budgets and the accounts of the UN, as well as the administrative budgets of the specialized agencies. Members are appointed by the General Assembly. Of the 16 states represented on the ACABQ, 13 taken together account for only 9.543% of assessed UN contributions to the regular budget.

Given the inability of many G-77 countries to make extrabudgetary contributions, they have a special incentive to insist that their priorities be funded through the regular budget, since otherwise they won't be funded at all. There is, therefore, a constant struggle to decide which activities are assigned to the regular budget. Member states trade off preferred projects against each other: the United States will be able to put Special Political Missions (Afghanistan, Iraq, counter-terrorism, etc) under the regular budget in exchange for the G-77 doing the same with the Department of Economic and Social Affairs (DESA), which includes sustainable development and financing for development.

An examination of the UN annual regular budget reveals the extent to which the G-77, and the largest single bloc within it, the OIC, has gained a chokehold on many UN expenditures and priorities. Regular budget features for the 2006-07 biennium include the following. (Note that funding for some of these UN operations are substantially increased from extrabudgetary resources.)

- two Committees, one Division, and Information activities dedicated to Palestinians only (nothing similar for any other people) \$6,805,300
- Counter-Terrorism Committee and Executive Directorate \$8,101,500
- Special Committee to Investigate Israeli Practices affecting

the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	\$233,100
• Committee on the Elimination of Racial Discrimination (170 states)	\$761,200
• Number of posts (UN staff) for the Division for Palestinian Rights	16
• Number of posts (UN staff) for Asia and Pacific Division	21
• “Palestine Refugees”	\$35,184,800
• Humanitarian Assistance (humanitarian action and emergency response globally)	\$26,140,500
• Electoral Assistance (42 missions)	\$4,893,200
• Question of Palestine	\$5,876,600
• Prevention, control and resolution of conflicts (62 conflict situations, (post-conflict peacebuilding in 33 member states)	\$22,843,000

When the United States objects to a decision to spend regular budget dollars on any specific activity, it has occasionally withheld the amount owed for this activity from its assessed contributions. But such cases are rare. The restrictions on US assessed payments to the UN currently in place concern (a) a 25% payment cap, (“*Contributions to International Organizations,*” *Department of State and Related Agency Appropriations Act, 1973, (P.L. 92-544), as amended (22 U.S.C. 287e note)*) (b) the International Criminal Court, (*Section 705, Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (Pub. L. 106-113)*) (c) PLO standing, (*Section 414, Foreign Relations Authorization Act, FYs 1990-1991 (P.L. 101-246)*) (d) statehood, (*Section 410, Foreign Relations Authorization Act, FYs 1994-1995 (P.L. 103-236)*) (e) interest, (“*Contributions to International Organizations,*” *Division B, Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2004, Consolidated Appropriations Act, 2004 (P.L. 108-199)*) (f) pedophilia, (*Section 102(g), Foreign Relations Authorization Act, FYs 1994-1995 (P.L. 103-236)*) (g) Palestinian UN bodies and projects, (*Section 114, Foreign Relations Authorization Act, FYs 1984-1985 (P.L. 98-164)*) and a (h) regular budget cap. (*Section 11, UN Participation Act of 1945 (as amended)*).

Item (g) has various complexities. It states as areas in which funds will be withheld

(1) the assessed contribution to the UN for:

- a) the Committee on the Inalienable Rights of the Palestinian People
- b) the Special Committee to Investigate Israeli Practices
- c) the Division for Palestinian Rights
- d) “projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or to the South West Africa People’s Organization.” [the reference to SWAPO is no longer relevant]

(2) the assessed contribution of the specialized agencies for:

“projects whose primary purpose is to provide benefits to the Palestine Liberation

Organization or entities associated with it or to the South West Africa People's Organization." [the reference to SWAPO is no longer relevant]

Items falling within (1) (d) and (2) are exempted if they relate to "projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits." Monitoring expenditures in this context requires some judgment calls: what is a "project," what is its "primary purpose," what is or is not a primary purpose that is "humanitarian, educational, development and nonpolitical"? The *Foreign Relations Authorization Act* refers to the PLO and it is the PLO that is the accredited actor at the UN. In 1988 the UN formally renamed or designated the PLO as "Palestine," so this monitoring would theoretically include everything done at the UN related to "Palestine"; the Palestinian Authority would be an "entity associated" with the PLO.

Over the years, there have been other riders to the regular budget relating to specific issues, such as the programs sponsored as part of the Second Decade to Combat Racism, any UN agency or conference whose purpose was to implement the Zionism is racism resolution, and a conference center in Ethiopia. Cumulative withholdings over the decades to the end of 2005 are \$167,000,000 (according to a State Department official.)

The whole amount withheld by the US for the 2004 budget was \$644,000 of a total contribution of \$362,800,000. If and when US assessed contributions to the regular budget are withheld, the UN simply expends the funds originally mandated in the approved budget for the activity and places the US in arrears. Under Article 19 of the Charter, any member in arrears in an amount which "equals or exceeds the amount of the contributions due from it for the preceding two full years" loses its right to vote in the General Assembly. Just short of reaching this threshold in 1999, Congress adopted legislation that paid the debt, minus the accumulated amount for all of the riders over the years.

There are various anomalies to the withholding provisions. For example, "information activities on Palestine" appears to have slipped under the radar screen. Although it is difficult to itemize the uses made of its \$631,100 biannual budget (06-07), the UN Department of Public Information (DPI) publishes and distributes, on a "recurrent" basis in six official languages, a pamphlet called "The United Nations and the Question of Palestine." Other activities are vaguely described in budget documents as "travel of journalists to training programmes and for two missions to the Middle East, contractual services, general operating expenses and supplies and materials." Perhaps such activities would all be considered "educational" and therefore exempt even if subject to scrutiny by Congress under the current terms and conditions. In any case, the publication now being paid for by the American taxpayer and disseminated around the globe as the UN's primary reader on the "Question of Palestine" includes: a presentation of the arguments for "the federal state of Palestine" – a form of the one-state solution, a description of the succession of Arab-Israeli wars as events that "broke out" or were instigated by Israeli actions, and the "hopes for the immediate return of refugees to their homes" in the context of "3.9 million Palestinian refugees."

In a much more robust rider, all of the funds for "contributions for international

organizations” are reduced by \$118,875,000 for each fiscal year since 1994, unless it can be certified that (among other things) no UN affiliated agency grants status to an organization “which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization.” The UN ECOSOC-accredited NGO that had such a connection ultimately had its UN status rescinded, and there has been no actual withholding to date, though the certification process is repeated each year.

One might ask whether such a formulation should be applied to other organizations accredited to or recognized by the United Nations, whose statutes and activities demonstrate different forms of offensive behavior – such as encouraging terrorism or promoting anti-semitism. The UN has accredited NGOs, invited NGO representatives to conferences, and linked directly to NGO websites that promote the claim that Zionism is racism, support a one-state solution for the Palestinian-Israeli conflict, and condone armed struggle and martyrdom. The UN also publishes an online newsletter called NGO Action News, which in its April-May 2006 issue includes a notice for a campaign to write members of Congress expressing opposition to the Palestinian Anti-Terrorism Act 2006 (adopted by the House on May 23, 2006.)

Discrepancies between US foreign policy and contributions to the UN budget also arise because of the UN’s vested interest in self-perpetuating activities called “follow-up.” One clear example is the 2001 Durban Racism conference. The United States and Israel left the Durban Conference prior to its conclusion after the anti-semitic and anti-Israel activities at the Conference became intolerable and beyond repair. But after the Durban Conference, the Office of the UN High Commissioner for Human Rights, together with some member states, turned the Durban outcome into the centerpiece of the UN’s anti-racism agenda. So the UN regular budget now includes \$1,279,400 for 2006-07 for the “Durban Programme of Action,” and the US taxpayer contributes 22%.

#### **4. Renovating and new construction at the UN**

On June 16, 2006, the UN General Assembly’s Fifth Committee began to take up the most recent report of the Secretary General on the Capital Master Plan (CMP). Earlier documents have laid out four strategies for the implementation of the CMP. To date \$75 million (\$51.5 million appropriated between 2002 and 2005 and \$23.5 million appropriated in a May 2006 resolution) has been allocated for so-called pre-construction costs or “design development.” Of the \$75 million, approximately \$38 million has been spent.

An additional \$77 million was approved in May, against the wishes of the United States, for “the biennium 2006-07 to provide for the construction, fitout and related requirements of a conference swing space building on the North Lawn and for the leasing, design, pre-construction services, fit-out and related requirements of library and office swing space for the capital master plan.” U.S. opposition to the additional \$77 million was based on the fact that the figure prejudged the determination of which renovation strategy would ultimately be adopted; in particular it assumed eventual approval of strategy IV of the CMP. Last week’s SG report makes this clear and recommends approval of strategy IV. On June 16, 2006, the US stated for the first

time that it now favors strategy IV. The G-77 has not publicly taken a position, although there is some suggestion that it may favor strategy III, which adds a new building.

The SG's latest report is more appropriately called strategy IV plus. It adds the possibility taken from strategy III of building a permanent structure on the north lawn; (the location avoids the New York State Senate's approval.) A final decision on whether to build such a structure would be subject to a feasibility study, but the SG's business analysis projects: "Total cost of new building: \$939 million, Area 900,000 square feet," or the astronomical figure of "project cost per square foot, \$1,043.28." No details are provided justifying this number. A report on the CMP in November put new building costs at \$572.3 million.

The ACABQ produced a report, released on Friday, recommending that the permanent structure issue be taken off the table and that agreement be reached on a strategy for renovation immediately.

As for the costs of strategy IV, the December plan put the price tag at \$1.587.8 billion for the renovation of an actual gross area covered by the project of 2,587,000 square feet. On June 16, 2006, UN Assistant-Secretary-General Louis Reuter said the \$1.587.8 billion figure excludes "potential scope options." The \$1.587.8 billion figure also does not include costs for extra security or redundancy such as back-up generators, which the U.S. believes will have to be included in the eventual costs and which would mean an increase to around \$1.9 billion dollars as of today. The various projections, therefore, amount to between \$613 and \$734 per square foot for the costs of strategy IV.

Approval of strategy IV may come soon, but it is not clear whether a project budget will be attached to the approval or whether the costs will be left deliberately vague in order to permit upward changes in the future that might attract less political fall-out. In the meantime, the SG has already been given \$152 million to get started. Construction of the swing space and leasing of 228,000 square feet is scheduled to start in 2007.

It is anticipated that the costs of the CMP will be borne from a direct assessment that mirrors regular assessments. Hence, the American taxpayer would bear 22% of the costs.

In effect, the process has steamrolled forward regardless of outstanding questions such as a full justification of the costs of anywhere from more than \$613 per square foot for renovation to \$1043 per square foot for new construction. This is also despite the testimony of New York real estate developer Donald Trump, who has responded to concerns about the renovation charges by indicating that the job could be done for a fraction of the cost. Questions might also be asked about the role of the New York-chartered UN Development Corporation in any aspect of the project. Has there been, or will there be, full disclosure concerning contracts, sub-contracts or any other dimension of the development so as to ensure there is no appearance of impropriety or conflict of interest with members of the Board? The UN has also left unanswered the United States's inquiry about \$20 million apparently expended in the last month alone from the funds approved by the GA in May. On June 16, 2006, Ambassador Mark Wallace asked for

“clarification on what has been done with these funds.”

Concerning the interests of the G-77 in the CMP, an April 24, 2006 statement to the Fifth Committee is revealing:

*“The Group also recalls paragraph 30 of resolution A/RES/57/292, which requests the Secretary-General to take the need to continue exploring ways to increase procurement opportunities for vendors from developing countries and countries in transition into consideration during the implementation of the Capital Master Plan.”*

## **5. Mark Malloch Brown and the Blame America First Syndrome**

On June 6, 2006, UN Deputy Secretary-General Mark Malloch Brown delivered a speech in which he took direct aim at the Bush administration, U.S. votes in the General Assembly, a U.S. broadcaster, an American talk-show host, and allegedly ignorant “Middle America.” The criticisms were not off-the-cuff or a mistake. The speech, given to a non-UN audience, was produced on UN letterhead, given a UN document symbol number, placed on the UN website, and made available around the world. After acknowledging some shortfalls in UN reform, the only issue for Malloch Brown was finding the right scapegoat.

His speech was an outrageous and unique attack on a UN member state. U.S. opposition to the Human Rights Council, whose design made it inevitable that human rights abusers would go right back on the “reformed” body, will be responsible, charged Malloch Brown, for the Council’s future “challenges.” And why does the UN have a “lack of accountable modern management structures”? Said Malloch Brown: “because the US has not stuck with” the UN. and the country’s leaders have failed to do an adequate selling job in “Middle America.” According to Malloch Brown, in America’s heartland the UN’s success is “a secret.” One has to assume, therefore, that Middle America has never heard of Oil-for-Food, the ongoing genocide in Sudan, or continuing Iranian uranium enrichment activities. But what really troubled Malloch Brown was “unchecked UN-bashing.” Spending too much time in an environment where most members are not full democracies has obviously led him to believe that the job of political leaders is to “check” detractors.

As for the conflict between the U.S. versus the G-77 over management reform, he deprecates “the big stick of financial withholding.” In the tradition of all grand American-conspiracy theories, he claims that the G-77 voted against management reform, not because they “don’t want reform” but because “quite moderate countries” believe the United States “must have a secret agenda aimed at either subordinating multilateral processes to Washington’s ends or weakening the institutions.” What the G-77 really cares about, according to Malloch Brown, is not their own ends but “the fundamental multilateral principle that each Member State’s vote counts equally.” This is the essential UN distortion: that equality is about one state, one vote, even with respect to countries where citizens have no vote. This distortion makes America the enemy of equality and Egypt and Pakistan authorities on non-discrimination.

In response to criticism of the Mark Malloch Brown speech, Secretary-General Kofi

Annan fully supported his deputy. In fact, Annan repeated much the same comments in an article he wrote only a few days later in the *Financial Times* on June 11, 2006. Both Annan and Malloch Brown assign all blame for the failures of reform to member states, and to the United States in particular, rather than accept any responsibility for their own failed leadership. Their feigned flattery to the effect that the UN would be better if only the US were more engaged, is just a back-handed way of saying that the UN's problems can be laid at America's door step.

In a June 15, 2006 news conference Annan reiterated that "as international civil servants, we don't get involved in national politics." But immediately ignoring his own rules, he proceeded to appeal directly to "Middle America." He told Minnesotans, in particular, that they are "very smart people,," that have "sent some wonderful people to the Congress and the Senate," and then he named only Democrats. He somehow forgot to mention current Senator Norm Coleman (R-MN), co-sponsor of the Senate's United Nations, Management, Personnel, and Policy Reform Act of 2005.

In these two recent offensives Annan casts America's transgressions this way: "the US is trying to use the power of the purse to force through badly needed management reforms and these tactics have provoked a negative reaction among developing countries." Or again: "Their [developing countries] quarrel is much less with the detail of proposed reforms than with what they see as the overwhelming influence of a few rich countries." He goes on to speak of their perception of "an attempt by the big boys to grab more power for themselves."

In essence, the Secretary-General is claiming that US efforts to ensure accountability for the use of funds coming from the American taxpayer is a provocation. Instead of pointing the finger at the G-77 and the developing world for engaging in a power grab, he explains their behavior as driven by a "feeling of frustration and exclusion that prompts many states to exercise the only power they do have: the power to block other reforms, such as better management." The trouble with this fictional story – suggesting developing countries are two-year olds having a collective temper tantrum – is that the G-77 controls 132 of 191 seats in the General Assembly, and the power of the purse at the UN is held by the General Assembly.

But the most insidious part of Annan's message is the threat: "We have vital work to do right now – programmes that...provide essential services to people in acute danger or need. We must not let that work be stalled." In other words, not only is America's insistence on accountability and reform as a pre-requisite for spending taxpayer dollars offensive, it is also a recipe for humanitarian disaster for which America will be held responsible. The Secretary-General repeated his veiled threat a few days later in the June 15, 2006 news conference. "[T]he Member States understand that the Organization has work to do...So for someone to say that because you have not reformed to my satisfaction, I am going to pull the plug and stop all the activities, is going to be a very hard sell for other Member States to swallow and rightly so."

Cutting to the chase, Annan and the developing nations of the G-77 are holding the poor and the needy hostage to their own ambitions of control. But operating from the premise that a

good offense is the best defense, they accuse the United States of precisely the tactics which they have mastered after years in the drivers' seat at the General Assembly. They turn the reality of UN-politics exactly on its head. Of course the G-77 object to badly-needed reforms. So they disparage the reformer, instead of reforming.

## **6. Prospects for Reform**

When the spending cap was imposed in December 2005, albeit by consensus, the G-77 called it "a veritable Sword of Damocles." Speaking for the G-77, Ambassador Stafford Neil of Jamaica said: "Worse is that the purpose is to apply pressure on Member States to act under the pain of deprivation of funding to the Organisation...The G-77 reject conditionalities and we oppose the imposition of the spending limit...[W]e regard this action as an exceptional measure, which...should never be repeated."

Six months later, regardless of the state of reform, the G-77 will accept nothing short of lifting the spending limit and approving the rest of the 2006-07 budget, regardless of the lack of reform. Nothing else matters other than turning on the faucet. South Africa, on behalf of the G-77, told the Fifth Committee on June 1, 2006:

*"The Group of 77 and China remains concerned over the policy of withholding financial obligations due to the United Nations and thereby creating a linkage with the reform of the UN. This deliberate withholding of funds budgeted for the year 2006 creates an artificial leverage that alters the established principles of governance of the UN based on the sovereign equality of Member States...[T]he spending cap was not intended to harm the Organisation."*

Of course, equality here means equality between states (with the exception of Israel) and is unrelated to equality at home. Dollars are an artificial leverage, while using UN aid recipients as leverage is legitimate. Tying spending to reform is what harms the Organization, not the refusal to reform itself.

*Again in a letter dated June 5, 2006 the G-77 have made their demands plain. The reform "process should...address areas such as trade, finance and macro-economic policy...[and] not limit the United Nations role into niche issues...Key to promoting good governance at the international level would be the active voice and effective participation by developing countries in the international decision-making processes, in particular the Bretton Woods Institutions...[A]ny changes that might be introduced to the current system...should not disrupt on-going development plans and activities..[and] tak[e] into account national priorities and strategies and with the consent of the government concerned...[T]he objective...should not be a cost cutting exercise. Reductions in administrative expenses should be redirected...and its proceeds retained and spent on development programmes...The United Nations should avoid shifting resources from development activities to other activities which are donor-driven and not in line with the priorities of developing countries."*

Simply put, keep the dollars coming, expand the reach of the UN, worry about global governance not good governance within our countries, give us more power in financial circles,

and if reform ever yields a few dollars, they're ours.

As recently as June 16, 2006, speaking in the Fifth Committee, Pakistan put the G-77 position on the spending cap and reform this way:

*"We agree with the need for reform...but...reforms taken forward in an environment of confidence and trust – which was vitiated because of conditionalities that are pending out there...We are surprised by the enormous desire for reform of a...body that is facing financial collapse...So what should be our priority? To ensure the financial solvency of the organization, to give it strength so it can look to the future with confidence... Without this confidence, all this talk and emphasis on reform is disconnected from reality. The Secretary-General may not be able to switch on his computer to see what reforms are going on... Our first priority should be removing the barriers and conditionalities which have poisoned the atmosphere... That should be the starting point for reform..."*

In other words, pay now, and if you treat us right, we'll think about reform later. While such a scenario may sound preposterous, on Friday five members of the EU made the unusual move of speaking after their spokesperson for the whole, in an effort to convey to the G-77 their enormous desire for dialogue. The Pakistani Ambassador responded with the above scolding.

On Tuesday, June 20, 2006, the Secretary-General is expected to make a formal request to lift the budget cap. The G-77 believes they are holding all the cards. They have no problem turning the poor, the hungry and the sick, into human pawns. The point of the game is to frighten the West with the spectacle of having blood on its hands. If the G-77 hold out and refuse reform, they have no doubt that the December consensus, which tied the budget to reform, will collapse and the cap will be lifted shortly. First, the European Union's participation in the linkage of budget approval to reform will collapse, followed by Japan and then Secretary Rice. They believe the U.S. administration has no stomach for the onslaught of criticism, both inside and outside of the U.S., which would come with the isolation of refusing to lift the cap. They believe they have successfully boxed in the administration and that Congress does not have the political will to put serious spending limits into place. In the G-77's view, with no other game in town, all they have to do is say no and run out the clock. In the interim few weeks they are trying to wring a few more concessions from the West, like a resolution on development. But of course, they don't call this "conditionality." The Western response gives all the appearances of "where do we sign?"

As for the Secretary-General, he obviously feels cocky. Having prematurely pressed forward a seriously deficient Human Rights Council because he needed a war trophy on his retirement mantelpiece, he is now doing his best to downplay the urgency of reform, separate reform from the flow of dollars, and take the pressure off the G-77. In his June 15, 2006 press conference he said:

*"On the question of the cap...I speak to the Secretary of State very often, but I have not raised this issue with her because, quite frankly, it is not one of the hot-button issues or the biggest crisis we are dealing with today. Reform goes on, but there are major issues around the world that I also discuss with her."*

Asked about the effect of the criticisms his Deputy had leveled at the United States, he responded:

*“I have seen no signal that the American Administration...believes that the reform process has become much more difficult over the past week. I have also had contacts with quite a lot of Ambassadors from all the groups in this building. I think they share my view that the atmosphere is better...The cap on the budget will be lifted. There will be no crisis, as far as I can see.”*

A week ago, Malloch Brown and Annan said that “the UN faces a moment of truth.” Apparently, having spoken to Secretary Rice, Annan believes the moment has already come and gone. He appears to have been assured that another blank check is in the works.

## **7. Conclusion**

Deputy Secretary-General Malloch Brown articulated the standard by which to judge the United Nations – “At the UN’s core was to be an enforceable concept of collective security...combined with much more practical efforts to promote global values such as human rights and democracy.” Unfortunately, this is a standard which the UN does not meet.

The UN is an organization whose composition renders it incapable of serious reform. But as long as the United States believes that working through the UN is the only way to garner multilateral support and increase burden-sharing, the UN will continue to spread a violent anti-Americanism, provide sustenance to terrorists, attempt to further development without democracy to the detriment of the disenfranchised victims of corruption, and feed the greed for international power without domestic responsibility.

Senator Majority Leader Bill Frist has voiced an alternative idea. Commenting on the creation of the UN Human Rights Council, Senator Frist stated in a press release on April 6, 2006: “My hope is that President Bush will consider establishing a council of democracies outside of the U.N. system that could meet regularly to truly monitor, examine and expose human rights abuses around the globe.” His clarion call has become an imperative for all those who share the original vision of the United Nations and care about the effective protection of human rights. It is in America’s interest to build the widest possible democratic coalition, an associated institution, and to provide sufficient resources and incentives for non-democracies to make the improvements necessary to join. The dynamic that moves former Eastern European states to want to join the Council of Europe, and ultimately the European Union, spurs reform. America has no similar incentive program in the multilateral context and often sits on the sidelines while the EU monolith grows. The creation of such a truly democratic club would provide American foreign policy with a strong multilateral setting consistent with American values – and the original but unrealized purposes of the UN. The UN’s intrinsic deficiencies should not be permitted to exclude the United States from the benefits of multilateralism.

The G-77 said on June 5, 2006: “We emphasize that given its universality and legitimacy, the United Nations is the apex of multilateralism. Nothing should be done to undermine its pluralism and its diversity.” They’re wrong. Legitimacy does not automatically

follow from universality. The apex of multilateralism is not a club with non-democracies in charge. Pluralism and diversity is not about equality between democrats and demagogues. It's about respect for human dignity at home as well as abroad.

As the single largest contributor to the United Nations, this country can either decide what limited functions the UN system can handle and what it cannot do well. It can recognize the inherent limitations of the UN and seek to delineate the boundaries of its interaction with American foreign policy in light of those limitations, while helping to move the culture of its secretariat towards accountability and transparency. Or it can sign one more blank check.

Contact and acknowledgments: Should you have any questions about this testimony, please contact me at [anne@hudsonny.org](mailto:anne@hudsonny.org). Contributions to this testimony were made by Rebecca Tobin and Gillian Collins.