

Reforms Needed for a More Effective United Nations

A Memo to President-elect Obama

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[I]t is important that we don't provide veto power to the United Nations or anyone else in acting in our interests.

—Barack Obama, second presidential debate, October 7, 2008¹

[T]he UN is an indispensable and imperfect forum. [Susan Rice] will carry the message that our commitment to multi-lateral action must be coupled with a commitment to reform. We need the United Nations to be more effective as a venue for collective action against terror and proliferation....

—Barack Obama, remarks announcing national security team, December 1, 2008²

PRESIDENT-ELECT OBAMA, while we may disagree with your view that the United Nations is “indispensable,” we do agree that it is imperfect and in need of substantial reform. We also believe that, as President, you should never give the U.N. a veto over American action to protect American national interests.

The U.N. suffers from confused purposes, competing interests, and lopsided burden-sharing. It has shown itself to be unreliable in addressing threats to international peace and security, such as Iran and North Korea's nuclear weapons programs, and in helping to establish vibrant democracies in Iraq and Afghanistan. It has displayed an unhealthy interest in intervening in member states' domestic policies in such areas as economic regulation and legal rulings. It has been uneven and unfair as an arbiter of human rights. And it has proven to be susceptible to corruption, mismanagement, and abuse with distressing frequency.

It is time to rethink and reshape our engagement with the United Nations so that it better serves both U.S. interests and the organization's own stated purposes. Your statements indicate that you understand this.

We especially agree that the U.N. needs to be reformed. Noble intentions do not excuse its many failings. It has proven ineffective in bringing lasting peace and security in many places around the world where the Security Council has sent U.N. peacekeepers or where the U.N. has facilitated peace negotiations. Countries continue to wallow in poverty not because of a paucity of U.S. support for the U.N., but because of their own poor governance, corruption, and anti-market economic policies. The record of abuse, corruption, and mismanagement in U.N. institutions charged with delivering food, medicine, and other humanitarian assistance is unacceptable. Acknowledging these failings provides a much-needed reality check between what the U.N. claims to do and what is actually being accomplished. The unintended consequences of failing to deal with the U.N. realistically lead to greater insecurity, poverty, and oppression.

As you have said, "The United States must champion reform so the United Nations can help us meet the challenges of the 21st century."³ But reforming the U.N. is not enough. The United States must continue to lead the international community in working through the U.N. when it can be effective, but it must also lead in establishing alternative mechanisms, coalitions, partnerships, alliances, and organizations when the U.N. proves to be lacking.

To help make the reform that is desperately needed to ensure the U.N.'s effectiveness a reality, you and your Administration should:

- **Use America's financial leverage to focus the U.N. on key activities; trim outdated mandates and**

unnecessary expenses; and improve transparency, management, and accountability. In a July 2008 speech, you said, "It's time to reform the United Nations, so that this imperfect institution can become a more perfect forum to share burdens, strengthen our leverage, and promote our values."⁴ Regrettably, however, there is considerable confusion about the form that such reform should take.

Some countries see reform primarily as expansion of the U.N. Security Council on the premise that it no longer reflects the modern world, but any increase in membership would only exacerbate the council's tendency toward paralysis and inaction.⁵ For an Administration seeking to work closely with the U.N., expansion of the Security Council should be anathema.

Other countries see reform as expanding the U.N.'s power and authority by granting it regulatory authority over global issues like climate change and international financial transactions. But the well-publicized scandals involving the Iraq Oil-for-Food program, abuses by U.N. peacekeepers, recent revelations of corruption in U.N. procurement, and the U.N. Development Program's violation of its own rules and regulations in North Korea are evidence of deep-seated problems that must be addressed before the organization is given additional resources or authority.

The unfortunate reality is that most member states are not interested in dealing with the U.N.'s waste, inefficiency, mismanagement, lack of accountability, or opacity. The General Assembly agreed in the 2005 Outcome Document to adopt a number of reforms; but despite voluminous reports and proposals by former Secretary General Kofi Annan and current Secretary General Ban Ki-moon, it has failed to fully implement or enforce such measures as a review of U.N. mandates, enhanced oversight, and outsourcing to reduce costs.

1. CNN, "Transcript of Second McCain, Obama Debate," October 7, 2008, at <http://www.cnn.com/2008/POLITICS/10/07/presidential.debate.transcript/> (January 5, 2009).

2. Transcript, "Obama National Security Team Announcement," *The New York Times*, December 1, 2008, at <http://www.nytimes.com/2008/12/01/us/politics/01text-obama.html?pagewanted=2&r=1> (January 5, 2009).

3. Remarks of Senator Barack Obama, "The United States and the United Nations," *Congressional Record*, September 25, 2007, p. S12046, at http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2007_record&page=S12046&position=all (January 5, 2009).

4. "Remarks of Senator Barack Obama: A New Strategy for a New World," Washington, D.C., July 15, 2008, at http://www.barackobama.com/2008/07/15/remarks_of_senator_barack_obam_96.php (January 5, 2009).

5. Nile Gardiner, Ph.D., and Brett D. Schaefer, "U.N. Security Council Expansion Is Not in the U.S. Interest," *Heritage Foundation Backgrounders* No. 1876, August 18, 2005, at <http://www.heritage.org/Research/InternationalOrganizations/bg1876.cfm>.

In budget discussions this past fall, a number of member states refused to continue to maintain the U.N. Procurement Task Force (PTF) as an independent investigatory entity, despite its success in uncovering hundreds of millions of dollars in fraud, waste, and mismanagement.⁶ Russia recently sought to prevent PTF staff from being transferred to the U.N.'s own investigatory unit, the Office of Internal Oversight Services.⁷

History shows that the U.S., with only one vote out of 192 at the U.N., needs to use its financial leverage if it wishes to advance U.N. reform.⁸ Last year, over objections by the United States, the U.N. passed the largest budget increase in its history while simultaneously failing to adopt key reforms, thereby breaking a 20-year tradition of consensus-based decisions on the budget.⁹ The decision to overrule the U.S.—which is by far the largest contributor to the U.N. regular budget—was met with a standing ovation by the other member states. Lacking a financial incentive, other nations felt little need to heed U.S. concerns on the budget.

U.S. interests are best advanced when policy decisions are based on a realistic appraisal of what works effectively and what does not. A number of U.N. technical agencies and specialized bodies and activities are effective and serve U.S. interests. They should be preserved. Others are hindered by policies, practices, and mandates that squander effort and

resources. They should be reformed and refocused on their core missions. Finally, some parts or activities of the U.N. serve little practical function or are unable to fulfill their mandates and should be eliminated.

In other words, seeking to make the U.N. more effective and accountable requires that the U.S. focus its influence where it can be most effective and acknowledge where its efforts will be futile. A prime example is presented by the U.N. Human Rights Council (HRC) and, more broadly, the U.N. human rights system. Some specific recommendations in this area include:

- **Do not join the Human Rights Council until vitally needed reforms have been implemented.** The HRC replaced the discredited Commission on Human Rights (CHR) in 2006. While a strong proponent of replacing the commission, the U.S. voted against the resolution creating the council because it feared that the HRC lacked the safeguards needed to make it an improvement over the CHR. During its short history, the HRC has proven worse than the old commission. It disproportionately focuses its criticism on Israel, has ignored rampant human rights abuses in places like China and Zimbabwe, and has supported resolutions calling for constraints on freedom of speech and expression to avoid “defamation of religion.”¹⁰

There remains a slim hope that the Human Rights Council could right itself through a mandatory General Assembly review by 2011. You should seek to address the HRC's flaws in that review but eschew any formal association such as seeking a seat on the council until its flaws are addressed. Engaging with the Human Rights Council before these reforms have been implemented will only give it undeserved legitimacy.

- **Boycott the upcoming Durban II Conference.** Within the first months of your Administration, you will have to decide whether to participate in the Durban Review Conference (Durban II), a follow-up to the U.N. World Conference Against Racism, Racial Discrimination,

6. George Russell, “U.N. Reports Show Scrutiny in Short Supply at World Body—But Reasons for It Abound,” Fox News, October 29, 2008, at <http://www.foxnews.com/story/0,2933,444885,00.html> (January 5, 2009).

7. Colum Lynch, “Russia Seeks to Thwart U.N. Task Force That Led Bribery Probes,” *The Washington Post*, December 24, 2008, p. A5, at <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/23/AR2008122301255.html?hpid=topnews> (January 7, 2009).

8. Brett D. Schaefer, “A Progress Report on U.N. Reform,” Heritage Foundation *Background* No. 1937, May 19, 2006, at <http://www.heritage.org/Research/InternationalOrganizations/bg1937.cfm>.

9. U.N. Department of Public Information, “Fifth Committee Recommends 2008–2009 Budget of \$4.17 Billion, as It Concludes Work for Main Part of Current Session: Financing for Darfur Hybrid Mission, International Tribunals, Administration of Justice Among Issues Addressed by Wide Range of Texts,” General Assembly Document GA/AB/3835, December 21, 2007, at <http://www.un.org/News/Press/docs/2007/gaab3835.doc.htm> (January 5, 2009).

10. Brett D. Schaefer, “The U.S. Is Right to Shun the U.N. Human Rights Council,” Heritage Foundation *WebMemo* No. 1910, May 2, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/wm1910.cfm>.

Xenophobia and Related Intolerance that was held in Durban, South Africa, in 2001—a conference that devolved into a platform for anti-Israel and anti-America rhetoric. To its credit, the Bush Administration steadfastly refused to attend preparatory meetings on Durban II and voted against U.N. resolutions supporting and funding the conference.

Both Canada and Israel have announced that they will not attend Durban II since all available information indicates that it will likely be a repeat of the 2001 disaster. You should follow the example set by Canada and Israel and boycott Durban II.

- **Encourage the creation of a new Liberty Forum for Human Rights as an alternative to the existing U.N. human rights system.** As you have observed, “Stalin’s obstruction created stalemate in the United Nations, but the United States was not deterred. American presidents created new institutions, like NATO, and encouraged others, including the European Economic Community, to advance the principles and mandate of the U.N. Charter.”¹¹ We agree with you that international cooperation is critically important to U.S. interests, but we should not let the U.N. constrain our efforts to bring peace and prosperity to more people. The U.S. must continue to demand reform of existing organizations to improve their effectiveness and, as we have in the past, be willing to explore new options should these existing organizations continue their history of failure.

The U.N. human rights system is so complex and politicized that making a clear assessment of specific human rights situations is practically impossible. A mentality of moral equivalence pervades the system to the point that exemplary states such as Sweden are dutifully considered on par with genocidal states such as Sudan; i.e., neither state is perfect, and both need to improve. This false moral equivalence is driven by political motivations, including an obsessive focus on the Israeli–Palestinian problem to the neglect of other grave human rights situations. The system is focused on claiming ever more tenuous norms and asserting new “rights.” This may serve the purposes of international

diplomats and human rights professionals, but it falls far short for those around the world who have been deprived of their dignity and liberty.

The U.S. and other countries interested in promoting fundamental human rights should not tolerate institutionalized mediocrity or ineffectiveness. Given the U.N.’s checkered record in this area, the U.S. should explore and take the first steps toward establishing alternative means for promoting fundamental human rights. One such alternative should be a new and more transparent forum of freedom-loving countries. We believe that a new “Liberty Forum for Human Rights” would offer such countries a proper venue to discuss these issues and increase understanding of the very critical linkages among freedom, good governance, and the rule of law; human rights and security; economic and political freedoms; and the role of the free, democratic, sovereign state in upholding liberty, justice, and equality before the law.¹²

Such a body should be structured to avoid the inherent flaws and key impediments of the U.N. system. Specifically, membership should include only states that actually observe basic human rights. By helping its members to transcend restraints that are imposed by the U.N.’s regional and bloc voting, the forum would encourage a better focus on fundamental civil and political rights. Membership would not be perpetual. Members that abuse their citizens should lose their membership—a formula that would ensure people that their governments will be held accountable at the Liberty Forum.

Nations that have not yet achieved the highest standards of human rights should not be wholly excluded, however, because such a policy would discourage nations that have the best of intentions but have unresolved and intractable problems. Therefore, nations that can establish a commitment to human rights should be permitted to participate as observers until they meet the criteria for full membership.

11. Obama, “The United States and the United Nations.”

12. Kim R. Holmes, *Liberty’s Best Hope: American Leadership for the 21st Century* (Washington, D.C.: The Heritage Foundation, 2008), p. 122.

Like the U.N. human rights system, the new Liberty Forum would engage in activities aimed solely at promoting the universal enjoyment of human rights. Unlike the U.N. system, however, it would focus on fundamental civil and political rights (universal suffrage, equal rights under the law, free speech, a free press, and the right to assemble peacefully) and the most egregious human rights issues (genocide, ethnic cleansing, arbitrary execution, war crimes, human trafficking, and torture) rather than the multitude of social, cultural, and economic “rights” that divert attention and resources in the U.N. system from these critical issues.

Members of the Liberty Forum would be in a better position to coordinate collective actions such as joint sanctions for gross and systematic human rights violations and policies that promote protection of civil and political rights through technical and other assistance. They should also consider issuing joint statements to draw attention to best practices and progress, as well as abuses. Such actions are often hindered or completely blocked within the U.N. system due to its universal membership. Given that elected representative government is in many ways the keystone of civil and political rights, the body should also offer electoral assistance, observers, and judgments on the freedom and fairness of elections of its members and other nations. The Liberty Forum should not shy away from “naming and shaming” the world’s worst human rights abusers.

A body willing to confront nations about their violation or abuse of fundamental human rights will naturally draw the interest, participation, and respect

of human rights non-governmental organizations and nations committed to preserving fundamental human rights for their citizens and promoting those rights elsewhere. The ultimate goal would not be to replace the U.N. human rights system, but to establish a credible body that takes concrete actions to protect fundamental human rights that the U.N. has not undertaken.

However, the contrast with the U.N. system will be stark, and nations will likely move away from it as the Liberty Forum’s prestige rises. You and your Administration should enlist countries that share our values to join with you in commencing this new forum and developing it into a dynamic global platform for championing freedom and human rights around the world.

Conclusion

Today’s international system is struggling. Too many international organizations formed in the aftermath of World War II are either no longer serving the purposes for which they were intended or struggling with competing interests. They frustrate more often than aid efforts by the U.S. and its allies to advance freedom in the world and—as you have said—require “constant management and revision” if they are to be worthwhile.

The time has come for a new strategic framework that includes reform of existing organizations and creation of better alternatives. It is now up to you to lead in the creation of organizations and alliances that will not only serve U.S. interests, but also uphold our values and unite all of the nations that share them.

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