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## **Challenges facing the reform of the UN-system and its institutional reform efforts**

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### Introduction

The reform of the United Nations involves a complex set of interactions between the character of international society, the mechanisms of the international organization and their fitness for purpose, and the intentions of the member states. These have changed over time, suggesting that reform is a process and not a single episode. The point should be stressed that international organizations such as the UN depend on states to get their work done. They are gravely handicapped if the leading member states, in particular, fail to initiate and shape the institution's response. No amount of reform will put this right.

### **A. The society of states and UN Reforms**

The development of the role of the United Nations, and the reforms suggested – especially with regard to dealing with problems within states - was linked with changing views about the implications of state sovereignty. Until the 1990s the Charter of the United Nations was usually understood to mean that the rule of non-intervention was to be rigidly applied, and that what happened within states was no concern of outsiders. But this was not exactly what the words of the Charter said. In the wording of the key paragraph, Article 2, para. 7, the word *essentially* was a qualification which was mostly overlooked as this would weaken the assertion of absolute state exclusiveness. 'Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are *essentially* within the jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.'(author's italics) The only exception was operations under Chapter VII which applied when there was a threat to international peace and security. Surprisingly humanitarian intervention was usually based on article 51 in this Chapter. 1

In the first decade of the twenty-first century there were of course still many state governments which insisted that what went on within their frontiers was nobody's business but their own. During the Cold War intervention was often too dangerous as it could escalate to conflict between the super-powers. When it took place, as with the first instance in Egypt in November 1956, the UN forces were essentially inter-

positional – they were placed between the rival armies after a peace settlement - lightly armed, and not intended to do any fighting except if attacked. And colonies seeking independence insisted that there should be no conditions imposed by the colonial powers or anyone else, such as a particular level of development, adequate administrative resources, or effective policing. After independence they continued to insist that what went on within their frontiers was entirely their business.

But there was a contrasting notion of sovereignty: that it could be envisaged as having a license from the international community to practice as an independent government in a particular territory. After the end of the Cold War more governments were prepared to demand that those amongst them whose internal policies were not up to international standards should change their ways as a condition of being recognized as full players in international society. Those accused, however defiant, often had to pay a price for their defiance by being ostracized in international forums. Examples of this were numerous, most recently the requirement that states should be able to demonstrate a good record on human rights before they could be eligible for appointment to the new Human Rights Council established in 2007. The standards by which they were measured were increasingly those of the liberal democratic states, which was a cause of complaint for those who were not of that world, but fortunate for those who were.

The development of mechanisms to protect international peace and security, the extension of the range of involvements to promote common standards, such as democratization, and an increasing number of international interventions, illustrate the changing view of sovereignty. Economic aid and trade was often made conditional upon democratization and the application of core labour standards, such as not using forced labour or young children. Such arrangements had been proposed in the past but it was only in the late twentieth century that they became routine. The point should be stressed that the involvements and interventions were to consolidate the state, to protect its position and prevent it from failing, and not to weaken or remove it.

The experience of the Iraq war might seem to have demonstrated the lack of any emerging international authority, since the coalition led by the US invaded Iraq in March 2003 without the approval of the United Nations. The invading states also had to face an expression of views from governments in Europe and around the world, mostly disapproving, which equally constituted an international authority.<sup>2</sup> Since then, however, the 2006 agreement by UN member states on the Responsibility to Protect restated that UN approval was necessary for intervention. The new doctrine spelled out that primary responsibility for maintaining good conditions for their peoples remained that of the sovereign governments, but made it clear that if they failed responsibility passed to the international community. The recent crisis in Myanmar raised the question of whether there was now an obligation on the part of outside states, under the new Responsibility to Protect, to intervene in defiance of the government to deal with a natural disaster.

Some reformulation of the act of creating sovereignty seemed to be indicated to reflect the expanding role of the international community in monitoring internal circumstances and rescuing failing states. Indeed in the early twenty-first century there was a case for granting the United Nations primary responsibility for conferring sovereignty through the recognition process - i.e. multilateralizing the process – and

for removing that right from states to act individually and separately. If states were to be monitored and rescued multilaterally should they not also be licensed multilaterally? States which were sovereign needed to be well constituted and there could be intervention in what were judged to be failing states. Sovereignty was a goal of the international community deserving recognition in its procedures as well as its constitutive principle.

The range of “sovereignty creating acts” was in effect being expanded from seeing that territory was controlled by a central agency, even without reference to popular support at the time of recognition, to a more comprehensive concern to establish that support, and to look at the details of internal arrangements, so that the support would endure. The state now had to be well - founded in the light of minimum standards of the international community. The terms of the granting of the license to practice statehood were in the process of being enlarged. This could be seen as a filling out, and translation into secular terms, of a feature of the Westphalian system: that even princes were subjects of a divine order. They never could do exactly what they liked. In the late twentieth century, however, such a higher authority could only exist in the context of the new cosmopolitanism, an agreement about the right values and ways of doing things which were bound up with better government.

These changes were driven by a number of factors in particular the improvement of communications and the greater degree of interdependence. Failures in one state could not be hidden from others. A crisis in one country had security implications at least for its neighbours. Peace was no longer divisible and war in one area risked spilling over into other areas. Governments of democratic states were under greater pressure from their publics to act if there was a humanitarian crisis, whether man-made or natural. But acting morally could also serve the selfish interests of democratic governments in that doing something could improve their prospects in the next election. This was what was meant by a developing cosmopolitanism: the perception of an interconnected moral community in which interest also acquired a moral aspect. It was less acceptable for a government that could do something not to act.

The exercise of exclusive control over certain key functions, such as foreign policy and defence, used to be regarded as being central to sovereignty, and could not be allocated to other centres. 3. The experience of the European Union was illustrative. The member states accepted that the Union should have a role in their harmonized foreign policy, and that it might increase its involvement in the common defence. In the early 1990s there had been a majority in favour of this among the Union’s citizens, even in cautious states such as the UK, and in the most recent amendments of the founding treaties - the 2007 Treaty of Lisbon -the Union remained committed to developing a common foreign policy and defence. The question of taking decisions in these areas by qualified majority vote had even entered the agenda. This was an astonishing development which seemed to remove the dilemma, discussed *inter alia* by Rousseau, that responsibility for maintaining the peace could not be allocated to a higher, federal authority without fatally damaging the entity which it was designed to protect, namely the state itself. But now there was confidence that the sovereign equality of states was not in jeopardy even when a very wide range of competences, including in defence and foreign policy, had been transferred to an international

organization. The US was one of the exceptions to this, still insisting that US forces should not be placed under the command of non-US officers.

Ultimate responsibility remained with the sovereign states as long as they retained reserve powers, including the power to recover the competences, even though the grant of the right to exercise that responsibility in effect came from the international community. Something remarkable had happened: what was stressed in the role taken on by being sovereign was the right to be involved, to participate in the mechanisms of international society, to represent there the interests of the state, and in principle to say “no”. Increasingly it did not involve the exercise of particular key competences, even defence or foreign policy. It was the right to participate in international diplomacy and to retain or take back competences if they chose. It was even possible to imagine states which were sovereign but which normally exercised no exclusive competences. Conversely an entity that had a considerable autonomy with regard to a wide range of competences might not be sovereign. Quebec had more independence in Canada than Luxembourg in the EU, yet the former was not sovereign but the latter was sovereign.

Outside the European Union it was unusual for issues of foreign policy or defence to involve supranational authority. But it was common for other questions, previously regarded as essential to the exercise of national sovereignty, especially in the economic, social and other technical areas, to be handled elsewhere in whole or in part. The transfer did not always go smoothly and politicians were sometimes surprised by the competences they had lent to an international organization. For instance in the late 1990s individuals in the US Administration and members of Congress reacted with horror to judgments against the US made by the World Trade Organization. The general trend, however, was for issues to become less sensitive with regard to sovereignty: competences were now routinely exercised by international agencies in areas which would have been sacred to sovereignty in earlier times. But paradoxically the states’ survival rested on the assumption that this transfer could not be guaranteed: the competences could still be recalled in principle even if this in practice was unlikely.

Successful diplomacy involved avoiding policies which could lead to having to make a choice between national interest and courses of action indicated by the norms, principles and expectations implied by the new systems of interdependence, as in this case national interest would have to come first. This was the case in international society in the UN system, and was also true of the EU system. This was the nature of international society and the state. A policy competence would have to be renationalized if, for instance, a state’s ability to provide for the welfare of its citizens was likely to be damaged. The skilled diplomat would increasingly require a sophisticated grasp of paradox. But in a community of well-founded states it would be less likely that a choice would have to be made to repatriate a competence, as the interests of all states would be informed by the same norms principles and rules.

The dialectical relationship between the state and the international community, as it had emerged by the early twenty-first century, increasingly demanded that governments should be acceptable as proper participants in the international civil order. There was increasingly the perception that unless they met certain conditions of probity they could not be accepted as full members of the international civil society of

governments. One illustration of this was that members of governments which fell short were more often regarded amongst the community of diplomats as unsuited to the exercise of public office in the institutions of the international community. The EU member states had asserted this to bring the Austrian government of the right-winger Haider back into line. EU member states were subject to a test of democratic standards as a condition of membership in their society. If this tendency- norm were to evolve into a practice-rule in general international society it would be hard to deny that in this key area states had become unequal as citizens of the international community, and that this had grave implications for the question of whether they could be regarded as equal and, therefore, sovereign. There was now an international civil society of governments.

In effect: changes in the circumstances of sovereignty suggested that it could come to depend upon being recognized as a fit member of international society. A state government could be ultimately responsible, exercise competences on behalf of its citizens, and play a full part in the community that sanctioned this, only if it complied with the conditions of both the international and the domestic community. It was a short step to seeing the unfit as the unsovereign.

## **B. The development of the role of the United Nations**

The United Nations had been undergoing reform pretty much since it was established, but the pace increased after the ending of the Cold War. However a number of changes can be traced back to the 1980s and even earlier. The scale of reform was still short of the ambitions announced by Kofi Annan in a speech in September 2003, when he claimed that “we had reached a fork in the road, a moment no less decisive than 1945 itself.” The popularity of the UN reached new lows in 2003 in both the US and Europe, though in the US it was because the UN had failed to support the action against Iraq in March whereas Europeans reacted to the UN’s failure to stop it<sup>4</sup>. But there was definitely movement, and in the right direction.

- ***The budget***

Budgetary reform had been on the agenda from the mid-1980s, and was pushed by the Kassebaum amendment approved by the US Senate in August 1985 according to which the US would reduce its contributions to the central system by 20% until a number of preferred changes had been introduced. The stated preferences at the beginning were the introduction of voting systems based on financial contributions on the lines of the IMF and World Bank – not the reduction of those contributions – and the reform of the system by which the budget was agreed. The main purpose was to get the money to talk. The problem essentially was that the beneficiary states were able to increase the budget and the contributing states could not stop this. In the body which approved the UN budget, the Fifth Committee, those who benefited could outvote those who contributed. What was wanted was a method whereby the main contributing states could maintain control over the size of the budget.

During 1986 reforms had been agreed which satisfied the US administration, and they were approved in the General Assembly in December 1986.

But the problem dragged on and was marked by disagreement between the US Congress and the Administration. It was only resolved in the first two years of the twenty first century when the US accepted a return to full funding, but with lower agreed contributions, as a proportion of the budget, to both the regular assessed budget and the peacekeeping budget. From the mid 1980s pretty much to the present the UN central system, as well as the associated institutions, had been under continuing financial pressure. There was a continued struggle to pay necessary expenses, borrowing from contingency funds, some transfers from the peacekeeping budget to the assessed budget, and of course a slimming down of staff.

Efforts at tightening controls over staffing and management, discussed below, led in 2006 to an attempt by the US to return to the use of the threat to cut resources to force change. The US, with the support of Japan and Australia, determined to provide only half their contributions until the new management arrangements were in place. Protests by the developing countries, and mediation by the EU, led to the lifting of this threat.

- ***Peacekeeping***

Peacekeeping goes back to the end of the Suez campaign in November 1956, when the UK, France and Israel conspired to invade Egypt to claim back the canal after it had been nationalized by Egyptian President Nasser. The traditional forms of peacekeeping began to change in the 1990s, especially in the involvements in Somalia, and later in ex-Yugoslavia. The great powers were now involved in providing troops and weapons. The weapons became more capable of attack. The use of the military was more proactive in that it could be used to defeat forces which got in the way of humanitarian relief and to keep warring factions apart. It was placed under the control of the UN, and the Secretary General was the nominal Commander in Chief, under whom served national field commanders. The problems of the new system were that it proved impossible to maintain a reputation for neutrality so that the UN forces came to be seen as the enemy by the warring factions; the mandate was subject to mission creep, in which the Security Council asked the forces to do more but failed to provide the resources; and the instructions for action on the ground were frequently muddled, with inadequate levels of forces, exposed to retaliation, under uncertain command. The nadir of this was the massacre of citizens at Srebrenica in Bosnia by Serb forces.

Nevertheless the idea that there should be intervention in crisis situations, such as gross abuses of human rights, genocide, and civil war, remained a persuasive one. The problems in Iraq did not lead to the abandonment of the idea, but rather a determination to look at the problems and do something about them. Indeed peacekeeping took an increasing proportion of the total UN budget of around \$10 billion, up from 50% in 1998 to 70% in 2008. A further step was the agreement in October 2005 in the General Assembly, and April 2006 in the Security Council, that individual states had what was called a "Responsibility to Protect" their populations, and if they failed to do so the

international community should step in. In these circumstances the sovereignty of member states effectively fell away. The problem remained however that there was no obligation on states to act. There was still a failure to respond effectively to the crises in places like Darfur. It was also asserted that the mandate to exercise this should come from the Security Council, though some members, such as the US argued that states had the right to act even without Security Council approval. Efforts were also made to tighten up on Security Council decision making on peacekeeping by insisting that any new intervention should be adequately financed. A group of experts was created to advise on this.

The value of greater interventionism has been disputed. One reaction was that it had done more harm than good, and that it would be less costly in terms of life and resources if warring groups within states were allowed to fight it out, until one side or the other had prevailed or there was mutual exhaustion. This would be quicker and cheaper. Intervention by the United Nations, it was argued, had only served to create a series of interludes in which the parties to a dispute could rearm and prepare themselves for further onslaught. An example of this depressing argument was that put forward in an article in *Foreign Affairs* in the summer of 1999 by Edward Luttwak.<sup>5</sup> This question is a key one in this discussion. Is peacekeeping a positive development?

The arguments against the opt-out view are as follows:-

The development of a crisis cannot be foreseen in advance and to decide to do nothing at the outset is an evasion of responsibility. The safer course must always be to strive to reduce suffering even though there is a risk that things might get worse before they get better.

Those who supported the opt-out position argued that the record was disastrous. But in Cambodia there was a high degree of success. In Cyprus there was success in the sense that the UN forces seemed to have succeeded in keeping the warring Greeks and Turks apart, even though the island remained divided. In Somalia there had been a period in which things seemed to be moving the right way but then a new descent into chaos with very mixed results. In the series of crises involving Croatia, Bosnia-Herzegovina and Kosovo there were phases of appalling failure. But overall the UN actions seemed at least to have given some cause for pause to the Serbs who would surely have killed far more people in the absence of an international presence. Kosovo was likely to become independent of Serbia, thanks largely to intervention under UN authority. The new states of Slovenia and Croatia emerged from the turmoil reasonably well founded, and the Dayton Agreement appeared to give Bosnia Herzegovina a deal which, though flawed, had potential for success. In Angola it looked as if the intervention by the UN had succeeded, despite protracted action by the forces of Jonas Savimbi. The various outcomes indicated some successes and some failures. The lesson of all of this could not be that it had to stop, but rather that there were lessons to be learned about how to improve the process.

The opt-out argument held that individuals within states owed no moral obligation to those in other states. In his article Luttwak remarked that the natural sympathy of observers with the suffering of others was a 'frivolous' reason for government action to help!(P.38) There was probably a limit to the extent of the obligation on a particular state to help others in distress. But in the modern world it was very hard to decide where the limits lay. Usually they were more to do with the practicalities of providing aid than the lack of moral obligation. Even older arguments about the special obligation to neighbours or relations became difficult in a globalized world. There could be virtual neighbours, or extended diaporas of relations who demanded protection, or got involved. The back-yard was no longer local.

The logic of the opt-out position suggested a course of action which could have been recommended by Jonathon Swift, the nineteenth century Irish satirist. He had famously and disgracefully suggested that the Irish could solve their food problem by eating their babies – there would be fewer mouths to feed and more to eat. Outsiders could supply both sides equally with as much military material as possible so that the war would be fought to a standstill in the shortest possible time. Perhaps the international community could find a way of offering credit to the warring parties to facilitate this process, and, of course, low cost export guarantee coverage for arms exporters!

- ***Peace building***

There were problems with dealing with the aftermath of intervention by the UN and of civil wars. 25 to 30% of post-conflict societies were engulfed by renewed conflict within 5 years. The most recent attempt to improve the way in which these problems were managed was the setting up in December 2005 of the so-called Peacebuilding Commission of 31 countries, including 7 from the Security Council - the permanent members and two others - a Peacebuilding Fund and a Peacebuilding Support Office.. The Commission was to be supported by a dedicated fund of \$250 million made up of voluntary contributions from states, which had reached \$230 million by January 2008. As ever, the difficulty was knowing how large the fund should be: it was probably too small. The tasks involved included restoring public services, training police and administrators, beginning the process of building a working civil society, and helping soldiers to return to civilian life. The use of the term *civil society* was striking: it was now often found in UN documents, but had rarely been found before the late 1980s. It involved support for the recovery of states in which there had been serious humanitarian crisis, but it often had a wider reference: support for actively promoting democracy. At the time of writing the new Peacebuilding mechanism had become active in two states – Sierra Leone and Burundi. Activity in Cote d'Ivoire and the Central African Republic had been approved.

By the late twentieth century the international community had begun to actively promote minimum acceptable standards of democracy and civil society in the developing world. ( Some would say that this was unwarranted interference in states' internal affairs.) The setting up of an International Criminal Court in 1998 took this further by creating an international

jurisdiction under which criminals, including those accused of war crimes, could be tried. It was now a regular aspect of UN intervention mandates that evidence on war crimes should be collected for later judicial action. Rather surprisingly most states agreed that this further level of judicial action could be placed above their own. One of the exceptions was the US which remained implacably opposed. The US government feared that its soldiers and Generals might find themselves brought before it. There was, however, success in setting up a more specialized international court to try those accused of war crimes in ex-Yugoslavia. It found ex-President Milosevic, and a number of other Serbian leaders, guilty of war crimes. A war crimes court was also set up in Iraq after the 2003 action.

- *Sustainable development*

On the development front there had been significant reforms under Kofi Annan and then under his successor. The latest of a series of reforms in the Economic and Social Council in the late 1990s were believed to have brought about significant improvements, in that the Council was brought more closely into the key tasks of supervising development in country, and linking it with the larger plans agreed in the Global Conferences, such as those on sustainable development, environmental issues and the rights and interests of women and children. This was linked with the agreement of development plans such as the UN Development frameworks(UNDAFS) in which bilateral aid from governments, support from the private sector, and multinational aid through international institutions, could be related to each other. Kofi Annan had deliberately sought to involve the private sector more actively in development, and told business leaders at the Davos World Economic Summits this. A culmination of this process, which dominated the development agenda in the early twenty-first century, was the Millennium conference and declaration of millennium development goals.

In 2005 Kofi Annan set up a major enquiry to consider ways of improving the development process. This issued its report on November 9<sup>th</sup> 2006. The proposals made were implemented by his successor with the approval of the General Assembly. The main points was to establish a stronger UN management of development through a Sustainable Development Board which could make development decisions – not just recommendations. This would be made up of the managers of the main funds and programmes, relevant non governmental organizations and heads of the specialized agencies. An important step was the creation of the approach known as Delivering as One – sometimes referred to as OneUN - which involved setting up single UN houses in countries in which all the various UN parties involved in development were brought under a unified management. The United Nations Development Programme(UNDP) was to be beefed up to take over responsibility for managing a unified development process in target states, and it was to make this easier by giving up its own role in the direct management of sectoral development programmes. Its head was to become the UN Development Coordinator. At the time of writing the new approach was being followed in seven developing countries.<sup>6</sup>

Alongside these developments were efforts to cancel the debt obligations of the poorest countries and to increase the level of official aid to the long standing UN target of .07% of GDP. It was regrettable that the Bush administration refused to commit itself to this, claiming that US voluntary and private sector contributions made it unnecessary. One report rightly pointed out that one of the traditional difficulties in the way of unified development programmes was that getting agencies to work together was heavy work. It needed constant effort by the major states, and, as will be argued, administrations within these states were often not in agreement about what should be done.

Since the 1980s international institutions in the UN system had been better organized to deal with humanitarian crises, whether caused by wicked or incompetent government or natural disaster. The institutions in this list included the UN's Department of Humanitarian Assistance, and its successor in Geneva, the Office of the Coordinator for Humanitarian Assistance. They also included the so called Funds and Programmes, UNICEF, UNDP, UNCTAD and UNFPA, which Kofi Annan made more effective in his Track Two reforms in the late 1990s. In 2006 a new fund, the Central Emergency Response Fund, was set up though it was short of its goal of \$500 million by the end of 2008. This marked a real step towards a true international community, marked by a capacity to act effectively in tragic circumstances. The logistics of aid provision had also been greatly improved by the World Food Programme, which became the world's carrier of humanitarian provisions.

Global health monitoring was improved by the World Health Organization. The UNFPA promoted more responsible population planning policies. There were proposals to beef up the United Nations Environment Programme. There was considerable effort in the area of developing and applying core labour standards, and a number of conventions were agreed in the UN framework to prevent abuses of human rights, such as those on the rights of women and children, child labour, torture, and genocide. Despite disappointment with the new Human Rights Council, which contained far more democracies than its predecessor, the Human Rights Commission, it should not be assumed that this was all political posturing. The increasing anxiety of governments to see that such codes were upheld, and their reluctance to be found out in their breach, was an indication that they were becoming global norms. To be found out in their breach was never without cost, though some governments might be prepared to pay the price.

- ***UN staffing and Management***

The quality of UN management had been an issue since the early days. Financial pressure had led to a slimming down of the organization – slimmer but fitter – but several problems remained. One source of difficulty was the discretion allowed to member governments about the placement of UN staff, and the requirement in the Charter that there should be equitable geographical representation. A further problem was the distinction between field officers and those at Headquarters. Kofi Annan made a number of proposals on

staffing and management issues in his 2006 Report on “Investing in the United Nations: for a stronger Organization Worldwide”. The new management principles gave a much stronger role to the Secretary General to appoint people, after professional search processes, with the right qualifications – to stress quality above representativeness. It was also proposed that field officers should be part of the same career structure as workers at headquarters- there should be an integrated service. This would mean that the UN could be more directly in touch with what went on in the field. In the past it was often the case that field workers and those at Headquarters had little understanding of each other. The grading structures of workers in the field also meant they were less likely to achieve promotion to higher grades. There was also the proposal to appoint a new high level head of administration to work alongside the Secretary General, since it has long been supposed that the job of combining the diplomatic and political work of the UN with running its machinery was too big a job for one man. The US pressed for this change. As suggested below the developing world was less persuaded.<sup>7</sup>

Kofi Annan took action to improve matters on several fronts.<sup>8</sup> Financial supervision was to be tightened, protection for whistle blowers was increased, public sector accounting standards were to be introduced, and senior officials were to be made more accountable for their performance. It was made clear that poor performance could lead to dismissal by the Secretary General. This was not to deny that more work was needed to improve the management of the UN, with regard to staffing, accountability, and proper monitoring of activities such as procurement and auditing. It was also pointed out that outdated work should be stripped out of the agendas of the various parts of the organization. Too many items were returned to year after year to no apparent purpose.

### **C. Reform and the intentions of states**

Why was there concern with reform? An essay on the reform of the United Nations needs to look at the context of the discussion about reform in international society as well as the reforms themselves but it also has to look at the purposes which states have in mind when they propose reform. It should be remembered that states are not just intent on getting international organizations to do their job better, and that often their complaints are cover for their own reluctance to act. States may also have problems in dealing with international organizations because of the way they are themselves constructed, so that development, trade and justice departments do not agree with each other about what international organizations should do. There may be other inefficiencies at the state level which get in the way of effective international organization.

States often try to do things that do not help the international organization to perform better. They may be simply trying to reduce spending, to gain greater control over the budget, to control and limit the gains of beneficiaries, and to prevent any increase in the authority of the IO. They might also be determined that the organization should reflect approved values, or that it should be easier to control what it does, or to deny its opponents its use. The state might also struggle to prevent the emergence of opposing alliances in the international organization.

Alternatively it might seek to gain diplomatic status by supporting a value consensus in the organization, or seek ways of evading any constraints on preferred action by objecting to new proposals. The specific positive goals are often mixed up with these other preferences. States are good at trimming out the aspects of policies they do not like. International organizations should not get in the way of perceived interests. They should not impose undue budgetary demands, they should not get in the way of national action, should benefit the main contributing states as well as the main beneficiary states, should not operate on principles that were inconsistent with national principals. A continuing problem remained that states preferred bilateral aid to working through the multilateral system, though things were better because of more agreed multilateral plans. For the US Right this would mean involving the private sector as much as possible, and opposing actions that were inconsistent with Christian fundamentalist doctrines. The US views about the virtues of private medicine had the consequence that the World Health Organization could not itself practice medicine in the developing world. Various organizations concerned with population control, including the UN Fund for Population Activities, had their funding limited by the US because of their ambivalence towards abortion.

The developed and the developing states often disagreed about how to move forward. Developed states resented the way in which the beneficiary states had sometimes obtained control of the budget. But the developing states were annoyed when, having accepted changes proposed by the main contributory states in 1986, there was no return to full funding because of a quarrel between the Reagan administration and Congress. The US was decidedly lukewarm in its support for the reform of the Security Council because of its fear that it would lose power there if more countries were admitted. The British and French were very reluctant to accept any change in their permanent, veto bearing, status. The developing states were suspicious of attempts to set up a new Administrative officer to head the secretariat, as they feared that such a person would be more likely to lean toward the views of the main contributors. These disagreements could be multiplied but they ran through the debates on how to reform the UN. An additional problem lay with the bureaucracy itself. Knowing how it worked was a rare arcane skill and the staff were often reluctant to change things to make it more transparent and intelligible to outsiders. As with all bureaucracies, in the first world, the developing world, or international organizations, there were also pressures to expand the mandate of one's own organization. There were turf wars.

States often found it difficult to formulate consistent policies towards the work of international organizations because different departments did not necessarily coordinate their policies with the outside world in the economic and social areas. There might also be failures of control internally that got in the way of effective international organization. A case of this in the early twenty-first century concerned the oft repeated proposal that the IMF should take on the role of monitoring the global financial system with a view to spotting impending crises and acting to avoid them. The crisis in the global financial system resulting from the new capitalism and the sub-prime fiasco suggested that national regulatory authorities in the US and UK were ineffectual. The new role of the IMF could not work until the internal machinery had been reformed. The point is that the reform of international organizations was sometimes dependent on the reform of internal state arrangements. The world's leading financial capitals had been consistently opposed to any move to set up an

International Financial Commission to impose controls on the world of bankers. Gordon Brown appeared to favour this, but the US response so far was muted.

The attitudes of governments towards international organizations was also affected by their general attitude towards the emergence of multilateral institutions. In both the European case and the global one multilateralism became embedded,- there was a system of *embedded multilateralism* - and there were states which preferred to avoid this. Being embedded meant that, in the words of regime theorists, there was increasing support for common principles, norms, rules and common expectations. In the international system there developed, at an increasing pace through the later years of the twentieth century, a system of rules of increasing density, and ways of creating and modifying them, which became embedded in the sense that they generated a culture of support, but also a calculation of increasing costs if they were broken. This was a key aspect of the political culture of emerging international organization.

This was also an essential part of the character of the system of the European Union. It was a regime involving embedded multilateralism, but it was a regime with a difference in that its creators had set up a much stronger backing system in the law of the European Communities, and the European Court of justice. It had a primitive governmental system of its own, with a strong executive, and a strong legal system, and a modest democratic legislative input from the European Parliament. What was important about the European Union as a region in the international system was that it had a more deeply embedded multilateral system than was the case in international society in general. But with regard to sovereignty, and the primacy of the states, it was fundamentally the same.

Both the European and the international system had states which were not fully committed to embedded multilateralism, but which were dragged along by it, held back by their views about how the system they were in worked. These were what could be called the exceptionalist states. In the international UN system that position was often held by the USA. In Europe it was held by the UK. In both cases their diplomatic stance was dominated by attempts to claim to be exceptions to the general rules on the grounds that they were essentially different from the rest. The reasons for this exceptionalist position are hard to fathom, but they probably derived from a long standing conviction that for them life was better because their state had distanced itself from the rest. A certain remoteness was regarded as an asset, whereas multilateralism tended to be inclusive. In the case of the US this view was bound up with isolationism, and a belief in the superiority of their own arrangements and values. In the UK it reflected the traditional assumed role of balancer of the European system and a belief in the non-European-ness of their values and history. One consequence of their exceptionalism was that the negative aspect of the modern political culture of international organization was reinforced. There were indeed common norms, principles, rules and expectations and these were getting stronger. But the emerging system was an incomplete one. In a system of sovereign states there was inevitably often a lack of will on the part of governments, and a short fall of capabilities, to carry out the necessary tasks.. By the early twenty-first century the gap between embedded multilateralists and the exceptionalist states had become one of the world's major diplomatic cleavages.

The conflict between US exceptionalism and increasing embedded multilateralism came to a head with the emergence of the neo-conservative administration of George W. Bush in 2001, which unashamedly asserted US unilateralism. Probably it started in the Reagan presidency in the 1980s with the 1985 decision in the Senate to reduce US contributions to the UN budget. The Reagan administration viewed the UN system with dislike, especially in its early phase, and appointed known opponents to key positions. At that point the Heritage Foundation and the Christian conservative right, both hostile to the multilateral world, became powerful. By the early twenty first century increasing US stridency and diminishing financial contributions, led observers to consider the possibility that the US would lose more than the UN if the former were to leave.

Nevertheless the US continued to insert itself as the monitor of rectitude. For instance when it held the Presidency of the Security Council it insisted on investigating peacekeeping procurement which was a matter for the General Assembly, and, as mentioned above, used the threat of withholding funds to force through preferred changes. At the time of the Enron crisis and the failure of auditors Arthur Anderson one US plan was for UN finances to be audited by Washington financial authorities. Far from being the hegemonic leader of the earlier period the US under George W. Bush opposed the development of a stronger multilateralism, rather like the UK and the European Union. The annoyance of US unilateralists with multilateralism became overweening. Their exceptionalism had to be asserted. The position of the Neoconservatives towards the UN was similar in some ways to that of the Eurosceptics in Britain towards the European Union. Ideally new roles for international organization should be prevented. Failing that opt-outs should be obtained.

Examples of US global exceptionalism included non-membership of the International Criminal Court, non-adherence to the Kyoto arrangements, the claim of the right to act without UN approval, and more recently the refusal to comply with the decades-old norm on state aid to the developing world, fixed at .7% of GDP. In 2008 the US was still at the bottom of the list of industrialized countries in official per capita contributions to development – ahead only of Italy. George W. Bush's administration claimed further exceptions in asserting the right of the US to act unilaterally in preemptive strikes against its enemies, and its claim of the right to military supremacy over all other states. Washington remained uninterested in any beefing up of the UN rapid response forces, continued to insist that US troops would not be commanded by anyone under the UN, and failed to respond to complaints that the US had betrayed the Charter's stipulations on the unilateral use of force. It also claimed to be an exception to the general obligation to continually reduce the level of nuclear weapons agreed in the non-proliferation treaty, and refused to accept restrictions on its right to develop and deploy land mines.

The US was also an exception in the extent to which it claimed extra-territorial legal jurisdiction for instance with regard to the imposition of sanctions against companies that failed to comply with US rules on matters such as providing goods of military significance to states of which it disapproved. One commentator reported that the US maintained a studied indifference to Annan's UN Reform process. No fewer than six congressional committees had been set up to look at alleged abuse of the UN's oil for

food programme - six more than would enquire into the US government's postwar use of Iraqi oil money.<sup>9</sup>

The appointment of John Bolton as US ambassador to the UN demonstrated the neo-conservative contempt for that organization. The high point of US exceptionalism was probably the annotations made by John Bolton to the documents prepared for the follow up to the Millennium conference in 2005. He sought to purge the outcome documents of all reference to the Millennium Development Goals. His annotations showed such disregard for the organization that the US Secretary of State and President Bush – in a later speech to the General Assembly - felt it necessary to back off. It was not that reform did not need to be pushed but that the US under George Bush seemed not to be committed to the organization, and indeed, it was easy to find evidence that it wished to remove it.

It was probably after this paroxysm of unilateralism that things began to go right again for UN reform. The US found itself faced with a system of embedded multilateralism with which it had to engage. Just as Britain was compelled to make concessions to Europe, so the US had to make concessions to the multinational system. The Iraq experience may at least have had the benefit of convincing US political leaders that there had to be a retreat from exceptionalism and a greater involvement with the evolving synarchy.

## **Conclusions**

US exceptionalism was all the more regrettable when it is remembered that much of the multinational system after the Second World War was established under US leadership. Essentially the neo-conservative position was a rejection of this heritage. British Prime Minister Gordon Brown argued in a speech in Boston on April 18<sup>th</sup> that the US administration should return to a more multilateralist approach. He quoted the words of John F. Kennedy: “acting alone we cannot establish justice throughout the world. We cannot ensure domestic tranquillity.” Brown's comments went down well in Boston. It remained to be seen whether they would go down equally well in Washington.

The development of a degree of embedded multilateralism at the global and regional levels was related to the other great game, the Balance of Power. It could not be denied that in the early twenty-first there were changes in the distribution of state power, the decline and re-emergence of Russia, the emergence of China, and of India, as well as the embedding of multilateralism. The European Union, if the process of embedding regional multilateralism was taken further, could emerge as a global strategic player in its own right. But for the time being European power was better seen as soft power. This was not in opposition to the further embedding of global multilateralism and it did not detract from the possibility of strengthening Atlantic partnership. The great game continued at the global level though between players that had an increasing range of common norms, principles and expectations. This was little more than a restatement of Hedley Bull's argument in his book The Anarchical Society: that a stable international society rested on a supporting political culture. Embedded multilateralism softened the balance of power but did not exclude it.

The exceptionalist states feared the locking in of a new order. The right wing of the Republican party was frightened of the new multilateralism because it was deeply ingrained in their political culture that they were indeed the unique country, the one above all others which should not be bound. The steady accretion of roles to international organizations like the United Nations was associated with changes in international society, particularly with regard to views about what was implied by sovereignty. States were not less sovereign, but what it involved had altered. The UN system was well short of the European Union, but the two systems were essentially the same kind of thing and the essence of both was captured by the idea of embedded multilateralism. As we have seen there was ample evidence to suggest that the member states had continued to add roles and purpose to the UN, and that the emergence of neo-conservative unilateralism had not stopped the continuing process.

At the time of writing there was every chance that there would be a further development of the role of the UN system. There was continuing pressure to develop stronger international financial institutions. There was pressure to get a new Kyoto agreement and to strengthen ways of controlling carbon emissions. A new deal on trade between the rich and the poor was predicted, and better ways of dealing with global pandemics were demanded. There was always more to do, and always more that needed multilateral endeavour.

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<sup>1</sup> See James Mayall, ed., *The New Interventionism*, (Cambridge, Cambridge University Press, 1996)

<sup>2</sup> The elements of continuity in the state system are discussed in Robert H. Jackson and Alan James, *States in a Changing World: a contemporary analysis*, (Oxford, Clarendon Press, 1993).

<sup>3</sup>. This issue is discussed by the author in his *The European Union in the 1990s*, (Oxford, Oxford University Press, 1996), ch. 2.

<sup>4</sup> Geoffrey Laurenti, "Summit Asymmetry: the United States and UN Reform", *The International Spectator*, Volume 4, 2005.

<sup>5</sup> Edward N. Luttwak, "Letting wars burn (cover title) or "Give war a Chance"(text title), *Foreign Affairs*, July/August 1999, Vol. 78, No.4, Pp 36 -44

<sup>6</sup> See Thomas Fues, "The Coherence Panel's Mixed Bag of Proposals: will it make a difference in development?", *European Briefings on Globalization, north-south relations and international ecology*.

<sup>7</sup> See Newt Gingrich and George Mitchell, "Report Card from America: UN reform", in *International Herald Tribune*, November 26<sup>th</sup> 2005.

<sup>8</sup> See Report of the Secretary General, A/60/692

<sup>9</sup> Laurenti, loc. Cit, P.10