Notes from a Presentation

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The Changing International Stage

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Thank you very much. Marsha and Joel have asked me to make a transition between the previous discussions and the broader international environment, this afternoon. To do that, I will have to knit together some pretty disparate points. So I am going to ask for even more than the usual indulgence that a practitioner would ask for in a gathering of academics and experts.

I am going to set the Canada/US relationship into a broader context, and make five points. One is that *values are integral to foreign policy* – above all to the foreign policies of democracies. In some important respects – and I do not want to comment specifically on the discussion which just took place, which was brilliant although complex – either Canadian and American values are diverging, or our behaviour is diverging. Either way, I think there is an issue there. The second point is *that there is a "perfect international storm" brewing* that could be very dangerous for Canadians, and *that U.S.A. foreign policy is integral to that storm.* And a corollary is *that we should stop blaming Canada for all of the problems in the Canadian-American relationship.* And in fact, I heard a comment earlier that said, basically, in our bilateral relationship we should negotiate hard and tough, but as regards multilateral affairs our posture should be one of more civility and agreement. As a former director of Canada/U.S. relations – and we *were* dealing with the softwood lumber issue when I was a director in 1979 – I think I would like to say there is not a great deal of evidence that the harder you negotiate those bilateral issues, the more you resolve them. Nor do I think that there is evidence that circumspection on multilateral issues has delivered benefits in a bilateral relationship. I think those things are taken as separate in Washington. A couple of other points: *multilateral cooperation, not multilateral-ism, is still indispensable to the kind of world that most people would want to live in.* Further, *UN reform is necessary, but not sufficient.* There is a lot wrong with the UN; it would be a mistake to lay all of its problems at the door of the United States. Finally, – as Joel has asked me to do – I will provide some personal insights on Iraq and the International Criminal Court at the UN.

The debate over values and interests is sterile. Obviously, we make decisions because of who we are – because of our values. And we pursue issues abroad in part because it is in our interests to do so, and in part because they serve our values. Take, for example, international security; we want to protect the innocent, because we think, "there, but for the grace of God, go we". On the other hand, we know that if we have a stable world, Canadians can go about their own lives *more untroubled*, and in a more secure way. David Bercuson is absolutely right about the issue of soft power and hard power: It has been a bizarre debate in Canada, with practically nobody going back to figure out what the basic terms were supposed to mean. The distinction was invented by Joe Nye of Harvard, who was talking about the United States when he spoke of "soft power". The idea was that you create a society that other people would emulate, and that would obviate the need to coerce them to do things, because they saw benefits in emulating your approach.

Obviously, that applies to Canada, albeit not as much to Canada as it does to the United States because Canada is not as *big* as the United States. But *equally* obviously, soft

power is not enough. There is no substitute for assets, as Andrew Cohen was saying, for hard capability. I think where I would disagree with him is *not* on the question of whether we need to reinvest in our military capability; I do not think there is any question about that. I also think there is no question that we can afford it. Governing is about choices; it is about leading. If we want to have a military, if we want to carry a respectable share of the international burden, then we can do that. I remember taking a very senior Canadian official from the finance department, to the UN, to see Louise Fréchette. He said, "well of course you understand that we can't do very much on aid. We just can't afford it. And on defence we have problems also…" and so on. She just looked at him incredulously. She said, "I've been the Associate Deputy Minister of Finance of Canada. I've been the Deputy Minister of National Defence. I *know* you can afford it. The question is whether you want to pay for it or not. You may not want to pay for it, and you may not want to play a role in the world; but to say Canada cannot affor it is just not credible."

Where I would disagree with Andrew Cohen, is that I think we *have* had a much better foreign policy record in the last twenty or thirty years - since the golden age – than he gives us credit for in his book. I can go back to the example of Prime Minister Mulroney's putting the issue of apartheid in South Africa, and sanctions, on the Commonwealth agenda, facing a lot of criticism from Margaret Thatcher, and pursuing it any way. I raised with him later at a certain point whether it was now the time to end sanctions. And his answer was, "phone Nelson Mandela, and see what *he* says. And if he thinks the sanctions succeeded, then it's time. But if he thinks they haven't yet succeeded it's not time." And I did. And he didn't. And we didn't. The same thing can be said for East Timor. The same thing could be said for the unification of Germany. The French and the British were very much against it and the Americans were wobbling on it. It was Mulroney, in part, saying to then President Bush that we really must be straight with the Germans. We have been telling them all of these years that they would be reunited; we cannot now renege. It is not the time to go back and fight the Second World War all over again. The Americans' position *did* subsequently solidify. One could go also, for example, cite the more obvious, current ones: the International Criminal Court, and land mines, and indeed Kosovo, where we played a significant role. Finally, we have a reputation for thinking innovatively and I think we deserve it. In response to the Kosovo crisis and the Rwanda issue and Srebrenica and Bosnia and the failures of the UN, we *commissioned* leading scholars and practioners to reconcile national sovereignty, on the one hand, and the imperative of humanitarian intervention, on the other. The product of that is a booklet called The Responsibility to Protect which I commend to you. Anne-Marie Slaughter, who is the Dean of the Woodrow Wilson School of Public and International Affairs at Princeton, has called the book "the best foreign policy thinking in fifty years." That is not a small compliment. Also, she took that approach as a model, in a recent edition of Foreign Affairs, and emulated it – imitation is the most sincere form of flattery – with another idea: the duty to prevent. So I think the record is a considerable one. Likewise, I think the whole human security agenda has gained a lot of traction internationally - ironically at a time when the Canadian government was beginning to lose interest in it. Still, we do have to invest and put our money where our mouths are – especially when we are talking about intervention in places like Africa.

I also agree with Jennifer Welsh, because I think she made the case very convincingly: that indeed in some ways we can be - in some ways we already are – *a* (i.e. not *the*) model citizen in the community of states, that we are really an exemplar. I do not think that there is any question – from my own experience at the UN and others can comment on that – that we were listened to because of who we *were* (particularly in more recent years) at least as much as because of what we *did*. We have created (and this is the *soft* power part) an economically wealthy, culturally sophisticated, technologically advanced, socially compassionate society that has protected minorities and integrated immigrants as well as any on earth has. We are respected for that. When we talk, people listen. It is precisely what Prime Minister Martin said this week was "our major feat, an enormous feat, really…" in his most recent foreign policy speech, in arguing that Canada *has* exceptional qualities to bring to bear, internationally.

So the conclusion is that neither power *nor* principle, neither soft power *nor* hard power, is enough. We need both. What we really need is *smart* power. That is both power *and* principle, intelligently applied. That is part of the agenda for the future.

Regarding the US foreign policy, a few, not random, thoughts. Antipathy to the United Nations has not, until recently, been a basic operating principle of Washington. From Franklin Roosevelt to George Herbert Walker Bush, the United States has seen constructive participation in the UN as in its interests, and even as a kind of civic duty. It apparently no longer does so. There are many explanations for this shift. Most simply: the U.S. has changed; the UN has changed; and the world has changed. The U.S., whose domestic system of power is governed by a system of checks and balances, has progressively realized that, with the end of the cold war, it faces neither check nor balance, internationally. I remember very well former Secretary of Defense Schlesinger, writing already in the 80's, about his concern that, in the absence of any check and balance, there was not going to be any foot on the brake, internationally, to American power. At the same time, the U.S. will and capacity for international leadership has continued unabated, and the disposition of others to let them do it has continued - in part because the others see no military threat that they think is worth spending that much money on. There is a notion that is current in some circles – including in Washington, including in Canada – that somehow it is a jungle out there, absent American power. That is *not* a view that is held in several regions of the world, in fact, there are many places where American power is considered to be the problem as much as it is considered to be the solution. I am thinking of Latin America and Central America, for example.

The U.S. national security strategy document - except for the "power" parts of it - could have been written in Ottawa. It starts with the idea of national values – the *propagation* of national values – that is one reason why I find it strange in Canada, that some of our more pro-American fellow citizens want to get away from talking about values in foreign policy and be more mercantile. At the same time, they want to emulate the United States that puts values at the opening of its national strategy document. In any case, because of this US leadership role, there are a lot of people on both sides of the aisle in the Congress and in the U.S. more generally, that see the U.S. as bearing a disproportionate burden, and meriting, as a consequence, exceptional dispensations from international law and practice.

The notion of America as exceptional is not a new one; it goes back to the Puritans. De Tocqueville commented on it in the nineteenth century; it was obviously present at the Paris Peace talks of 1919 as Margaret MacMillan has recorded. In fact, exceptionalism has been given a particular impetus in more recent years, starting with the Reagan presidency. Harold Koh, of Yale, has demonstrated that American exceptionalism has very positive, as well as negative, consequences. The U.S. has been an exceptional leader in the development of international human rights, and in the promotion of international law. But it is the more recent - and more self serving - expressions of exceptionalism that are the problem. *Inter alia* they have eroded, among other things, the equality principle that most UN members consider integral to the democratic character of the UN Charter, much as the notion of equality of states is integral to the US Constitution, even though in both cases, nobody is under any illusion that power is equally shared.

US opposition to the International Criminal Court is a classic example of the US seeking one law for the goose, and another for the gander. With the photographs-of-prisoners scandal in the Middle East, you might ask yourself whether that is a kind of dispensation you would really like to give.

It has not always been this way. In 1945 when the United States bestrode the world as colossally as it does now – even more so economically and militarily - President Truman told the assembled UN delegates in San Francisco that "we all have to recognize that no matter how great our strength, we *must* deny ourselves the license to always do as we please." People say 9/11 changed everything. I would argue that there was little in the post - 9/11 reaction of the world that would justify – that would warrant – such a change in course, jeopardizing sixty years worth of development of international law, the development of most of which had been led *by the United States*. All of it was of significant interest to Canada. The consequent undermining of the UN was not in some American minds, at least, either incidental or unwelcome. Richard Perle, who was part of the President's Intelligence Advisory Board (and at one point chairman of it) wrote in The Guardian in March of last year, "Thank God for the death of the UN. There are two benefits to the war in Iraq: we got rid of Saddam Hussein; and we got rid of the United Nations."

Right after 9/11, which is to say 9/12, the General Assembly passed a resolution of solidarity. The General Assembly does not make legal decisions, but at the first opportunity it had it issued a resolution expressing solidarity with the American people. The UN Security Council, which *does* have legally binding powers, *within days* proscribed cooperation with terrorists prohibiting the use of national financial systems by terrorists and giving refuge to them. They set up a process of monitoring the behaviour of countries ever since. Many governments, after 9/11, sent troops to Afghanistan to fight in combat. Canada sent ground forces into combat for the first time since the Korean War. Many countries, Canada included, sent a lot of money, also, to try to lift Afghanistan out of its failed state status, so that it would not revert to the chaos that served Al Qaeda's purposes. It was in our interest to do so for other reasons. Bringing stability to Afghanistan, which sits beside Pakistan, a government with nuclear weapons and the

President of which has been subject to two assassination attempts in the last months, is in the strategic interest of Canada. It is not a bizarre thing to have done, to invest in Afghanistan.

A further point. In declaring war on terrorism, the US gave itself an unachievable objective. Terrorism is a tactic; you cannot win a war against a tactic. It is a heinous tactic, but it is a tactic nonetheless. Portraying terrorism in monolithic terms has probably made victory impossible. In attacking Iraq despite the absence of evidence of weapons of mass destruction, and connections with Al Qaeda, and (unlike Kosovo) over the objections of undoubtedly a vast majority of the international community, the US has isolated itself, claims of coalitions notwithstanding. It is not clear yet whether the war in Iraq, the war against terrorism, and all of those things which go with it, are morphing into a war between Islam and the West. But it certainly looks like a possibility. There are 1.2 (depending on how you count them) billion Moslems in the world. And if you "radicalized" one thousandth, one in a thousand, that creates potentially over a million militants. In these circumstances, in an age of asymmetric warfare, not even the revolution in military affairs and the high tech capability of the United States are going to bring much comfort. This is a war that should be avoided if it can possibly be avoided.

The cost to American interests of the war in Iraq has been catastrophic – and it goes *well* beyond Iraq. Already in December, Edward P. Djerejian, who was a US Ambassador to Israel and a US Ambassador to Syria, and a former senior official in the Regan and (first) Bush administrations, carried out a survey of public diplomacy in the Arab countries. He found that "the bottom has indeed fallen out of support for the United States." According to a poll released this past March by the Pew Research Centre, "discontent worldwide with the United States and its foreign policy has continued and even intensified since last year". Even before the prisoner abuse scandal took place, vast majorities in predominantly Muslim countries held unfavourable views of the US. As regards Euroes, transatlantic drift had become transatlantic rift.

One of the things that should cause us all pause is that there is no common international threat perception anymore. In the old days it was fairly easy to agree; now it is not. Nor is there virtually any consensus on how to respond to it. Subsequently, with its Iraq enterprise in jeopardy, and the November elections at risk, Washington has come to see a greater utility in the UN. What is *not* clear is that the UN is going to be able to live up to the expectations that a lot of people would put on it. Asking the UN to take over Iraq (and I say this as a former member of the august Department of Foreign Affairs) is like asking the Foreign Affairs Department to take over running Canada! The UN has about the same amount of resources and Iraq is about the same size of country as Canada. Only there has been a war in Iraq, in fact, several wars. Also, there is an incipient civil war taking place. It is not at all clear that the UN would be able to handle this assignment. There is great trepidation at the United Nations about being invited in, and then carrying the can for the failure afterwards. By the way, that sounds a lot like Somalia. The business about Al Qaeda and Somalia is worth discussing. The American failure in Somalia took place when the United States – without reference to the UN command – went after General Aidid, one of the warlords.

On the question of Rwanda, I absolutely agree with David Bercuson, that no one's performance was glorious – other than Romeo Dallaire's himself. He *did* ask for help from the Canadian government, and the Department of Defence *did* take the issue forward, but there was opposition in Canada to getting involved until it was too late, actually, to do any good. We have to be circumspect in pointing the finger at others. But there is also absolutely no doubt that the Security Council's permanent members – not *only* the permanent members but *especially* the permanent members – failed on Rwanda. Warren Christopher authorized Madeleine Albright, when she was U.S. Ambassador at the UN, to talk about "acts of genocide", because if they had said there was simple genocide taking place, under the 1948 Genocide Treaty, there was an international legal obligation to stop it. With Somalia fresh in their minds they did not want to do that. They had forces immediately in the region, as did others. In 1999, when we had the presidency of the Security Council, we caused the first public discussion of Rwanda to take place since 1994. The UN Secretary General and the UN Secretariat had admitted their share of the responsibility for it years earlier. None of the permanent members had, until the year 2000, when we caused that debate. They were content to let the Secretariat carry the responsibility, much as people are content to let the Secretariat carry it right now on the oil-for-food scandal. By the way, every single contract of the Oil For Food Program went through the six-six-one committee of the UN, with permanent members on those committees going over every single contract with a fine-tooth comb. And people knew plenty about things being diverted – in fact it was the policy to let oil be diverted to Turkey, for example, because Turkey had lost $34 billion dollars, some say much more, in the Gulf War and needed to recoup some of that revenue.

I am not here just to criticize the UN. The UN *is* indispensable, starting with international law. The Charter is at the heart of international law. While there is no Sheriff who can enforce international law and put bad countries in jail, the progressive adoption of laws voluntarily entered into through treaties has created a whole new system of laws and norms and customs and agreements, which make the world a lot more civilized place than it would otherwise be. That goes also for security. I mentioned the UN's twelve counter-terrorism agreements. The same thing goes for human rights, women's rights, the environment, and so on. There are 76 environmental treaties. UNICEF has inoculated 575 million children against communicable diseases. The World Food Program last year fed 57 million people. The UN High Commission for Refugees sheltered 22 million people. The UN Mine Action Services destroyed 30.5 million land mines, saving countless lives and limbs.

Some people have said that this is international social work. One of the things that we have learned, however, is that well-governed states do not incubate terrorism, do not incubate disease flows, and so on. Well-governed countries in the third world are very much in our interest.

So what can be done about it? Actually there is a lot that can be done about it. The UN's biggest problem is that its strength is also its weakness. Its strength is its universal membership; that is what gives it its legitimacy. But also, a hundred and ninety-one countries mean it is a Sisyphean task to get anything done.

The UN has three basic challenges before it. The most fundamental issue is that the Charter was written in 1945. It was concluded in 1945; it was being written even earlier. In any case, it was written *in* another age *for* another age. Terrorism was not on the agenda. There were fifty one members of the UN. The objectives were to manage relations among a very small number of countries to avoid another world war. Over time a contradiction emerged between the most sacred purpose of the Charter – "to save succeeding generations from the scourge of war" – and Article 2 of the Charter which prohibits interference in the internal affairs of member states. But intervention is necessary because increasingly, at least proportionally, those conflicts are happening inside states. So the most basic challenge for the UN is to come to grips with the idea of sovereignty and the idea of intervention for humanitarian purposes. Another is intervention for prevention purposes – forestalling the creation of a nexus of weapons of mass destruction and terrorism. When is that legitimate? Another question is the overthrow of legitimately elected democratic governments. Should that be a reason for intervention for the international community? The UN has to come to grips with these new challenges. It is not obvious that the UN is actually going to succeed. I think we can help in that process quite a bit. The most fundamental job we probably have to do is not "brokering" agreement between the United States and others, but explaining things based on our particular insights we gain here as a neighbour of the United States. To help the US and the international community to reconcile their differences means that we have to bring to bear insights into what motivates the United States, why they feel uniquely threatened, why that is legitimate... But we also have to be prepared to speak truth to power, and not shrink from dealing frankly as friends and as neighbours with the US administration when we think they are wrong.

I will conclude with a few remarks on the Iraq affair. It is evident from everything that you have read - from (former Bush anti-terrorism advisor) Richard Clarke, from (former Bush Treasury Secretary) Paul O'Neill, from (Washington Post journalist) Bob Woodward - that this enterprise was launched a long time ago. It is also evident that the decision was made to go ahead all but formally around the beginning of January 2003. At the time I was sitting in New York and I noticed that U.S. discourse had changed. We were hearing a different discourse. The discourse changed from an impatience with the time it took the inspectors to get going to a dissatisfaction that they were there, to an impatience to get on with the war. There was the famous case of the ambush of the Secretary of State in the UN Security Counsel by the French about a week or two later – the 22nd, of January. But this followed discussions between the French and the White House *early* in January in which it became clear that whatever the French argued as a reason for caution was being dismissed by the White House. The French concluded, as did the Germans, that there was no stopping the war. They were not going to allow the UN to become an instrument of US foreign policy and approve a war they did not believe was necessary. We had the situation of the Secretary of State being selected to be the U.S. spokesperson in the Security Council – according to the Woodward book – because he was an opponent of the war, or at least, not enthusiastic about the war. A good deal of effort went into his presentation; it took an hour and a half of explication. There was talk of aluminum tubes of centrifuges, of magnets for centrifuges for producing uranium; of unmanned aircraft; of chemical weapons sites. (There was, as Arnoldo (Listre) has reminded me, a vial held up with the assertion that that small quantity of botox could kill

many people. One of the really great observations of the war came in an article by Maureen Dowd of the New York Times, in which she said, "that there was more botox on the upper east side of New York, than there was in Iraq. "Botox" is botulinum toxin. The UN weapons inspectors were portrayed as so many Inspector Clouseaus, wandering around a country the size of California, never going to find anything. There was a point in the Secretary of State's presentation in which he showed an overhead picture of a site with a decontamination truck. Then there was another picture which showed UN vehicles arriving and the truck was gone. The claim was made that "you see, the Iraqis are fooling the UN again". (Chief Weapons Inspector Hans) Blix, the following week, felt it necessary, politely to point out, that those pictures had been taken three weeks apart. There was also talk of a terrorist site. There was the infamous biological mobile weapons platforms. None of these things, at all, have been borne out by subsequent facts. Imagine! Nothing has been borne out! You can understand what that does to the standing of our neighbours in the rest of the world.

The case is instructive. The International Criminal Court discussion took place nine months earlier, in June 2002. The US was seeking an exemption under article 16 of the Criminal Court Statute according to which provision the Security Counsel acting under Chapter 7 (that deals with peace and security) can ask the Court to defer consideration of a case, if it feels for example, that peace negotiations might be impacted negatively. Louise Arbour had indicted Milosevic in the middle of the Kosovo conflict. Some felt that that could have ended up costing a lot of lives if Milosevic had decided that he would continue the war because he had been indicted and had nothing further to lose. In fact, the opposite effect happened; but one did not know that at the time. The US asked the Security Counsel to act under Chapter 7 to give an exemption in perpetuity to people who had not signed the International Criminal Court Statute, and who were providing peace keepers. The difficulty is that the UN can only act under Chapter 7 when there is a threat to international peace and security. So what was the threat to international peace and security? Was the International Criminal Court a threat to international peace and security? Or was peacekeeping a threat to international peace and security? Despite the fact that they were turning the interpretation of the International Criminal Court statute on its head; despite the fact that the UN Charter was being misinterpreted blatantly, the US still managed to get the Security Counsel to adopt – more or less – the exemption they sought, by a fifteen to zero vote. That was done by exerting *enormous* pressure on the Security Council members, including having Ambassadors recalled who were not cooperative. The point was that the US came to believe that it could get any resolution passed if it exercised enough pressure on the Council.

Back to the Iraq case,. The British (but not the Americans) felt they needed a Security Council resolution authorizing military action. I received a phone call from Prime Minister Chretian, saying Mr. Blair had said that this second resolution was going to pass on Iraq. I told him that it *was not* going to pass. My judgement was that the support was not there. Ultimately, the support *was not* there, as you remember. Not even a majority of the members of the Counsel were prepared to vote for the US/UK second resolution. That led us to propose our compromise. We could see this train wreck coming. War and no war cannot be reconciled. So what to do about it? We tried to build more time into the issue and to give Saddam Hussein some specific tests to pass. If he passed

them there would be no war. If he failed them, there would be war, with UN approbation. We were being encouraged to proceed by many, including virtually every country represented on the Security Council. There were individuals on the Council who were encouraging us to try to produce this compromise. Even Americans – and I will not obviously name which ones – saw it as in their interest if this compromise could be reached. In the end, of course, Washington would not cooperate and the compromise was not possible.

Someone said earlier, that Canada and the US normally get along. Something about the positive relationships between diplomats and how constructive and friendly they are. And by and large they are. But I would like to give you an insight into how the Iraq chapter unfolded. The attempt was made three times to have the Mexican Ambassador removed, because of the Iraq issue. Eventually he was removed. The Costa Rican Ambassador was recalled. The Chilean Ambassador was recalled under U.S. pressure because of the position he was taking in the Security Council against authorizing the war in Iraq. Attempts were made to have the German Ambassador recalled, because he was opposing the second resolution. Complaints were made about me, in Ottawa, for proposing a compromise. I asked for the American complaint in writing, because I thought it would "make" the rest of my career. I had been warned by an American diplomat, that this complaint was coming, and that they, the US mission, had had nothing to do with it. I think that is correct; I am sure they had nothing to do with it. But the US mission, also, is not always listened to, in these circumstances, by Washington. In fact, very often, the US mission seemed to be on "receive", vis-à-vis Washington and not very often on send.

There are times when Canadian and American foreign policy are *not* going to coincide. It is not a case of being able to get along bilaterally, or, put the other way around, having our conflicts on bilateral issues and being united against the world. If we have values, and if we act on those values, there will be times when we are going to disagree. This was one such time. It is rare, in public life, that you are vindicated for making that kind of a decision on Iraq as quickly as we were.

When I was in Ottawa, not very long ago, Foreign Minister Graham made the point in a speech that, actually, relations with Washington are quite good; that people were exaggerating the problems. I sat there thinking to myself "I do not agree with this, actually. I do not think relations are that good. I am still angry at the way sixty years of international law have been set aside; at the way an institution we consider central to our interests – the UN – was abused." Then I read, "The Know It All Neighbour" in a recent Maclean's Magazine. This is what the author wrote: "There is a problem in Canada-US relations, and the evidence suggests that the attitude problems are almost entirely our own." And what did the author adduce as evidence of that? "Sixty-eight percent of Canadians say that the US's global reputation has worsened." That is our fault?! Canadians have an attitude problem when they recognize what the international community has told pollsters like Pew Research over and over again? My point is that we should stop blaming ourselves for everything that goes wrong in Canada-US relations. We did not launch an elective, destructive war that has de-stabilized a region and caused

countless casualties. We opposed it and counselled against it. We should stop beating up on ourselves for being right. Thank you.