



**Centre for International and Public Law
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**AUSTRALIA AND THE
UNITED NATIONS:
LETTER FROM NEW YORK**

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AUSTRALIA AND THE UNITED NATIONS: LETTER FROM NEW YORK

Ladies and Gentlemen:

I am delighted to be with you tonight. But, as I come directly from the halls of the United Nations building in New York, I have to say that I am astonished that we are starting anywhere near on time. Were this meeting to be happening in New York it would be at least half an hour late. As someone who is passionate about organisational tidiness, I have to tell you that it grieves me greatly that in New York there is a pathological disregard not just for starting times and adherence to time limits in speeches but, worst of all, a pathological disregard for finishing times. Let me tell you right at the beginning that I will take about 50 minutes with this address!

I want you to know also that this is one area in which Australia is working intimately with Canada and New Zealand in the CANZ grouping, which is so fundamental to our day-to-day operations in New York. We are doing what we can to introduce a little rigour and discipline to meetings and indeed the whole operation of the United Nations. Regarding time as a free good, as so many at the UN in New York seem to do, is not only wrong and inefficient; it contributes to the cynicism about the United Nations Organisation of which we see so much in Australia these days – and, of course, in the United States and other countries too.

As this is, however, an address by an Ambassador to the United Nations, it would be totally uncharacteristic, even if we started on time, not to start with a few courtesies. We specialise in courtesies in interventions in New York and some people can even spin them out for 20 minutes as a way of avoiding substance! Tonight I am going to be disgracefully brief in this regard and begin only by saying how delighted I am to be back at the Centre for International and Public Law. This is a wonderful lightning-rod organisation for informed public debate and it was a great privilege for me to serve for a little while before I went to New York as a member of the Advisory Board. It is truly remarkable that the Centre operates in such a vigorous way with so little infrastructure. Hilary Charlesworth, of course, is a truly great leader and Cathy Hutton is an amazingly efficient support. They have a reputation which extends well beyond the ANU and Australia and we should be proud of them.

I am personally very proud to be the Australian Permanent Representative and Ambassador to the United Nations, although I hasten to say that there is certainly nothing permanent about the appointment. I am puzzled, however, by the interpretation of some of our countrymen of my role. Some of them seem to believe that I should be taking their side in disputes with our own Government and invoking the authority of the United Nations on their behalf; others seem to see me as a representative of all the worst things which they see about the United Nations – either its creeping erosion of national sovereignty or its pathetic impotence. All this is perplexing to someone who has spent a life in bilateral diplomacy, where my role as the representative of Australia, for example, in Malaysia where I was High Commissioner, seemed to be clearly enough understood by fellow Australians.

It is no different in New York, of course, where I am the loyal servant of the Australian Government. I enjoy no independence; and nor would I seek any independence from Government policy. As I have been around in our Foreign Service for at least a thousand years and, at least when I last looked, enjoy the confidence of the Government of the day, I have a fair amount of freedom in the way in which I conduct business in New York. But that is entirely different from being independent of the Government, which I certainly am not. My principal professional purpose is to pursue Australia's interests in the UN system, rather than to represent the UN system to Australians.

Let us understand, at the outset, that the United Nations, no less than any other forum or international gathering, is a place where countries like Australia do indeed pursue their national interests – and any other starting point for analysis of the United Nations is deeply misleading.

This proposition will possibly trouble those, no doubt honest, Australian citizens, who still nurse an image of the United Nations as some sort of supranational world government – with me as their point of entry to its hallowed halls. But, equally, it no doubt also troubles those who attack me as the representative of this vile organisation, to think that we have any interests at all to pursue at the United Nations.

I know that the audience tonight does not have misguided people on either side of that fence; and I am sorry to begin with what for many of you will seem like a trite proposition – namely that my first duty is to pursue Australian interests; but I think it is an intellectual plank which seems often to get washed away when we consider how we should engage at the United Nations.

Happily, I am sure that no-one here tonight would debate the proposition that we should be engaged with the United Nations, or that we have interests to protect and promote there. East Timor is, I hope, still fresh enough in everyone's minds for that. But there might well be a lively debate about the proposition that we should choose carefully how we engage, with hard-headed national interest as the criterion for choosing where we do it. The doctrine of selective multilateralism has got a rather insincere and perhaps faintly sullied implication in it for more strongly enthusiastic proponents of multilateralism. They might, for example, advance an argument which says that you cannot be partially engaged – that success in any one particular part of the system requires a reputation for being completely engaged with and widely active in the system; or at least that you will be more successful the more thoroughly and broadly you are committed and engaged.

I think there is too much woolly analysis which begins from such arguments. The plain truth is that, more than ever before, the United Nations is but one venue where nations pursue their external interests. It is an important venue, but not one that warrants a sole, or even necessarily principal, focus for countries like Australia.

Although we are not, obviously, a comparable country to the United States, that is certainly the case for the UN's host nation. As you will know, the current Administration came into office deeply sceptical of the United Nations. But as you will also know, that has been succeeded by a phase in which the United States, although still wary of multilateralism as a means of securing U.S. policy goals, has seen value, since September 11 of last year, in using the multilateral system to help them build global coalitions on issues of great significance to them, in particular on the issue of terrorism.

Ardent multilateralists in New York claimed, soon after September 11, that the United States had done a U-turn on the United Nations and that they would now engage thoroughly with the system. Certainly the Americans were encouraged by the expeditious work of the Security Council in response to the September 11 attacks; they paid some of their back dues and they nominated their Ambassador. While all this was welcome, I, for one, never believed that this amounted to any radical shift in the U.S. approach to the United Nations. They have certainly been more engaged with the system since September 11 than they were in the early months of the Bush Administration; but the idea that they had become multilateral converts is plainly not the case. Ardent multilateralists are obviously disappointed by this. But it is a fact of life and one with significance for us all.

And, as is sometimes the case, the Americans have a more coherent and developed position than popular characterisation of their views would suggest. Let me quote to you from remarks to the Carnegie Endowment for International Peace in November last year by Richard Haass, Head of the Office of Policy Planning Staff in the State Department and a substantial figure in the Bush Administration:

Fundamentals matter. A successful foreign policy begins by comprehending both the realities of power – its potential and its limitations – and the nature of an era's challenges and opportunities. We have not yet coined a catchy word or phrase to describe this period of international relations. Nevertheless, we recognize that many of the defining features of this increasingly globalized era are intrinsically transnational. Equally important, they often defy the efforts of any single country to solve alone – even a country as powerful as the United States.

AUSTRALIA AND THE UNITED NATIONS:
LETTER FROM NEW YORK

3

And, later in his remarks:

In sum, multilateralism is not an end in itself, but it is often a necessary means to our ends. A commitment to multilateralism need not constrain our options – done right, it expands them.

There is also more political convergence in the U.S. system on multilateralism than you might imagine, with many democrats clear about what they see as its limits.

At a small dinner to mark the inauguration of the Hannibal Club in New York recently, the famous American academic, commentator and Democrat, Joe Nye, said to us that we should reflect on whether this limited form of United States engagement wasn't better than no United States engagement at all – or certainly better than United States hostility towards the United Nations. One can hardly argue with that.

Indeed, Nye, who as you know, is Dean of the John F Kennedy School of Government at Harvard and is as multilateralist and liberal a figure as you get in the United States academic establishment, said that the reality was that for most countries, not just the United States, the United Nations represented an instrument of foreign policy rather than an end in itself; that is, that in varying degrees, most countries are selectively engaged at the UN. This, as I say, from a man who looks positively on the UN system and deplores the worst excesses of so-called American unilateralism. Let me for example quote from a recent piece he contributed to the United States edition of the *Financial Times*:

The success of U.S. primacy will depend not just on our military and economic might but also on the soft power of our culture and values and on policies that make others feel they have been consulted and their interests have been taken into account. Talk about empire may dazzle and mislead us into thinking we can go it alone. We should beware of historians bearing such false analogies.

So Joe Nye is the first to look beyond raw power to organisations such as the United Nations as a place to advance United States' interests. But not even he would argue that the U.S. should put all of its eggs into that basket; nor would he argue that other countries do so either these days.

And let me say at the same time that while the idea that one undertakes work at the UN for some higher moral purpose or as a general reputation-building exercise may have been relevant at some stage in the past for some countries, I submit that that is not the way most countries approach the institution now – not the United States, not Australia and not anyone else I know in New York.

Of course, this is not to establish some new paradigm for our approach to the UN, where we all single-mindedly, and in a predatory way, draw from the UN system as much as we can at the expense of the system and in a way which sucks all the life out of it, leaving a bare shell of an organisation, in which the voices of the poor resonate as in a hollow cavern. We all certainly need to contribute to the Organisation to make it stronger so that we can all better pursue our interests. The United Nations needs to work if it is to be useful to us and if it is to be useful to others, including the poor nations of the South. And we all have a responsibility to make it work and, indeed, to make it work better than it has in many respects in recent years.

For our part, we certainly contribute to making it work better. We have a substantial interest in doing so as we are, after all, the twelfth largest financial contributor to the regular UN budget and we are, by a long way, the largest developed country troop contributor to peacekeeping activities. We have a record, over the last 57 years, second to none, of continuing commitment to the United Nations and that commitment continues, most vividly in our contribution in East Timor.

I want to spend a few minutes, however, pointing to what I think is an important contribution we are making currently; and that is to the process of reform of the United Nations. Without change I believe there is, indeed, a risk that the UN – despite the relative recent success of the Security Council – will become an empty vessel.

The sort of change we are advocating is broad ranging. It is both administrative and structural, although the two aspects are very often closely connected; for example, tidying up the work habits of the

General Assembly will both save time and resources but also make it a more focused organ of the UN, which might begin to play the central role which was envisaged for it under the Charter and enable it to play something of the role that it has largely abandoned to other organs, such as the Security Council.

Kofi Annan has already done more by way of administrative reform at the United Nations than any of his predecessors. He has also done a great deal to build greater coherence in the UN Agenda as a whole, using the Millennium Declaration as a starting point. But much more needs to be done and he has signalled that he intends to set before Member States a very ambitious plan in late September this year. Of course it will be for Member States to take the decisions – and here's the rub; if those countries who think of change as a Western-driven agenda oppose the change, then they will be cutting their own throats. We all need the place to work better, not just the so-called West, or North, or whatever developed democracies are called these days. If the G77 want their voice heard more effectively, they have a greater interest than the West in reform – in, for example, a more effective and focused General Assembly.

I have been keen to emphasise the need for administrative reform as important for the vitality of the United Nations as much as it is important for productivity dividends. I am certainly not approaching it as a cost-saving exercise. I believe – though I hasten to say that this is a personal view not endorsed by Ministers and probably not shared by some colleagues in the Department of Finance – that United Nations funding has just about hit rock-bottom and that, although we have achieved a lot of efficiency gains by imposing fiscal rigour over the last ten years, we are pretty close to the bone now.

There is a larger structural reform agenda which would also greatly benefit the effectiveness of the United Nations. But in this area things are moving much more slowly. Here I refer to reform of the Security Council and changes in the electoral groups to better reflect the world of 2002 rather than the worlds, in the case of the Security Council, of 1945, or in the case of electoral groups, of 1964. But the energy of a year or two ago, particularly in respect of Security Council reform has, sadly, dissipated somewhat, so I regret, in this letter from New York, to report that some aspects of reform are proving intractable and that they are not much susceptible to Australian influence. There are things we can do in coalition with others and, in this respect, we work particularly closely with our CANZ colleagues. But while the majors and particularly the P5 remain immovable, there is not much prospect of progress in the near term.

One area where we are energetic, of course, is on improving the operation of the United Nations Human Rights Treaty Committee system. Australia's genuine and pragmatic efforts in this respect have been rather devalued domestically by partisan political debate; but they are, and are seen by many others, as the sort of practical focus on reform which has to be our watch-word as we seek change in the UN system. This is the sort of area where we can make a difference and where we can make the United Nations work better and make it a better instrument for the pursuit of Australian interests.

Let me make two obvious points quickly – points which have been strongly re-inforced by my first year's experience in New York; first, that our interests are virtually always shared by others; and second, that the coalitions with which it is essential that we work differ on different issues. Cleverly approached, the United Nations system offers us a unique forum to pursue varying coalitions in support of varying interests. Nimbleness and hard-headedness – both in pursuit of such coalitions and of a healthier system – need to be our watchwords as we approach the multilateral system. Frankly, of course, they need to be our watchwords in foreign and trade policy across the board.

Let me review some of the issues where in the last 11 months that I have been in New York we have been particularly engaged and where Australian interests have been at stake. Let me seek, in doing so, to make some judgements about how the United Nations system has served our interests or otherwise.

I had a pretty tough start to my assignment. I arrived in New York in mid-August last year and a week or so later the Government asked me to travel, at less than a day's notice, to Durban in South Africa to represent Australia at the World Conference Against Racism. This was one of a number of UN mega-conferences over the last year and was probably the least successful of a genre of UN meetings, the utility of which is surely now highly questionable. The imprecise and unsatisfactory relationship

AUSTRALIA AND THE UNITED NATIONS:
LETTER FROM NEW YORK

5

between the NGO element of the Conference and the intergovernmental consideration of the issues, and the way in which the agenda was hijacked by the Arabs at the expense of what were, anyway, ill-defined objectives, were just two of the unhappy features of what can only be described as a UN failure. This was a classic case of where Australian interests were jeopardised. We were certainly not able to pursue positive interests and sought only to do the best for our country in a defensive mode. That is legitimate and necessary activity for us at the Mission in New York, of course; but it is hardly an example of where the UN system offers us positive opportunities.

I returned to New York on Sunday 9 September. I had the flu and was exhausted by the Durban experience. I chaired our delegation meeting on Monday 10 September and observed to my colleagues that I felt sure, no matter what, that this would be a better week for me than the week before. I was tragically wrong.

I don't want to divert discussion today into how we, as Government representatives, responded to the events of September 11 – although we are proud of what we could do in those dark hours. For the UN, however, with a sort of tragic irony, it provided an opportunity for the Security Council and the Secretary-General to react effectively and expeditiously. This they did and got too little public credit for it. Resolutions 1368 and 1373 of the Security Council were useful to the Americans and, indeed, important to all of us in the broad coalition which is engaged in trying to deal with terrorism.

Let us be clear: the terrorism agenda is one where direct Australian interests are engaged. The Australian Government's response has been multi-faceted, as is entirely appropriate. But the United Nations has offered us some unique opportunities to pursue the anti-terrorism agenda. The Counter Terrorism Committee of the Security Council, chaired by my British colleague, Sir Jeremy Greenstock, has a gargantuan task in its implementation of the provisions of Resolution 1373, the provisions of which, incidentally, impose Chapter 7, or mandatory, obligations on all Member States. The painstaking and effective work which the CTC is doing, ably supported I should add, by a very able Australian adviser from the Attorney-General's Department, is one of the essential planks for all of us in the international community in dealing with one of the over-arching issues in international relations. Efforts emanating from the Committee and from the UN more generally are central to a global mosaic of commitment and activity, which, admittedly, is slow, occasionally painful, but in the end absolutely essential in helping to squeeze out the criminals who wish to pursue their ends by violent and terrorist means.

But there are many other examples of issues which have deeply engaged us in the last year, where quite specific Australian interests have been at stake. East Timor continued, in many ways, to be the most vivid example. I am sure that you do not need reminding too much of recent history. Suffice to say that at the time of Australia's intervention in 1999 as the leader of a multinational force to restore order in East Timor, the Government rightly laid down two preconditions which could only be met by the United Nations system. We were never going to invade Indonesia and the military intervention therefore required an invitation from the Government of Indonesia. It was Kofi Annan who persuaded President Habibie that this was necessary and, I believe, that it was only Kofi Annan who could have done so. Again, rightly, our Government insisted that there be a robust Security Council mandate authorising the intervention and, if necessary, the use of force. This the Security Council delivered. And, of course, in due course the United Nations assumed all the responsibilities of government in East Timor until 20 May last, when independence was achieved. Australian interests in East Timor are clear enough and we necessarily have had to pursue those, including particularly in the lead-up to independence, through the UN.

So East Timor is a clear and obvious case, but there are others which are less apparent. Iraq is another case in point. There is a UN sanctions regime designed to contain the plainly continuing threat of Iraqi aggression, including through the potential use of weapons of mass destruction. That is a security threat not just for Iraq's neighbours but for the whole world and it is, quite clearly, an issue in which Australia has direct security interests.

So we have a clear security interest in the sanctions regime. But, on the other side of the coin, we have an interest in the efficacy of sanctions so as to ensure that they do not prevent the export to Iraq of Australian wheat – as much as two million tonnes a year of it. That export market is, of course, important to Australian farmers; it is also important to help ensure that many Iraqis do not starve.

It is possible to have any number of debates about the impact of sanctions on Iraq; I don't want to have such a debate tonight. I want only to point out that this is an issue in which Australia's interests are complex, direct and pursued uniquely through the United Nations.

Let me give you another example of where an Australian interest is pursued uniquely through the medium of the United Nations machinery. Burma is a country of substantial significance for us, in all sorts of regional terms. Successive governments in our country have been quite rightly convinced that stability and prosperity in this important South East Asian country can best be secured by a return to democratic processes, which, in turn, will enable Burma to more effectively engage with the world generally. We do what we can bilaterally in this respect; and we work with others, such as the South East Asians and the Japanese.

But we have also put a good deal of effort into supporting the work of the Secretary-General's Special Envoy, Tan Sri Razali of Malaysia, and we, along with others, interact very fully with him and with others in the Department of Political Affairs at the United Nations in trying to chart a way forward in persuading the Generals in Burma to accept democratic transition.

Some of you may know Razali. He is a vigorous and effective person and was one of the most successful recent Presidents of the General Assembly in 1996, when he was Malaysia's Permanent Representative at the UN. He has been deploying all of his skills and energy in Burma and was, I am convinced, largely responsible for Aung San Suu Kyi's recent release from house arrest. New York is certainly a place where our regional interests in Burma can be effectively pursued, alongside with the efforts we make in other capitals.

The UN can and will make contributions of a parallel sort in other regional situations of critical importance to us. Those efforts have been of mixed effectiveness in the last year – for example, in respect of a Cambodian War Crimes Tribunal and support for peace building in the Solomon Islands and Bougainville.

There are other issues, too, such as Afghanistan and the Middle East, where outcomes from the UN system are of direct relevance to us. The UN will be fundamental to efforts to rebuild what was a failed state in Afghanistan and both as a donor and, in a broad sense, as a regional country we have a distinct interest in the outcome of those efforts.

Our interests in the Middle East are of a different sort in some respects but it is obvious that we have interests in that part of the world. Many would be critical of the Security Council for what they would describe as inaction on the Middle East. But the fact that the Security Council has been unable to bring peace in the Middle East is not the fault of the UN. In the end, on such issues, all the failure lies at the feet of Member States, not the structure of the United Nations, however creaky that may on many occasions appear.

The year has also been characterised by a continuing and, in many cases, vigorous program of work on the much less remarked areas of economic and social policy. Some of this has been carried forward by the specialised agencies, many of which do very good work and some of which, like UNDP, have made promising improvements in their performance. I personally have been immensely impressed by people in New York in the specialised agencies, like Mark Malloch Brown at UNDP, Carol Bellamy, at UNICEF, and Thoraya Obaid, at the United Nations Fund for Population Activities. These are outstanding international civil servants, going about their tasks of building a better world in a focused, practical and energetic way.

AUSTRALIA AND THE UNITED NATIONS:
LETTER FROM NEW YORK

7

The social and economic agenda has also been at the heart of much of the mega-conferencing, to which I referred earlier and which has been a very much more mixed experience for us all. Durban was a failure. The Financing for Development Conference in Monterrey in Mexico was much more successful, in part because the Europeans and the Americans made substantial commitments of new development assistance. For me, however, the success at Monterrey was embodied in the broad perspective on development which was achieved both in the final document and in the debate. There was, for example, an appropriate recognition of the importance of good governance; and there was widespread and ringing endorsement of our criticism of agricultural subsidies, the damage they do to the world economy as a whole and to development in particular.

We will have to see how the World Summit on Sustainable Development Conference in Johannesburg works out. I have my heart in my mouth. A Conference which involves 65,000 participants with a final document which is not yet agreed and where the gap between negotiators remains large, looks pretty dangerous to me. The United Nations system and, indeed, international cooperation more generally cannot afford another Durban. Let us hope that good sense prevails.

And let us hope also that we have a pause, at a minimum, in these mega-conferences. Let us get on with implementing decisions taken by world leaders at the Millennium Summit in New York in 2000. Let us encourage both Member States and UN bureaucrats to roll up their sleeves and make practical contributions rather than propose new talk-fests.

So how will this letter from New York end? On an optimistic note? Or am I pessimistic about the last year and the future? The truth is I am neither. I don't think the UN is yet quite broke but it certainly needs fixing. It needs reform, both administrative and structural, and it needs a more practical bent to its work. In the end, of course, responsibility lies not with UN bureaucrats, not even necessarily with the Secretary-General, although he can do a lot to help with the process of focusing the organisation. Those who most need to be focused, however, are Member States, and Member States need to begin by appreciating that only a better, more productive, organisation will offer them opportunities to pursue their interests in it.

The array of issues in New York is extraordinary, of course. No country pursues them all any more, if they ever did. We need an organisation that is better at focusing its energies in a practical way and we need to encourage a focus on those issues of greatest importance to us. If this is selective multilateralism, or à la carte multilateralism, then so be it. I say that it is a recognition that we have specific interests to pursue and that we, like others, need to get on with pursuing those interests and, along the way, improving the organisation and its dealing with those issues of greatest interest to us.

Let me finish on an optimistic note. One of the satisfactions of being posted in New York at the UN is that the organisation continues to attract some of the best and the brightest in the world. Among my peers, alone, there are former Prime Ministers, former Foreign Ministers, Royal Princes, distinguished academics and some of the best people in the Foreign Services of the world. In addition, however, the UN is a focus for other impressive thinkers and practitioners from all parts of the world, not least, from the wonderfully articulate and intelligent people who populate the great schools of the North-East of the United States. The UN is an extraordinary place as a market-place for competing ideas. It can be quite an intellectually exhilarating experience, even for a tired old man like me.

And the longer I am there, the more convinced I am that ideas matter and have the real potential to change things over time. Let me quote to you from Lord Palmerston:

'Opinions' he maintained 'are stronger than armies. Opinions if they are founded on truth and justice will in the end prevail against the bayonets of infantry, the fire of artillery and the charges of cavalry'.

I hope I have illustrated the fact that Australia has direct interests at play at the UN in New York and I hope you will believe that I pursue those interests with vigour. We need also, however, as we chart an external policy for Australia, to have a careful eye to all the currents in international affairs. And one place where those developments originate is at the UN in New York. It is an interest in those ideas and

developments which will keep me awake during what are too often the remarkably sterile and directionless debates of an unreformed General Assembly.