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WHAT WE STAND FOR

A Program for Progressive Patriotism

The New Democracy Project

Edited by Mark Green



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A New Global Bargain

ANNE-MARIE SLAUGHTER ★

Recommit to a new global bargain whereby the United States agrees to accept genuine constraints on its ability to use force in return for a genuine legal commitment by the nations of the world to do everything possible to combat terrorism, radical (armed) fundamentalism, and the threat of failed states.

I. The Problem

The United States needs to re-forge the global bargain it struck with the world's nations in 1945, when it emerged from the horrific destruction of World War II as the world's unquestioned leading power. In the most basic terms, we agreed to accept genuine restraints on our power, above all our power to decide when and how to use force, in return for a binding agreement by all the other nations of the world, including powers such as the Soviet Union, China, Britain, and France, to accept a set of international rules—political, military, and economic—that served our long-term interests.

The Bush administration has rejected that six decade bargain. More important, it has apparently rejected the idea of any bargain, preferring instead to cast off all international legal rules and restraints in favor of untrammelled freedom of action anywhere in the world. Unfortunately, this freedom of action has not brought us the success we so confidently predicted. It has brought us scorn, hatred, and fear around the world.

This predicament is complicated by our need—indeed a global need—to update and revise the old rules of the international system to meet new threats. U.N. Secretary General Kofi Annan told the assembled members of the United Nations at the 2003 opening of the General Assembly—the first after the Security Council split over Iraq—that they had “come to a fork in the road.” He harked back to “a group of far-sighted leaders, led and inspired by President Franklin D. Roosevelt, [who] were

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determined to make the second half of the twentieth century different from the first half.” They created a whole new set of international rules and institutions—the United Nations, the World Bank, the IMF, NATO, the OECD—to serve this purpose. Today, however, the nations of the world must “decide whether it is possible to continue on the basis agreed then, or whether radical changes are needed.”

But revising the rules does not mean throwing away the rules. At least it need not. As the world's most powerful nation, and a nation committed to values of international peace, prosperity, and justice, the United States must take the lead in striking a new global bargain. Working with its allies and like-minded nations around the world, it would craft a set of international legal rules adequate to address terrorism, weapons of mass destruction, failed states, sustainable free trade, global warming, and the imperative of fighting AIDS worldwide. In return, it must genuinely recommit itself to multilateralism. Not to the appearance of multilateralism, in which the United States is willing to go to international institutions to get agreement on what it wants to do anyway but with the understanding that it will walk out if it doesn't get its way. But real multilateralism, in which the United States accepts the possibility that it might actually have to compromise its own plans as a condition of getting other nations to follow our lead. In the short term, such compromise will feel like a constraint. In the long term, it is the foundation of our collective security.

The Bush administration has not only rejected the bargain that the United States forged in 1945, but its only apparent alternative is the freedom for all nations to do what they want. The Bush argument is that no nation would actually put its security in the hands of an international body like the Security Council. But that is exactly what the United States and 49 other nations did in 1945. Having seen the destruction wrought by two world wars and having stayed outside the League of Nations, the United States, led by Franklin Roosevelt, decided that a well-functioning Security Council was indeed the world's best hope for maintaining international peace and security. Big powerful nations would agree not to use force in their international relations except in self-defense, but instead to turn all issues concerning the potential use of force over to the Security Council. In return, the big five—the United States, Britain, France, Russia, and China—got permanent membership on the Security Council and the right to exercise a veto.

Note what the United States did not give up. We and every other nation have the right to defend ourselves against armed attack; hence, we did not need authorization from the Security Council to fight a war against al Qaeda and the Taliban in Afghanistan after September 11. Further, when the Security Council is paralyzed through irreconcilable political conflict, as it was for much of the Cold War in the face of a threatened U.S. or Soviet veto on the vast majority of issues that could be brought before it, we can find alternative forums for deliberation over the use of force, such as the Organization of American States (used during the Cuban Missile Crisis) or the Association of Eastern Caribbean States (Grenada). Since 1990, however, the United States had a very good track record of working with the Security Council to authorize the deployment of troops or peacekeepers in civil wars and ethnic conflicts around the world. The benefits were evident: Security Council authorization provides an international badge of legitimacy, making it not only easy but often required for other nations to jump on board. The United States and the European Union typically ended up dividing the costs of a particular military operation with the United States paying for the war and the European Union (with Japan and sometimes the Gulf States) for the peace.

No administration has a perfect track record when it comes to the United Nations. As noted, administrations from Kennedy through Reagan managed to circumvent the Security Council in the defense of what they considered to be important and sometimes vital U.S. interests. Even the Clinton administration broke ranks with the United Nations over Kosovo; when it was clear that the Russians would veto any use of armed force in Kosovo to protect ethnic Albanians from Serbian ethnic cleansing, the United States, Britain, and France went to NATO instead. The intervention in Kosovo was in fact a NATO operation, with target selection, troop deployments, and escalation decisions run through all the NATO capitals. But in that case only three nations in the Security Council were willing to vote to condemn the use of force in Kosovo; after the fact, the entire Security Council effectively legitimized the operation by placing Kosovo under a U.N. mandate.

Every administration, by contrast, has publicly upheld the U.S. commitment to the United Nations. Even when, as during the Clinton administration under pressure from Senator Helms, the United States withheld its dues, it did so to try to force reforms to make the United Nations a

more effective and efficient institution. The first President Bush was particularly skillful at building a grand coalition in the United Nations to wage the first Gulf War. He placed the United States at the helm of the international community, demonstrating that in 1991 a nation could not simply invade and occupy its neighbor without a global response. In previous administrations, decisions not to take a problem to the United Nations have been almost always driven by awareness that a fundamental political division would block reasoned deliberation on the merits of the issue at hand.

September 11th and the war on terrorism inevitably affected our relationships with multinational authorities in general, and the United Nations in particular. In the week after the attack, the Bush administration quietly pushed Congress to authorize payment in full of all outstanding U.S. dues to the United Nations. The Security Council quickly passed a resolution condemning the attacks on the United States in the strongest terms and obligating all U.N. members to take sweeping domestic and international measures against terrorism. The United States did not seek authorization for its operations in Afghanistan, but approval was readily forthcoming. A year later President Bush went to the United Nations and challenged it to fulfill the role its founders had envisioned for it as an effective, credible force in world affairs. Two months later, the Security Council passed a unanimous resolution demanding that Saddam Hussein disarm in compliance with a decades-worth of U.N. resolutions.

But then the real trouble started. The Security Council reached an impasse over the actual use of force in Iraq; the United States and Britain concluded in mid-March that they could not get a second resolution directly authorizing the use of force and chose instead to proceed on the basis of the November resolution. Their argument was based on the purportedly imminent threat posed by Iraq's possession and active development of weapons of mass destruction (WMD). In the aftermath of the war, however, with no actual WMD in sight, the administration has not once even suggested that its reading of the available intelligence might have been wrong; that perhaps, just perhaps, those countries that argued for waiting a few more months and giving arms inspections more of a chance might have had a point. Nor, inside the administration, is there any sign of recognizing that occupying and trying to rebuild Iraq might be substantially easier had we been able to create the kind of international coalition that

G.H.W. Bush did in 1991, as opposed to begging countries like Moldova, Nicaragua, and the Dominican Republic to contribute troops.

If anything, attitudes against multilateral institutions seem to be hardening. The view of Bush and company seems to be that we could not actually take the U.N. Charter seriously where our national security is concerned. We will not consult, we will not compromise, we will not cooperate. We will go our own way, maintain our primacy in the world system, welcome states that are willing to go with us, and ignore those who will not.

This is a dangerous, even deadly mistake. And it is based on a fundamental misunderstanding of the purpose of international rules. When challenged on non-compliance with these rules or on U.S. failure to join various international treaties, administration members typically insist that international legal rules are useless anyway, because they are routinely flouted by the nations we would most like to constrain. But according to political scientist John Ikenberry, who has studied post-war settlements and the institutions created by the winning power from 1815 to the present, the dominant power in the international system must contend not only with rival powers, but also with the fears of allies that they will be either dominated or abandoned. In this context, the most important reason for the United States to commit itself to rules is not because they will restrain our enemies, but because they will reassure our friends—and without our friends, we cannot in the end defeat our enemies.

The war in Iraq and its aftermath neatly illustrates the point. The war has severely strained U.S.-EU relations, as well as relations with Canada and Mexico. Even life-long supporters of the United States in these countries are beginning to conclude that we are walking away from the very international system we did so much to create and maintain over the past fifty years—and walking away with no clear destination in sight. No matter how big and powerful we are, we need our allies to tackle a whole host of issues: terrorism, trade barriers, fair labor standards, global pathogens, global warming—to name only a few. These issues require cooperation of *domestic* institutions—police agencies, environmental regulators, intelligence operatives, labor inspectors, health services. No amount of saber-rattling will make any difference. And coalitions of the willing by definition leave out the unwilling—which may be exactly the states we most need to cooperate.

In short, President Bush is making the United States weaker, not

stronger. This is isolationist internationalism, characterized by lots of activity and little actual leadership. Our friends do indeed fear domination and abandonment. And our enemies see lots of opportunities to divide and conquer.

II. Solutions

Short-Term Initiatives

We need to revise the global rules governing international peace and security, including the use of force. Underlying this revision must be a new global bargain, whereby the United States agrees to accept genuine constraints on its ability to use force in return for a genuine commitment by the nations of the world to do everything possible to combat terrorism, radical (armed) fundamentalism, and the threat of failed states. We have to acknowledge that not only can we not go it alone but that we may not always know best. We can listen to and even learn from other nations in the process of consultation and collective deliberation.

In 1945 it was clear that one era was ending and another beginning. The nations of the world gathered to determine the rules that they would live by for the coming decades, and formalized it in a treaty. With 191 far more diverse nations in the world today, we will not have that luxury. A new bargain will essentially have to be struck by a new President in 2004 that would change the terms and the tone of many current foreign policy debates quite quickly.

1. Replace primacy with partnership.

The Bush administration's National Security Strategy sets forth a strategy of "primacy": the United States should ensure that we are and remain the biggest kid on the block, so that no one will ever dare attack us. That is the cornerstone of our security. And as long as we are the mightiest power in the world by a substantial margin, we essentially don't need other nations.

The problem with this approach is that terrorist groups don't care about our military capacity; if anything, it is just further incitement to inflict damage on us. And to fight terrorism effectively, we need maximum cooperation from nations around the world, nations that are either frightened or repulsed by our swagger. A far better approach would be to main-

tain sufficient military strength to ensure that we can both deter and defend against attack, but otherwise to pursue a strategy of partnership with other nations in pursuit of common interests.

The first step would be simply to declare that we no longer seek “primacy” as our principal foreign policy goal. We do not intend to grow weaker, of course. But augmenting our power just for the sake of it makes no sense. We should instead seek to use our power in partnership with other nations or groups of nations to make ourselves and our allies safer.

To take only one example, the Clinton administration adopted elements of a cooperative security strategy, particularly in the area of controlling “loose nukes.” Indeed, the Nunn-Lugar Act established a process of cooperative threat reduction with Russia and many former Soviet Republics that has proven quite successful in reducing the economic and the political incentives to sell nuclear and biological weapons components to foreign governments or non-governmental organizations. This approach could be extended to fighting terrorism better by partnering with Pakistan to develop educational alternatives to the *madrasahs* that currently indoctrinate Pakistani youth with the tenets of radical Islam and serve as feeders for terrorist groups. Or by partnering with African nations to reduce small-arms traffic, which fuels so much of seemingly endless civil war in so many African countries. Or by simply asking other nations how they think we could best work together to address common problems and actually listening to the answers.

2. Publicly commit to a rules-based foreign policy and a rules-based international order.

The United States should agree to abide by rules governing the use of force as long as those rules are updated to take account of our and the world’s new security needs. Secretary General Kofi Annan has already urged the Security Council to consider new criteria for “early authorization of coercive measures,” which is U.N.-speak for preemption. He recognizes that unless the United Nations can act as a body, individual nations will go it alone. That may be a tall order, but it is far more likely to happen if the United States is prepared to live up to its side of the bargain as well.

What would such a commitment mean in practice? The President and the American people would have to accept that we do not go to the

United Nations only as long as other nations are prepared to rubberstamp our proposed plans, but that we might have to change or even shelve those plans in the face of strong and reasonable opposition. Taking the rules seriously would have meant waiting at least another month or even six before using force in Iraq; over the course of that time it might have become clear that Saddam Hussein’s degraded conventional weapons did not pose an imminent threat, and that there were no WMD. The international community might still have decided to use force to remove him from office; alternatively, exposing his weakness could well have imperiled his domestic position. In either case, however, the United States would have been able to share the burden of both the war and the peace with all other U.N. members.

Reestablishing a rules-based order will ultimately make the United States stronger and the world safer. What we give up in the short term we gain in the longer term. This is particularly true in any situation involving the use of force. Since we are most likely to be doing the fighting, we are also most likely to need help in rebuilding and consolidating the victory when the war is over.

3. Push U.N. reform.

The U.N. Secretary General has named a panel of Eminent Persons, including many former heads of state, to formulate proposals for important U.N. reforms by the fall of 2004. Such reforms may include tightening the criteria for member states to head up important U.N. committees like the Human Rights Commission or the Disarmament Committee; strengthening the role of the Economic and Social Council as a body charged with addressing critical global issues such as AIDS or development assistance for the poorest countries; and creating a caucus of democratic states within the General Assembly. The United States should support this initiative wholeheartedly, working with members of the panel and interested states and groups worldwide.

Beyond these reforms designed to improve the internal workings of the United Nations, other important collective steps could accomplish a de facto amendment of the U.N. Charter, such as an agreement that all U.N. members have a responsibility to protect their citizens’ most basic human rights and a collective responsibility to intervene if one of their number fails in this responsibility. A similar de facto amendment could accept a col-

lective duty to prevent nations without internal checks on their power from acquiring or using WMD. Broad propositions such as these can be adopted as accepted interpretations of the existing Charter through resolutions of the General Assembly or even of the Security Council.

4. Pursue conditions of the willing as pilot projects within an international or regional framework rather than as an ad-hoc U.S. initiative.

The Bush administration has launched the Proliferation Security Initiative (PSI) with 11 other states to create a collective capacity to interdict the shipment of weapons to terrorists or states supporting terrorism. Many countries would support this initiative and similar innovations if the United States made clear that is trying out various ideas as a precursor to more formal international agreements, rather than as a deliberate rejection of traditional multilateralism. We are alienating many of the countries in the developing world whose cooperation is likely to be most critical to the long-term prosecution of the war on terrorism.

The PSI is a classic instance of Secretary of Defense Rumsfeld's oft-quoted assertion: "The mission determines the coalition...the coalition must not be permitted to determine the mission." In fact, it makes sense to move ahead with some initiatives with a small group of nations rather than trying to gear up the formal international decision-making machinery. But the PSI could have been a NATO initiative. Or it might have been authorized by the Security Council itself as a kind of pilot project to plug the holes in the existing nonproliferation regime. Or the administration could even take the more unusual step of convening the defense ministers of the G-20 countries, the group that has met regularly as a network of finance ministers in the wake of the East Asian financial crisis.

Long-Term Proposals

Looking back to the beginning of the Cold War, it may appear as if the guiding principles of U.S. national security strategy emerged quickly and certainly in a few short years, aided by thinkers like George Kennan and statesmen like George Marshall. This is myth, of course. The concepts of containment, strong support for Europe through the Marshall Plan, NATO, and the European Coal and Steel Community (the first baby steps toward European integration), mutual assured deterrence, and indeed the

very idea of a National Security Council to advise the President emerged over the course of a decade, roughly from 1945 to 1955.

If the principal threats we face in the wake of the Cold War and 9/11 are terrorism, extremism, global disease, poverty, and environmental destruction, years could pass as we work out the foundations of a new national security strategy that is intellectually grounded and practically tested. If, as proposed here, that strategy includes a new global bargain, then a new administration should be thinking about longer term steps to assure other nations that we are serious about accepting restraints on our own freedom of action in return for a resumed position of leadership in devising collective solutions to collective problems. Those longer term steps must include actual proposals for new rules as well as a new commitment to live up to them.

1. Negotiate a New Atlantic Charter with the European Union.

U.S.-EU relations are at their lowest point in a quarter-century, just at a time when our common values and common interests in fighting for a world free from fear should be most evident. We should seize the moment of the passage of a new EU constitution to come together as two great powers on either side of the Atlantic and negotiate a New Atlantic Charter. This Charter would hark back to the Atlantic Charter of 1943, when the Allies came together to "make known certain common principles...on which they base their hopes for a better future for the world."

The old Atlantic Charter helped forge an enduring alliance between the United States and Western Europe against totalitarianism, the principal scourge of the twentieth century. A New Atlantic Charter should affirm a common U.S.-EU commitment to fight terrorism, tyranny, and the grinding toil of illness and want in the twenty-first century. It should establish principles of mutual consultation on all important issues of common concern and provide for informal transatlantic institutions to put these principles into practice.

2. Regain leadership of global efforts to stop global warming.

A new administration should treat the Kyoto Protocol the way Ronald Reagan handled the Law of the Sea treaty: announce that the United States will abide by most of the Protocol's provisions as a matter of customary international law, even though we have not signed it. The next step must be to propose a new and more effective agreement to combat global

warming, stimulating the development and use of as many non-carbon-based technologies as possible in both developed and developing countries.

Further, the United States should lead the world not only in seeking effective approaches to reduce the causes of global warming, but also to find new technologies to blunt its effects. Many current schemes for creating shields from the sun's rays or otherwise reducing the Earth's temperature may sound harebrained, but current predictions about the extent of warming even if all nations drastically reduced their carbon emissions today make it virtually certain that we will need mitigating as well as preventative strategies. The United States could jumpstart a collective initiative to increase the gain from accepting the pain. (See Chapter 10 by Carl Pope.)

3. *Join the International Criminal Court.*

No single step would do more to assure other nations that the United States is willing to play by the same rules as everyone else as long as those rules also serve U.S. interests than joining the International Criminal Court (ICC). The U.S. vote against the ICC treaty (in the company of only seven other nations such as Libya, China, and Yemen) has become a powerful symbol of U.S. arrogance and exceptionalism elsewhere in the world. Fair or not, the interpretation abroad is that the United States wanted a set of rules that would subject the soldiers of every other nation in the world (including Great Britain, France, Russia, Australia, and others who regularly send troops into the field) to potential liability for genocide, war crimes, and crimes against humanity, except our own. Today, whenever the United States proclaims that it stands for the rule of law, we are vulnerable to charges of hypocrisy from even our closest allies.

Far from threatening our troops, the ICC can be an instrument to help keep them home where they belong. Instead of only attacking countries, inevitably including civilians, we should be indicting individual leaders guilty of horrific crimes against their own citizens and often those of neighboring countries. Imagine if Saddam Hussein had been indicted by an international prosecutor for genocide and crimes against humanity after he gassed Kurdish Iraqis in 1988, or for grave war crimes for his use of chemical weapons in his war against Iran? In the days before he had eradicated any hint of domestic opposition, an international indictment and a warrant for his arrest, perhaps coupled with a reward for bringing him to justice, would have at the very least created a new set of policy options in

dealing with Iraq. At best, it could have avoided two wars led by the United States in Iraq and a decade of military and economic sanctions.

Joining the ICC would not subject our soldiers to the prospect of trial in The Hague. It would only mean that the ICC would be able to scrutinize our normal military justice system and assure itself that in a suspected case of grave war crimes, genocide, or crimes against humanity we were willing and able to investigate the case and try the defendant if warranted on the evidence. We should be proud enough of our soldiers' record to accept that scrutiny, confident that we would be gaining far more in terms of holding other countries' soldiers and leaders to account than we could conceivably lose. And indeed, if a U.S. soldier were taken prisoner in a country like Iraq or Liberia or Bosnia, to name a few places where our troops have recently seen action, we would vastly prefer that such a soldier be sent to The Hague, there to be returned to us, than to be tried for war crimes or crimes against humanity or genocide on site.

The consensus in 1945 was that the United States could lead through law; that we gained more from accepting constraints on our behavior in return for generally agreed rules and principles that we could apply against other nations than we did than from short-term freedom of action. The Bush administration, by contrast, often seems to equate U.S. leadership with defiance of international law, an attitude of "damn the international community, full speed ahead." We are alienating our allies and losing both influence and integrity in world affairs. It is time once again to lead the world not only by imposing the law of force but also the force of law.