



Worldview

A bi-annual newsletter edited and published by the Center on International Cooperation

Letter from the Director Views from Abroad

Apart from traditional diplomatic channels, the process of making U.S. foreign policy is remarkably insulated from international perspectives. That is not to say that the U.S. does not develop its policies in part in response to events and stimuli abroad, but rather that the ideas and opinions of others are by and large either dismissed or ignored. It is a rarity for a foreign leader to address Congress, and – except for the occasional media coverage of European public intellectuals or the denunciations of our foes – the public has limited access to the views of non-Americans. Yet, the ideas of others do indeed matter, and U.S. policies and actions abroad are likely to be more effective if informed by them.

Successive U.S. administrations and a majority in Congress have long believed that the U.S. would lead and others would follow simply by dint of the country's standing and power. The assumption was that other countries might evince some initial resistance, but that they would inevitably acquiesce to U.S. power and authority, following along because they had no alternatives. In the post-Cold War world, tit for tat mattered for them, but not for the world's sole superpower.

Recent events are demonstrating the fallacy of that view. Other countries, including our closest allies, appear increasingly willing to assume the leadership on key elements of the international agenda and to move ahead without the U.S. if necessary. International accords on climate change, land mines, and the International Criminal Court

are cases in point, but other coalitions are forming – in Europe and elsewhere – to aggregate will and might to get things done in spite of U.S. reluctance or opposition.

CIC's work agenda is built around the proposition that others' perspectives need to be given greater prominence, as the U.S. develops policies for global engagement. For that reason, the advisory committees for our projects are broadly international, to date representing some 19 nations in total. Researchers from both the major donor and recipient countries undertake our case studies. Concerted efforts have been made to obtain regional perspectives on major policy initiatives, such as the Brahimi report on UN peace operations (see *Worldview*, Issue 1, available at www.cic.nyu.edu), the Center's own recommendation for the creation of a Strategic Recovery Facility, and our efforts to better understand regional conflict formations in South Central Asia and the Great Lakes region of Africa. To that end, two post-doctoral scholars from Africa will join us in September through a partnership with the Fulbright program made possible by a generous gift from the Madeline and Kevin R. Brine Charitable Trust. (see sidebar)

In addition to these efforts, and its recent project on Multilateralism and U.S. foreign policy, the Center will embark on a major new undertaking this fall that seeks to better understand how differences between the U.S.'s and other countries' perceptions of threats such as terrorism will affect regional and global security arrangements. The project, to be coordinated by Bruce Jones, currently Chief of Staff in the Office of the United Nations Special Coordinator for the Middle East Peace Process, will be organized

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Introducing The 2002 Fulbright Fellows

The Center on International Cooperation and the Fulbright Foundation are pleased to announce:

Dr. Sifuni Mchome will join CIC in the fall to undertake a project on refugee policy and management in Tanzania in light of the Great Lakes conflict, and

Dr. Jean-Mathieu Essis Essoh of the Ivory Coast will undertake a project on the Nuclear Non-proliferation Treaty as a working model for multilateral co-operation.

CIC also wishes to welcome Bruce Jones, former Chief of Staff to the Office of the United Nations Special Coordinator for the Middle East Peace Process and CIC's new Deputy Director. In September, Bruce will begin work at the Center on the project: Transformations in Multilateral Security Arrangements.

around a series of case studies and consultations undertaken with partner institutions in key regions.

This issue of *Worldview* describes the prevailing tensions between current U.S. approaches to global engagement and others' perceptions of it in several areas of CIC's work. The guest essay by David Malone, president of the International Peace Academy, focuses attention on the lack of consensus in the international response to the reconstruction of Afghanistan.

- *Shepard Forman*

A Dysfunctional Multilateral System?

**By Dr. David Malone,
President, International Peace Academy**

The coherence of international response to the political crisis in Afghanistan, subsequent to a largely successful U.S. military campaign to dislodge Al Qaeda and topple the Taliban, may be evidence of broader systemic problems requiring urgent attention in key capitals. In particular, perspectives vary considerably, as between some European capitals and Washington, over what approaches to security and reconstruction of the country may be most promising. The Center on International Cooperation has done much to draw these incipient problems to our attention in recent years. It will be well placed to help formulate corrective action if governments genuinely wish to see improvements effected in multilateral response to complex emergencies in conflict countries.

Afghanistan has been on the international agenda for years. The international community has also been very much present in Afghanistan, through local actors. Unheralded, the International Committee of the Red Cross and several UN agencies essentially fed the country and provided what social services there were, drawing upon thousands of dedicated local Afghan staff to build distribution networks. The U.S. contributed heavily to these efforts, inter alia through massive food aid, but remained politically aloof from the country after the Soviet Union's withdrawal in the late 1980s. In the wake of Operation Enduring Freedom and the collapse of the Taliban regime, key governments, not least that of the United States, recognized a responsibility to help usher in an era of

improved governance and economic rehabilitation.

In Bonn late last year, the United Nations led, very successfully, an effort to forge a political consensus among Afghan leaders on a constitutional path forward for the country. Meanwhile, the UN Security Council mandated an international force, drawing upon a coalition of the willing (essentially EU members and candidate members) to provide a degree of security in and around Kabul. That force, the International Security Assistance Force, has been deployed to good effect for some months. Many in Europe believed that it should be deployed to other major regional centers as well, in order to spread security throughout the country. However, the refusal of the United States and France, among others, to contemplate expansion of ISAF's mandate, despite repeated requests from the Afghan authorities and the UN Secretary General has placed limitations on serious peacebuilding efforts in Afghanistan. Nervousness over such a deployment may decline with the end of offensive military operations, but it makes clear once again that even in critical situations where their interests are engaged, Western governments, including the U.S. and leading European capitals, are likely to have divergent views and more often than not are prepared to offer only what is convenient rather than what is required.

Furthermore, Western performance in supporting financially Hamid Karzai's six-month interim government was disappointing. The amounts pledged were impressive (often, beyond the limits of credibility), but up-front cash disbursements to help get the government off the ground and economic activity kick-started were inadequate (even though the real costs and risks of slow disbursement have long been recognized). Donors have met again and again in comfortable circumstances to dicker over the parameters of the assistance program, mostly preoccupied with planting their national flags as prominently as possible on fashionable projects. While help was definitely provided to Karzai and his team, not least through efforts of UN Special Representative, Lakhdar Brahimi, to keep intact the political track forged at Bonn, overall donor and international institutional response has not, initially, been very impressive.

Lessons from other peacekeeping and peacebuilding missions have taught us

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that well-coordinated (if differentiated) action by leading Western players is key to success. In Kosovo, as in Bosnia earlier, Washington overcame its antipathy to U.S. military involvement in peacekeeping, joining the Europeans on the ground. In East Timor, the U.S. supported Australia's military lead and drew heavily on European funding to buttress the UN's interim administration and fledgling development efforts. In both cases, the U.S. accepted the need to address European perspectives constructively. In Afghanistan, still preoccupied with war fighting, the U.S. has tended to lapse into thinking of the division of labor as, in the words of Dominique Moïsi: the U.S. fights, the UN feeds, and the Europeans fund.

Over time, the U.S. will find Europe less responsive to picking up the pieces after U.S. military operations (no matter how much support the war on terrorism genuinely elicits in European capitals). The U.S. will need to develop a more sophisticated, less narrowly self-serving approach to burden-sharing. The Europeans, for their part, will need to build on the recent successes of European "construction" (such as the launch of the Euro) and will need to demonstrate more clearly what Europe is able to do for the world, particularly Africa, if the perception gap is to be bridged and an equitable partnership created.

- David Malone

Global Perceptions of U.S. Unilateralism: Lessons from a new CIC book

In spring 2001, CIC assembled an international forum, composed of 20 distinguished foreign commentators, to examine global perceptions of U.S. unilateralism. The forum has recently completed a manuscript, *Unilateralism and U.S. Foreign Policy: International Perspectives*. Co-edited by David Malone and Yuen Foong Khong, the book examines foreign objections to the perceived U.S. tendency to "go it alone" in international affairs.

As a group, the contributors reject the presumption that the United States, by virtue of its exceptional culture and overwhelming power, has the right to set the rules binding on other countries while reserving the right to opt out of these obligations. A recent case in point, analyzed by German jurist Georg Nolte, is the U.S. insistence on exemptions from the Rome Statute of the

International Criminal Court. Although international negotiators went to great lengths to accommodate U.S. concerns, Washington refused to compromise, demanding international recognition of its unique position as world policeman. As the English human rights expert Rosemary Foot observes, the demand that others adopt standards that it is unwilling to accept exposes the United States to charges of hypocrisy and undermines the effectiveness of its foreign policy.

The contributors also criticize U.S. unilateralism in security matters, particularly when it comes at the expense of cooperative security. For Russian analyst Ekaterina Stepanova, the U.S. readiness to use military force without an explicit Security Council mandate – as against Iraq in 1998 or in Kosovo in 1999 – is inconsistent with the UN Charter and insensitive to the security concerns of other major powers. U.S. nuclear policy provides a similar source of international friction. Kanti Bajpai, an Indian academic, contends that U.S. resistance to the Comprehensive Test Ban Treaty encourages nuclear proliferation. Likewise, Chinese scholar Qingguo Jia depicts U.S. efforts to construct a national missile defense as a quest for "absolute security" that will only make others insecure.

A central message of *Unilateralism and U.S. Foreign Policy* is that global integration makes unilateral action less sustainable than it was in the past. As interdependence deepens, argues Singaporean Kishore Mahbubani, the United States will find its interests better served by strengthening the United Nations, rather than (as sometimes in the past) weakening it. To respond effectively to globalization, Washington will also need to exercise more consistent and constructive leadership in managing economic interdependence and ameliorating its more unpleasant side effects.

The book highlights certain regional differences in perceptions of U.S. unilateralism. For Chris Landsberg, U.S. policy failures toward Africa include inconsistent involvement, inadequate consultation, and incomplete follow-through on sweeping promises. From a Latin American perspective, the danger is not too little U.S. involvement but too much. The challenge for U.S. neighbors, according to Gelson Fonseca, is to enmesh the United States in hemispheric and international institutions that encourage it to play by the rules and diminish its capacity for unilateral action. In a similar vein, Sophia Clément envi-

"A central message of Unilateralism and U.S. Foreign Policy is that global integration makes unilateral action less sustainable than it was in the past."

sions the transformation of transatlantic security relations in a more egalitarian direction. Such a multilateral vision remains a distant prospect in the Asia-Pacific, where the United States clings to a pattern of bilateral engagement inherited from the Cold War. One of the central challenges the United States confronts today is to exercise abroad its overwhelming power in a manner that reassures rather than antagonizes other countries.

- Stewart Patrick

The Alpha Donor: How the International Humanitarian Community Views U.S. Action

With the United States providing over a third of global humanitarian contributions, the other members of the international community acknowledge its dominant position in the humanitarian system. At the same time, a widening gulf separates the U.S. from many of its counterparts on issues of philosophy and operational approach.

For one, many international agencies express growing discomfort with the way the U.S. has “securitized” its humanitarian agenda. Once content to provide logistical and security support to humanitarian efforts, in missions such as Afghanistan, the U.S. military has begun undertaking its own small-scale aid projects. When armed U.S. soldiers in civilian dress run aid projects, agencies fear that their own field staff could be confused with the military and targeted for violence. Aid workers in Afghanistan have appealed (in vain) for an expansion of the International Security Assistance Force beyond Kabul to protect reconstruction efforts throughout the country. Providing security, they say, is where the military can best find its comparative advantage and most appropriate role in aid.

Another point of contention, particularly among the UN humanitarian leadership, concerns the U.S. operational approach to assistance, which emphasizes bulk food transfers (“food dumping,” some have contended) and bilateral, project-based programming. The United States is increasingly channeling aid outside the UN system, through NGOs, and is earmarking its remaining UN contributions to exercise more control over their disposition. UN agencies like the High Commissioner for Refugees are

worried about the increased earmarking and what they see as the attempted micro-management by donor nations, in particular the U.S. – the loudest advocate for greater donor oversight.

Moreover, the U.S. finds itself increasingly cut off from other major donors and the broader humanitarian community because it has not participated in international efforts to develop principles to guide aid operations. Although it has spearheaded the movement for agency performance standards, the U.S. has not joined in the international discussion on humanitarian principles, which is grounded in the language of humanitarian space, neutrality, rights, and international law. While a logistical rather than a philosophical focus might seem like a minor issue when the goal is to feed and shelter, the distinction is significant to others in the international community who need to confront resulting problems. If the United States was more engaged in the debates on humanitarian principles and codes of conduct, the U.S. military might have better understood the outcry that erupted over the uniform issue.

The vast sums, complex bureaucracy, and largely bilateral orientation of the government’s humanitarian program conspire to create a kind of splendid isolation of the U.S. within international humanitarian circles, where diplomacy and common understanding sometimes come up short. At the same time, other donors and operational partners acknowledge that the U.S. government includes some highly dedicated professionals who try to insulate humanitarian work from political pressures and who want to promote dialogue with international colleagues. USAID officials say they want to cement ties with their European counterparts and serve as an interlocutor between the U.S. military and international humanitarian actors. Actions such as these are sure to be welcomed by the rest of the humanitarian community.

- Abby Stoddard

Regional Perceptions Matter

Major political actors in both Central Africa and South Central Asia have similar perceptions of U.S. policy, despite the many differences between the two regions. Their view, that U.S. policy is self-interested and short-term, is greatly at odds with how the United States sees its own actions and has implica-

“If the United States was more engaged in the debates on humanitarian principles and codes of conduct, the U.S. military might have better understood the outcry that erupted over the uniform issue...”

tions for both future U.S. interests in the regions and the degree of cooperation there. In an April news briefing, the Defense Department explained the focus of U.S. policy in Central Africa stating that the United States seeks to develop “partnerships with African nations and sub-regional organizations to help build sustainable capacity, both national as well as regional, for humanitarian, crisis response, and peace support operations.” The African Crisis Response Initiative, which trained, among others, Rwandan and Ugandan troops in peacekeeping operations, is one of several examples of the U.S. “helping Africans to help themselves.” Central Africa receives less prominence than other regions in U.S. policy, but government officials such as Secretary of State Colin Powell argue publicly that the U.S. is nevertheless committed to supporting peace and stability there. These pronouncements differ from the perceptions of many of the Central African scholars and activists with whom CIC staff met last November in Nairobi, Kenya, as part of CIC’s Regional Conflict Formations project.

Although Central Africa receives a miniscule proportion of U.S. government attention and resources compared to other regions of the world, U.S. policy looms large in local thought. Colleagues in the region characterized U.S. actions as “self-interested” and “misguided” rather than in the benevolent terms in which U.S. officials characterize them. Local actors see the U.S. seeking profit and influence in the region while trying to avoid risky involvements, even when such crucial matters as stopping genocide are at stake.

A similar disconnect appears in the perceptions of U.S. policies and actions in South Central Asia, where U.S. officials describe U.S. policy as “comprehensive” and “long-term,” costing billions of dollars in military and humanitarian expenditures. The U.S. is primarily concerned with protecting U.S. territory and citizens by winning the “war on terror,” and officials have argued that achieving peace and security in Afghanistan is vital to our nation’s interest. President George W. Bush has even declared that Afghanistan needs a “Marshall Plan” – one of the greatest symbols of U.S. overseas commitment in the 20th century. The U.S. argues it has used all of the resources at its disposal, including diplomatic, military, economic, and political means, to ensure success. But at a March meeting in Istanbul, scholars and practitioners

from the region asked, “How does the U.S. define success?” And this is where U.S. and South Central Asian perceptions begin to diverge.

Major actors in the region are skeptical that the U.S. is committed to the long-term development and security of Afghanistan and the region, despite statements to the contrary. At the March meeting, which discussed the regional conflict in South Central Asia and the changes since September 2001, participants reported that many if not most people in the region believe that active U.S. involvement there will be short-lived and shortsighted. They were particularly concerned about U.S. efforts to strengthen local states’ abilities to control potential threats, at times through repression, contradicting the values the U.S. claims to represent.

As in Africa, practitioners and analysts from South Central Asia view U.S. policy through the prism of the last 50 years – when the U.S. engaged and disengaged with various countries and causes opportunistically, seemingly without any strategic vision for the region. For example, although Afghanistan has once again become important to U.S. national interest, as it was during the final stage of the Cold War, recent decisions by the U.S., including its refusal to support expansion of the International Security Assistance Force outside of Kabul or commit troops to peacekeeping in the country, are signs, they say, that the U.S. is indeed returning to its old ways.

In South Central Asia, the perception of opportunistic U.S. involvement is leading to competition among states in the region for bilateral relationships with the U.S. and the quest for quick profits by states and local warlords who expect outside reconstruction assistance to be short-lived. In Central Africa, perceptions of U.S. policy in the region reinforce the tendency of some actors, notably Uganda and Rwanda, perceived as supported by the U.S., to continue aggressive behavior and resist regional cooperation, while leading other actors to undertake risky and sometimes opportunistic military involvements to counter the former. Such negative perceptions of U.S. policy in both regions may stymie efforts towards greater regional cooperation in border control, narcotics interdiction, controlling smuggling of natural resources, and curbing arms trafficking – efforts that are in the U.S. national interest both in the immediate war against terrorism and over the longer term.

- *Andrea Armstrong and Barnett Rubin*

Istanbul, Turkey

May 30 - June 6

CIC, in partnership with the Turkish Economic and Social Studies Foundation, held a three-day meeting in Istanbul, Turkey with the Conflict Prevention and Peace Forum to examine the regional impact of the reconstruction of Afghanistan.

Jointly organized by CIC’s regional conflict formations and Afghanistan reconstruction projects, this conference brought together scholars and practitioners from South Central Asia and beyond, to discuss potential areas of regional cooperation, including water, narcotic interdiction and trade. A meeting report will be available at www.cic.nyu.edu September 2002.

Florence, Italy

"The International Judge"

On June 24-25, CIC's Project on International Courts and Tribunals (PICT) and the Institute of Judicial Administration at the New York University Law School hosted a conference entitled "The International Judge: Independence and Accountability" in Florence, Italy. Judges from several international courts and tribunals such as the ICJ, ECJ, ECHR, ICTY, and WTO Appellate Body met with academics and practitioners to discuss emerging standards for the independence of the international judiciary. For further information, visit www.pict-pcti.org.

International Injustice?

The International Criminal Court will depend on broad international support for its effective functioning. The U.S., however, continues to voice strong opposition. So far the Rome Statute has garnered ratifications from 76 countries from every region of the world – including every single member of the European Union, but the U.S. appears intent on diminishing the Court's reach and authority.

Beyond choosing not to participate, the U.S. consistently undermines the foundations of the ICC by insisting on the creation of ever more exceptional measures to ensure that no U.S. nationals come under the Court's jurisdiction. Demands for such measures, culminating recently in the threat to withdraw U.S. personnel from UN peacekeeping operations unless the Security Council explicitly guarantees their immunity from ICC jurisdiction, have triggered much criticism from the international community. On the linking of peacekeeping to ICC immunity, one diplomat was quoted in the New York Times on June 18th as saying, "Even close friends are very, very nervous. This is really a serious assault on the international legal order."

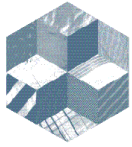
This latest demand comes against the backdrop of significant protections from the jurisdiction of the Court already built into the Statute. The first of these, complementarity, has been part of the concept of the court from the very beginning. The principle of complementarity gives strong precedence to the national legal system; if the country whose national is accused of violations pursues a good faith investigation, the Court cannot exercise jurisdiction. Furthermore, the Statute prohibits the surrender of an accused to the ICC where the surrendering State has a bilateral agreement with the State of nationality of the accused. This language was inserted at the insistence of the U.S., at a time when diplomats thought that acceding to such requests might lead it to cooperate more with the Court. The U.S. has many such instruments in place. Its Status of Forces Agreements, for instance, give jurisdiction over allegations of war crimes to the U.S. military court system and would override the jurisdiction of the ICC. At a press conference on June 19th, however, Ambassador Richard S. Williamson, United States Alternate Representative to the United Nations, stated

that such protections were not enough.

At the same time, however, the U.S. backs other institutions of international criminal justice. It strongly supports international ad hoc tribunals established by the Security Council for the former Yugoslavia and Rwanda. The U.S. has gone to great lengths to secure cooperation with the Yugoslav tribunal in particular. It also supports internationalized courts integrated into domestic legal systems, as in Kosovo, East Timor, and Sierra Leone – where the U.S. is the court's main financier – and is aggressively pursuing the establishment of another in Cambodia.

The U.S.'s championing of regional and ad hoc mechanisms for others while refusing to participate in the ICC has led to the widespread perception that it is quick to enforce rules for others that it does not accept for itself. European leaders were vocal on this point in their condemnations of the decision by the Bush administration in May to declare retroactively invalid the signature of the Rome Statute by the previous U.S. administration. The title of a recent Cherie Booth editorial in the UK Guardian sums up much of our allies' reactions: "US lets down world justice."

- Nathan Miller



Books

*Center on International Cooperation –
Studies in Multilateralism*
Published by Lynne Rienner Publishers.

***Good Intentions: Pledges of Aid
for Post-Conflict Recovery***
edited by Shepard Forman and Stewart
Patrick
(Boulder, Colorado, Lynne Rienner
Publishers, 2000).

***Promoting Reproductive Health:
Investing in Health for Development***
edited by Shepard Forman and Romita
Ghosh
(Boulder, Colorado, Lynne Rienner
Publishers, 1999).

***Multilateralism and U.S. Foreign Policy:
Ambivalent Engagement***
edited by Stewart Patrick and Shepard
Forman
(Boulder, Colorado, Lynne Rienner
Publishers, 2001).

Forthcoming:

***Unilateralism and U.S. Foreign Policy:
International Perspectives***
edited by David Malone and Yuen Foong
Khong

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Other Publications

***International Organizations and
International Dispute Settlement***
edited by Laurence Boisson de
Chazournes, Cesare Romano, and Ruth
Mackenzie
(Ardsley, New York, Transnational
Publishers, 2002).

***Internationalized Criminal Courts and
Tribunals***
edited by Cesare Romano and Andre
Nollkaemper (forthcoming)

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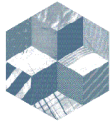
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