

**Address by Senator Jesse Helms
Chairman, U.S. Senate Committee on Foreign Relations
before
The United Nations Security Council
January 20, 2000**

Mr. President, Distinguished Ambassadors, Ladies and Gentlemen:

I genuinely appreciate your welcoming me here this morning. You are distinguished world leaders and it is my hope that there can begin, this day, a pattern of understanding and friendship between you who serve your respective countries in the United Nations and, those of us who serve not only in the United States Government, but also the millions of Americans whom we represent and serve.

Our Ambassador Holbrooke is an earnest gentleman whom I respect, and I hope you will enjoy his friendship as I do. He has an enormous amount of foreign service in his background. He is an able diplomat and a genuine friend to whom I am most grateful for his role and that of the Honorable Irwin Belk, my longtime friend, in arranging my visit with you today.

All that said, it may very well be that some of the things I feel obliged to say will not meet with your immediate approval, if at all. It is not my intent to offend you and I hope I will not.

It is my intent to extend to you my hand of friendship and convey the hope that in the days to come, and in retrospect, we can join in a mutual respect that will enable all of us to work together in an atmosphere of friendship and hope - the hope to do everything we can to achieve peace in the world.

Having said all that, I am aware that you have interpreters who translate the proceedings of this body into a half-dozen different languages.

They have an interesting challenge today. As some of you may have detected, I don't have a Yankee accent. (I hope you have a translator here who can speak Southern - someone who can translate words like "y'all" and "I do declare.")

It may be that one other language barrier will need to be overcome this morning. I am not a diplomat, and as such, I am not fully conversant with the elegant and rarefied language of the diplomatic trade. I am an elected official, with something of a reputation for saying what I mean and meaning what I say. So I trust you will forgive me if I come across as a bit more blunt than those you are accustomed to hearing in this chamber.

I am told that this is the first time that a United States Senator has addressed the U.N. Security Council. I sincerely hope it will not be the last. It is important that this body have greater contact with the elected representatives of the American people, and that we have greater contact with you.

In the spirit, tomorrow I will be joined here at the U.N. by several other members of the Senate Foreign Relations Committee. Together, we will meet with U.N. officials and representatives of some of your governments, and will hold a Committee "Field Hearing" to discuss U.N. reform and the prospects for improved U.S.- U.N. relations.

This will mark another first. Never before has the Senate Foreign Relations Committee ventured as a group from Washington to visit an international institution. I hope it will be an enlightening experience for all of us, and that you will accept this visit as a sign of our desire for a new beginning in the U.S. - U.N. relationship.

I hope - I intend - that my presence here today will presage future annual visits by the Security Council, who will come to Washington as official guests of the United States Senate and the Senate's Foreign Relations Committee which I chair.

I trust that your representatives will feel free to be as candid in Washington as today so that there will be hands of friendship extended in an atmosphere of understanding.

If we are to have such a new beginning, we must endeavor to understand each other better. And that is why I will share with you some of what I am hearing from the American people about the United Nations.

Now I am confident you have seen the public opinion polls, commissioned by U.N. supporters, suggesting that the U.N. enjoys the support of the American public. I would caution that you not put too much confidence in those polls. Since I was first elected to the Senate in 1972, I have run for re-election four times. Each time, the pollsters have confidently predicted my defeat. Each time, I am happy to confide, they have been wrong. I am pleased that, thus far, I have never won a poll, or lost an election.

So, as those of you who represent democratic nations well know, public opinion polls can be constructed to tell you anything the poll takers want you to hear.

Let me share with you what the American people tell me. Since I became chairman of the Foreign Relations Committee I have received literally thousands of letters from Americans all across the country expressing their deep frustration with this institution.

They know instinctively that the U.N. lives and breathes on the hard-earned money of the American taxpayers. And yet they have heard comments here in New York constantly calling the United States a "deadbeat."

They have heard U.N. officials declaring absurdly that countries like Fiji and Bangladesh are carrying America's burden in peacekeeping.

They see the majority of the U.N. members routinely voting against America in the General Assembly.

They have read reports of the raucous cheering of the U.N. delegates in Rome, when U.S. efforts to amend the International Criminal Court treaty to protect American soldiers were defeated.

They read in the newspapers that, despite all the human rights abuses taking place in dictatorships across the globe, a U.N. "Special Rapporteur" decided his most pressing task was to investigate human rights violations in the U.S. - and found our human rights record wanting.

The American people hear all this; they resent it, and they have grown increasingly frustrated with what they feel is a lack of gratitude.

Now I won't delve into every point of frustration, but let's touch for just a moment on one - the "deadbeat" charge. Before coming here, I asked the United States General Accounting Office to assess just how much the American taxpayers contributed to the United Nations in 1999. Here is what the GAO reported to me:

Last year, the American people contributed a total of more than \$1.4 billion dollars to the U.N. system in assessments and voluntary contributions. That's pretty generous, but it's only the tip of the iceberg. The American taxpayers also spent an additional **EIGHT BILLION, SEVEN HUNDRED AND SEVENTY NINE MILLION DOLLARS** from the United States' military budget to support various U.N. resolutions and peacekeeping operations around the world. Let me repeat that figure: **EIGHT BILLION, SEVEN HUNDRED AND SEVENTY NINE MILLION DOLLARS.**

That means that last year (1999) alone the American people have furnished precisely **TEN BILLION, ONE HUNDRED AND SEVENTY NINE MILLION DOLLARS** to support the work of the United Nations. No other nation on earth comes even close to matching that singular investment.

So you can see why many Americans reject the suggestion that theirs is a "deadbeat" nation. I resent it too.

Now, I grant you, the money we spend on the U.N. is not charity. To the contrary, it is an investment - an investment from which the American people rightly expect a return. They expect a reformed U.N. that works more efficiently, and which respects the sovereignty of the United States.

That is why, in the 1980s, Congress began withholding a fraction of our arrears as pressure for reform. And Congressional pressure resulted in some worthwhile reforms, such as the creation of an independent U.N. Inspector General and the adoption of consensus budgeting practices. But still, the arrears accumulated as the U.N. resisted more comprehensive reforms.

When the distinguished Secretary General, Kofi Annan, was elected, some of us in the Senate decided to try to establish a working relationship. The result is the Helms-Biden law, which President Clinton finally signed into law this past November. The product of three years of arduous negotiations and hard-fought compromises, it was approved by the U.S. Senate by an overwhelming 98 - 1 margin. You should read that vote as a virtually unanimous mandate for a new relationship with a reformed United Nations.

Now I am aware that this law does not sit well with some here at the U.N. Some do not like to have reforms dictated by the U.S. Congress. Some have even suggested that the U.N. should reject these reforms.

But let me suggest a few things to consider: First, as the figures I have cited clearly demonstrate, the United States is the single largest investor in the United Nations. Under the U.S. Constitution, we in Congress are the sole guardians of the American taxpayers' money. (It is our solemn duty to see that it is wisely invested.) So as the representatives of the U.N.'s largest investors - the American people - we have not only a right, but a responsibility, to insist on specific reforms in exchange for their investment.

Second, I ask you to consider the alternative. The alternative would have been to continue to let the U.S. - U.N. relationship spiral out of control. You would have taken retaliatory

measures, such as revoking America's vote in the General Assembly. Congress would likely have responded with retaliatory measures against the U.N. And the end result, I believe, would have been a breach in the U.S. - U.N. relations that would have served the interests of no one.

Now some here may contend that the Clinton Administration should have fought to pay the arrears without conditions. I assure you, had they done so, they would have lost.

Eighty years ago, Woodrow Wilson failed to secure Congressional support for U.S. entry into the League of Nations. This administration obviously learned from President Wilson's mistakes.

Wilson probably could have achieved ratification of the League of Nations if he had worked with Congress. One of my predecessors, as Chairman of the Senate Foreign Relations Committee, Henry Cabot Lodge, asked for 14 conditions to the treaty establishing the League of Nations, few of which would have raised an eyebrow today. These included language to insure that the United States remain the sole judge of its own internal affairs; that the League not restrict any individual rights of U.S. citizens; that the Congress retain sole authority for the deployment of U.S. forces through the league, and so on.

But President Wilson indignantly refused to compromise with Senator Lodge. He shouted, "Never, never!" adding, "I'll never consent to adopting any policy with which that impossible man is so prominently identified!" What happened? President Wilson lost. The final vote in the Senate was 38 to 53, and the League of Nations withered on the vine.

Fast forward 80 years. Ambassador Holbrooke and Secretary of State Albright understood from the beginning that the United Nations could not long survive without the support of the American people - and their elected representatives in Congress. Thanks to the efforts of leaders like Ambassador Holbrooke and Secretary Albright, the present Administration in Washington did not repeat President Wilson's fatal mistakes.

In any event, Congress has written a check to the United Nations for \$926 million, payable upon the implementation of previously agreed-upon common-sense reforms. Now the choice is up to the U.N. I suggest that if the U.N. were to reject this compromise, it would mark the beginning of the end of U.S. support for the United Nations.

I don't want that to happen. I want the American people to value a United Nations that recognizes and respects their interests, and for the United Nations to value the significant contributions of the American people. Let's be crystal clear and totally honest with each other: all of us want a more effective United Nations. But if the United Nations is to be "effective" it must be an institution that is needed by the great democratic powers of the world.

Most Americans do not regard the United Nations as an end in and of itself - they see it as just one part of America's diplomatic arsenal. To the extent that the U.N. is effective, the American people will support it. To the extent that it becomes ineffective - or worse, a burden - the American people will cast it aside.

The American people want the U.N. to serve the purpose for which it was designed: they want it to help sovereign states coordinate collective action by "coalitions of the willing," (where the political will for such action exists); they want it to provide a forum where diplomats can meet and keep open channels of communications in times of crisis; they

want it to provide to the peoples of the world important services, such as peacekeeping, weapons inspections and humanitarian relief.

This is important work. It is the core of what the U.N. can offer to the United States and the world. If, in the coming century, the U.N. focuses on doing these core tasks well, it can thrive and will earn and deserve the support of the American people. But if the U.N. seeks to move beyond these core tasks, if it seeks to impose the U.N.'s power and authority over nation-states, I guarantee that the United Nations will meet stiff resistance from the American people.

As matters now stand, many Americans sense that the U.N. has greater ambitions than simply being an efficient deliverer of humanitarian aid, a more effective peacekeeper, a better weapons inspector, and a more effective tool of great power diplomacy. They see the U.N. aspiring to establish itself as the central authority of a new international order of global laws and global governance. This is an international order the American people will not countenance, I guarantee you.

The U.N. must respect national sovereignty. The U.N. serves nations-states, not the other way around. This principle is central to the legitimacy and ultimate survival of the United Nations, and it is a principle that must be protected.

The Secretary General recently delivered an address on sovereignty to the General Assembly, in which he declared that "the last right of states cannot and must not be the right to enslave, persecute or torture their own citizens." The peoples of the world, he said have "rights beyond borders."

I wholeheartedly agree.

What the Secretary General calls "rights beyond borders," we in America call "inalienable rights." We are endowed with those "inalienable right," as Thomas Jefferson proclaimed in our Declaration of Independence, not by kings or despots, but by our Creator.

The sovereignty of nations must be respected. But nations derive their sovereignty - their legitimacy - from the consent of the governed. Thus, it follows, that nations can lose their legitimacy when they rule without the consent of the governed; they deservedly discard their sovereignty by brutally oppressing their people.

Slobodan Milosevic cannot claim sovereignty over Kosovo when he has murdered Kosovars and piled their bodies into mass graves. Neither can Fidel Castro claim that it is his sovereign right to oppress his people. Nor can Saddam Hussein defend his oppression of the Iraqi people by hiding behind phony claims of sovereignty.

And when the oppressed peoples of the world cry out for help, the free peoples of the world have a fundamental right to respond.

As we watch the U.N. struggle with this question at the turn of the millennium, many Americans are left exceedingly puzzled. Intervening in cases of widespread oppression and massive human rights abuses is not a new concept for the United States. The American people have a long history of coming to the aid of those struggling for freedom. In the United States, during the 1980s, we called this policy the "Reagan Doctrine."

In some cases, America has assisted freedom fighters around the world who were seeking to overthrow corrupt regimes. We have provided weaponry, training, and intelligence. In

other cases, the United States has intervened directly. In still other cases, such as in Central and Eastern Europe, we supported peaceful opposition movements with moral, financial, and covert forms of support. In each case, however, it was America's clear intention to help bring down Communist regimes that were oppressing their peoples, and thereby replace dictators with democratic governments.

The dramatic expansion of freedom in the last decade of the 20th century is a direct result of these policies.

In none of these cases, however, did the United States ask for, or receive, the approval of the United Nations to "legitimize" its actions.

It is a fanciful notion that free peoples need to seek the approval of an international body (some of whose members are totalitarian dictatorships) to lend support to nations struggling to break the chains of tyranny and claim their inalienable, God-given rights.

The United Nations has no power to grant or decline legitimacy to such actions. They are inherently legitimate.

What the United Nations can do is help. The Security Council can, where appropriate, be an instrument to facilitate action by "coalitions of the willing," implement sanctions regimes and provide logistical support to states undertaking collective action.

But complete candor is imperative: The Security Council has an exceedingly mixed record in being such a facilitator. In the case of Iraq's aggression against Kuwait in the early 1990s, it performed admirably; in the more recent case of Kosovo, it was paralyzed. The U.N. Peacekeeping mission in Bosnia was a disaster, and its failure to protect the Bosnian people from Serb genocide is well documented in a recent U.N. report.

And, despite its initial success in repelling Iraqi aggression, in the years since the Gulf War, the Security Council has utterly failed to stop Saddam Hussein's drive to build instruments of mass murder. It has allowed him to play a repeated game of expelling UNSCOM inspection teams which included Americans, and has left Saddam completely free for the past year to fashion nuclear and chemical weapons of mass destruction.

I am here to plead that from now on we all must work together, to learn from past mistakes, and to make the Security Council a more efficient and effective tool for international peace and security. But candor compels that I reiterate this warning: the American people will never accept the claims of the United Nations to be the "sole source of legitimacy on the use of force" in the world.

But, some may respond, the U.S. Senate ratified the U.N. Charter fifty years ago. Yes, but in doing so we did not cede one syllable of American sovereignty to the United Nations. Under our system, when international treaties are ratified they, simply become domestic U.S. law. As such, they carry no greater or lesser weight than any other domestic U.S. law. Treaty obligations can be superceded by a simple act of Congress. This was the intentional design of our founding fathers, who cautioned against entering into "entangling alliances."

Thus, when the United States joins a treaty organization, it holds no legal authority over us. We abide by our treaty obligations because they are the domestic law of our land, and because our elected leaders have judged that the agreement serves our national interest.

But no treaty or law can ever supercede the one document that all Americans hold sacred: the Constitution of the United States of America.

The American people do not want the United Nations to become an "entangling alliance." That is why Americans look with alarm at U.N. claims to a monopoly on international moral legitimacy. They see this as a threat to the God-given freedoms of the American people, a claim of political authority over America and its elected leaders without their consent.

The effort to establish a United Nations International Criminal Court is a case-in-point. Consider: the Rome Treaty purports to hold American citizens under its jurisdiction - even when the United States has neither signed nor ratified the treaty. In other words, it claims sovereign authority over American citizens without their consent. How can the nations of the world imagine for one instant that Americans will stand by and allow such a power-grab to take place?

The Court's supporters argue that Americans should be willing to sacrifice some of their sovereignty for the noble cause of international justice. International law did not defeat Hitler, nor did it win the Cold War. What stopped the Nazi march across Europe, and the Communist march across the world, was the principled projection of power by the world's great democracies. And the principled projection of force is the only thing that will ensure the peace and security of the world in the future.

More often than not, "international law" has been used as a make-believe justification for hindering the march of freedom. When Ronald Reagan sent American service men into harm's way to liberate Grenada from the hands of a communist dictatorship, the U.N. General Assembly responded by voting to condemn the action of the elected President of the United States as a violation of international law. And, I am obliged to add, they did so by a larger majority than when the Soviet invasion of Afghanistan was condemned by the same General Assembly.

Similarly, the U.S. effort to overthrow Nicaragua's Communist dictatorship (by supporting Nicaragua's freedom fighters and mining Nicaragua's harbors) was declared by the World Court as a violation of international law.

Most recently, we learn that the chief prosecutor of the Yugoslav War Crimes Tribunal has compiled a report on possible NATO war crimes during the Kosovo campaign. At first, the prosecutor declared that it is fully within the scope of her authority to indict NATO pilots and commanders. When news of her report leaked, she backpedaled.

She realized, I am sure, that any attempt to indict NATO commanders would be the death knell for the International Criminal Court. But the very fact that she explored this possibility at all brings to light all that is wrong with this brave new world of global justice, which proposes a system in which independent prosecutors and judges, answerable to no state or institution, have unfettered power to sit in judgement of the foreign policy decisions of Western democracies.

No U.N. institution - not the Security Council, not the Yugoslav tribunal, not a future ICC - is competent to judge the foreign policy and national security decisions of the United States. American courts routinely refuse cases where they are asked to sit in judgement of our government's national security decisions, stating that they are not competent to judge such decisions. If we do not submit our national security decisions to the judgement of a Court of the United States, why would Americans submit them to the judgement of an International Criminal Court, a continent away, comprised of mostly foreign judges elected by an international body made up of the membership of the U.N. General Assembly?

Americans distrust concepts like the International Criminal Court, and claims by the U.N. to be the "sole source of legitimacy" for the use of force, because Americans have a profound distrust of accumulated power. Our founding fathers created a government founded on a system of checks and balances, and dispersal of power.

In his 1962 classic, *Capitalism and Freedom*, the Nobel-prize winning economist Milton Friedman rightly declared: "Government power must be dispersed. If government is to exercise power, better in the county than in the state, better in the state than in Washington. [Because] if I do not like what my local community does, I can move to another local community...[and] if I do not like what my state does, I can move to another. [But] if I do not like what Washington imposes, I have few alternatives in this world of jealous nations."

Forty years later, as the U.N. seeks to impose its utopian vision of "international law" on Americans, we can add this question: Where do we go when we don't like the "laws" of the world?

Today, while our friends in Europe concede more and more power upwards to supra-national institutions like the European Union, Americans are heading in precisely the opposite direction.

America is in a process of reducing centralized power by taking more and more authority that had been amassed by the Federal government in Washington and referring it to the individual states where it rightly belongs.

This is why Americans reject the idea of a sovereign United Nations that presumes to be the source of legitimacy for the United States Government's policies, foreign or domestic. There is only one source of legitimacy of the American government's policies - and that is the consent of the American people.

If the United Nations is to survive into the 21st century, it must recognize its limitations. The demands of the United States have not changed much since Henry Cabot Lodge laid out his conditions for joining the League of Nations 80 years ago: Americans want to ensure that the United States of America remains the sole judge of its own internal affairs, that the United Nations is not allowed to restrict the individual rights of U.S. citizens, and that the United States retains sole authority over the deployment of United States forces around the world.

This is what Americans ask of the United Nations; it is what Americans expect of the United Nations. A United Nations that focuses on helping sovereign states work together is worth keeping; a United Nations that insists on trying to impose a utopian vision on America and the world will collapse under its own weight.

If the United Nations respects the sovereign rights of the American people, and serves them as an effective tool of diplomacy, it will earn and deserve their respect and support. But a United Nations that seeks to impose its presumed authority on the American people without their consent begs for confrontation and, I want to be candid, eventual U.S. withdrawal.

Thank you very much.