

Policy Analysis

THE UNITED NATIONS DEBT

Who Owes Whom?

by Cliff Kincaid

Cliff Kincaid is a journalist who writes frequently on UN affairs. He is president of America's Survival, Inc., and director of the American Sovereignty Action Project.

Executive Summary

Claims that the United States owes the United Nations more than \$1 billion are false. No legal debt exists or can exist. The UN Charter does not empower the organization to compel payment from any member state.

Even the notion that the United States owes money in the sense of a moral obligation is fallacious. It ignores the military and other assistance that the Clinton administration has provided the UN and for which the United States has not been properly credited or reimbursed. Over the past five years, that assistance has amounted to at least \$11 billion, and perhaps as much as \$15 billion. The administration has been diverting funds from federal agencies, especially the Department of Defense, to the United Nations.

Allegations of debt have distracted attention from a disturbing administration policy of providing resources, personnel, and equipment to the UN without the advance approval of Congress. In effect, the administration and the UN have been conducting important elements of U.S. foreign and military policy and bypassing Congress's power of the purse. That tendency raises grave constitutional concerns.

Because of the work of Rep. Roscoe Bartlett (R-Md.) on the debt issue, Congress is now aware of the situation and has an opportunity to reassert its constitutional authority. Bartlett has authored legislation to prevent payment of any alleged debt to the United Nations until all U.S. assistance to that organization is factored into the financial relationship. That approach would help restore the constitutional balance between the executive and legislative branches and put the United Nations on notice that it does not have an automatic claim on resources of the U.S. Treasury.

Introduction

Claims of a U.S. "debt" to the United Nations have been around for quite some time. Supporters of that claim cannot seem to agree on the amount, however. The United Nations Association asserts, for example, that, as of January 1998, the United States owed \$1.6 billion to the UN, yet the U.S. Department of State requested just \$1.021 billion to cover alleged arrears to the UN. More recently, UN secretary general Kofi Annan put the amount at \$1.3 billion.¹ Such a wide range of estimates by itself should create skepticism about the validity of the debt.

In his state of the union address to Congress on January 27, 1998, President Clinton highlighted the debt issue, saying, "It's long past time to make good on our debt to the United Nations."² Television coverage of the speech showed that most Democrats stood and applauded the president's remarks. But the United Nations Association, a pro-UN group, detected bipartisan support for the president, noting that Rep. Newt Gingrich (R-Ga.), Speaker of the House of Representatives, "responded affirmatively to the President's comments."³ Indeed, Gingrich also stood and applauded.

At a World Economic Forum in Davos, Switzerland, a few days later, Gingrich enthusiastically endorsed payment of the "debt," saying, "I believe passionately that we should pay our funding of the United Nations. I think the United States has an obligation to keep its word when it gives it."⁴ It was also reported that Gingrich and Kofi Annan discussed the U.S. "debt" to the United Nations, in what a UN spokesman said was an "encouraging talk."⁵

President Clinton is counting on the speaker to guide through the House legislation to pay the alleged debt. In a February 2 letter to Gingrich, President Clinton proposed paying \$1.021 billion in U.S. "arrears" to the United Nations and other international organizations.⁶ In a subsequent statement, the State Department insisted that payments of such arrearages would "meet obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific acts of Congress."⁷

Thus, the administration's position is that paying the so-called debt is a legal or treaty obligation and that Congress has no alternative except to pay up. That position is also taken by the United Nations Association and seven former secretaries of state who signed a letter to Rep. Benjamin Gilman (R-N.Y.), chairman of the House International Relations Committee, contending that payment of the "debt" constitutes fulfillment of "legal obligations" to the United Nations. Signers included Henry Kissinger, George P. Shultz, James A. Baker III, Warren M. Christopher, Alexander M. Haig, Cyrus R. Vance, and Lawrence S. Eagleburger.⁸

Bartlett's Counterattack

On the same day that Clinton delivered his state of the union address, however, Rep. Roscoe Bartlett (R-Md.) held a Capitol Hill news conference at which he declared flatly that "there is no United States debt to the UN," because the United States has never received "proper credit" for past peacekeeping assistance. Bartlett distributed copies of a Congressional Research Service report finding that the United States spent more than \$11 billion on international peacekeeping efforts between 1992 and 1997.⁹ Although the report did not specify how much of that amount had been counted against U.S. "dues" to the United Nations, Bartlett said the figure could be as low as \$1.8 billion, leaving \$9 billion worth of "voluntary" (uncredited) international peacekeeping assistance.

The Revealing GAO Report

The \$1.8 billion figure was itself taken from a 1996 General Accounting Office report on U.S. costs in support of UN-authorized "peace operations" in Haiti, the former Yugoslavia, Somalia, and Rwanda during fiscal years 1992-95.¹⁰ The \$1.8 billion figure represented the State Department's costs for the operations in question. That is the budget from which the U.S. share of UN peacekeeping operations has traditionally been funded. Overall, the GAO found that the costs reported by U.S. government agencies for support of UN operations in those areas of the world were over \$6.6 billion and that the United Nations had reimbursed the United States only \$79.4 million "for some of these costs."

It was the GAO report that originally prompted Bartlett to introduce his United Nations Erroneous Debt Act in 1997. Citing the report, the bill said that, during the years in question, an improper "gift" of \$4,720,600,000 had in effect been provided to the United Nations by the United States. That would, of course, more than wipe out any U.S. "debt" to the United Nations.

Congressional Maneuvers

The Bartlett bill, which attracted 60 cosponsors, would have prohibited any "debt" payments to the world organization until the \$4.7 billion was reimbursed or credited to the United States. The bill never came to a vote and was not given the benefit of hearings by the Committee on International Relations, headed by Gilman. However, using language similar to that in his bill, Bartlett subsequently offered an amendment to delete \$100 million in "arrears" funding from a State Department appropriations bill. That effort received 165 votes, including those of House Republican leaders Dick Armey (Texas), Tom DeLay (Texas), Gerald Solomon (New York), and Dan Burton (Indiana). Indeed, the Bartlett amendment received the support of 75 percent of House Republicans as well as eight Democrats.

Despite the defeat of the Bartlett amendment, the money was never provided to the United Nations. Funding of UN "arrears" was included in a bill that became stalled when its passage was linked to abortion-related family planning legislation. The administration, working with Sen. Jesse Helms (R-N.C.), chairman of the Senate Foreign Relations Committee, and ranking Democratic Sen. Joseph Biden (D-Del.), had constructed a legislative package combining requirements for UN reforms and payment of "arrearages" of \$819 million to be paid over three years. Later, the amount was increased to \$920 million. However, the House voted to attach to its version of the legislation a measure introduced by Rep. Christopher H. Smith (R-N.J.) that prohibited U.S. foreign aid from going to organizations that perform abortions. When the White House refused to accept that language, House Republican leaders removed the money for U.N. "arrears" from the legislation.

That legislative impasse in the first session of the 105th Congress has set the stage for the current debate. In March 1998 Smith offered a "compromise" to provide \$926 million to the United Nations in exchange for a prohibition on U.S. subsidies for organizations that lobby for abortion abroad or violate the laws of any foreign country with respect to abortion. Smith skirted the issue of the validity of the debt by saying that the \$926 million was for "alleged" arrears.¹¹

At his Capitol Hill news conference on January 27, 1998, Bartlett vowed, "The Congress will not roll over to pressure--no matter how great and from whom--to pay a phony debt with American taxpayers' hard-earned money. Congress didn't do it in 1997. Congress won't do it in 1998."¹² The congressman once again promised to offer legislation to delete payment of the alleged debt. As this debate was taking place, new reports were emerging on the cost of various UN-authorized "peacekeeping" operations. For example, the Washington Times reported that the Pentagon had spent \$3 billion in 1997 alone for U.S. military operations to implement UN Security Council resolutions on Bosnia and Iraq. The story noted that critics of the United Nations contended that such incurred expenses "far exceed" any claimed U.S. debt to the world organization.¹³

Thus, the lines are drawn in a battle that has become one of the most contentious in Congress. And the facts and figures could not be more at variance. At issue are billions of taxpayer dollars at a time when President Clinton and congressional leaders want the public to believe the United States is on the road to achieving a balanced federal budget.

The UN Charter and the U.S. Constitution

Although the Clinton administration, Speaker Gingrich, the United Nations Association, and others strongly and passionately argue that the Congress has an obligation to pay the money, Bartlett insists that the president "has gone beyond his constitutional authority" by providing billions of U.S. tax dollars "for UN missions that contribute little or nothing to our national security and by failing to receive proper credit for them from the world organiza-

tion.¹⁴ Bartlett insists that Congress is merely exercising its constitutional authority in deciding what, if anything, to pay, and under what conditions to pay it.

Is the United States Obligated to Pay the United Nations?

Bartlett's approach has received support from former assistant secretary of state John Bolton, who argues that paying "arrearages" to the United Nations is completely up to Congress and that, under the U.S. Constitution, the legislative branch retains the power and authority to decide what to pay the United Nations.¹⁵

Although there is some debate about whether a treaty can supersede the U.S. Constitution (Bolton contends that it cannot), that is a moot point with regard to the debt issue. The reality is that the UN Charter does not require mandatory payments from any nation. Article 17 of the Charter says,

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.¹⁶

Even though the charter speaks of a nation's being "in arrears in the payment of its financial contributions," it provides no mechanism for collecting the money. Hence, the contributions become, in practical terms, voluntary in nature. It is true that Section 2 uses the phrase "shall be borne," but the context in which that phrase appears suggests that the intent is to make certain that the world body is financed by countries, not special interests outside the organization--a point that is directly germane to the \$1 billion "gift" recently announced by media magnate Ted Turner.

Financial contributions to the United Nations have routinely been labeled "assessments" by UN officials. However, if the intention had been to compel nations to pay certain amounts, the financial contributions would have been tantamount to a tax, and it is extremely doubtful whether the charter would ever have been ratified under those circumstances. Instead, the charter merely specifies that a nation "shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of contributions due from it for the preceding two years."¹⁷ Thus, the only "punishment" for nations that do not pay certain specified amounts is the loss of voting rights. It is extremely doubtful that such a punishment would be meted out to the United States since America has been the major financial supporter of the United Nations over the organization's 52-year history. Indeed, a denial of voting rights to the United States might prompt calls for a complete U.S. withdrawal from the world body.

The question of arrears, then, becomes a dispute involving the United Nations and

the executive and legislative branches of the U.S. government. As Bolton points out, "The decision on whether and what amounts the U.S. should pay" to the United Nations is ultimately a political decision for Congress. He adds, "It does not follow inevitably that because the U.S. is not legally obligated to pay, it should not pay. Instead, the correct conclusion is that the U.S. should meet its commitments when it is in its interests to do so."¹⁸

For example, does payment of the alleged debt to the United Nations take precedence over a balanced federal budget? Should a "debt" to the United Nations be paid before our own national debt is retired? Those are some of the political questions that Congress should consider when deciding whether funds should be appropriated to erase so-called UN arrearages.

PDD 25 and Administration Secrecy

Another complicating factor is the administration's issuance in May 1994 of Presidential Decision Directive 25, which apparently provides a framework for U.S. participation in UN peacekeeping activities. One must say "apparently" because the available information comes from leaks to the press and a public, or sanitized, version of the document. The document itself has never been provided to Congress, the branch of government constitutionally responsible for declaring war and regulating the armed forces. Consider the following exchange between Gilman and then-U.S. ambassador to the United Nations Madeleine Albright:

Rep. Gilman: Madam Ambassador, on a number of occasions we've requested to see the actual document containing PDD 25. We've gotten some summaries, but thus far we haven't received any full documentation. Can you tell me when we can expect to see the full language of PDD 25?

Albright: Congressman Gilman, PDD 25 is an executive branch document that is never released to the Congressional side of the government.¹⁹

Albright's imperial assertion flies in the face of the constitutional obligations of the legislative branch to authorize spending, declare war, and make the rules and regulations for the armed forces. Congress has still not obtained a copy of PDD 25. It is entirely possible that this "executive branch document" authorizes a number of different military arrangements with the United Nations that bypass congressional authority.

Mounting Anger at the UN's Record

According to all parties concerned, Congress has deliberately withheld some monies from the UN. The United States has held back money for two reasons--a belief that the United States is being overcharged, especially in the peacekeeping area, and a

determination to promote bureaucratic and financial reform of the world organization.²⁰ As former U.S. ambassador to the United Nations Charles M. Lichenstein notes,

The so-called arrearages we owe the United Nations did not just mount up by chance. They reflected the accumulated frustration of Congress with a UN system that has scoffed at every demand for basic reform, both programmatic and fiscal, for more than a decade.

In the wake of this foot-dragging, the United Nations has the temerity to call us deadbeats for refusing to pour more dollars--U.S. taxpayer dollars, let it be noted, for which we all are owed an accounting--down a bottomless well.

What's more, the total amount of money the United States has to pay is determined by the United Nations, not by us. Under archaic assessment schedules (unchanged since 1972) the United States pays 25% of the UN's administrative budget, currently about \$300 million a year, and 31.7% of the peacekeeping budget, more than \$1 billion annually in recent years.²¹

Senator Helms confirms that money was withheld by Congress for the explicit purpose of sparking UN reform. He also concluded that the effort failed. In a much discussed 1996 article in Foreign Affairs, Helms declared the situation so serious that a threat of American withdrawal from the world body should be considered:

The time has come for the United States to deliver an ultimatum: Either the United Nations reforms, quickly and dramatically, or the United States will end its participation. For too long, the Clinton administration has paid lip service to the idea of U.N. reform, without imposing any real costs for U.N. failure to do so. I am convinced that without the threat of American withdrawal, nothing will change. Withholding U.S. contributions has not worked.²²

However, Senator Helms never went the route of advocating withdrawal. Instead, he introduced and the Senate passed a bill to pay most of the "arrearages" in exchange for specific United Nations reforms. He explained,

[T]his bill will require the UN to reduce the size of the U.S. contributions from 25 percent today to 20 percent by the year 2000. . . . It also requires the UN to adopt a really negative growth budget and eliminate at least one thousand bureaucratic posts.

This legislation will prohibit U.S. funding of UN global conferences, like the Beijing Women's Summit and the Rio Earth Summit. . . . It

will also require the UN to reimburse the American taxpayers for U.S. contributions to UN peacekeeping operations. This means the U.S. defense budget will no longer be raided to support UN experimentation with such operations. . . .

Most important, this bill prohibits the payment by the American taxpayers of any so-called "UN arrears" until the tough benchmarks have been met by the UN.²³

The bill's reference to seeking reimbursement or credit from the United Nations is noteworthy. In fact, however, the provision on reimbursement referred only to future operations. Moreover, the bill permitted the president to waive the provision "if he determines that an important national interest exists."²⁴ That was precisely what the administration had been doing all along, without of course issuing a formal waiver. Indeed, it is difficult to conceive of the administration's providing such peacekeeping assistance to the United Nations without claiming that it is somehow in our national interest. Thus, the Helms bill would not prevent the diversion of money to the UN but would only require some additional paperwork.

Senator Helms's reference to the "so-called" arrears is most interesting because it seemed to reflect his awareness that the money in question is not a debt in the true sense of the word. During a February 15, 1997, appearance on the CNN Evans & Novak program, he referred to the "arrears" but then pointed to the other side of the issue. "I forget how much it is--it's about two billion dollars worth of expenditures that the United States, meaning the American taxpayer, have made to support activities of the UN that nobody has even thought about reimbursing the American people for."

His observation was misleading on two counts. First, it implied that somebody should have thought about reimbursing the American people but no one did. That comment ignored the role that Bartlett and other critics of the United Nations have played in citing the failure to reimburse. Second, the actual figure for peacekeeping assistance is far higher than Helms reported.

In any case, the Senate-passed UN "reform" bill pushed by Helms was derailed when Congress and the administration could not come to an agreement on the abortion-related matter noted earlier. That has brought the issue of the so-called UN debt to the forefront once again.

Improper or Illegal Diversion of Funds

In deciding whether to pay the alleged arrears, Congress has the authority to review all forms of assistance to the United Nations and determine whether the United States has been given adequate credit for its peacekeeping expenditures. Although there

have been GAO and CRS studies, no congressional hearings have been devoted exclusively to exploring the issue.

The basic outlines of what has transpired, however, are apparent. Soon after the Clinton administration took power, a policy was set in motion that circumvented the constitutional requirement that Congress have the exclusive authority to raise and appropriate revenue. Article I, Section 8, also provides that Congress shall have the power to declare war and regulate the armed forces. Yet the administration did not seek advance approval from Congress to use Department of Defense personnel, resources, and equipment to support UN causes and missions. Instead, it redirected funds appropriated by Congress for functions of the U.S. military and other government agencies to support the United Nations.

In congressional testimony, former U.S. ambassador to the United Nations Jeane Kirkpatrick strongly suggested that the practice was illegal, noting,

[O]ne of my deep concerns about current practices with regard to funding of "peacekeeping" operations and "peace enforcement" and "peace building" and whatever we call it, is that it, I believe, evades the requirement of congressional authorization and appropriation.

It evades also the constitutional requirement that the Congress be consulted and, finally, relied upon to declare war.

I think both of these regular, legitimate, constitutional functions of the Congress are eroded and diminished, ignored, in current practices concerning the funding of peacekeeping, and that bothers me.²⁵

Kirkpatrick went on to say that the administration made a decision "to move the peacekeeping function and its funding from the State Department and the State Department budget to the Pentagon," where "new financial resources" were obtained. Peacekeeping, she charged, had "gained access to the accounts which were established for other purposes, which were authorized by the Congress and appropriated by the Congress for other purposes, such as the training of our military forces and the acquisition of spare parts and necessary military equipment."²⁶

Confirmation that such an approach was being pursued was provided by a top Clinton administration official, then-acting assistant secretary of state for international organizations George Ward, in an appearance before the United Nations Association in 1995. In discussing the so-called U.S. debt to the United Nations, Ward admitted, "We've provided an awful lot from the defense budget to the United Nations." He explained, "In 1994, when we were assessed \$1.2 billion for peacekeeping, our nonassessed but voluntary contributions to peacekeeping--which almost all came from Defense Department

resources--amounted to \$1.5 billion."²⁷

The context in which those remarks were made, to a pro-UN audience, suggests that Ward was trying to make the case that the administration was supporting the United Nations despite congressional opposition. In effect, the administration decided to transform the Department of Defense into a military arm of the United Nations. That had the effect of frustrating the will of Congress, which had decided to withhold money to the United Nations to spark UN reform. Indeed, the administration's approach could help explain why that pro-reform strategy ultimately failed. From the UN's point of view, why should the world body reform as long as the administration was providing the financial resources supposedly denied by Congress?

Another effect of the administration's policy of diverting funds was, as Kirkpatrick suggested, to undermine the military readiness of U.S. forces. One of the most recent of the many reports on the subject was the January 19, 1998, cover story in U.S. News & World Report. The article cited evidence that increasing U.S. involvement in peacekeeping activities had contributed to a "general deterioration" in the capabilities of U.S. Army units. "Instead of preparing largely for territorial defense, U.S. troops must safeguard vaguely defined American and 'global' interests in an increasing number of far-flung places."²⁸ A December 11, 1997, memorandum from a defense analyst at the Senate Budget Committee, cited in the U.S. News article, said that the deployment of troops to peacekeeping missions had specifically undermined readiness by causing serious shortages in personnel for Army combat units.

Congressional Concerns about the Diversion of Funds

Despite the obvious requirements of the Constitution, Congress has been slow to react to the practice of raiding the Pentagon budget to finance UN operations. One of the first members of Congress to focus public attention on the matter was then-majority leader Sen. Robert Dole (R-Kans.), who, in congressional testimony in 1995, charged that

U.S. funding of UN peacekeeping is out of control. The U.S. Ambassador to the United Nations routinely votes to establish, extend and expand operations long after congressional appropriations have been exhausted.

In most other government programs, this would be illegal. At the least, it is unwise. And billions of dollars of costs in direct and indirect support of UN peacekeeping have been accumulated. Yet the administration refuses to even seek credit toward the U.S. assessment.²⁹

Billions of American Tax Dollars for UN Missions

It was Senator Dole who requested the GAO report, cited earlier, that provided

the first comprehensive analysis of how much the United States had spent in support of UN peace operations, defined as "actions taken in support of U.N. resolutions." The total was an astounding \$6.6 billion for fiscal years 1992 through 1995. The State Department (the traditional source of funds for UN peacekeeping activities) accounted for about \$1.8 billion. However, the Defense Department accounted for about \$3.4 billion, the U.S. Agency for International Development about \$1.3 billion, and other federal agencies the remainder.

The subsequent CRS report provided even more startling figures. It found that more than \$11 billion had been spent on "U.S. international peacekeeping commitments" for fiscal years 1992 through 1997. That report examined the regions covered by the GAO report--the former Yugoslavia, Haiti, Somalia, and Rwanda--as well as other areas, including Iraq-Kuwait, Western Sahara, Angola, Georgia, Guatemala, Peru-Ecuador, Cambodia, Liberia, and Korea. But the CRS study was more narrowly drawn than the GAO report because it dealt exclusively with estimated Department of Defense expenditures in support of those operations. If the GAO report is any guide, the expenditures by other federal agencies in support of the United Nations could amount to an additional several billion dollars. In total, therefore, as much as \$15 billion may have been spent since 1992 on international peacekeeping activities.

The CRS report noted that a State Department compilation of so-called voluntary contributions to support UN peacekeeping operations in 1995 showed that the United States contributed 54 percent of the total cost. That was over and above regular assessments for peacekeeping assistance.³⁰

The Dubious Legality of Executive Branch Contributions

The term "voluntary" is, of course, a subject of much dispute. It is not precisely clear on what legal or constitutional basis, if any, the administration makes "voluntary" contributions to UN military activities and then fails to seek reimbursement or credit for them. However, in a letter to Congress in which he expressed his opposition to the Bartlett amendment, U.S. ambassador to the United Nations Bill Richardson said that it would be inappropriate to be reimbursed for "non-blue-helmeted peacekeeping operations that we choose to undertake, such as the Gulf War, because they serve our national interests."³¹

Richardson's claim was mostly beside the point because there has never been any stated intention by Bartlett or anyone else to seek UN credit for waging the Gulf War. In addition, neither the GAO report nor the CRS study included the costs of the Gulf War in analyzing the extent of U.S. financial support for UN operations. The reason is simple: although the Gulf War was fought under UN resolutions, the U.S. Congress eventually authorized the military effort, and the administration then sought reimbursement for some of the costs from other members of the multinational coalition that waged the war. There

was really no need to charge the United Nations.

However, Richardson's statement about "non-blue-helmeted" operations is significant and revealing in other ways. By making an often artificial distinction between blue-helmet and non-blue-helmet missions, the administration disguises the reality that the number of troops in the latter operations has exploded in recent years. The administration seeks UN reimbursement for blue-helmet operations (i.e., the few hundred U.S. troops wearing UN blue berets and UN shoulder patches, operating under UN command, mostly in Macedonia) while it demands that the Congress pay for all non-blue-helmet operations (the tens of thousands of U.S. troops wearing U.S. uniforms and under U.S. command who nevertheless implement UN Security Council resolutions). That arrangement enables the administration to provide massive subsidies for UN operations, which dwarf regular payments to the world body, by sending the bill to Congress. Today, however, Congress is finally balking at paying the bill.

Violating the UN Participation Act

The United Nations Participation Act, passed in 1945 for the purpose of regulating U.S. involvement with the United Nations, was designed to make it very difficult for the president to assign troops to serve the United Nations without prior congressional approval. It gives the president the limited authority to assign up to 1,000 U.S. military personnel to a Chapter VI UN mission. Even that limited authority applies only if the U.S. government can show that the mission in question is not a Chapter VII operation, which requires congressional approval.³² Chapter VI missions are noncombatant in nature.

As late as March 1997, the Department of Defense claimed in a public document that there were only 522 U.S. personnel deployed under the auspices of the U.N. Participation Act or the U.S. Foreign Assistance Act. In all such situations--involving UN "operational control" of the troops--the Pentagon asserted that "the UN is paying the bill." Of the 522 personnel, 489 were assigned to the so-called UN Preventive Deployment in Macedonia.³³

The Macedonia Mission and an Important Legal Challenge

Even in the case of the Macedonia operation, however, the Clinton administration may have violated the law. Sen. Mitch McConnell (R-Ky.) has argued convincingly that the deployment to Macedonia lacks "a clear, legal mandate" because the administration falsely claimed it was a Chapter VI mission that did not require congressional approval. McConnell points out that no UN Security Council resolution relating to Macedonia or the former Yugoslavia mentions a Chapter VI mandate. Instead, UN resolutions identify the operations in that region of the world as coming under Chapter VII of the UN Charter, requiring the explicit approval of Congress.³⁴

It should also be noted that U.S. Army Specialist Michael New, then based in Europe, was ordered to report to the Macedonia operation and resisted, citing his oath, the U.S. Constitution, and Army regulations. He refused to be "blue-helmeted." That is, he refused to wear the blue UN beret or helmet, refused to put a UN shoulder patch on his Army uniform, refused to carry a UN identity card, and refused to take orders from a foreign UN commander. As a result, he was court martialed and given a bad-conduct discharge. His case, however, continues to be argued in both the military and civilian courts. Given the fact that the Macedonia mission is a Chapter VII rather than a Chapter VI operation, New may very well have a sound legal argument.

The Bogus Blue Helmet-Green Helmet Distinction

As important as the New case is, the controversy may have served to distract attention from another more critical fact--that a far greater number of "green-helmeted" U.S. military personnel, who volunteered for service in the military of the United States, are in fact being deployed on behalf of the United Nations. So-called green-helmeted personnel do not wear UN helmets, carry UN identity cards, or report to foreign UN commanders. They are, however, deployed specifically to carry out UN Security Council resolutions. Yet their costs are being paid by the Department of Defense--that is, by U.S. taxpayers.

A March 1997 Pentagon document, far more detailed than the one insisting that only 522 U.S. troops were serving the United Nations, stated that 68,790 U.S. forces were actually involved in international peacekeeping activities.³⁵ That figure includes U.S. personnel in Macedonia (said to be 511 in that document) as well as 1,052 personnel involved in "non-UN Peace Operations" in the Middle East and Latin America. It also includes 67,200 troops "supporting enforcement" of UN Security Council resolutions in Bosnia, Iraq, and Korea.

In other words, according to the Pentagon itself, there were approximately 68,000 green-helmeted U.S. troops serving the United Nations. The costs of those forces, however, are being absorbed by the United States, not the United Nations, even though the latter officially sanctions the activities of those troops and often dictates the specifics of the mission.

The March 1997 document seems to be an accurate analysis, from the Pentagon's own perspective, of how many U.S. troops are deployed worldwide on behalf of the United Nations. And yet the administration continues to insist that the United Nations should underwrite the costs of merely a few hundred troops, while Congress should appropriate funds to pay for all the rest.

Restoring the Authority of Congress

It is apparently not the intention of Rep. Bartlett and his supporters to have the

United Nations pick up the tab for all of the green-helmet operations. Instead, Bartlett's intention seems to be to force a full accounting of where and how the money has been spent and then allow Congress to decide if those expenditures are truly in the national interest. For example, Congress might well decide that it is proper for the United States, not the United Nations, to fund the deployment of the 37,000 U.S. troops in Korea, even though they are technically there under UN authority. It may also be the case that Congress would want to fund the Bosnia deployment, although it is technically being conducted under the auspices of both the United Nations and NATO. The fundamental point, however, is that Congress, not the administration and the United Nations, has the constitutional authority (and responsibility) to make such determinations. In short, what Bartlett and his colleagues are arguing for is a full accounting and no "debt" payments until the United States is given proper credit or reimbursement for its support of UN peacekeeping operations.

Such scrutiny is overdue and would be most enlightening. If the Bartlett bill or similar legislation passes, it will probably be necessary to hold extensive congressional hearings to determine the full scope of U.S. support of UN peacekeeping. The books of both the Department of Defense and the United Nations would have to be scrupulously examined. The Pentagon might welcome that, given the fact that it could highlight how the combat readiness of U.S. troops has been adversely affected by involvement in peacekeeping. Indeed, Congress may decide to cut funding for UN-authorized operations and use the money to underwrite U.S. military readiness.

There is no doubt that the United Nations would react negatively to such an inquiry. Since UN officials would undoubtedly claim that the organization could not repay the money or credit the United States, a period of intense and delicate negotiations involving the UN, the administration, and Congress would have to ensue. From the viewpoint of Congress, a continuing refusal to pay the UN "debt" could provide additional leverage for forcing tough reforms on the United Nations in other areas as well as peacekeeping. That may be an unprecedented opportunity to finally compel the United Nations to downsize its operations and its bloated bureaucracy.

Equally important, demanding credit or reimbursement for assistance to UN peacekeeping missions seems to be the only practical way to stop the improper, if not illegal, administration practice of diverting funds to the United Nations. It would also send a strong message to UN officials--that an administration vote on the Security Council for U.S. participation in a peacekeeping operation does not carry with it automatic congressional endorsement or funding. Secretary General Kofi Annan may not like to deal with Congress, but the Bartlett approach to the UN debt question would make him pay attention to the U.S. legislative branch and respect the requirements of America's constitutional system.

Ambassador Richardson would likely insist, as he has in the past, that such an

approach would bankrupt UN peacekeeping and that "we have no legal basis to insist on reimbursement for these unilateral national costs."³⁶ But they are hardly unilateral if the United Nations endorses the underlying mission. Such an endorsement directly implies UN support and backing for the expenses (and in most cases significant UN influence on the direction of the policy). Why, then, shouldn't the United Nations be expected to pick up some of the bill? Conversely, if the United Nations does not want to pay the cost, it should decline to endorse the mission and thereby compel the United States to pursue the venture unilaterally or as part of an ad hoc coalition.

The ultimate solution to the problem, to use Richardson's terminology, lies in getting approval of "unilateral national costs" in advance from the body that has the constitutional power to approve them. Under the Constitution, that body is Congress, not the UN Security Council.

Notes

1. Kofi Annan, "The Unpaid Bill That's Crippling the UN," New York Times, March 9, 1998, p. A23.
2. "President Urges Payment of UN Debt," Washington Weekly Report, January 30, 1998, p. 1.
3. Ibid., p. 2.
4. Proceedings of the World Economic Forum, broadcast on C-SPAN, February 8, 1998.
5. Tom Carter, "\$1 Billion Foreign Affairs Increase 'Protects American Leadership,'" Washington Times, February 3, 1998, p. A11.
6. Bill Clinton, Letter to the Speaker of the House of Representatives, February 2, 1998. Copy in author's possession.
7. U.S. Department of State, "International Organizations and Conferences, Arrearages Payments," Press release, undated.
8. Letter on the stationery of the Emergency Coalition for U.S. Financial Support of the United Nations, July 25, 1997. Copy in author's possession.
9. Nina M. Serafino, "Peacekeeping: Issues of U.S. Military Involvement," Congressional Research Service, updated November 13, 1997.

10. "Peace Operations: U.S. Costs in Support of Haiti, Former Yugoslavia, Somalia and Rwanda," General Accounting Office, Report to the Majority Leader, U.S. Senate, March 1996, GAO/NSIAD-96-38.
11. Christopher Smith, "Dear Pro-Life Colleague," Letter of March 10, 1998.
12. Roscoe Bartlett, "The U.S. Debt Is Outrageous and Untrue," News release, January 27, 1998.
13. George Archibald, "'97 Peace Missions Cost U.S. \$3 Billion," Washington Times, March 3, 1998, p. A1.
14. Bartlett.
15. John Bolton, "U.S. Isn't Legally Obligated to Pay the U.N.," Wall Street Journal, November 17, 1997, p. A27.
16. United Nations, Department of Public Information, Charter of the United Nations and Statute of the International Court of Justice (New York: United Nations, August 1995), p. 12.
17. Ibid.
18. Bolton.
19. Tensions in U.S.-U.N. Relations: Hearing before the International Security, International Organizations and Human Rights Subcommittee of the House Foreign Affairs Committee, 103d Cong., 2d sess., May 17, 1994. Electronic version.
20. For a discussion of the latter issue, see Stefan Halper, "A Miasma of Corruption: The United Nations at 50," Cato Institute Policy Analysis no. 253, April 30, 1996.
21. Charles M. Lichenstein, "Paying Our United Nations Dues," New York Daily News, January 21, 1997, p. 38.
22. Jesse Helms, "Saving the UN: A Challenge to the Next Secretary-General," Foreign Affairs 75, no. 5 (September-October 1996): 7.
23. Jesse Helms, Letter to a constituent, January 15, 1998. Copy in author's possession.

24. U.S. Senate, Committee on Foreign Relations, Foreign Affairs Reform and Restructuring Act of 1997, Report together with Additional and Minority Views, 105th Cong., 1st sess., Committee Print, June 13, 1997, Section 2105, "Reimbursement for Goods and Services Provided by the United States to the United Nations," p. 46.

25. Jeane J. Kirkpatrick, fellow, American Enterprise Institute, Testimony before the Senate Committee on Foreign Relations, March 21, 1995, in The Peace Powers Act (S.5) and the National Security Revitalization Act (H.R.7), 104th Cong., 1st sess., March 21, 1995 (Washington: Government Printing Office, 1995), p. 72.

26. Ibid.

27. Quoted in Cliff Kincaid, "The U.N.'s Design for Global Dominance," Human Events, November 3, 1995, pp. 7, 8.

28. Richard J. Newman, "Spread Too Thin. Why American Troops Are Less and Less Prepared for Combat. Does It Matter?" U.S. News & World Report, January 19, 1998, pp. 39-44.

29. Robert Dole, Statement before the Senate Committee on Foreign Relations, March 21, 1995, in The Peace Powers Act (S.5) and the National Security Revitalization Act (H.R.7), p. 60.

30. Serafino, p. 11.

31. Bill Richardson, Letter to Harold Rogers, chairman, Subcommittee on Commerce, Justice, and State of the House Committee on Appropriations, September 9, 1997. Copy in author's possession.

32. United Nations Participation Act, 22 U.S.C.A. §§ 287d, 287d1.

33. "US Personnel Serving under UN Operational Control, As of 4 March 97," Department of Defense, Office of Public Affairs.

34. Mitch McConnell, Remarks, Congressional Record, September 24, 1996, pp. S11173-74.

35. "US Forces Participating in, or Acting in Support of Selected UN Operations, UNSC Resolutions, or Non-UN Peace-

keeping Activities, As of 3/27/97," Department of Defense,
Office of Public Affairs.

36. Richardson.