I. Payment of U.N. Dues

During the 1980s and 1990s, Congress repeatedly withheld payment of dues to the United Nations, accusing the international organization of being wasteful, mismanaged, and a threat to U.S. sovereignty. As a result, the United States amassed a $1.3 billion debt to the United Nations, representing 65 percent of the total debt owed by Member States. After a six-year funding dispute between the United States and the United Nations, U.S. Ambassador Richard Holbrooke negotiated the first major overhaul of U.N. financing in more than two decades. He succeeded in cutting U.S. payments to the U.N., diverting most of the deficit to developing countries with budding economies.

In 1999, the Helms-Biden Act required that the U.N. accept $926 million in full satisfaction of the U.S. debt, a reduction in the share of the regular U.N. budget from 25 percent...
to 22 percent by 2001, and a further reduction to 20 percent by 2002. Congress further required that the United States' share of the peacekeeping budget be reduced from 31 percent to 25 percent by 2001. The purpose of the Helms-Biden Act was to compel the U.N. to revise its scale of assessments by making U.S. payments contingent on U.N. reforms. This unilateral approach, however, fueled anti-American sentiment abroad, thereby undercutting U.S. influence around the globe and the ability to achieve foreign policy objectives. In addition, the U.S. non-payment of funds to the U.N. nearly cost the United States its vote in the General Assembly.

In an attempt to satisfy the demands of Congress and repair the damage done to America's image as a world leader, Ambassador Richard Holbrooke spent nearly fourteen months negotiating a reduction of U.S. dues to the U.N. The agreement Ambassador Holbrooke negotiated was adopted by the U.N. General Assembly on December 22, 2000. It called for a decrease in the U.S. share of the U.N. operating budget from 25 percent to 22 percent. Also, the U.S. share of the U.N. peacekeeping costs would drop from 31 percent to 28 percent in 2001 and to 26 percent in 2003. In addition, the General Assembly adopted a more effective budgetary method that will improve the U.N.’s fiscal accountability.

The greatest obstacle Ambassador Holbrooke faced when negotiating the reductions was persuading other U.N. Member States to increase their obligations to cover the resulting budgetary shortfall. He visited each of the U.N. ambassadors to press his cause for reduced payments to the U.N. and to convince them that the measure was not a subsidy to the United States. Rather, Holbrooke argued, such action would strengthen the U.N. by increasing the participation of all Member States. Holbrooke's negotiating team worked around the clock to close the deal before the General Assembly convened for the year.

The agreement, however, nearly collapsed, as it came too late for many Member States to include the increased share of the U.N. budget in their already completed national budgets. This would have resulted in a $34 million budgetary deficit. However, U.S. media magnate Ted Turner saved the agreement thanks to a $34 million contribution.

6. See id.
7. See id. Congress further required that “[t]he U.N. budget cannot include any growth in spending, even allowing for inflation.” Id.
8. “A member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.” U.N. CHARTER, art. 19.
13. The United States was not the only Member State to have its annual payments to the U.N. cut. Japan's obligation to pay for the U.N. administrative budget was reduced by 1 percent. See Lederer, supra note 4.
14. Known as “The Mouth of the South,” Turner began a media empire, which included the Superstation (TBS) and the Cable News Network (CNN). He also won the America's Cup competition at Newport, R.I.
The majority of the revenue lost from the reduction in the U.S. obligation to the U.N. was absorbed by smaller nations with developing economies. For instance, Brazil, South Korea, and the Persian Gulf states agreed to pay a greater share of the U.N. administrative and peacekeeping costs. In addition, the European Union modestly increased its obligation after some resistance. Further, China doubled its annual percentage of the U.N. budgets. And Russia increased its obligation at a time when it would have been able to justify a decrease in its payments due to its shrinking GDP. In all, eighteen Member States agreed to increase their obligations to the U.N.

The deal Ambassador Holbrooke negotiated does not completely terminate the U.S.-U.N. budgetary controversy. The agreement fell just short of the requirements Congress set forth in the Helms-Biden Act. Though the reduction of the U.S. share of the U.N. operating budget satisfied the requirements of the Helms-Biden Act, the reduction of peacekeeping costs will only fall to 26 percent, 1 percent shy of the 25 percent Helms-Biden Act requirement. Further, the reduction in the peacekeeping budget is not effective until 2003, two years later than required by the Helms-Biden Act. Consequently, because the agreement did not strictly meet the conditions set forth in the Helms-Biden Act, the United States cannot automatically pay its debt to the U.N. pursuant to the Helms-Biden Act. The Helms-Biden Act must be amended through the passage of subsequent legislation to allow for the 25 percent share of the U.N. peacekeeping costs. Only then can the funds be released to the U.N.

On January 9, 2001, Ambassador Holbrooke was invited to give his final report to the Senate Foreign Relations Committee as Ambassador to the United Nations. In his report, Ambassador Holbrooke touted that “most of the critical benchmarks outlined by the Helms-Biden legislation” were achieved. He noted that “[t]he UN is more streamlined, efficient and effective. Also, he and his team] helped make its financing more fair and equitable . . . and worked to restore confidence and trust between the U.S. and the UN.” Ambassador Holbrooke further noted “[w]hile the problems plaguing UN peacekeeping are not yet fully solved . . . its performance is improving, and the organization is on its way toward a peacekeeping system that is even more efficient and effective.” Ambassador Holbrooke closed by stating:


16. The fifteen Member States resisted paying more because it already pays a large portion of the budget. See id.

17. Id.

18. See The Helms-Biden Act, supra note 5.

19. See Statement for the Record by Ambassador Richard C. Holbrooke, United States Permanent Representative to the United Nations, Testimony Before the Senate Foreign Relations Committee (U.S. Senate, Jan. 9, 2001), available at http://www.un.int/usa/01hol019.htm. Accompanying Ambassador Holbrooke were Ambassador Jim Cunningham, Ambassador Don Hays, Suzanne Nossel, Mary Ellen Glynn, Bob Orr, Melanie Attwooll, Deborah Isser and Derek Chollet. Ambassador Holbrooke noted that these people were instrumental in the process of negotiation in the U.N. reforms. See id.

20. Id. Ambassador Holbrooke noted that “[a]chieving reform of the scales has been one of the most arduous and complex negotiating assignments I have ever confronted. It took an enormous amount of work. In the last year alone, I had more than 300 meetings with my fellow U.N. Ambassadors on reform—seeing delegations on this topic literally every working day—and Ambassador Hays and his extraordinarily dedicated team had well over 500. We made literally thousands of phone calls.” Id.

21. Id.

22. Id.

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If you release the $582 million... and accept the assessments in the new peacekeeping scale, I am convinced it will not only strengthen the hand of the incoming Administration, but will also help Secretary-General Annan in continuing the reform process. I urge you, and other members of the Congress, to complete this success.  

A bill to amend the Helms-Biden Act to allow for the 25 percent share of the U.N. peacekeeping costs was introduced in the Senate on February 6, 2001 and referred to the Senate Committee on Foreign Relations. The following day, the Senate Committee on Foreign Relations filed its report with the Senate. Later that day, the bill passed without dissent. The bill was then sent to the U.S. House of Representatives and referred to the House International Relations Committee, where it is likely to pass. Then, the amendment must be signed by President George W. Bush to become law and release the funds to pay...
the U.N. Given that the major proponents for the Helms-Biden Act appear to be satisfied with the agreement Ambassador Holbrooke negotiated, the amendment will likely become law.

The U.N. is an indispensable venue in which to achieve American foreign policy objectives. With the likely passage of legislation amending the Helms-Biden Act, the resulting goodwill will quell some anti-American sentiment and bolster President George W. Bush's international influence. The U.N. reforms will strengthen the world body by increasing the participation of all Member States and providing a strong financial base from which it can efficiently and effectively serve the needs of the global community. Finally, it will prevent Ambassador Holbrooke's successor from facing a growing debt to the U.N. whenever a new peacekeeping mission is needed.

II. The Security Council

The Security Council's primary duty is the maintenance of international peace and security. It is composed of five permanent members (the United States, France, Britain, Russian Federation, China) and ten members elected by the U.N. General Assembly to two-year terms. Enforcement measures available to the Council include trade embargoes, freezing of assets, and collective military action, among others. Three important missions undertaken by the Security Council in 2000 shed insight on its recent challenges and evolving responsibilities.

A. Sierra Leone

Throughout the 1990s, Sierra Leone was embroiled in a civil war between the internationally recognized government and rebel forces known as the Revolutionary United Front (RUF). Following a 1997 coup that resulted in the exile of President Ahmed Tejan Kabbah, the RUF and other rebel military forces undertook a campaign of atrocities against the civilian population. In February 1998, forces acting on behalf of the Economic Community of West African States (ECOMOG) secured control of Freetown, the Sierra Leone capital, allowing President Kabbah to return. Meanwhile, the RUF and other supporters of the 1997 coup retained control over other areas of the country and continued to engage in atrocities resulting in the flight of some 200,000 refugees to adjacent nations.

30. Forms of Legislative Business, Enactment of a Law, available at http://thomas.loc.gov/home/enactment/forms.html (last visited Feb 11, 2001). Thomas, an arm of the Library of Congress, is a website dedicated to Thomas Jefferson's spirit of service providing easy access to plethora of information about the legislative process. The website also provides tools to track bills as they proceed through the legislative process.


33. See id.

34. See id.


36. See id.

37. See id.

38. See id. at 370.
On July 7, 1999, the Sierra Leone government signed the Lome Peace Agreement with the RUF, which provided for a cease-fire and the establishment of the Truth and Reconciliation Commission. To replace the existing U.N. observer force (UNOMSIL), in October 1999, the U.N. Security Council passed Resolution 1270 establishing the United Nations Mission in Sierra Leone (UNAMSIL), "[t]o cooperate with the Government of Sierra Leone and the other parties to the Peace Agreement." Resolution 1270 provided for a force of up to 6,000 troops to enforce the Lome Agreement and called upon all rebel parties to disband and surrender their arms.

The pivotal event of the Security Council's involvement in Sierra Leone occurred in May 2000, when rebel forces reneged on the Lome Agreement and captured several hundred U.N. peacekeepers. Deployed into the chaos, the patchwork force from the armies of developing nations was poorly equipped, had never trained together, and lacked even the advantage of a common language. Thus, ten months after the U.N. peacekeepers' arrival, Sierra Leone was plunged back into civil war, with U.N. forces stripped of their own weapons by the RUF, the same group responsible for so many atrocities over the past decade. Although coming too late to prevent the slaughter of civilians and the damage to the U.N.'s reputation, a highly trained contingent of British troops entered the country, rescued the hostages, and helped government and regional forces to secure Freetown from RUF control.

In subsequent months, the Security Council sought to expand the mandate of UNAMSIL and strengthen its ability to provide a credible deterrent to the use of force. Resolution 1313 in August 2000 called for the Secretary-General to procure more support from troop-contributing nations and submit recommendations for strengthening UNAMSIL, "To deter and, where necessary, decisively counter the threat of RUF attack by responding robustly to any hostile actions." The Security Council reaffirmed its commitment to providing a significant military presence in December 2000 through Resolution 1334.

In addition to beefing up the peacekeeping forces in Sierra Leone, the Security Council imposed sanctions designed to weaken the RUF. Having long recognized that diamond exports from areas controlled by the RUF were a substantial source of arms funding for the rebel group, the Security Council adopted Resolution 1306 in July 2000. This measure banned the importation of uncertified diamonds from Sierra Leone, and called upon the international community to facilitate the Certificate of Origin regime undertaken by the Sierra Leone government to limit the sale of conflict diamonds.
Another cease-fire agreement between the RUF and the government of Sierra Leone was reached in November 2000 in Abuja, Nigeria. The Security Council continues to pursue its stated goal of assisting the Sierra Leone government in its efforts to stabilize its control of certain central territories, while negotiating with the RUF for access to more remote areas of the country, namely the diamond producing regions. However, the problems of inadequate military resources, and the transition of U.N. forces from an observance role to a credible military threat continue to hamper their efforts to achieve a resolution of the conflict. These resource shortages belie a more fundamental disagreement over the priority of UNAMSIL among Security Council members. Such internal debates pose similar challenges for other Security Council endeavors around the globe.

B. East Timor

In 1976, following local power struggles for control over the territory prompted by Portugal’s withdrawal, the Indonesian government declared East Timor its twenty-seventh province. In 1998, longtime ruler General Suharto resigned amid widespread protest and economic turmoil, paving the way for the democratic election of a new president, B.J. Habibie. In early 1999, President Habibie approved plans for a referendum to allow the East Timorese people to choose between special autonomy within Indonesia and independence. Subsequently, through Resolution 1236 the U.N. Security Council endorsed an agreement between Indonesia and Portugal on security arrangements to properly facilitate the referendum, and approved the deployment of a U.N. civilian police force to supervise its administration.

In June 1999, the Security Council further expanded its involvement in the East Timor referendum through Resolution 1246, creating the United Nations Mission in East Timor (UNAMET), with a mandate to organize and conduct the independence consultation scheduled for August 8, 1999. In contrast to later U.N. missions in East Timor, which were authorized to use force, UNAMET was to be comprised of political, electoral and information components only. On August 30, 1999, East Timor’s voters overwhelmingly chose independence over special autonomy. In the days that followed, East Timorese militias opposed to the outcome undertook a campaign of violence, setting fire to dozens of buildings throughout Dili, the East Timorese capital. This resulted in the deaths of hundreds and a proliferation of refugees numbering in the hundreds of thousands.
tively undeterred by Indonesian military and police, the militias laid siege to the UNAMET compound, eventually looting it after civilians and U.N. personnel had been evacuated.63

On September 15, 1999, the Security Council responded through Resolution 1264, acting under Chapter VII of the U.N. Charter.64 This resolution authorized the "establishment of a multinational force" to restore peace and security in East Timor "and to facilitate humanitarian assistance operations," known as INTERFET.65 The Australian-led force, consisting of 8,000 troops from various member nations, was able to stabilize the situation and begin the process of returning refugees to East Timor.66 In October 1999, Security Council Resolution 1272 established the United Nations Transitional Administration in East Timor (UNTAET) to coordinate with and subsequently replace INTERFET.67 Unanimously adopted, this resolution mandated UNTAET to "provide security and maintain law and order throughout the territory of East Timor," and empowered it to exercise all legislative and executive authority, including the administration of justice.68 UNTAET was mandated to administer East Timor for an initial period through January 2001.69

In April 2000, UNTAET reported steady progress toward achieving its mandate, reporting some success toward returning refugees to East Timor, and improved access to refugee camps in West Timor facilitated by increased flexibility and continuation of aid on the part of Indonesia.70 The precarious character of the U.N.’s ongoing effort was illustrated by the September 6, 2000 killing of three UNHCR personnel at a refugee camp in West Timor.71 Sergio Vieira de Mello, the head of UNTAET emphasized that the Indonesian military’s continuing inability to properly address the threat of militias, was the fundamental obstacle to the success of UNTAET and the plight of the East Timorese people.72

Commentary on the U.N. experience in East Timor suggests that the original agreements between Indonesia, Portugal, and the U.N. failed to properly plan for security arrangements necessary to ensure the administration of the popular consultation and a peaceful implementation of the outcome.73 Though UNAMET was properly charged with the administration of the consultation, that particular mission was poorly equipped to assume the role of guarantor of security, a mistake that cost many lives and millions of dollars in future reconstruction efforts.74 Scholars further criticize the blurred distinctions between the

63. See id.
65. See id.
68. See id.
69. See id.
72. Id.
74. Id. at 246.
U.N.'s traditional role as a sponsor of democratic elections and provider of humanitarian assistance, and its more recent forays into nation building and employment as a military force, as illustrated by the evolving U.N. presence in East Timor. Furthermore, the concentration of authority in one international body for humanitarian assistance, security, and civil administration represents an unusual, and potentially ill-advised, U.N. intervention.

C. Kosovo

Following the cessation of the NATO bombing campaign against the Federal Republic of Yugoslavia (FRY), the U.N. Security Council adopted Resolution 1244 on June 10, 1999, authorizing the NATO-led international civil and security presence in Kosovo. The resolution recognized the principles accepted by the FRY in the agreement reached in Belgrade in June of 1999, as well as the principles adopted at the May 6, 1999 meeting of the Group of Seven industrialized countries and the Russian Federation. These principles included: (1) an immediate end to the violence and repression in Kosovo; (2) withdrawal of all Federal Republic forces; (3) deployment of international security presence with substantial NATO participation; and (4) the establishment of an interim administration for Kosovo.

The U.N. mission in Kosovo, UNMIK, is unprecedented in scope as well as its integration of external organizations. The Security Council approved KFOR, a NATO-led force, as the guarantor of security throughout the region. The mandate to build democratic institutions was allocated to the Organization for Security and Co-operation in Europe (OSCE), civil administration to UNMIK, while the European Union assumed responsibility for Kosovo's economic development.

Unlike East Timor and Sierra Leone, UNMIK benefits from the participation and political support of a broad range of nations, particularly several permanent members of the Security Council. Also significant is the uncertain status of Kosovo as an independent state, or a territory of the Federal Republic of Yugoslavia. Resolution 1244 reaffirmed "the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia." At the same time, it renewed the call in previous resolutions for "substantial autonomy and meaningful self-administration for Kosovo." UNMIK itself is intended as an interim arrangement, and is charged with developing local

75. See Kitfield, supra note 43.
78. See id.
81. See id.
82. See id.
83. The Security Council vote on Resolution 1244 was unanimous, although China abstained.
84. See Wilde, supra note 76.
85. S.C. Res. 1244, supra note 77.
86. Id.
governmental institutions as future heirs of the administrative duties now conducted by international organizations. Thus, the vexing question of Kosovo's future status continues to encumber Security Council efforts to achieve a long-term solution to the crisis.

III. Secretariat Report on U.N. Peace Operations

In March of 2000, the United Nations Secretary-General, Kofi Annan, convened a special panel to conduct a thorough analysis of the United Nations' approach to peacekeeping and to make recommendations for improvement. This subsection provides a digest of the panel's report with respect to: (1) prevention and peacemaking, (2) peacekeeping, and (3) peace-building.

Although peacekeeping is not specifically outlined in the U.N. Charter, such operations have become a major focus of U.N. activity and have become more elaborate since the end of the cold war. The ideal peace operation involves "just two parties, committed to peace, with competitive but congruent aims, lacking illicit sources of income, with neighbours and patrons committed to peace." Peace operations become more complicated when there are "three or more parties, of varying commitment to peace, with divergent aims, with independent sources of income and arms, and with neighbours who are willing to buy, sell and transit illicit goods." The end of the cold war has seen an increase in the number of more complex problems. Examples of these problems can be seen in Rwanda, Sierra Leone, Mozambique, Namibia, El Salvador, Nicaragua, Cambodia, Croatia, and Macedonia.

According to the special panel, it is vitally important that before the United Nations begins significant involvement in a peace operation, the United Nations must identify the complications it is likely to face. Variables to be considered include: (1) identification of the true motives of the parties; (2) availability of high-priced commodities such as drugs or jewels; (3) the willingness of neighboring states to traffic in such goods in exchange for arms; (4) the levels of poverty and corruption in the distribution of resources; (5) political contests for power; (6) competition for resources; (7) ethnic and religious conflicts; and

87. See UNMIK, supra note 80.
88. See Wilde, supra note 76.
91. See U.N. Doc. A/55/305-S/2000/209, supra note 89, at i. There are fifteen U.N. peacekeeping operations as of Oct. 1, 2000: UNTSO (Middle East), UNMOGIP (India & Pakistan), UNFICYP (Cyprus), UNDOF (Middle East), UNIFIL (Lebanon), UNIKOM (Iraq-Kuwait), MINURSO (Western Sahara), UNOMIG (Georgia), UNMIBH (Bosnia-Herzegovina), UNMOP (Prevlaka), UNMIK (Kosovo), UNAMSIL (Sierra Leone), UNTAET (East Timor), MONUC (the Democratic Republic of the Congo), UNMEE (East Africa). U.N. Doc. DPI/1634 Rev. 17.
93. Id. ¶ 25.
94. Id.
95. See id. ¶ 19.
(8) gross human rights violations. Failure to anticipate these problems in the past has led to parties reneging on their commitments.

With respect to prevention and peacemaking, the special panel stated:

The Panel supports the Secretary-General's more frequent use of fact-finding missions to areas of tension, and stresses Member States' obligations, under Article 2 (5) of the Charter, to give "every assistance" to such activities of the United Nations.

These activities are entirely diplomatic and when most successful they are sufficiently low profile to escape notice. Such a low profile does not equate with its level of importance, however. Prevention is seen as preferable to peacekeeping both in terms of its costs and because it is naturally better to avoid the damages of war. The major problem in effectively implementing these strategies is timing. While waiting for a crisis to occur is "too little or too late," earlier attempts at peacemaking "may be rebuffed by a government that does not see or will not acknowledge a looming problem, or that may itself be part of the problem."

Fact-finding missions should help "decide on areas at risk, schedule country (or situation) review meetings and identify preventive measures" while allowing the U.N. to "accumulate knowledge in a structured way" so that it may plan strategically. This, in turn, would make it easier for the Secretariat to "persuade Member States of the advantages of backing their professed commitment to . . . conflict prevention." Meanwhile, holding Member States to their obligations under the Charter to provide the United Nations, "every assistance" would encourage weaker Member States to act without fear that their efforts will be undermined by a stronger neighbor.

With respect to peacekeeping, the special panel stated:

[Once deployed, United Nations peacekeepers must be able to carry out their mandates professionally and successfully and be capable of defending themselves, other mission components and the mission's mandate, with robust rules of engagement, against those who renge on their commitments to a peace accord or otherwise seek to undermine it by violence.

According to the special panel, peacekeeping is a necessary step in order to allow peace-builders to create a self-sustaining peace in the region. Since the end of the cold war, peacekeeping operations have evolved from a primarily military model to one with significant civilian elements. Prior peacekeeping operations consisted of a relatively simple and predictable sequence of events: war, cease-fire, monitor, observe, and settle. In the past ten years, however, these activities have been combined with peace-building, discussed below, and each of these efforts has been subject to increased complications.

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98. See id. ¶ 22-24.
99. See id. ¶ 21.
100. Id. ¶ 34.
101. See id. ¶ 15.
102. See id. ¶ 20.
103. Id. ¶ 16.
104. See id. ¶ 31.
105. Id.
106. See id. ¶ 32.
107. Id. ¶ 55.
108. See id. ¶ 28.
109. See id. ¶ 12.
110. See id. ¶ 17.
111. See id. ¶ 18.

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The panel pointed to the need to avoid situations where a party has given consent to U.N. peacekeeping only to change the balance of the conflict and not for the legitimate motive of working toward peace. In order to accomplish this, the panel indicates that the rules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect and, in particularly dangerous situations, should not force United Nations contingents to cede the initiative to their attackers.

Thus, the impartiality of U.N. operations is not to mean "equal treatment of all parties in all cases for all time, which can amount to a policy of appeasement," but rather adherence to the principles of the Charter. The panel expressed the hope that this type of flexibility in executing the mandate will prevent horrendous outcomes such as the now infamous genocide in Rwanda.

A side effect of this change in strategy is that larger and more costly forces are needed. Additionally, a willingness on the part of Member States to accept the increased risk of casualties in assembling a force with real capacity to deter is required. In order to do this, it is necessary that Member States be presented with accurate risk analysis and realistic estimates of the needs for troops.

With respect to peace-building, the special panel recommended:

[A] doctrinal shift in the use of civilian police, other rule of law elements and human rights experts in complex peace operations to reflect an increased focus on strengthening rule of law institutions and improving respect for human rights in post-conflict environments.

It further recommended:

[T]hat the legislative bodies consider bringing demobilization and reintegration programmes into the assessed budgets of complex peace operations for the first phase of an operation in order to facilitate the rapid disassembly of fighting factions and reduce the likelihood of resumed conflict.

Finally, the panel recommended that the Executive Committee on Peace and Security "discuss and recommend to the Secretary-General a plan to strengthen the permanent capacity of the United Nations to develop peace-building strategies and to implement programmes in support of those strategies."

Effective peace-building is consistent with the main purpose of the U.N. "to save succeeding generations from the scourge of war," while providing the only effective end to the mission of peacemaking. This component of peace operations involves the rebuilding...
of solid foundations for a long-lasting peace. Peace-building includes: (1) strengthening the rule of law; (2) reintegrating combatants into civilian society; (3) investigating abuses of human rights in order to foster a respect for such rights; (4) assisting to ensure a fair election system; (5) supporting a free media; and (6) conflict resolution and reconciliation.

In order to successfully carry out such a mission, the panel outlined several “essential complements to effective peace building” including: fighting corruption, de-mining programs, and HIV and infectious disease education and control. Without effective peace-building, peacekeeping efforts carry on indefinitely and result in no substantive resolution to the conflict.

These recommendations are meant to (1) allow heads of a mission to immediately establish the credibility of the mission by quickly improving the quality of life in the mission area through immediate access to funds; (2) foster a doctrinal shift in the use of civilian police and an approach to upholding the rule of law and respect for human rights; (3) encourage the reintegration of former combatants in order to prevent recurrence; and (4) implement a permanent U.N. institution to act as a “focal point for peace building activities.”

Taken together, these recommendations, if heeded, would yield a peace operations strategy with a more focused goal and more flexible means to achieve that goal. Once implemented, a U.N. force would be able to provide immediate benefits to affected populations as well as projecting a firm long-term commitment with a credible backing and a clear consensus of the Member States.

Potential problems also exist, however. The increased threshold for minimum activity requires an increased investigation into the problems of a potential peacekeeping operation. It also presents a need for a defined mandate through consensus of all the parties involved, the allocation of resources for immediate impact in the field, and a reticence toward action until the Secretary-General can procure commitments for all of the manpower and capital necessary for the execution of the conflict, this may be so burdensome as to prevent important missions from getting underway promptly.

IV. The International Law Commission

The International Law Commission (ILC) meets in Geneva during the summer of each year, from May to July, devoting itself to the “codification and progressive development of international law.” This U.N. advisory group was established by the General Assembly in 1947 to initiate the study of international law and make recommendations for advancement. The ILC is composed of thirty-four experts, each of which are nominated by their own individual government, and elected by the U.N. General Assembly, for a term of five years to represent the world’s primary and principle legal systems. These experts are

124. See id. ¶ 44.
125. See id.
126. See id.
127. See id.
128. See id. ¶ 7.
131. See The International Law Commission, supra note 129, at 1.
expected to represent themselves personally and individually for the good of the U.N., rather than represent the interests or positions of their respective governments.\textsuperscript{132}

The ILC's plan of work is derived from recommendations of the U.N. General Assembly. It drafts treaties and other instruments of codification or progressive development in areas where international law is not sufficiently clear.\textsuperscript{133} Since last year's update in The International Lawyer, the ILC held its fifty-first and fifty-second Sessions. The projects that were considered by the ILC at these sessions included international state responsibility, reservations to treaties, international liability for injurious consequences arising out of acts not prohibited by international law, and crimes against the peace and security of mankind.\textsuperscript{134}

A. INTERNATIONAL STATE RESPONSIBILITY

For a number of years, the ILC has been working on Draft Articles on State Responsibility. The current Special Rapporteur in charge of the project is Professor James Crawford of Cambridge University. Historically, "the term 'state responsibility' had been linked to the obligations of a state to observe international law standards governing the treatment of nationals of another state."\textsuperscript{135} Subsequently, the term has been broadened to mean liability for breach of any obligation owed to another state.\textsuperscript{136}

In both the fifty-first and fifty-second sessions, the ILC continued consideration of certain of the more controversial articles and referred them to the Drafting Committee. The fifty-first session dealt with breach of an international obligation, implication of a State in the internationally wrongful act of another State, and circumstances precluding wrongfulness.\textsuperscript{137} The fifty-second session contained proposals for legal consequences of an internationally wrongful act of a State, and also for the implementation of State Responsibility as well as cleaning up the general provisions section of the draft articles.\textsuperscript{138}

The ILC continued to defer the question of the ultimate form the Draft Articles on State Responsibility should take. The Draft Articles could be promulgated as a Convention for ratification by States, consistent with the past projects of the ILC. The ratification process would take years, however, and many States might never ratify the Convention. Another option under consideration is to promulgate the Draft Articles as a declarative statement (similar to a restatement) that could be immediately influential as a codification of existing law.\textsuperscript{139}

\textsuperscript{132} See McCaffrey, supra note 130, at 1.

\textsuperscript{133} The International Law Commission, available at http://www.itu.ch/MISSIONS/US/bb/ilc.html (last visited Nov. 8, 2000). "The ILC's work has provided the foundations for such treaties as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character; the 1978 Vienna Convention on the Succession of States in Respect of State Property, Archives and Debts; and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations." Id.


\textsuperscript{136} Id.


\textsuperscript{139} See id.
B. Reservations to Treaties

In its fifty-first session, the ILC continued its work on Reservations to Treaties, under the Chairmanship of Special Rapporteur Alain Pellet of France. Because the ILC has previously drafted Conventions that govern treaty reservations, the current project aims to produce a Guide to Practice. The Guide to Practice would aid governments and international organizations in dealing with reservations to treaties and in complying with the reservations provisions in the existing conventions. At its fifty-first session, the ILC adopted twenty draft guidelines on first reading. In its fifty-second session, the ILC adopted five additional draft guidelines pertaining to reservations made under exclusionary clauses, unilateral statements made under an optional clause, unilateral statements providing for a choice between the provisions of a treaty and alternatives to reservations and interpretative declarations.

C. International Liability for Injurious Consequences

At its fifty-first session, the ILC decided to defer consideration of the topic of international liability pending the second reading of the draft articles on the prevention of transboundary damage from hazardous activities. At its fifty-second session, the ILC established a Working Group to examine the comments and observations made by States on the draft articles with respect to the sub-topic of prevention, which had been adopted on first reading by the ILC in 1998.

On the basis of the discussion in the Working Group, the Special Rapporteur presented the third report, containing a draft preamble and a revised set of draft articles on prevention, along with the recommendation that they be adopted as a framework convention. Furthermore, the third report addressed questions such as the scope of the topic, its relationship with liability, the relationship between an equitable balance of interests among States concerned and the duty of prevention, as well as the duality of the regimes of liability and state responsibility. The ILC considered the report and decided to refer the draft preamble and draft articles on prevention to the Drafting Committee.

D. Unilateral Acts of States

In its fifty-first session, the ILC discussed the introduction of a new topic, "the Unilateral Acts of States," which it defined as:

A unilateral statement by a State by which such State intends to produce legal effects in its relations to one or more States or international organizations and which is notified or otherwise made known to the State or organization concerned.

140. See Summary 51, supra note 137, at 4.
141. See Summary 52, supra note 138, at 3.
143. See Summary 51, supra note 137, at 4.
144. See id.
145. Id.
The ILC began a basic study of the topic with a goal to the eventual promulgation of draft articles.146 To this end, the Secretary of the ILC sent out questionnaires to Governments "inquiring about their practice and position concerning certain aspects of unilateral acts."147

At its fifty-second session, the ILC continued to examine the topic and began to create proposals for draft articles dealing with unilateral acts. The session also created a Working Group to combine answers from questionnaires sent out the previous year in the fifty-first session.148

The work of the ILC is often cited in international and domestic cases. The Commission's work has been particularly useful in areas of the law where there is a paucity of precedent and scholarship. It is a well-founded resource, supported by the U.N. where intellectual and creative ideas on international law are proposed, discussed and codified by the foremost experts in the field. The record, reports and work product of the ILC are accessible on the Internet and can be found in further detail on the U.N. website, Analytical Guide to the Work of the International Law Commission.149

V. The International Court of Justice

There have been several major developments in the International Court of Justice (ICJ) during the last year. Of the twenty-five active cases before the Court, two have been submitted for deliberation — The LaGrand Case (Germany v. United States) and Maritime Delimitation & Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain). The remaining twenty-three cases pending have been addressed with respect to various pre-adjudication and post-adjudication procedural issues. The Court also addressed questions of jurisdiction and admissibility in several of the cases.

A. New Composition of the Court

On February 7, 2000, the ICJ designated Judges Gilbert Guillaume and Shi Jiuyong to serve as president and vice president, respectively.150 Each is to serve in the position for a term of three years. In an election held on March 2, 2000, Thomas Buergenthal151 of the United States was elected to fill the vacant seat left by the resignation of Judge Stephen M. Schwebel. The Court also elected a new registrar, Philippe Couvreur of Belgium, to fill the vacancy left by the resignation of Mr. Valencia-Ospina.152 The new registrar, elected on February 10, 2000, will hold the position for a term of seven years.
B. Maritime Delimitation Between Nicaragua and Honduras in the Caribbean Sea
(Nicaragua v. Honduras)

The root of the dispute between Nicaragua and Honduras stems from the Arbitral Award
by His Majesty the King of Spain on December 23, 1906. Nicaragua filed an Application
before the Court to settle the issue of the actual maritime border in the Caribbean Sea, the
continental shelf, and exclusive economic zone between Nicaragua and Honduras. In an
order dated March 21, 2000, the Court fixed the time limits for the filing of the initial
written pleadings by the parties.

C. Armed Activities on the Territory of the Congo (Democratic Republic
of the Congo v. Uganda)

In June 1993, the Democratic Republic of the Congo (DRC) instituted proceedings
against the Republic of Uganda in respect of a dispute concerning "acts of armed aggression
perpetrated by Uganda on the territory of the Democratic Republic of the Congo, in flagrant
violation of the United Nations Charter and of the Charter of the Organization of
African Unity." The DRC contends that the armed aggression involved massive human
rights violations and violations of international humanitarian law.

On July 1, 2000, the Court granted the DRC's request for the indication of provisional
measures. The Court ordered the parties to refrain from any armed activities that would
prejudice the rights of the other party, "aggravate or extend the dispute or make it more
difficult to resolve." The Court also provided that the parties must take all measures
necessary to comply with their obligations under international law, and to ensure full respect
within the zone of conflict for fundamental human rights and for the applicable provisions
of humanitarian law.

D. Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v. Malaysia)

In 1998, Indonesia and Malaysia jointly filed an application before the Court to determine
whether sovereignty over the islands of Pulau Ligitan and Pulau Sipadan belongs to Malaysia
or the Republic of Indonesia. By Order of May 12, 2000, the Court extended the time
limits for the filing of a Memorial by both parties and, on October 20, 2000, the Court
fixed the time limit for the filing of a Reply by each of the parties.

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153. Maritime Delimitation Between Nicaragua and Honduras in the Caribbean Sea (Nicar. v. Hond.)
154. See id.
155. See id.
156. Armed Activities on the Territory of the Congo (Congo v. Uganda) (Order of July 1, 2000), available
157. See id.
158. Id.
159. See id.
161. See id.

On July 2, 1999, Croatia instituted a proceeding before the Court alleging that the Federal Republic of Yugoslavia had violated the 1948 Convention on the Prevention and Punishment of the Crime of Genocide between 1991 and 1995. With respect to this case, Croatia recently requested an extension of the time limit for the filing of its Memorial, initially set for March 14, 2000. The Federal Republic of Yugoslavia did not oppose the request with the understanding that if the extension for Croatia were granted, Yugoslavia would request a reciprocal extension for the filing of its Counter-Memorial. The Court granted both extensions on June 27, 2000.

F. Aerial Incident of 10 August 1999 (Pakistan v. India)

On June 21, 2000, the Court declared that it lacked jurisdiction to adjudicate the dispute filed by the Islamic Republic of Pakistan. The Court refused jurisdiction on three grounds. First, it found that India had never agreed to be bound by the General Act for Pacific Settlement of International Disputes of 1928. Article 17 of this Act requires that all disputes between its signatories be settled by the International Court of Justice. The Court based its conclusion on a communication to the U.N. Secretary-General on September 18, 1974, in which India stated “[t]he Government of India never regarded [itself] as bound by the General Act of 1928 since [its] Independence in 1947.” Second, the Court held that it had no jurisdiction on the basis of the declarations made by the parties accepting the compulsory jurisdiction of the Court. The Court noted that while India had accepted the Court’s jurisdiction through its declaration of 1974, it did so with an express reservation excluding jurisdiction over “disputes with the government of any State which is or has been a Member of the Commonwealth of Nations.” The Court rejected Pakistan’s arguments that this “Commonwealth reservation” is “extra-statutory” or obsolete. The Court stressed that its jurisdiction exists only within the limits with which it has been accepted and, as such, it may be reserved by the States. Finally, the Court simply refused to accept Pakistan’s third basis for asserting jurisdiction over the dispute. The Court held that there is no specific provision in the United Nations Charter conferring compulsory jurisdiction on the Court.

163. See id.
164. See id.
167. Id.
168. Id.
169. See Aerial Incident, supra note 165.
170. See id.
G. LaGrand Case (Germany v. United States of America)

In 1982, Karl and Walter LaGrand, both German nationals, were detained by authorities of the State of Arizona. The two were subsequently tried and sentenced to death. Germany contends that the United States failed to inform the LaGrands of their rights to consular assistance as required under Article 36, subparagraph 1(b), of the Vienna Convention on Consular Relations. Germany asserted that this failure prevented it from protecting its national's interests. In 1999, Arizona’s office of State Attorney admitted that it had been aware of the detainees' status as German nationals since 1982, despite its earlier denials. When the LaGrands were finally able to seek consular assistance in 1992, after exhausting their remedies at the state level, their claims for violations of the Vienna Convention were denied by the federal district court based upon the doctrine of procedural default. The federal court held that because they had not previously raised the question regarding their rights under the Vienna Convention in the state courts, they were precluded from doing so in their federal petition for habeas corpus. Karl LaGrand was executed by the State of Arizona on February 24, 1999. Walter LaGrand was executed on March 3, 1999, the same day that the ICJ issued an order directing the United States to “take all measures at its disposal to ensure that Walter LaGrand was not executed pending the final decision of the International Court of Justice on the matter.”

On November 17, 2000, the public hearings on the merits of this case were concluded and the case was submitted to the ICJ for judgment. The Federal Republic of Germany seeks a declaration that the United States: (1) violated its international legal obligations to Germany under Articles 5 and 36, paragraph 1 of the Vienna Convention on Consular Relations when it failed to inform Karl and Walter LaGrand of their rights under the Convention without delay; (2) violated its international legal obligation to Germany under Article 36, paragraph 2 of the Vienna Convention by applying the doctrine of procedural default, a rule of its domestic law, and preventing the LaGrands from raising their claims under the same Convention; and (3) violated its international legal obligations to comply with the International Court of Justice’s Order on Provisional Measures by failing to take all measures to ensure that Walter LaGrand was not executed. Should the Court find in favor of the Republic of Germany, Germany seeks an assurance from the United States that it will not repeat its unlawful acts, and in the future, will ensure the effective exercise of the rights under Article 36 of the Vienna Convention in all cases involving German nationals. The United States seeks a declaration that it has acknowledged that there was indeed a breach of the United States’ obligation to Germany under Article 36(1)(b) in that

173. See id.
174. See id.
176. See id.
177. See id.
178. See id.
179. See id.
the appropriate authorities did not promptly inform the LaGrands of their rights under the Convention.180 The United States also seeks a declaration that it has apologized to Germany and "is taking substantial measures aimed at preventing any recurrence."181 Finally, the United States seeks a dismissal of all other claims.182

H. **Maritime Delimitation and Territorial Questions between Qatar and Bahrain** *(Qatar v. Bahrain)*

The ICJ commenced hearings on the merits of this dispute to determine the sovereignty over the Hawar Islands, sovereign rights over the shoals of Dibal and Qit’at Jarada, and the delimitation of the maritime areas between Bahrain and Qatar on May 29, 2000.183 The public hearings were concluded on June 29, 2000. In its submissions, Qatar seeks a declaration that (1) it is sovereign over the Hawar Islands and the shoals of Dibal and Qit’at Jaradah; (2) Bahrain has no sovereignty over the island of Janan or Zubarah; and (3) the maritime boundary between the two states should be drawn on the basis that Qatar is sovereign over Zubarah, the Hawar Islands, and the island of Janan.184 Bahrain seeks a declaration that it is sovereign over Zubarah and the Hawar Islands.185


In its application instituting proceedings before the ICJ, the Federal Republic of Yugoslavia charges that each of the Respondent states violated its international obligations: (1) banning the use of force against another State; (2) not to intervene in the internal affairs of another State; (3) not to violate the sovereignty of another State; (4) to protect the civilian population and civilian objects in wartime; (5) to protect the environment; (6) to free navigation on international rivers; (7) regarding fundamental human rights and freedoms; (8) not to use prohibited weapons; and (9) their obligations to not deliberately inflict conditions of life calculated to cause the physical destruction of a national group.186 In an order dated September 8, 2000, the Court fixed a time limit of April 5, 2001, for Yugoslavia to submit its written statements on the preliminary objections raised by the eight respondent states.187

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180. See id.
181. Id.
182. See id.
185. See id.
J. Oil Platforms (Islamic Republic of Iran v. United States of America)

In this dispute, Iran alleges that the United States breached various provisions of the Treaty of Amity and customs of international law. The allegations stem from the destruction of three offshore oil production complexes owned by the National Iranian Oil Company. Iran claims that the damage was caused by several U.S. naval warships on October 19, 1987 and April 18, 1988. In September 2000, at the request of the United States, the Court extended the time limit for the filing of a Rejoinder by the United States for four months.

K. Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)

The Court extended the time limit for the filing of written pleadings to September 8, 2000. Ahmadou Diallo, a Guinean national, was “unlawfully imprisoned by the authorities of [Democratic Republic of Congo],” divested of his property, and then expelled when he tried to recover money owed to him by the DRC and by companies operating within that country. At the time of his detention, Diallo had been a resident of the DRC for thirty-two years. The Republic of Guinea filed an “Application with a view to diplomatic protection” seeking the Court to “condemn the Democratic Republic of the Congo for the grave breaches of international law perpetrated upon the person of a Guinean national.”

L. Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi) (Democratic Republic of the Congo v. Rwanda)

In these sister cases, the Democratic Republic of the Congo filed an Application in the Registry of the Court against Burundi, Rwanda, and Uganda for alleged “acts of armed aggression perpetrated by Burundi [Rwanda and Uganda] on the territory of the Democratic Republic of the Congo, in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity.” In the cases of Burundi and Rwanda, each respectively advised the Court of its intent to raise preliminary objections to the Court’s jurisdiction and the admissibility of the Applications. In an order dated October 19, 2000, the Court extended the time for the Democratic Republic of the Congo to file its Counter-Memorials.

189. See id.
190. See id.
192. See id.
196. See supra note 194.
M. **QUESTIONS OF INTERPRETATION AND APPLICATION OF THE 1971 MONTREAL CONVENTION ARISING FROM THE AERIAL INCIDENT AT LOCKERBIE (LIBYAN ARAB JAMAHIRIYA v. UNITED KINGDOM) (LIBYAN ARAB JAMAHIRIYA v. UNITED STATES OF AMERICA)**

This case arose from the bombing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988. The only new development in this case was the fixing of time limits for the filing of Rejoinders by the United Kingdom and the United States by orders dated September 6, 2000.

N. **ARREST WARRANT OF 11 APRIL 2000 (DEMOCRATIC REPUBLIC OF THE CONGO v. BELGIUM)**

In its last judicial act of the year, the Court rejected Belgium's request that the case concerning the arrest warrant be removed from the list. The arrest warrant in question was issued by a Belgian investigating judge against the Democratic Republic of the Congo's Minister of Foreign Affairs, Mr. Abdulaye Yerodia Ndombasi. The acts that constituted the basis for the warrant occurred during the period when the Democratic Republic of the Congo was battling a military rebellion and an invasion by Rwandan, Ugandan, and Burundian troops. The warrant asserts that Ndombasi, while acting as Principal Private Secretary to the president of the Republic, made televised statements inciting the continued massacre and persecution of Tutsi civilians in the Democratic Republic of the Congo.

The DRC instituted proceedings against the Kingdom of Belgium for a violation of the principle that a State may not exercise its authority on the territory of another State, the principle of sovereign equality, and the diplomatic immunity of the Minister of Foreign Affairs of a sovereign State. Belgium requested that the case be removed from the court's list due to a change in the Cabinet in the DRC. Ndombasi is no longer the Minister of Foreign Affairs; he now occupies the office of Minister of Education. Belgium asserts that the cabinet reshuffle has made the Congo's Application moot. The Court rejected this argument on the grounds that "the arrest warrant continues to be in the name of Mr. Yerodia Ndombasi and the Congo contends that he continues to enjoy immunities which render the arrest warrant unlawful."

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201. See id.


203. See supra note 200.

204. See id.

205. See id.

206. Id.
VI. International Financial Institutions: World Bank and IMF

During the week of November 29, 1999, three thousand trade officials from more than 100 countries gathered in the Washington State Convention and Trade Center in Seattle to discuss for four days how to bring the world economy even closer. Instead of a peaceful meeting where debates about globalization, finance, working conditions in developing countries, and e-commerce, among other topics, were going to take place, the United States witnessed something only comparable to rallies during the Vietnam War era. Fully geared, helmeted police and armored vehicles battled extremely violent protestors who threw the World Trade Organization conference into chaos, causing what was perhaps one of the nation's worst urban riots in decades. In the eye of the hurricane were the World Bank and the International Monetary Fund.

A. The World Bank

The World Bank was originally created to provide financial assistance to countries that had been devastated by World War II, and subsequently, to help countries from the Third World develop a strong economy. But, according to critics of the World Bank, some of its policies have brought very little progress and development to the countries it was supposed to serve. For example, people still live in extreme poverty in countries in Africa and Latin America despite the billions of dollars the World Bank has lent to these countries over the last five decades.

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208. See John Burgess, WTO to Meet as Protesters Rally Forces; Trade Talks to Open Without an Agenda, Wash. Post, Nov. 29, 1999, at A01.
210. See Sally MacDonald, Peace Activists Struggle with Feelings This Time, The Seattle Times, April 18, 1999.
211. See The Real Losers, The Economist, Dec. 11, 1999, at 15. "The protesters, composed of the environmentalists, the trade unionists, some anarchists, and many globaphobes opposed to globalization, may have been successful in disrupting the WTO Ministerial Conference in Seattle and preventing the Ninth Round from becoming organized, but the question remains as to who the real losers were in this Battle of Seattle. The protesters fought ostensibly to protect the developing nations, the so-called victims of free trade, which are coincidentally the major violators of environmental standards and perpetrators of poor labor standards. There is no doubt that some multinational corporations use these victims and violators to their financial advantage in the name of "free trade" and in compliance with their corporate duty of profit maximization. However, if globalization were to be pushed sharply backwards, it is precisely the developing nations and the poor who would lose."
212. See Joseph Kahn, Seattle Protestors Are Back With a New Target, N.Y. Times, Apr. 9, 2000, at 4 (noting that the protestors are now focusing their attack on the IMF and the World Bank, and it is estimated that 10,000 to 30,000 people will join the weeklong demonstration in Washington, D.C., in April, 2000).
216. See Mark Weisbrot, Perspective on Global Economy; We Need More World and a Lot Less Bank; World Bank and IMF Policies Have Failed the Poor, The Environment and Participating Nations, L.A. Times, July 6, 2000, at 11.

Yet their record on economic growth is their most spectacular failure. Over the last 20 years, low- and middle-income countries throughout the world have implemented the economic policies of the World
"We live in a world scarred by inequality," World Bank President James D. Wolfensohn recently stated. "Something is wrong when the richest 20 percent of the global population receive more than 80 percent of the global income... and when 2.8 billion people still live on less than $2 a day."217 One might wonder if it is time for a change.218

Among the most important issues facing the World Bank in this new millennium is globalization. Supporters of this process assert that while there has been some inequality between countries that increased in recent decades, globalization is still an effective vehicle for achieving global economic growth and prosperity.219 Its critics argue that globalization is only widening the gap between rich and poor220 while serving the developmental purposes of the richest countries, and giving very little to the real development of the poorest countries.221

Recent economic crises and market instability, along with rising criticism from civil society, as seen in hundreds of demonstrations around the world, have underscored the need to continue to examine globalization from a number of different perspectives.222 Joe Stiglitz, the outspoken former chief economist at World Bank, recently remarked, "globalization was not a win-win project. Hard choices and trade-offs between winners and losers remained."223

As the world economic structure has been changing profoundly during the last five years, so has the World Bank. Behind the intricate language of academic economics at the World Bank, there is a battle over its intellectual agenda.224 This battle has provoked tensions and

Bank and the IMF, often under the threat of economic strangulation. The worst disaster has been in Russia and the states of the former Soviet Union, which lost more than 40% of their national income in the 1990s. This is worse than our own Great Depression. Income per person in sub-Saharan Africa has declined about 20% over the last 20 years. In Latin America, it has barely grown—maybe 7% over the whole two decades. By contrast, both of these regions showed vastly superior economic growth in the previous two decades, before the IMF and World Bank's 'structural adjustment' policies became the norm. From 1960 to 1980, income per person grew 34% in Africa and 73% in Latin America. The only region that has grown rapidly over the last 20 years has been South and East Asia. But this region had similarly rapid growth in the previous two decades. And these are the countries that have most disregarded Washington’s instructions. China, which quadrupled its national income over the last 20 years, does not even have a convertible currency. In short, there is no region in the world that the bank and the IMF can claim as a success story, while their failures have been widespread and devastating. That is why their top officials, when pressed to defend their policies, will point to an individual country's economy over a relatively short period of time.

some high-profile resignations within the World Bank. The Bank said that the war on poverty needed a broader approach than previously thought, and changes were made to the newly released World Development Report (WDR) to place a stronger emphasis on growth. The WDR has been the subject of intense interest from development charities and governments since its first author, the academic economist Ravi Kanbur, resigned in June. Perhaps the slogan of the protesters who gathered outside the World Bank last April might represent what critics say should be the new era of the World Bank: “More World, Less Bank.”

B. INTERNATIONAL MONETARY FUND

While some developing countries have made impressive progress in raising living standards in recent decades, too many countries, and nearly one-fifth of the world’s population, have regressed in relative and sometimes absolute terms. This is arguably one of the greatest economic failures of the twentieth century.

In a scene that has become very common during international financial institution meetings, on September 26, 2000, in the Czech capital, Prague, about 8,000 activists were protesting against the inequities of economic globalization, during the annual meeting of the IMF. Delegates found themselves trapped for twelve hours inside a downtown convention center as demonstrators blocked all exit routes. This common scene reflects more and more feelings of resentment against the IMF, which has been accused of spoiling the environment, propping up dictators, and aggravating disparities between rich and poor nations.

Some say that “the real news from Prague was not the street protests but the IMF’s commitment to reform, a continuation of its evolution over the last year.” At the Prague meeting’s closing press conference, IMF Managing Director Horst Koehler emphasized

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226. See id.
227. See Weisbrot, supra note 216. “Ravi Kanbur, the Cornell University economist who was lead author of the World Bank’s influential 2000 World Development Report. Kanbur quit because he came under pressure, reportedly from the U.S. Treasury Department, to alter the manuscript so that it would conform to the IMF/World Bank/Treasury’s orthodoxy on globalization.” Id.
228. See Reduce Inequality, Says World Bank, FIN. TIMES (London), Sept. 13, 2000, at 14.
229. See John Vidal, Carnivalistas Slink in with a Pink Revolution: Yorkshire Women Bring Post-Marxist Economics, Zapatista-Style, to Prague to Shake the Summit Meeting of the World Bank and IMF, THE GUARDIAN (London), Sept. 23, 2000. “How they will communicate in Prague is uncertain, but they are boning up on such useful phrases as ‘Zruste treti svetovy dluh’ (Cancel third world debt), ‘Vice lepsiho sveta, mena bank’ (more world, less bank), ‘Nikdyse nevzdame!’ (We’ll never surrender) and ‘Vzdavame Se!’ (We surrender).” Id.
232. See Francis Harris, We’ve Won, Say Prague Protesters: The IMF and World Bank Meeting Ends a Day Early After Violence in the Czech Capital, THE DAILY TELEGRAPH (London), Sept. 28, 2000.
233. See Drozdiak & Pearlstein, supra note 217.

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the renewed cooperation between the Bretton-Woods twins on major global issues, and
the IMF concentration on strengthening and restructuring the international financial struc-
ture, and helping to prevent financial crises. Another sign of the IMF's reform was the
November 1999 resignation of Michel Camdessus, who ran the IMF during the most tur-
bulent decade in its history.

235. See Mark Drajem, Richer Nations Taken to Task; IMF Official Cites Trade, Debt Rules, SUN-SENTINEL (Fort
Lauderdale), Sept. 29, 2000.
237. See Merrill Goozner, Camdessus Submits Resignation as Head of Beleaguered IMF, CHICAGO TRIB., Nov.
10, 1999, at 8.