REFORMING THE UNITED NATIONS: LESSONS LEARNED

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REFORMING THE UNITED NATIONS: LESSONS LEARNED

THURSDAY, MARCH 3, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order. After recognizing myself and the ranking member, my good friend Mr. Berman, for 7 minutes each for our opening statements, we will then proceed to hear from our witnesses.

The Chair would ask our witnesses to keep their oral summaries of their written testimony to no more than 5 minutes each. I am getting quite a reputation for being ruthless with this gavel, Mr. Chairman. I will have to be kinder.

Following their testimonies, members will be recognized to question witnesses under the 5-minute rule. Without objection, the witnesses' prepared statements will be made part of the record. And members may have 5 days to insert statements and questions for the record subject to the length limitation of the rules. The chair now recognizes herself for 7 minutes.

Today, we consider lessons learned from past U.N. reform attempts, to ensure that present and future efforts are based on what works. What a concept.

Lesson One: Money talks. The biggest problem with the U.N. is that those who call the shots don't have to pay the bills. Most U.N. member nations pay next to nothing in assessed contributions, but work together to adopt U.N. programming decisions and budgets, passing the costs on to big contributors, like the U.S. The U.S. goes along and pays all contributions that the U.N. assesses to us: 22 percent of the U.N. regular budget, plus billions more every year.

The current administration has unconditionally repaid our U.N. arrears. When the U.N. bureaucracy and other member countries know that we will pay in full, no matter what, they have zero incentive to reform.

Almost every productive U.S. reform effort has been based on withholding our contributions unless and until needed reforms are implemented. In the 1980s, for example, Congress adopted an amendment to withhold funding until the U.N. changed how budgets are voted on. That effort showed some success until the amendment expired. The threat was no longer credible and the U.N. returned to business as usual.

In 1989, Arafat pushed for the PLO to gain full membership in the U.N. agencies, meaning the PLO would be essentially recognized as a state without making peace with Israel. The PLO strategy looked unstoppable until the George H.W. Bush administration made clear the U.S. would cut off funding to any U.N. entity that upgraded the status of the PLO.

The PLO's effort was stopped in its tracks. While Arafat is gone, his successors are up to the same tricks today. The U.S. response must be just as strong.

In the '90s, when the U.N. regular and peacekeeping budgets were skyrocketing, Congress enacted the Helms-Biden agreement. The U.S. withheld our dues and conditioned repayment on key reforms. When the U.N. saw that we meant business, they agreed to change, and that saved U.S. taxpayer funds. Smart withholding worked.

Withholding alone is insufficient to produce lasting reform. That is why we must demand that funding for the U.N. budget and U.N. entities move from an assessed to a voluntary basis. That way, Americans, not U.N. bureaucrats or other member countries, will determine how much taxpayer dollars are spent on the U.N., and where they go.

We should pay for U.N. programs and activities that advance our interests and our values. If other countries want different things to be funded, they can pay for it. The voluntary model works for UNICEF and other U.N. entities. It can work for the U.N. as a whole.

Lesson Two: Principled, credible, consistent U.S. leadership matters. The U.S. is not just another member nation at the U.N. American leadership is what our allies expect from us, and what our enemies fear. We should not be afraid to block consensus and stand up for our values and interests, even if that means standing alone, though we should lobby other responsible nations to join us.

Last week, the working group reviewing the U.N. Human Rights Council came out with an outcome document that made no structural reforms needed to turn the Council from a rogues' gallery to a useful entity. Even as the U.S. criticized the review process, calling it a "race to the bottom," we did not demand a vote, allowing it to be adopted by consensus. Such indecisiveness undermines our credibility with our allies, and weakens our ability to advance our goals at the U.N.

Lesson Three: Require real reforms, and don't settle for cosmetic changes. In 2006, the U.N. finally abolished the shameful U.N. Commission on Human Rights, which had fallen so far that it had been chaired by Qadhafi's Libyan regime. Instead of replacing the Commission with a body based on real membership standards, the U.N. created a Human Rights Council that is as bad, if not worse, than its predecessor. Even the New York Times rejected the U.S. joining the Council, calling it "an ugly sham, offering cover to an unacceptable status quo."

The majority of the Council's members, including China, Cuba, Russia, and Saudi Arabia, are not free nations. The Council even has a permanent agenda item criticizing Israel. The Council is expected to adopt several more anti-Israel resolutions at the current March session.

When the Council does periodically adopt resolutions criticizing real human rights abuses, they are usually too little and too late. Why did it take the massacre of hundreds of people in the streets for the U.N. to throw Libya off the Council? Why was Qadhafi's regime permitted to join the Council to begin with?

Now that the 5-year review of the Council has indicated no real reforms will be forthcoming, the U.S. should finally leave the Council and explore alternative forums to advance human rights.

Lesson Four: Don't compare apples and oranges. Some of the U.N.'s defenders like to cite some good U.N. activities to gain support for funding bad ones. However, we are not here to play "Let's Make a Deal." Each U.N. office, activity, program, and sub-program must be justified on its own merits and funded voluntarily. UNICEF aid to starving children cannot excuse UNRWA having members of Hamas on its payroll.

To incorporate lessons learned, I will soon introduce a revised version of the United Nations Transparency, Accountability, and Reform Act, which I first introduced in 2007. Its fundamental principle will be "Reform first. Pay later." I hope that my colleagues will join me in lending strong, bipartisan support to this bill.

And I am now pleased to recognize our distinguished ranking member, Mr. Berman, for his opening remarks.

[The prepared statement of Chairman Ros-Lehtinen follows:]

CHAIRMAN ILEANA ROS-LEHTINEN
House Committee on Foreign Affairs
Opening Statement
Hearing: "Reforming the United Nations: Lessons Learned"
March 3, 2011

Today, we consider lessons learned from past U.N. reform attempts, to ensure that present and future efforts are based on what works.

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I hope that my colleagues will join me in lending strong, bipartisan support to this bill.

I am now pleased to recognize our distinguished Ranking Member, Mr. Berman, for his opening remarks.

Mr. BERMAN. Well, thank you much, Madam Chairman. I appreciate you calling this hearing and our witnesses for agreeing to appear before the committee. We may have a slightly different perspective on this issue.

As I noted at our previous hearing on this subject, the flaws, shortcomings, and outrages of the United Nations, both past and present, are numerous and sometimes flagrant. The Human Rights Council's obsession with and biased treatment of Israel, the failure to adequately resource the Office of Internal Oversight Services, contracting scandals, and lax management standards, which have allowed taxpayer dollars to be squandered, that should anger members of this committee, Republican and Democratic alike. But these problems, while serious, don't even begin to tell the whole story.

Any honest assessment of the United Nations would have to conclude that the organization, very far from perfect, plays an important and often essential role in supporting U.S. foreign policy and national security interests.

From UNDP's work organizing the recent referendum in Sudan to the U.N. High Commissioner for Refugee's efforts to protect and resettle refugees fleeing from the violence in Libya, to the Security Council resolution imposing tougher sanctions on Iran, the U.N. serves as a force multiplier for U.S. interests.

So what should we do to address the U.N.'s shortcomings? Some continue to propose withholding dues as a way to leverage change at the U.N. But the fact is previous attempts to withhold dues simply haven't produced necessary reforms and certainly not on the scale of those achieved over the past 6 years through constructive engagement, like the creation of the U.N. Ethics Office or the Independent Audit Advisory Committee. Instead, withholdings severely

weakened our diplomatic standing and made it much more difficult to achieve positive change.

For just that reason, the George W. Bush administration strongly opposed a bill authored by our late colleague Henry Hyde that would have resulted in new withholdings. In a Statement of Administration Policy dated June 16th, 2005, they said the legislation would "detract from and undermine" their efforts to pursue U.N. reform. Apparently, even the threat of withholding isn't enough for many in this body.

Two weeks ago, when the House debated the Republican continuing resolution, 177 Members voted for an amendment to prohibit the use of any funds to pay our assessed dues. In effect, that was a vote to withdraw from the U.N. I wasn't aware that the slogan "Get the U.S. out of the U.N." was still such a popular one in this country.

Others have argued that all of our contributions to the U.N. should be voluntary. I note with some irony that the advocates of this approach are often the same ones who then support slashing our voluntary contributions to U.N. agencies. So is this just a guise, another guise, for withdrawal?

Unilaterally moving to a system of all voluntary contributions would violate our international treaty obligations. I am pleased we have two former senior-level Bush administration officials appearing before the committee today. In their prepared testimony, both of them are highly critical of the rapid growth in U.N. budgets, which began at just about the time President Bush took office.

Let me offer two possible explanations for this growth. First, the U.N. budget, like our Federal budget, grew rapidly in the years after 9/11, as the U.N. was asked by the Bush administration to assume more responsibilities in Iraq, Afghanistan, and other countries.

And, second, during the previous administration, we also saw the largest proliferation of peacekeeping missions in the U.N.'s history, all of them approved by the United States in the previous administration and the other permanent members of the Security Council.

These are some important issues worth examining, in contrast to the old allegations about UNDP operations in North Korea. Those allegations were examined in excruciating detail by the Senate Permanent Subcommittee on Investigations, as well as a U.S.-backed independent panel. While both investigations concluded that UNDP should improve management and accountability, neither found evidence to support spectacular allegations that the organization funneled vast sums of money to the regime in Pyongyang.

By recycling discredited old rumors, we diminish our own credibility and miss a valuable opportunity to work in a constructive way to repair what we all agree is a flawed system. Madam Chairman, since we are here to discuss the subject of U.N. reform, I thought it would be appropriate to reflect for a moment on the U.N.'s response to the political upheaval in the Middle East.

Two days ago, we heard from Secretary Clinton about the response of the U.S. and the international community to the crisis in Libya. In fact, she had just arrived back in Washington from Geneva, where she addressed the Human Rights Council at the opening of its March session.

As we all know, the anti-Israel vitriol that all too often emanates from the Council and the membership of serious human rights offenders on the Council has been a deep stain on the U.N.'s reputation. That said, the Council's unprecedented special session last Friday on Libya, along with the General Assembly's unanimous decision to remove Libya from the Council, demonstrates that the administration's strategy of engagement in Geneva has borne fruit.

I am also very encouraged by Secretary Clinton's determination to put Iran's reprehensible human rights record on the Council agenda for this month. It is worth noting that even Hillel Neur of the U.N. Watch, one of the strongest and most informed critics of the Human Rights Council and a witness called by the Majority at our previous hearing, does not support withdrawing from or withholding dues to the Council.

I look forward to hearing from our witnesses on ways we can constructively promote reform at the United Nations, recognizing the importance of the institution to U.S. foreign policy and national security.

Thank you, Madam Chairman. And I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Berman.

I now would like to give an opportunity to the members to make a 1-minute opening statement. We will begin with Mr. Chabot, the chairman of the Middle East Subcommittee.

Mr. CHABOT. Thank you, Madam Chair.

And some of the things that I have heard this morning I agree with, both from the ranking member and the chairman of the committee, particularly with respect to the U.N. Human Rights Council.

What a morally bankrupt organization it has become when you have some of the world's worst actors that are on there, Libya being one example and many others. And I think that is what is most outrageous to so many members of this committee. And I would hope that we can look into that at some length and with some particularity because I think it is just an outrage. The types of organizations, countries, individuals that are being represented there. And the U.S. is to some degree by being on there giving some sort of moral support to what has happened there. And I think we shouldn't be in that position.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Chabot.

Mr. Cicilline? Thank you for coming to the event last night.

Mr. CICILLINE. Thank you. Congratulations.

Chairman ROS-LEHTINEN. Thank you.

Mr. CICILLINE. Good morning. Thank you very much for being here. And I am anxious to get to the questions, but I just want to say that I know of no example of an organization or an institution that has been successfully reformed or improved by disengaging in the work of performing or improving it.

And while I think I certainly am new to this issue, we heard lots of testimony last time we discussed the United Nations about some reforms which must take place. And I think we all have a right to expect that and to demand it, but, in addition to that, to work aggressively to make it happen.

It strikes me that the best way to do that is to remain actively engaged in the United Nations as a full participant. And my concern is that anything that would suggest that we should disengage by not supporting it with adequate funding would make our voices much less strong at the table and would undermine, really, our credibility and our ability to actively press for just the reforms we all want.

So I look forward to hearing your testimony and having the opportunity to ask some questions on this. Thank you, Madam Chair Schmidt of Ohio? Thank you.

Congressman Carnahan?

Mr. CARNAHAN. Thank you, Madam Chair, for having this hearing. I think it is very timely and especially because it comes at a time, a little more than 2 years into the Obama administration's reform efforts.

Efforts have been underway in various forms for many years and actually through many administrations. Some have been successful, and some have not. I would note that we still have progress that needs to be made through the U.N. system.

I urge the administration to continue these efforts. I have long believed that the best way to achieve meaningful reform is to meet our financial obligations, demand accountability, and pursue a policy of constructive engagement.

We have a better chance of achieving lasting, sustainable progress by being at the table, in the tent, and not on the outside. And I think we have years of experience to prove that.

Just one example of a recent success with the creation of U.N. Women. They combined many different agencies into one that I think could be a powerful development tool.

So I am pleased that we are here today to talk about this and how we can pursue that policy of constructive engagement at the U.N. Thank you.

Chairman ROS-LEHTINEN. Thank you.

Congressman Smith of New Jersey?

Mr. SMITH. Thank you very much, Madam Chair.

I want to welcome our distinguished witnesses and thank them for their service. You know, the U.N. has such great potential. And so often it squanders it, both by what it allows its treaty bodies to do and by what the Human Rights Council, in particular, has done.

I remember year in and year out going and visiting Geneva during the Human Rights Commission gatherings. And they were usually hate fests toward Israel. Unfortunately, the Human Rights Council, with all the fanfare about how it was supposed to be the agent of reform, has fallen far short of any of those expectations. And many of us who said it then have been proven right. And I, frankly, wish we had been proven demonstrably wrong.

Rogue states sit on that Council. Periodic reviews become exercises in futility. So much more has to be done. The Human Rights Council ought to be the premier body for human rights enforcement, compliance—bringing the spotlight in scrutiny—and it has not. And that is with great sadness I say that.

Chairman ROS-LEHTINEN. Thank you.

Mr. Ackerman in New York?

Mr. ACKERMAN. I disagree very strongly very often with some of the things the U.N. says and does and often doesn't do. But I remain even more concerned that we not withdraw into a cocoon, bury our heads in the sand and become an isolationist nation of know nothings. I think in the interests of our own concerns in the world, we should recall that if we are not at the table, we are on the menu.

Thank you.

Chairman ROS-LEHTINEN. Thank you, Mr. Ackerman.

Mr. Fortenberry of Nebraska?

Mr. FORTENBERRY. Thank you, Madam Chair, for holding this hearing.

Just briefly let me say I think it is important for the United States to actively and eagerly participate in multilateral institutions, in spite of the effrontery we often have to endure in many of them.

The U.N. serves some essential roles in providing international stability, particularly in terms of humanitarian outreach and peacekeeping forces. Other aspects of it just create a hotbed for political rhetoric that is not constructive at all. So I think as we move forward, we can also keep in mind there are other multilateral institutions that can serve to provide a platform for international dialogue and problem-solving that could potentially replace certain aspects of the U.N.'s role currently.

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, Mr. Fortenberry.

Ms. Buerkle and Judge Poe, do you have any statement that you would like to make?

Ms. BUERKLE. Madam Chair, I will yield my time. Thank you.

Chairman ROS-LEHTINEN. Thank you.

So we will continue to now welcome today's witnesses: The Honorable Mark D. Wallace, president and chief executive officer of United Against Nuclear Iran. Ambassador Wallace has served in a number of senior positions in the executive branch, including most recently as U.S. Representative to the United Nations for Management and Reform from the years 2006 to 2008. He has also served as principal legal adviser to the Bureau of Immigration and Customs Enforcement and the Bureau of Immigration and Citizenship Services and as general counsel of the INS and the Federal Emergency Management Agency.

I might add, most importantly, that Ambassador Wallace is a fellow alum of the University of Miami. Go 'Canes.

The Honorable Terry Miller—welcome, Ambassador—is the director of the Center for International Trade and Economics at the Heritage Foundation and is the editor of the foundation's Annual Index of Economic Freedom.

Ambassador Miller is a veteran of the U.S. Foreign Service and has served in a number of senior positions in the executive branch. From 2006 to '07, Ambassador Miller served as the U.S. Representative to the U.N. Economic and Social Council. He served as the deputy assistant secretary of state for the Bureau of International Organization Affairs from the years 2003 to 2006, after serving as the director of a number of other bureau offices for several years.

Ambassador Miller has also headed the U.S. observer mission at UNESCO from '86 to '90 and served on delegations to U.N. meetings that are permanent mission to the U.N. in New York from '79 to '86. We welcome you.

And Mr. Ted Piccone is a senior fellow and deputy director for foreign policy at the Brookings Institution. From 2001 to 2008, Mr. Piccone served as executive director and co-founder of the Democracy Coalition Project.

He is a veteran of Capitol Hill and the executive branch. From '98 to 2001, he was associate director of the State Department's Policy Planning staff. From '96 to '98, he was director for Inter-American Affairs at the National Security Council. He also served as a policy adviser in the Office of the Secretary of Defense from '93 to '96.

The Chair thanks all of our witnesses and would remind them to keep their oral testimony to no more than 5 minutes each. Without objection, the witnesses' written testimony will be inserted into the record at this time.

So we will begin with Ambassador Wallace.

Thank you, sir.

STATEMENT OF THE HONORABLE MARK D. WALLACE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, UNITED AGAINST NUCLEAR IRAN (FORMER UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS FOR MANAGEMENT AND REFORM)

Ambassador WALLACE. Thank you, Madam Chairman and distinguished members of the committee. Thank you for the opportunity to appear before you today to discuss the United Nations reform. Thank you for your continued interest and dedication in the area.

I would like to introduce two people, Mark Groombridge and David Ibsen, who are behind me, who did great work in this area at the U.S. mission to the U.N., also Clarke Cooper. I am sure there are other refugees from the U.S. mission, but there are many fine people who worked on this, in this portfolio and have done great work. I want to acknowledge them for their help.

Fortunately, I can continue to work with two of them in our effort at United Against Nuclear Iran. A more efficient and effective U.N. can better serve both the interests of the United States and the international community. The United Nations continues to do important work in a number of areas, but it is an institution which after six decades critically needs reform and remains deeply flawed.

My remarks today are intended to provoke discussion on how to make the United Nations a more efficient and effective institution. Too often people who suggest ways to reform the U.N. are viewed as having an agenda to undermine the United Nations.

My remarks should be reviewed firmly in the context of someone who is trying to make the U.N. a more effective and transparent institution that is accountable to member states. With that in mind, I hope to share some of my experiences and lessons learned during my time at the U.S. mission.

To help set the stage for our talk today, I will briefly highlight a few important experiences and areas: First, mandate review. Mandates are a U.N. euphemism for almost all budget-based

things that the U.N. does. The reform related to mandate review was simply to conduct a thorough review of existing mandates and evaluate the degree to which they aligned with modern priorities.

In 60 years, the U.N. added thousands of such mandates but never materially evaluated or eliminated any. The U.N., like all bureaucracies, has a strong tendency to expand to over 9,000 mandates, the vast majority of which had budgetary implications and that were often outdated and duplicative.

By attempting to do everything, the United Nations was eroding its ability to accomplish anything. Unfortunately, mandate review failed. And only some 400 out of the 9,000 mandates were even discussed. And none of them had been repealed, combined, or modified.

This redundancy and bureaucratic disarray is fueled in opaque culture at the United Nations that can lead to disastrous consequences. A lack of transparency and accountability manifests itself in ways that are at times far more subversive than duplicative reports and blooming budgets. For example, we discovered the United Nations developed a program for a Cash for Kim scandal. We, along with the Senate Permanent Subcommittee on Investigations, had come to learn that North Korea had perverted the UNDP for its own benefit.

The U.N. Transparency and Accountability Initiative was a key effort that we designed to combat that opaque culture by promoting eight specific management reforms within the U.N.'s funds, programs, and specialized agencies. These arms of the U.N. lacked even the most basic management reform mechanisms.

In creating UNTAI, we were hardly placing an unreasonable burden on the U.N. We were merely calling on the U.N. to adopt a basic set of management and oversight tools that would be found in any responsible public or private sector organization in the twenty-first century.

Finally, the United States should strongly consider voluntarily funding the U.N. funds, programs, and specialized agencies to promote competitive efficiencies, a better U.N. I believe the transparency is the foundation of accountability. To not have transparency or accountability in the U.N. is simply an invitation for another "Oil-for-Food" or "Cash for Kim" scandal. These scandals not only compromised the reputation and viability of the U.N., but they also compromised our national security interest. Our taxpayer money must go to its intended purposes. That is our responsibility to taxpayer.

In closing, I would again like to thank you, Madam Chairman and the members of the committee, for hosting this hearing and allowing me to testify today. The stakes of today's discussion in my opinion go well beyond the $6.3 billion given by the United States to the United Nations in Fiscal Year 2009.

Thank you for your time. I will be happy to answer any questions that you all have. I look forward to the comments and insights of my colleagues on this panel.

I will keep talking a minute or 2 longer. [Laughter.]

Chairman ROS-LEHTINEN. I apologize. I had some constituents——

Ambassador WALLACE. Sorry, Madam Chairman.

Chairman ROS-LEHTINEN [continuing]. Who flew in for the meeting, but I had one ear on what you were saying. Plus, I read your written testimony. Thank you so much.

Ambassador WALLACE. Thank you.

[The prepared statement of Ambassador Wallace follows:]

Reforming the United Nations: Lessons Learned

Testimony before the House Committee on Foreign Affairs

The Honorable Mark D. Wallace

Rayburn House Office Building, Room 2172

Thursday, March 3, 2011

Introduction

Madame Chairman and distinguished members of the Committee, thank you for the opportunity to appear before you today to discuss ideas on how to reform the United Nations and make it a more efficient and effective institution, one which better serves both the interests of the United States and the broader international community. I would like to stress the link between the United States' and the international community's interests for the following reason: I firmly believe that a more effective United Nations will be more responsive to the interests of the United States and will better serve the important needs of the international community. While the United Nations has and continues to do vital work in a number of areas, it is an institution after six decades that is in need of critical reforms.

I would like to stress at the outset that my remarks today are intended to provoke discussion on how to make the United Nations a more efficient and effective institution. Too often, people who suggest ways to reform the United Nations are viewed as having an ulterior motive – specifically an agenda to dismantle, abolish or otherwise undermine the legitimacy and

efficacy of the United Nations. On the contrary, my remarks should be viewed firmly in the context of someone who is trying to make the United Nations a more effective and transparent institution that is accountable to Member States. I believe it is in the interests of the United States to achieve a more vibrant and rejuvenated United Nations, one that can better fulfill the goals originally outlined in its charter over six decades ago.

With that in mind, I would like to share some of my experiences and lessons learned during my time as the United States Representative for United Nations Management and Reform between 2006 - 2008. I valued my time at the U.S. Mission to the United Nations greatly and was able to witness firsthand both the strengths and weaknesses of a number of key institutions committees, agencies and funds within the expansive UN system.

Mandate Review and a Call for Transparency and Accountability

To help set the stage for some of the reforms I will discuss in a moment, allow me to recount for you an important but frustrating experience with UN reform that provides key context. This experience involved an effort, in the wake of the commitment by the world leaders during a gathering at the UN near the end of 2005, to update the work of the United Nations to make it a more 'efficient, effective, transparent and accountable organization.' This effort came to be referred to as "mandate review" – a UN euphemism for almost all budget-based things that the UN does. When I arrived at the U.S. Mission in New York in 2006, I was tasked by the Administration to lead the United States effort during mandate review by assisting the United Nations to conduct a thorough review of existing mandates and evaluate the degree to which they aligned with both the modern priorities of Member States and the capabilities of the United Nations, including the Secretary General and UN agencies. In sixty years such a task had never

been conducted by the United Nations. However in this time, the UN has added such mandates but never evaluated or eliminated them.

The consequence of this inaction should not have been a surprise. The United Nations, like all bureaucracies, has a strong tendency to expand. And expand it did. Since its founding the number of mandates issued for the United Nations to fulfill swelled to an astronomical number, with over 9,000 mandates identified. These 9,000 mandates, the vast majority of which had budgetary implications requiring the expenditure of resources, were often outdated, duplicative, unclear, or impossible to fulfill given the core competencies and capabilities of UN agencies. It was clear that by attempting to do everything imaginable, the United Nations was eroding its ability to accomplish and fulfill its key priorities most effectively.

Unfortunately, from the outset a majority of Member States from outdated country groupings decided to thwart our attempts to conduct a meaningful review of UN mandates. As a result, after months of arduous negotiations in 2006, only some 400 out of the 9,000 mandates had even been discussed, and none of them had been repealed, combined, or even modified. The consequence is that to this day, the General Assembly has a number of redundant and duplicative mandates, which result in overlapping committees that serve no clear purpose. For example, there are several overlapping committees considering questions related to the Palestinian territories and a number of UN personnel tasked with writing essentially the same report on a multitude of issues.

This redundancy and bureaucratic disarray has fueled an opaque culture at the United Nations which denies public transparency. The consequence of the failure to realign priorities and budgets to modern day priorities was perhaps best described by Paul Volcker, who

commented several years ago that the problem plaguing the United Nations was less a 'culture of corruption' but a 'culture of inaction.' Vested interests cling ferociously to their individual agendas and mandates. Not surprisingly, as the bureaucracy grows, so do budgetary expenditures. In the past decade, using constant 2000 U.S. dollars, the UN regular budget more doubled from $2.49 billion in 2000-2001 to $5.16 billion for 2010-2011. Keep in mind this is just the regular UN budget, and does not take into account the skyrocketing budgets for peacekeeping operations, some of which have long outgrown their intended mandate and have yet to be shut down.

Unfortunately, during my time at the U.S. Mission I found that this lack of transparency and accountability manifests itself in ways that are far more subversive than duplicative reports and ballooning budgets. For example, we uncovered that the United Nations Development Program (UNDP) was acting in violation of its own rules regulations and had served as a large and steady source of hard currency to the Democratic People's Republic of Korea (North Korea) and Kim Jong Il's regime. In addition to hard currency, we discovered that dual-use equipment on the U.S. Commerce Control List were sent to North Korea without UNDP obtaining proper licenses for re-export in contravention of U.S. export control laws. We discovered that a number of other fiduciary controls related to the hiring and management of local personal and project oversight had been grossly neglected. Most troubling, in the course of our investigation, a whistleblower that had cooperated with both the U.S. Mission as well as the Senate Permanent Subcommittee on Investigations, was mistreated by UNDP management in retaliation for raising legitimate concerns about UNDP's operations in North Korea.

The failure of mandate review and concerns raised by the lack of transparency and accountability in United Nations operations prompted the Bush Administration to establish the

U.N. Transparency and Accountability Initiative (UNTAI) at the U.S. Mission to the United Nations, in order to track the adoption and implementation of eight specific management reforms within the UN's Funds, Programs and Specialized Agencies. Despite being voluntarily funded, a number of the Funds, Programs and Specialized Agencies lacked even the most basic management reforms e.g. Member State access to internal audit reports and documentation; effective ethics offices; independent oversight bodies; adoption of International Public Sector Accounting Standards and financial disclosure policies, among others. As you can see, in creating UNTAI, we were hardly placing an unreasonable burden on the UN. We were merely calling on the UN to adopt the same basic set of management and oversight tools that would be found in any responsibly managed and viable public or private sector organization in the 21st century. UNTAI created an accessible and user-friendly way for anyone interested in UN reform, notably many taxpaying Americans, to evaluate the progress being made on key reform issues to ensure that funds were utilized efficiently and effectively for their intended purpose.

I applaud the efforts of the Chairman to restore the UNTAI program. I have often said that transparency is the foundation of accountability. To not have transparency or accountability is to simply an invite another 'Oil for Food' or UNDP's 'Cash for Kim' scandals. These scandals not only compromise the reputation and budgetary viability of the UN via corruption or diversion of resources, but also compromise our fundamental national security interests. Our money must go to its intended purposes. That is our responsibility to the taxpayer.

In this regard, I would like reiterate the need to adopt and apply meaningful reforms to the Office of Internal Oversight Services (OIOS). OIOS is the watchdog of the United Nations but is plagued by a lack of independence and autonomy. At times, OIOS finds itself in a position of investigating individuals to whom they report, creating a clear conflict of interest. Finally,

OIOS must be more transparent in their findings. We sought to do just that by posting OIOS reports on our website – redacted appropriately. Such publication should continue.

Fostering Competition

While transparency is a necessary condition for accountability, it is not always the case that it is sufficient. There are times when it is necessary to design proper incentive structures to channel the productive energies of personnel at institutions and agencies. The United Nations is not unique in this regard. Unfortunately, what we observe today is that a number of UN agencies are essentially guaranteed a budget without having to develop, much less meet, even the most basic performance criteria. The consequence is that a number of UN agencies are not operating nearly as efficiently or effectively as possible and are therefore failing in their mission to meet the needs of not only Member States, but many of the world's most desperate and indigent people.

Yet we also observe some UN agencies performing at a higher standard than their counterparts. What accounts for this variation? While there is no single variable or factor to be sure, it should not come as much of a surprise that many of the UN's best performing agencies do so because they have to actually compete with their counterparts in the world of non-governmental organizations. The World Food Program (WFP) is but one such example. The WFP, unlike many UN agencies, must compete against other NGOs for resources from governments and corporations alike. Its budget is based entirely on voluntary contributions. The impact on the culture at WFP has been profound. Many of you here know Catherine Bertini, former director WFP and also the former Under Secretary for Management Reform at the United

Nations. The quote I'm about to recite you may have heard before, but it bears repeating. In her own words:

> "[V]oluntary funding creates an entirely different atmosphere at WFP than at the U.N. At WFP, every staff member knows that we have to be as efficient, accountable, transparent, and results-oriented as is possible. If we are not, donor governments can take their funding elsewhere in a very competitive world among U.N. agencies, NGOs, and bilateral governments."

The United States should strongly consider promoting the application of this funding model to other UN agencies. Contrary to what some critics have suggested, this will not necessarily result in the United States abandoning the United Nations. Consider the example I just mentioned of the World Food Program. In 2010, the WFP received $3.82 billion in contributions. The United States government was by far the largest contributor, donating just over $1.57 billion, or over 40 percent of the budget.

Some critics suggest a flaw of the voluntary contribution funding mechanism is that it will create uncertainty in income flows. I submit that this is not a negative, but a positive. Given the inability of the UN to reduce superfluous mandates and implement the most basic performance requirements for many agencies, it is time for Member States, and by extension the taxpayers, to begin imposing those standards ourselves. It is time for agencies within the UN community to know that, in many cases, there is competition. The net winners will be not only Member States, but the people many of these agencies are designed to help in the first place.

Consider what happens when you do not have any performance criteria. In addition to the example of UNDP's program in North Korea, we can consider the case of the Human Rights

Council. The United States has been and remains the world's foremost champion of human rights. Does it make sense, though, for our tax-payer dollars to go to a UN agency which serves as little more than a sounding board to criticize Israel and by extension the United States while empowering human rights violators? When the U.S. voted against the creation of the Council in 2003, it did so because it felt that there should be actual membership criteria to determine which Member States have a seat on the Council. That view was rejected and today many egregious human rights abusers have found their way on the Council. Unfortunately, the Human Rights Council is by no means alone. It should give us considerable pause for concern, for example, that tomorrow, Friday, March 4th, will coincide with the day that Iran will take a seat as a full member of the United Nations Commission on the Status of Women.

For these reasons, I believe the United States should make clear that future funding levels will be contingent on the adoption of needed reforms. Committees and agencies within the UN system should know that the United States is watching and measuring their performance, and that their failure to provide performance metrics in a transparent way will not be viewed favorably in Washington. This isn't to deny that many UN organizations do important work and often advance U.S. interests, but they should be much more transparent in their activities. That is the first, albeit not only step to achieving accountability.

Conclusion

In closing, I would like to thank Chairman Ros-Lehtinen and the members of the House Committee on Foreign Affairs for hosting this important hearing and allowing me to testify before you today. The stakes of today's discussion go well beyond the price figure of $6.3 billion given by the United States to the United Nations in fiscal year 2009. While the budgetary

implications are no doubt important, we are also talking about issues vital to our long-term national security interests. By adopting reform measures to make the United Nations more accountable and transparent, we are also taking steps to help the United Nations fulfill the goals outlined in its original charter to promote international peace and stability. The United States plays a unique and powerful role in this regard. We should not shirk this responsibility, not only for our own sake, but for the millions throughout the world who are the recipient of assistance from vital UN programs.

Thank you for your time. I will be happy to answer any questions you have.

Chairman ROS-LEHTINEN. Ambassador Miller, the floor is yours.

STATEMENT OF THE HONORABLE TERRY MILLER, DIRECTOR OF THE CENTER FOR INTERNATIONAL TRADE AND ECONOMICS, THE HERITAGE FOUNDATION (FORMER UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, UNITED STATES OBSERVER AT THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, AND DEPUTY ASSISTANT SECRETARY OF STATE FOR ECONOMIC AND GLOBAL ISSUES)

Ambassador MILLER. Thank you very much, Madam Chairman and distinguished members of the committee for the opportunity to discuss this important issue with you today.

As we speak, citizens are dying in the streets of Libya. But the United Nations Human Rights Council has on its agenda the adoption of a report praising the government of Muammar Qadhafi for its—and I quote—"commitment to upholding human rights." How absurd.

Now, it would be easy to hold up the Human Rights Council as a prime example of why reform is urgently needed in the United Nations, but the story is actually worse than that. In fact, the Human Rights Council is one of the most recent products of U.N. reform, touted as the crowning achievement of the 2005 World Summit.

Unfortunately, the new Council operates in a fashion almost identical to its predecessor, the same focus on Israel, the same membership dominated by countries with poor human rights records. The reform changed little, but that didn't matter to most U.N. members nor to the Obama administration, which decided to join the Council anyway.

Efforts to reform the U.N. are almost as old as the U.N. itself. As early as 1947, the Senate was citing—and I quote again here—"Serious problems of overlap, duplication of effort, weak coordination, proliferating mandates and programs, and overly generous compensation of staff." Not much has changed. U.N. reform has never been easy, and only rarely has it been successful.

Over the years, U.N. reform efforts have been plagued by disagreements and confusion about the basic nature and purpose of the organization. They have been hampered by the complexity of the issues with which the U.N. system deals, and they have been frustrated by structural flaws in U.N. governance, decision-making, and budgeting. The U.S. has occasionally tried more robust methods to achieve reform with some success.

One strategy implemented with congressional cooperation has been to use America's financial leverage as the largest contributor to the U.N. budget to press for reform. The Kassebaum/Solomon amendment and the Helms/Biden Act both used budget leverage to achieve reforms. Later, during the Oil-for-Food scandal, just the threat of withholding was sufficient to inspire some new accountability in the organization.

But perhaps the most robust and effective approach to forcing reform was the withdrawal of the U.S. from membership in UNESCO at the end of 1984. This immediately cost that organization 25 per-

cent of its operating revenue and forced major reforms and reductions in programming.

Priority UNESCO activities in areas such as oceanography and world's heritage continued to enjoy U.S. financial support on a voluntary basis. Interestingly, the organization also improved its political orientation in an effort, which was ultimately successful, to regain U.S. membership. This reform was a 20-year effort.

A similar strategy of withdrawal from the ILO was much shorter and, frankly, didn't work. Yet another U.S. withdrawal, this time from UNIDO, has lasted from 1996 to the present and reportedly has had a positive impact on streamlining UNIDO's priorities and actions.

What lessons can we take away from all of this? I have two. First, the U.N. system is fundamentally flawed in ways that hamper its efficiency and effectiveness. There will be no quick fixes Second, massive pressure and sustained commitment will be required to generate positive change.

Madam Chairman, the pursuit of significant U.N. reform has often been a lonely endeavor for U.S. diplomats, but we may be entering an era in which other governments under severe budgetary pressures at home are willing to join us in a more robust examination of the cost and benefits of various U.N. activities.

Just this week, the United Kingdom has announced that, as a result of such review, it will stop funding four U.N. agencies it has determined to be ineffective. That is the kind of exercise that the U.S. Government needs to undertake if it is to properly exercise its fiduciary responsibilities to the American public.

History shows that such activities have been effective only when there was strong congressional leadership and oversight. I am, therefore, grateful and encouraged by your attention to this issue.

Thank you very much.

[The prepared statement of Ambassador Miller follows:]

CONGRESSIONAL TESTIMONY

Reform of the United Nations: Lessons Learned

Testimony before
The Committee on Foreign Affairs
United States House of Representatives

Thursday, March 3, 2011

Ambassador Terry Miller
Director, Center for International Trade and Economics
The Heritage Foundation

My name is Terry Miller. I am the Director of the Center for International Trade and Economics at The Heritage Foundation. As a member of the U.S. Foreign Service, I served on delegations to UN meetings or at our Permanent Mission in New York from 1979 to 1986. I was head of the US Observer Mission at UNESCO from 1986 to 1990 and Director of the State Department Bureau of International Organization's offices dealing with international economics, development, refugees, social issues, human rights, and women's issues from 1992 to 1994 and from 2000 to 2002. I was Deputy Assistant Secretary in that Bureau from 2003 to 2006, and served as U.S. Ambassador to the United Nations Economic and Social Council in 2006 and 2007. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation.

As citizens are dying in the streets of Libya this week at the hands of one of the world's most repressive regimes, the United Nations Human Rights Council has on its agenda the adoption of a report praising the government of Mu'ammar Qadhafi for its "commitment to upholding human rights on the ground." In a small note of grace, the UN General Assembly, which just last year had overwhelmingly elected Libya to membership in the Council, did vote on March 1 to suspend Libya's rights of membership in the Council.

It would be easy to hold up the Human Rights Council as a prime example of why reform is urgently needed in the United Nations, but the story is actually worse than that. In fact, the Human Rights Council is one of the most recent, and most highly touted, **products** of UN reform, the crowning achievement of the 2005 World Summit in New York.

Since the Human Rights Council is such a telling example of the pitfalls of UN reform efforts, I want to spend just a little time telling its story. By 2005, the UN Commission on Human Rights had become widely discredited for its politicization, its excessive focus on Israel while doing nothing to deal with well documented violations of human rights by others, its attention to thematic issues of economic, social and cultural rights at the expense of civil and political rights, and finally, for its membership itself, which had become dominated by the most egregious violators of human rights. The George W. Bush Administration sought real reform in 2005, arguing for a smaller body with rigorous membership criteria that would exclude countries with poor human rights records from membership. It wanted a Council that would focus on actual violations of human rights and leave discussions of thematic issues to the UN General Assembly. In the negotiations that year, one might have expected regimes such as Cuba or Libya to oppose real reform, and they did. What was more puzzling was the willingness of major human rights non-governmental organizations to accept only cosmetic changes to a system they had acknowledged was failing. Many actually indicated that they respected the ambition of the U.S. reforms, but so captured had they become by the system that they were willing to agree to almost any compromise or fig leaf of reform to preserve the status quo.

In the end, the UN abolished the Commission on Human Rights and replaced it with a new Human Rights Council with almost the same membership and responsibilities. This was heralded by the UN as launching a new era of cooperation in support of human rights, but in fact, almost the only thing that had happened was that more resources were poured into existing mechanisms or almost identical replacements. Having failed to secure any significant reform, the U.S. announced that it would not participate in the new Council.

Not surprisingly, the new Council operated in a fashion almost identical to the old Commission on Human Rights—the same focus on Israel, the same emphasis on so-called economic, social and cultural rights, and the same list of members dominated by countries with questionable human rights records. What was much more surprising was the decision by the Obama Administration, despite these problems, to rejoin the Council.

What general principles or lessons can we draw from this sad experience in UN reform?

Efforts to reform the United Nations are almost as old as the United Nations itself. In fact, the U.S. Senate Committee on Expenditures in the Executive Departments issued a report in 1947 calling for sweeping reform of the UN system citing "serious problems of overlap, duplication of effort, weak coordination, proliferating mandates and programs, and overly generous compensation of staff within the infant, but rapidly growing, UN system."

These problems, evident from the very birth of the UN, have only become more severe. And UN reform has never been easy. Over the years, UN reform efforts have been plagued by fundamental disagreements among members (and even internally within societies such as our own) over the basic nature and purpose of the organization. They have been hampered by the complexity of the issues with which UN organizations deal, and they have been frustrated by basic flaws in UN governance, decision-making and budgeting that disperse authority and responsibility among multiple actors that have different and even competing priorities.

I want to touch on just a few of these complexities, because a failure to understand and take them into account has been responsible for the failure of many UN reform efforts in the past, and will undoubtedly impede future efforts as well.

First the basic nature of the organization. The tension between competing visions of the United Nations is apparent in Article 1 of the UN Charter. Paragraphs 1 and 3 of that article, which identifies the purposes of the UN, call for actions toward identifiable goals: "to take effective collective measures for the prevention and removal of threats to the peace"; and "solving international problems of an economic, social, cultural or humanitarian character." In other words, the UN is supposed to do something, to be a tool for action in the world. Paragraphs 2 and 4, by contrast, identify purposes that are more intrinsic in nature: "to develop friendly relations among nations"; and "to be a center for harmonizing the actions of nations." This reflects a vision of a UN considered valuable simply for what it is, rather than what it does.

As the organization has operated over the years, this dichotomy of purpose has encouraged two very different visions of the UN. Some regard it as a means by which specific problems may be addressed on a case by case basis. In this vision, sovereignty rests squarely with governments of member states, who decide what actions they will take, in concert with others where possible. The Security Council is the most representative organizational manifestation of this view. This vision has dominated U.S. policy making on a bipartisan basis, with the possible exception of the current Administration.

The other view is more grandiose, regarding the UN as the center of gravity for world governance, and the place where moral and behavioral standards are set collectively for the world as a whole. Those who hold this view have little problem with ceding sovereignty from national governments to UN bodies. Organizationally, this vision is manifest in various UN conventions and treaties such as the Convention on the Elimination of Discrimination Against Women or the Convention on the Rights of the Child, and in organizations like the Human Rights Council. This vision is increasingly espoused by members of the European Union and now, to some extent, by the Obama Administration.

There is also a third vision that dominates among developing country members of the UN. That vision is of an organization that provides mechanisms for transferring resources from wealthy countries to those that are poor. Some countries see even the UN Secretariat itself as such a resource transfer mechanism, a source of good paying jobs for their citizens that are funded by other countries. This certainly becomes an inhibiting factor when reform efforts propose to eliminate UN activities or jobs.

Needless to say, reform efforts that will improve the UN's efficiency as an ad hoc tool for action while preserving the prerogatives of sovereign governments may conflict with visions of world governance. And the vision of the UN as a development agency has led the organization into corrupt debates and practices that have damaged its intellectual credibility and its operational integrity.

I need to touch briefly on UN governance, the duplication and politicization of activities, and budgeting, and then I will turn specifically to reform.

Governance. The UN operates primarily with one country-one vote processes. One country-one vote is not the same thing as democracy, though it is often misrepresented as such. A common error is to assume that UN voting confers democratic legitimacy on UN decisions or resolutions. But many if not most UN member states are not themselves legitimate democracies. As we have seen, the populations of Tunisia, Egypt, Bahrain, and Libya don't believe their governments enjoy democratic legitimacy, yet these same governments are seen by the United Nations as the legitimate representatives of their people. Are we supposed to believe that a majority vote by representatives of non-democratic regimes somehow conveys democratic legitimacy on a UN decision? Some, amazingly, would say yes. And, of course, even if all UN members were democracies,

the disparity in population size among members (from tens of thousands to more than a billion) renders the notion of democratic representation by a one country-one vote process ridiculous.

Politicization and Duplication. Because of the UN's universal membership, the views of all countries, whether they have a direct stake in an issue or not, are brought to bear on every issue. For example, the UN Committee on the Peaceful Uses of Outer Space now has 67 members, despite the fact that only 10 countries have demonstrated the ability to actually launch satellites. Extraneous interventions abound in UN meetings, and when countries have a dominant or even destructive issue in which they are interested, such as unwarranted condemnation of Israel for example, that issue can be interjected into almost any discussion. In addition, large groupings of like minded countries often pool their votes, creating majority blocs that can dictate outcomes. Minority views can be and are disregarded.

Budgeting. A sliding scale for budgetary assessments in which the U.S. pays 22,000 to 27,000 times more than the least contributors for various activities divorces responsibility to pay from ability to decide. Some countries pay as little as $35,000 per year in support of the United Nations regular budget and peacekeeping operations. They probably pay more than that in office rent in Manhattan. Yet they have the same vote in UN budget discussions as the United States, whose assessed dues just to those two UN budgets amount to some $2.5 billion per year.

Holding these issues in mind, it is unsurprising that UN reform is so contentious.

On governance, it is interesting to note that the main UN Charter reforms that have taken place have involved enlargement of the Security Council and the Economic and Social Council. For many countries, enlargement of the Security Council tops the current list of desired reforms. Enlargement of bodies does not, of course, increase their efficiency. In fact, larger bodies have a harder time reaching decisions.

The trend towards universalization of decision-making has also contributed inexorably to the broadening of UN mandates and, consequently, the enlargement of the UN Secretariat. As every discussion has become an occasion for inclusion of every issue, the UN has expanded its budgets and its personnel to fulfill overlapping and duplicative mandates. Over the history of the UN, one sees waves where competing organizations or offices arise directed at the same issues, with subsequent reforms consolidating activities or appointing super coordinators with additional staff and budgets. John Bolton's ideas about a unitary UN were one effort at consolidation and efficiency. Unfortunately, there is little evidence that reforms aimed at consolidation have had any real impact on UN effectiveness or efficiency.

As regards budgeting, many efforts have been made by major contributors, especially the United States, either to reduce the cost of the United Nations or at least ensure some minimum level of efficiency or impact from the expenditures. However, this goal has not been shared by the majority of UN member states that contribute little to the budget. In

general, the smaller contributors have favored ever expanding UN budgets because they bear almost no responsibility for the cost. The U.S. has proposed numerous ideas for increased burden sharing, ranging from simple reductions in our assessments to calls to make most UN funding voluntary rather than assessed. Success has been modest at best.

Given the competing visions about the purposes of the UN, the differing goals of member states, and the different levels of budgetary responsibility and accrued benefits from UN membership, it should come as no surprise that there has never been a consensus on significant reforms. Rational arguments do not carry the day in reform discussions, as the reasons for supporting the system are different for each member.

The U.S., as the most powerful single member of the organization and the largest contributor to its budget, has occasionally tried various strategies to coerce reform from UN organizations. These have met with varying success. One strategy, implemented primarily with Congressional cooperation and even under Congressional mandate, has been to use America's financial leverage as the UN's largest contributor to press for desired reform. For example, the Helms/Biden Act, passed in 1999, made payment of some unpaid UN dues contingent on adoption of reforms by the organization, chief of which was a reduction in the main US assessment from 25 percent to 22 percent. Previously, the Kassebaum/Solomon Amendment had required withholding of some US payments to the UN in an effort, partially successful, to increase US influence over budget decisions.

Later, during the Oil for Food scandal, just the threat of withholding was sufficient to inspire limited action to address the corruption that had been uncovered and institute new accountability mechanisms.

Perhaps the most impressive example of a robust approach to forcing reform involved the withdrawal of the U.S. from membership in UNESCO at the end of 1984. This immediately cost the organization 25 percent of its operating revenue and forced major changes and reductions in programming. Priority UNESCO activities in areas such as oceanography or preservation of the world's heritage continued to enjoy U.S. support on a voluntary basis. Interestingly, the organization also improved its political orientation in an effort, ultimately successful, to regain U.S. membership. It is important to note that the U.S. was absent from UNESCO membership, though pressing hard for reforms, for almost 20 years. A similar strategy of withdrawal from the ILO was much shorter (from 1977 to 1980) and had little impact. Yet another U.S. withdrawal, this time from UNIDO in 1996, has lasted to the present. Although the U.S. has had little engagement with UNIDO over that period, the loss of U.S. resources reportedly has had a positive impact on streamlining UNIDO's priorities and actions.

Sadly, neither Helms/Biden withholding nor even the long UNESCO withdrawal can be shown to have had much long term impact on the efficiency, effectiveness, or even the integrity of the UN system.

What lessons can we take away from all of this?

First, the UN system is fundamentally flawed in ways that hamper its efficiency and effectiveness. There are no quick fixes.

Second, any reform effort should start with an examination within the U.S. Government of the goals desired. Realistic goals must be very narrowly drawn and involve specific changes either in structure or procedures. Massive pressure and commitment will be required to generate positive action.

Finally, goals that do not enjoy a large degree of consensus within the U.S. body politic will almost certainly not be achieved, as the long term effort required to achieve change at the UN is unlikely to be sustained.

U.S. government management of our UN participation is neither well-resourced nor efficiently coordinated. Authorities and budgets for U.S. activities at the UN are dispersed across many agencies. Durable reform of the UN must almost certainly be preceded by rationalization of the U.S. Government's interactions with UN agencies.

Given the general ineffectiveness of UN programs and activities, and the repeated failure of reforms intended to fix this, one worthwhile goal for the U.S. might simply be to reduce the cost of our membership. With the appropriate level of political will, this could be done unilaterally in any organization. For example, the U.S. has the power to unilaterally set its contribution to the UN itself at whatever level it decides, provided it is willing to accept the Charter-mandated sanction, which is loss of our vote in the General Assembly. Since General Assembly resolutions are non-binding, this would be primarily a symbolic sanction. The U.S. veto in the Security Council would be unaffected; it cannot be altered or rescinded without U.S. consent. For other organizations, even if expelled from membership, the U.S. could continue to support on a voluntary basis those activities that it finds useful, as we did in UNESCO for two decades.

Madame Chairman,

While the pursuit of significant UN reform has often been a lonely endeavor for U.S. diplomats, we may finally be entering an era in which other governments, under severe budgetary pressures at home, are willing to join us in a more robust examination of the costs and benefits of various UN activities and organizations. Just this week, the government of the United Kingdom announced that it will stop funding four UN agencies (the ILO, UNIDO, UN-Habitat, and the UN International Strategy for Disaster Reduction) judged to be poor performers and put two others (UNESCO and FAO) on notice that similar actions could be taken against them in the future. This is the type of exercise that the U.S. Government must also undertake, if it is to properly exercise its fiduciary responsibilities to the American public. History shows that such activities have been effective only when there was strong Congressional leadership and oversight. I am therefore grateful and encouraged by your attention to this issue.

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Chairman ROS-LEHTINEN. Thank you very much.

Mr. Piccone?

STATEMENT OF MR. TED PICCONE, BROOKINGS INSTITUTION, SENIOR FELLOW AND DEPUTY DIRECTOR FOR FOREIGN POLICY

Mr. PICCONE. Thank you, Madam Chairman and Congressman Berman, for inviting me to be part of this hearing.

I want to focus my remarks on why constructive U.S. engagement of the United Nations, especially on issues of human rights, serves our interests. Ever since Eleanor Roosevelt led the campaign for adoption of the Universal Declaration of Human Rights, the U.S. has played a leading role in creating an international human rights system that has had a real impact for victims of abuse.

Regarding the Human Rights Council, I agree that a lot of what goes on in Geneva is downright offensive, starting with how its members handle Israel. The Human Rights Council, however, is a reality. Therefore, we must not abandon the field to adversaries like Cuba, Algeria, and China. This would be an unconscionable act of betrayal of rights defenders and victims around the world, who depend on the U.N. and U.S. leadership.

We know from past experience that walking away doesn't work. During negotiations to create the Council in 2005, the U.S. chose a combative approach in getting just three other states to join us. Meanwhile, we withdrew from the Council in its critical formative years, leaving a vacuum that was quickly filled by such countries as Pakistan and Egypt.

Israel was left without a traditional ally as it faced five special sessions while the U.S. was absent. Since we joined the Council, Israel has been the subject of only one special session.

The recent action on Libya is another example of the impact constructive U.S. engagement has had in turning things around. U.S. leadership helped pave the way to condemn Qadhafi's actions and demand Libya be removed from the Council, an unprecedented step now adopted by the General Assembly in record time.

The lesson learned is clear. Cutting and running only allows our adversaries more room to control the results while direct participation protects our interests and those of our allies. Let me highlight a few specific areas how the U.S. is making a difference.

On country scrutiny, since it was elected to the Council, the U.S. has actually increased this kind of scrutiny. In addition to Libya, the Council has convened special sessions on Cote d'Ivoire, Guinea and Kyrgyzstan, thanks to U.S. leadership. The United States has led efforts to ensure that Sudan stays on the Council's agenda and won renewed mandates on North Korea, Burma, and Cambodia.

Building on this success, Secretary Clinton announced this week the U.S. is spearheading efforts this session to establish a special rapporteur on Iran as well as a commission of inquiry on abuses committed by the regime in Burma.

Another tool that the Council has is the special procedures. These are the independent experts, who go out in the field and investigate human rights issues. My own research, which I request be submitted for the record, on how these mechanisms work yielded concrete evidence of their positive impacts.

Chairman ROS-LEHTINEN. Without objection.

[NOTE: The research of Mr. Piccone is not reprinted here but is available in committee records or on the Internet at: http://www.brookings.edu/reports/2010/10__human__rights__piccone.aspx (accessed 3/30/11).]

Mr. PICCONE. Thank you.

They have influence because they are independent, they serve in an unpaid personal capacity, but they work under the U.N. flag. Front-line activists tell me they rely on these experts to get heard at the highest levels of power.

One of the main hurdles they face, however, is the increasing pressure from certain states to constrain them. The U.S. has played a critical role in successfully pushing back against these attempts.

On membership, while it is unfortunate that rights-abusing states are elected to the Council, there is another more positive side of the story. In every case when elections have been competitive, rights abusers have lost: Venezuela, Iran, Belarus, Sri Lanka, Azerbaijan. Year after year, these states have been defeated in the elections. And last year, thanks to a vigorous but quiet U.S. campaign, Iran was forced to withdraw as a candidate for election to the Council. It is critical that the U.S. remains engaged in this effort and that competitive slates become the norm.

The real problem with the Council is not its structure or its processes but the lack of political will. One way to address this problem is to lean on our democratic allies, Brazil, India, South Africa, Indonesia, to carry their weight on the Council. The U.S. is pressuring these states to do better. And we are starting to see some results. It would also be helpful if Members of Congress could weigh in directly with their counterparts in these countries to encourage better performance.

I can think, though, of no more powerful tool for cleaning up the Council than the unprecedented action this week to remove Libya from the Council. This is an historic step, a shot across the bow.

There are other issues, like universal periodic review, which I hope to get to in the questions and answers. We have an important new initiative on freedom of association that the U.S. led the charge on.

On Israel, the U.S. works very hard to defend Israel against the bias of the Council. It is not logical that we should conclude that the U.S. should disengage. Indeed, Israel itself has not jumped to that conclusion. Israel is very actively engaged.

In the short 5 years since the Council was created, we have seen two styles of leadership, one approach where we withdraw, the other where we are engaged. It is making a difference. Progress will be slow, but we need to stay in the fight and continue to demand respect for the universal values we call our own.

Thank you.

[The prepared statement of Mr. Piccone follows:]

Theodore J. Piccone

Senior Fellow and Deputy Director for Foreign Policy
The Brookings Institution

Thursday, March 3, 2011

REFORMING THE UNITED NATIONS: LESSONS LEARNED

House Committee on Foreign Affairs

My name is Ted Piccone. I am a Senior Fellow and Deputy Director for Foreign Policy at the Brookings Institution, a think tank devoted for nearly a century to independent research and analysis on public policy issues. The views expressed in this testimony are my own and do not represent any official position of Brookings.

For today's hearing, I would like to focus my comments on the key question of whether U.S. engagement at the United Nations, especially on issues of human rights, is worth continuing and how we can best influence outcomes that support our fundamental goals of advancing international peace, security, democracy and human rights, a longstanding bipartisan tradition.

I come to this question from nearly two decades of experience as a senior foreign policy advisor in the Clinton Administration, as a leader of a nongovernmental organization promoting international cooperation for democracy and human rights, and as a researcher studying the international community's role in protecting human rights at the local level. Since 2003, I have been deeply engaged in examining what role the United States and other governments play in promoting human rights and democracy internationally, particularly through the United Nations and the Community of Democracies. Most recently, I completed an 18-month study last October on the contribution of the UN's independent experts on human rights to protecting universal values at the national level.

As a student of international organizations, my first rather obvious observation is to note that the United Nations is an instrument of its member states which ultimately control its actions. Therefore, when we talk of the "United Nations," I try to distinguish between actions controlled by individual sovereign governments, acting alone or collectively, and decisions taken by the UN bureaucracy. As we know, it is the member states that in the end make the place operate as it does. This leads one to recognize quickly that the institution is limited in what it can do and is imperfect. It can certainly, however, be made better. I applaud the Committee for its efforts to consider how best to do that.

I appreciate the frustration that Members of Congress feel toward the United Nations given our longstanding support and investment in its work and the shared desire to ensure our tax dollars are used effectively and efficiently. I also recognize that governments often have competing interests and therefore must engage in the hard labor of negotiation and compromise to get anything done. In such an environment, the United States doesn't always get its way. But more often than not, with the right style of leadership, it has a proven track record of leading the

institution toward effective results that improve the lives of millions of people around the world. As one measure of how the UN serves U.S. interests, I would point to the UN's role in reconstruction of Iraq and Afghanistan. I can think of no better way to honor our troops' sacrifice than to ensure that we leave behind effective institutions that will help these societies to heal and move toward a healthier future. The United Nations helps us do that and at a cost much less than if we had to do it alone. Our contribution to the United Nations amounts to only one-tenth of one percent of the federal budget. Given all that the United Nations does around the world to feed people, support elections, keep the peace and shelter refugees, that is a good return for the dollar.

I also want to note at the outset that, according to various polls, the United Nations is viewed favorably by publics in most countries around the world, including by the American people. This means the United Nations can serve as a respected global platform for a range of activities that serve U.S. interests, from peacekeeping and counterterrorism activities, to humanitarian assistance, development projects and human rights promotion. It gives us access and influence we would not necessarily have if we acted alone and helps us share the burden of maintaining international peace in ways that are of direct benefit to the U.S. taxpayer.

You are familiar with the data on the cost efficiencies of UN peacekeeping operations, such as the GAO study that shows it would have cost the United States eight times as much as it cost the UN to respond to the earthquake disaster in Haiti last year. Let me give a similar example from the field of democracy promotion, a topic of particular interest at the moment. In 2005, with the leadership of President Bush, the United States succeeded in establishing a new UN Democracy Fund to support civil society's efforts to build democracy and promote human rights at the grassroots level. In the first five years of operation, the United States' cumulative contribution of $33.3 million has leveraged an additional $88 million in donations from a wide variety of countries such as India, Qatar, Sweden, Japan, Korea, Romania, Ecuador and Israel. Among other things, this fund has made grants of nearly $19 million to civil society groups throughout the Arab world for projects to promote women's rights in Egypt and Yemen, youth empowerment in Lebanon and Jordan and parliamentarian capacity in Bahrain. This is precisely the kind of value added the UN can provide that serves our interests in fostering credible democratic transitions in that part of the world.

The UN Human Rights System

Ever since Eleanor Roosevelt led the campaign for adoption of the Universal Declaration of Human Rights, the United Nations has been instrumental in translating those rights into practice. Despite years of ideological rifts and Cold War polemics, the international community, with U.S. leadership, has built a solid foundation for elaborating universal norms, monitoring behavior, assisting victims and holding abusers accountable. While the Human Rights Council is the principal political forum for considering these issues, this system goes far beyond the debating halls in Geneva and is increasingly being mainstreamed throughout the UN.

Condemning bad human rights behavior by states is important to do. But when evaluating the performance of the Human Rights Council, I encourage the Committee to look beyond the traditional condemnatory resolutions to what the United Nations does to promote human rights

more broadly and around the globe. For example, the Office of the High Commissioner for Human Rights, the 20-plus field offices that serve as human rights experts on the ground and more than thirty additional human rights advisers and representatives to peacekeeping missions and country teams, the nine treaty bodies and implementing committees that monitor violations and take testimony from victims, the 41 independent experts mandated by the Human Rights Council to investigate rights abuses and prod states to correct them, the voluntary funds that provide direct support to victims of torture and slavery, the international criminal tribunals – these all serve as reinforcing building blocks for a global support system that seeks to prevent violations, protect victims, hold violators to account, and help states respect and implement international norms. These activities all serve the UN's core mission of defending universal rights in accordance with its Charter, a point reinforced by leaders at the World Summit in 2005, and should not be dismissed as "indirect activities" that can be spun off from the core budget and subject to the vagaries of voluntary funding.

Human rights as the third pillar of the UN system, which great Americans like Eleanor Roosevelt and Wendell Willkie helped create, is, in fact, starved for support. According to the Office of the High Commissioner for Human Rights (OHCHR), the proportion of the overall UN regular budget devoted to human rights is just 2.8% of the total 2010-11 biennium budget. While this level is actually higher than five years ago, we are still trying to do human rights on the cheap. The results, not surprisingly, fall way short of addressing meeting current needs. Given the bipartisan consensus on the importance of promoting democracy and human rights to our national security, and the high value that victims of abuse place on the direct assistance the UN system provides to them, we should actually be trying to increase our investments in these cost-effective instruments, rather than trying to weaken them.

The Human Rights Council

I now want to turn the Committee's attention to the Human Rights Council and try to analyze, despite its many imperfections, what works and doesn't work and why U.S. engagement makes a difference for human rights defenders and victims who count on us to play a leadership role. I want to be clear I do not look at the Council with rose-colored glasses – a lot that goes on in Geneva is downright offensive. But I feel strongly that to abandon the field to adversaries like Cuba, Algeria and China would be an unconscionable act of betrayal of victims around the world who depend on the UN, and U.S. leadership, for their protection.

As I watched the General Assembly's negotiations to create the Council in 2005 and 2006, it was hard to understand why the United States took a combative approach of isolating itself from the bargaining table rather than shaping a better outcome. It even went so far as to support a guaranteed seat for the five permanent Security Council members despite China's and Russia's dubious human rights credentials. After voting with just three other states against the final resolution, the United States chose to withdraw from the Council in its critical formative years, leaving a vacuum that was quickly filled by such countries as Musharaff's Pakistan and Mubarak's Egypt. Israel was left without a traditional ally as it faced five special sessions while the United States was absent. Since the United States joined the Council in June 2009, Israel has been the subject of only one special session.

Reducing the disproportionate focus on Israel is just one example of the impact that constructive U.S. engagement has had in turning things around. The Obama Administration has rolled up its sleeves and worked overtime to put in place an effective diplomatic strategy that has led to greater country scrutiny. Most notably, U.S. leadership helped pave the way for the consensus resolution condemning Muammar el-Gaddafi's actions and demanding Libya be removed from the Council, an unprecedented step of condemnation. This is the kind of tangible progress that can only be achieved by direct engagement in the hand-to-hand diplomatic contest taking place in Geneva. The lesson learned is clear – cutting and running only allows our adversaries more room to control the results while direct participation protects and advances our interests and those of our allies.

Membership

According to the resolution establishing the Council, it is to be composed of states that uphold the highest standards of human rights; candidates are to make commitments demonstrating how they contribute to this goal and are then elected by the General Assembly through regional slates. A member committing gross and systematic violations of human rights may be removed from the Council upon a two-thirds vote of the General Assembly. States may serve for a maximum of six years before rotating off, meaning that governments like Cuba, China and Pakistan no longer have a semi-permanent seat as they did in the past.

While much attention is paid to the unfortunate fact that states that routinely violate human rights are elected to the Council, there is another, more positive side of the story that often gets missed. In every case when regional slates have been competitive, i.e., more candidates than open slots, rights-abusing candidates have lost. Competitive slates led to defeats of Venezuela (2006), Iran (2006), Belarus (2007), Sri Lanka (2008) and Azerbaijan (2009). And thanks to a vigorous but quiet U.S. campaign, Iran was forced to withdraw as a candidate for election to the Council in 2010. I know from personal experience of working with human rights advocates in those countries and knocking on doors at UN missions in New York that this is an effective tool for holding governments accountable to their obligations to uphold human rights. It is critical that the United States remain engaged in this effort to enlist states with better rights records to run for a seat and to defeat states with bad records. It is also essential that competitive slates become the norm.

While it helps to keep some of these governments off the Council, there are still too many members of the Council that seek to weaken the UN's human rights mechanisms in the name of protecting national sovereignty. One way to address this problem, in addition to more competitive slates, is to lean on the surprisingly high number of democratic states that do not carry their weight at the Council. Governments like Indonesia, India, South Africa, Brazil and the Philippines routinely vote in ways that undermine country scrutiny, weaken norms or threaten the independence of the Special Procedures. Getting these states to use their voice and vote at the UN in more constructive ways should be a key priority for the United States which has close relations with these governments and the unique leadership prowess to build these necessary cross regional coalitions. We can best pressure these states if we are working from within the Council. It would also be helpful if Congress could weigh in directly with their

counterparts in these countries to remind them of their obligations as members of the Council to uphold the highest standards of human rights.

I can think of no more powerful tool for cleaning up the Council, however, than the unprecedented action the General Assembly took this week to expel Libya from the Council. This is a historic step, a shot across the bow of those states that believe they can get away with killing innocent civilians and still maintain their reputation in the international community. The support from states like Lebanon, Jordan, Egypt and Pakistan may herald a break in the rigid bloc voting in the Organization of Islamic Conference and the African Union against country scrutiny. As more states transition away from autocratic rule, it will be important that they become good citizens on other issues as well, both at the Human Rights Council and in other international institutions.

Country Scrutiny

Engagement by the United States as an active member of the Council since July 2009 has reversed a growing tendency to avoid country-specific scrutiny, despite the clear language of the Council's mandate to address specific situations, including responding to human rights emergencies. Most recently, the Council quickly convened a special session to address the Libyan government's attacks on civilians which resulted in the unprecedented recommendation that Libya be suspended from membership, a step the General Assembly quickly adopted by consensus just this Tuesday. In addition, the Council has taken up special scrutiny of urgent situations in Cote d'Ivoire, Guinea and Kyrgyzstan with strong U.S. endorsement. The United States also led efforts to ensure that Sudan stay on the Council's agenda, despite Khartoum's intense efforts to block scrutiny, and pushed hard for and won renewed mandates to monitor ongoing problems in North Korea, Burma, and Cambodia.

This work continues. As we speak, U.S. diplomats are working hard to get the Council to adopt a resolution establishing a Special Rapporteur to investigate human rights violations in Iran, as well as a Commission of Inquiry for abuses committed by the military regime in Burma. In pursuing these initiatives, the United States is reaching out beyond its traditional allies in Europe to other regional players like Zambia, Ghana, Argentina and Chile to build the cross-regional coalition needed to get the Council to act. When the votes are not there, the United States has adopted other creative techniques, like the joint statement by 55 countries criticizing the deplorable human rights abuses in Iran on the anniversary of the stolen 2009 election, or the special dialogue after the summer 2010 mass rape in the Democratic Republic of the Congo to discuss ways to prevent future sexual violence. These results were made possible because the United States has a seat at the table and uses it effectively.

It is worth noting that the Council's work to monitor the behavior of member states occurs not just in special sessions and condemnatory resolutions but through other mechanisms on the Council's agenda during the year. The Special Procedures, a collection of independent experts charged by the Council to monitor and report on a variety of human rights issues, carry out country visits that allow in-depth scrutiny of specific problem areas including torture, extrajudicial executions and violence against women. The Universal Periodic Review, a new

mechanism created with the establishment of the Council, allows a systematic review of every single UN member state, something that was impossible under the old Commission.

Special Procedures

A critical yet underappreciated tool of the Human Rights Council are the independent experts, collectively known as the Special Procedures, who are appointed to investigate human rights issues and make recommendations for correcting problems. Based on an 18-month study of how these mechanisms work, I was able to demonstrate the factors that result in their direct and tangible impact at the national level. The influence of these experts derives from a combination of their independence as unpaid specialists serving in their personal capacity and their mandate from a high UN body, granting them special access to the highest levels of government and a unique vehicle for victims to be heard. Their country visits help human rights defenders mobilize advocacy, give voice to victims, call attention to problems and remedies, and influence state behavior. If we care about what the frontline activists on the ground say they need from the UN, then we should care about preserving these experts' independence and providing the resources they need to do their work.

The main hurdle the Council's experts face as they go about the hard work of spotlighting human rights problems is the lack of state cooperation in allowing country visits and responding to appeals to address specific cases. They also face increasing pressure from certain member states to constrain and intimidate them. As a member of the Council, the United States has played a key role in successfully pushing back against these attempts. As a proven resource and catalyst for advancing human rights, the Special Procedures deserve greater resources than they currently receive -- approximately $280,000 per mandate or only seven percent of total OHCHR spending.

My report on the Special Procedures, entitled *Catalysts for Rights: The Unique Contribution of the UN's Independent Experts*, contains much more detail on the unique contribution this mechanism makes to protecting human rights around the world and includes recommendations for strengthening them further. I request that it be entered in the official record of this hearing.

Universal Periodic Review

A new feature of the Council is the Universal Periodic Review (UPR), which by the end of 2011 will have examined the human rights record of every member of the United Nations, including states like China, Cuba, and Iran, which had managed to evade scrutiny for years. While some of the reviews have no doubt been marred by a lack of real criticism by some member states, the United States has actively contributed with constructive and pointed criticism of states under review. Another positive feature of UPR is that it gives citizens an unprecedented opportunity to press their governments for change in an international forum that is now webcast around the world. Civil society groups provide frank and public input to the process, creating an unprecedented open record for debate. As one leading human rights defender from Nigeria told me, the UPR process has opened the doors to direct dialogue with the government on human rights issues for the first time ever. Activists from Colombia acknowledge that the UPR process has elevated human rights on the government's agenda, an observation I heard in Indonesia and

Morocco as well. The United States has led by example by using its UPR to reach out to civil and human rights groups around the country.

Some argue that the United States should not be subject to review by states that systematically violate their own citizens' human rights. This logic is a disservice to our proud tradition of seeking an ever more perfect union, one which is open to criticism by others and with a long record of steady improvements in respect for rights. We should be proud of that record and continue to lead the world by example.

Promoting and Defending Human Rights Norms

The Human Rights Council is an important forum for promoting international norms for human rights, a tradition begun under the previous Commission through the negotiation of a series of international treaties that define standards and create mechanisms to enforce them. By the same token, without effective engagement by the United States and other rights-respecting countries, it can be used by rights abusers to weaken human rights norms in theory and practice.

In this regard, there has been growing alarm around the world about attempts by some states to stifle the rise of independent civil society and erode international standards. In response, the United States led the charge in September 2010 to win approval for a new UN monitor for freedom of association and assembly. Effective U.S. diplomacy obtained the mandate with broad, cross-regional support and despite objections from countries such as Cuba and China.

Effective U.S. diplomacy has also helped to blunt efforts to challenge freedom of expression by creating a global anti-blasphemy law under the rubric of "defamation of religions." Before we joined the Council, these efforts were picking up steam; now it is uncertain that the sponsors can secure the votes to pass a defamation resolution in the Council. A committee set up to consider the creation of new blasphemy norms has been indefinitely postponed due to opposition led by Washington. In addition, the United States championed the establishment of a new working group of independent experts to prevent discrimination against women.

Focus on Israel

The Human Rights Council has a structural bias against Israel by having an open-ended item on its agenda on Israel's occupation of Palestine, and many of its resolutions have unfairly criticized its actions without demanding similar scrutiny of violations by other actors like Hamas in Gaza. The United States works hard to defend Israel against such bias, often standing alone with its ally in UN debates in Geneva and New York, a prospect that would be more difficult if it were to withdraw from the body.

It is not logical, however, to jump from that bias to the conclusion that the United States should disengage from either the Council in particular or the UN in general. Indeed, Israel itself has not jumped to that conclusion. Rather, Israel is actively engaged throughout the UN system and that engagement has increased in recent years. Just last week, Israel was a co-sponsor of the resolution that the Human Rights Council adopted on Libya, and it has co-sponsored a number of other resolutions on both country-specific and thematic issues. It routinely participates in

debates and dialogues on a range of issues at the Council and recently, with U.S. support, joined JUSCANZ, a consultative group of like-minded states. Israel also is active on a whole array of other issues from peacekeeping to development, serving on numerous UN bodies and committees including the Commission on the Status of Women (CSW), the Commission on Sustainable Development (CSD), and the United Nations Environment Programme (UNEP), to name just a few. Just recently, Israel decided to accede to UN Women, the new UN entity on gender equality and empowerment of women, and pledged close to a million dollars in dues.

Conclusion

As we know from the long history of our leadership at the United Nations, our hands-on engagement in all facets of the institution serves our interests, creates jobs at home, multiplies our leverage and spreads the cost of international peace and security to more countries. As we also know from more recent experience, the style of our leadership matters as much as the substance. When we throw up our hands and walk away in frustration, or expect exceptional treatment like withholding dues until reforms are instituted, we gain no friends, lose leverage with our allies, set bad precedents that could be used against us, and cede the floor to our adversaries. Instead, we should use our considerable influence as the world's leading power, our strong voice and vote, as well as our veto in the Security Council, to prod other states to take action for reform or block bad decisions. We gain much more by using our leadership to cajole and persuade than by bullying and walking away.

In the short five years since the Council was created, we have seen two styles of U.S. leadership at play. One approach involved sitting on our hands and giving up, leaving human rights victims to fend for themselves and watching hard fought gains slip away. The other approach is to carry out a full court press to turn the tide against autocracy and toward freedom. We will not always win, and progress will be slow. To honor those Americans who have sacrificed for freedom, we must stay in the fight and continue to demand respect for the universal values we call our own.

Chairman ROS-LEHTINEN. Thank you very much. Excellent testimony.

And we will begin our round of questioning. I will cede my time to Ms. Ellmers of North Carolina.

Mrs. ELLMERS. Thank you, Madam Chairman. And thank you to our distinguished panel today.

You know, I had in mind a question having to do with Mr. Robert Appleton, who actually was with us a few weeks back, who was fired from the U.N. after he was exposing some corruption, but I don't want to just stop there. I want to get to the root of the issue.

Back in North Carolina, many of my constituents are just outraged at the level of corruption and lack of accountability in the U.N. And, with all due respect, Mr. Piccone, you are pointing out some of the vital jobs and situations where the U.N. is probably on the ground doing some wonderful work, but in comparison to the level of corruption, the political chess games that go on, it is hard for us in North Carolina to see our way to not being able to create or build a school. And, yet, we are pouring billions of dollars into countries who have dictators, terrible situations. And that just doesn't boil down to the American household budget.

So my question to you is, as Americans, are we nothing more than enablers? What would be the most effective way that we can reform the U.N. straightforward, pulling out, pulling back on our funding? Would that wake up the U.N. so that we can get the true reform that we need? And I will ask all of our members that question. Thank you. Starting with you, Mr. Wallace?

Ambassador WALLACE. Thank you for the question. Just a quick comment on Bob Appleton. I think those of us who served in the department at that time when Bob served at the U.N. I think would only have high praise for Bob. He had a very difficult task in conducting investigations, which any good organization needs when there are accusations of corruption. And he ferreted out some problems.

I think one of the great challenges for a thoughtful diligent investigator like Bob, who is as apolitical in my opinion as they come, just a solid guy, is that when you find wrongdoing and you bring a complaint or charge against an individual in the U.N. system, that individual has a country that they are from. And frequently because U.N. is home to so many former civil servants from various countries, it becomes a bit of gamesmanship between member states seeking to protect their nationals from allegations of wrongdoing. And when you are good at your job and find corruption and it affects enough individuals from enough member states, you incur the wrath of the member states. So it is a challenge.

I do think that the issue of the U.N.—and I think that it is really important that we thoughtfully engage and see the good part and the bad part. I obviously was a Republican appointee. My job was to try to engage in the reform of the U.N. Whenever you try to reform something, you have to identify weaknesses. So you are by definition a critic.

U.N. does perform some valuable tasks: Peacekeeping, one. I think some of the sanctions resolutions are very important. There are other important things that it does, too. But I think we have to impose some twenty-first century levels of management trans-

parency and accountability on this organization just similar to what we do in a nonpartisan way here in the United States, whether it is our NGOs, our not-for-profits, even our Government institutions.

That is why when we rolled out the United Nations Transparency and Accountability Initiative, we wanted to overlay and try to have true transparency in operations the way we do in our Government, where you can get in close to it and then with that transparency holding the U.N. and its related funds programs and specialized agencies accountable to member states.

I think that is a reasonable thing to ask of somebody, of an entity that we give money to. And I don't believe that anybody in this room in a private discussion would look at any of these reforms that we are talking about and say that they are unreasonable or somehow Republican or Democrat. It is just not the case. These are reasonable things that we should demand and expect of our international colleagues.

Mrs. ELLMERS. Thank you.

Ambassador MILLER. Thank you very much for this question. You talk about corruption. This really goes to the heart of the issue. The U.N. is a membership body, 192 member states right now. And each of these states brings with them their own values and their own habits. And many of the states in the world, sadly, are horribly afflicted with corruption.

Corruption is a daily fact of life in these states. Many of them don't respect human rights. Many of them are not democracies. And when they come to the U.N., they bring these values with them. So that afflicts the organization.

Chairman ROS-LEHTINEN. Thank you, Mr. Ambassador. We will continue with that, I am sure, in some of the other questions. Sorry. Ran out of time.

Now, please, to yield to our ranking member, Mr. Berman, for his 5 minutes.

Mr. BERMAN. Well, thank you, Madam Chairman. Ambassador Wallace, I particularly liked what I thought was an eloquent critique of the piling on of mandates that the U.N. has adopted over the course of years and need to reform it.

For a while, I thought you were talking about the Foreign Assistance Act of 1961, same kind of problem. We pass stuff. We don't review it. We end up not really looking at what today's priorities are and addressing them. And I support that effort at the U.N. as well as in reviewing our foreign assistance legislation.

Ambassador Miller, two things. One is you made note of—and it would be humorous if it weren't so depressing to look at the universal periodic review document for Libya. But I am happy to tell you that based on my conversations with the State Department yesterday, that has been shelved. There is something that goes even too far for the Human Rights Council.

But I do want to call you on one other thing. I think it was your testimony that left the impression that the Helms/Biden language produced reform at the U.N., but your written testimony I think is more accurate on this account.

That deferral of payment of dues, that withdrawal, which is apparently the model for legislation we will be considering soon, was

probably helpful in achieving the lower assessed rate, but it produced no lasting reforms. And I quote from no less an authority than Ambassador Miller, "Sadly, neither Helms/Biden withholding nor even the long UNESCO withdrawal can be shown to have had much long-term impact on the efficiency, effectiveness, or even the integrity of the U.N. system."

I would argue that these withholdings don't accomplish the kind of reform that a sustained engagement would. And for that purpose, I would like to give the rest of my time to Mr. Piccone, who never got to answer Congresswoman Ellmers' question and to perhaps address that and points you would like to make with reaction to the testimony of the first two witnesses.

Mr. PICCONE. Thank you, Mr. Berman.

I would want to start by noting that when we think about the investment that we are making and what this costs, in fact, the U.S. contribution to the U.N. amounts to only 1/10 of 1 percent of the Federal budget. And what are we getting for that?

We are getting a tremendous amount of services that are the force multipliers we have talked about before and feeding people and supporting elections, vaccinating children, keeping the peace, sheltering refugees. This is a good return for our dollar because we care about those kinds of issues around the world. And we have an important role to play.

As you also know, in terms of peacekeeping operations, it would cost the United States eight times as much as the U.N. to respond, for example, to the earthquake disaster in Haiti. We are sharing the burden of responsibilities that we have adopted as the leading state of the world. And by sharing that burden, we are returning good investment for the U.S. taxpayer. And I think that is important.

The other point to make in terms of reform more generally is that the U.N. is slowly changing in some important ways in terms of management reform. Thanks to Ambassador Wallace, Ambassador Miller, and the work of many other diplomats over many years, we have pushed internally, because we have been constructively engaged, for internal oversight reforms, whistleblower protections, new Office of Ethics run by an American. On and on there are lists of things that show that we are starting to grasp the real details, modernize the institution, and get some control over the situation.

At the end, there does need to be some review and control of mandates. They are out of control. But the real money is in the peacekeeping. I mean, that is what a lot of our contribution goes to. And I think on general terms, we get a good return on the dollar for our peacekeeping operations.

Thank you.

Chairman ROS-LEHTINEN. Thank you very much.

Now I would like to recognize Mr. Chabot, the chairman of the Subcommittee on Middle East and South Asia, for 5 minutes.

Mr. CHABOT. I thank the chairman.

Ambassador Miller, just under a year ago, Secretary Clinton announced that the U.S. would be joining the U.N. Human Rights Council. As we all know, the Council was created back in 2006 out

of the ashes of the Commission on Human Rights when after years of failed reforms the international community simply gave up.

Unlike its predecessor, the new Human Rights Council was supposed to embody the principles laid out in the U.N. General Assembly resolution 62–51. Now, that resolution states, and I quote, "When electing members of the Council, member states shall take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto."

Over half of the Council's current members do not even meet Freedom House's basic standards for freedom. They are members of the Council, but they can't even be called free. Let's face it. The Human Rights Council that exists today could not be further from the principles in this resolution.

According to a recent NGO report, more than 80 percent of all the Human Rights Council's condemnatory resolutions, 27 out of 33, have been against Israel. Moreover, the Council failed to adopt any resolution, special session, or investigative mandate for numerous violators on Freedom House's list of the 20 worst abusers in the whole world.

Upon being elected to the Council, Ambassador Rice noted that she looked forward to working from within the Council with a broad cross-section of member states to strengthen and reform it. From where I sit, it seems to me that this was a mistake. I believe that by joining the Council, all we have done is lent our legitimacy to a Council that is so rotten it is an international joke. And our association soils our image.

When speaking on Libya's suspension from the Council, it noted that the General Assembly, by contrast, today has acted in the noblest traditions of the United Nations and made it clear that governments that turn their guns on their own people have no place on the Human Rights Council.

Membership on the Human Rights Council should be earned through respect for human rights and not accorded to those who abuse them. This would be a nice sentiment if countries like Cuba and China weren't on the Council, mocking its very existence.

Why not withdraw our participation from the Council? And if not, what in your opinion should the U.S. be doing to reform this—in my view—morally bankrupt institution?

Ambassador MILLER. Thank you very much. And I agree completely with your sentiments.

In terms of elections to the Council, it is important to note that though the lip services paid to the idea of competitive elections, most of the regions put forward agreed slates that are based just on rotation among the regions. So everyone has an equal chance to participate.

The only region that dependably has competitive elections is the Western European and others' grouping, which includes the United States and Western Europe. So they have competitive elections, but the other regions in general don't. So that is how you get these serial violators of human rights on the Commission over and over again.

I just want to make the point there is a tendency here in the discussion to draw a dichotomy between engagement, on the one

hand, and these measures of power that the U.S. might enforce on the other two to try to increase reform.

And when we use the budgetary card that we have, which has been given to us by the fact that we are a very big country and we pay a disproportionate share of the U.N. budget, that reflects our power in the world. And for us to play that card does not mean we are not engaged in the reform process.

In fact, when we are negotiating on the basis of Helms/Biden or the Kassebaum/Solomon Act or when we withdrew from UNESCO, for example, we were more engaged with the U.N. as a result of those discussions or those actions than we were when we were just going along as a normal member, like all of the other 192 countries. These are tools with which we engage the reform debate and with which we exercise U.S. leadership and the reform process.

So it is not a let's disengage and say goodbye to the U.N., on the one hand, or let's just accept the normal membership, just like every other small country in the world. The point is to exercise the power and influence of the U.S. in ways that reflect our values and our position in the world and our contribution to the activities of these organizations.

Thank you.

Chairman ROS-LEHTINEN. Thank you so much. Thank you.

Mr. Deutch from Florida?

Mr. DEUTCH. Thank you, Madam Chair. Thank the panel for being here today. And, Ambassador Wallace, I would especially like to thank you for your leadership at United Against Nuclear Iran. And I would like to start with your work there and how that ties into this hearing.

The Security Council has often given the United States a platform to advance its international interests. The passage of sanctions against Iran at the U.N. not only sent a message about the international community's intolerance of the regime's quest for nuclear weapons but provided a legal platform for other countries around the globe to enforce sanctions.

In the wake of the IAEA reports last week that Iran is now looking at weaponization, is there a chance for tougher sanctions coming out of the Security Council? And if you could speak more broadly to the role of the United States at the U.N. in furthering those efforts?

Ambassador WALLACE. Thank you for the question. I feel very strongly, obviously, about promoting economic pressure on Iran and trying to change the behavior of that regime as it relates to obtaining a nuclear weapon and treatment of its own people sponsoring terrorism and the like.

I certainly hope there is an opportunity for additional sanctions of the Security Council. I think that your legislation, Iran Transparency and Accountability Act, that was introduced recently, which focuses on SEC disclosure of companies that do business in Iran; the recent statements by the Treasury Department listing additional individuals. And what we are seeing now occurring in Iran will hopefully spur action on the Security Council.

I spoke to Ambassador Rice recently. I believe that there is hope for that. I think what we are seeing, there are obviously large dramas in populations around the Middle East and North Africa

right now. And I hope the very important potential change that could occur in Iran is not being lost in that. I think that this, the United States Congress and the United States, can lead. I think European Union can lead as well by imposing rigorous sanctions, even beyond the Comprehensive Iran Sanctions Act that was passed last year.

I think the next step would be to say to any company that is involved in doing business in Iran to the extent that they avail themselves of the U.S. capital markets, that they need to disclose in their financial statements whether or not they do business in Iran. It is time for every company that touches these U.S. capital markets to come clean about doing business in Iran.

Mr. DEUTCH. Thank you, Ambassador Wallace.

Mr. Piccone, when we, when this committee, had its last hearing on the U.N. a few weeks ago, we briefly touched on the idea of imposing standards for membership in the Human Rights Council. We need to look no further than this week's action by the Council to suspend Libya as evidence why standards should be imposed.

I would like you to speak to the ongoing efforts to create standards for membership to the Human Rights Council and why such standards were absent from the recommendation to the 5-year working group adopted on February 24th.

And then if you could really try to flesh out what those standards would look like and then apply them to the current members of the Human Rights Council?

Mr. PICCONE. I will do my best to answer that. There are some standards in the original creation of the Council. States need to make pledges showing that they are committed to upholding human rights and that they once elected will cooperate with the Council.

And we know that many of those states do not cooperate with the Council. So that criterion should be enforced more directly. I mean, they should spell out ways of showing that this state is not cooperating with the Council and is, therefore, not eligible for membership. That is one idea.

The other point to make is that the Libya case I think exactly proves that the membership criteria that exist are meaningful. It says, "States that commit gross and systemic abuses shall be removed from the Council in a two-thirds vote of the General Assembly." We just saw that happen. That crossed an important new threshold and set a new precedent that I think may be used in the future and could deter others.

Mr. DEUTCH. All right. Mr. Piccone, just in the remaining time that I have, if you could focus on the current members of the Human Rights Council and applying those standards, where should we turn next as we seek to enforce those standards?

Mr. PICCONE. I think there are a number of states that we would want to focus on and say, "Hey, it is time to also hold this state accountable" and start a debate.

I think it goes back to the competitive slates issue again. Unfortunately, WEOG has not run too many competitive slates. And the competitive slates we have seen in Asia and other countries——

Mr. DEUTCH. Which states? Where should we start on the Human Rights Council?

Mr. PICCONE. Well, there are, you know a number of states. One case that is coming up is Syria. Syria wants to be a member of the Council. And we should make sure that they are not elected.

Mr. DEUTCH. And the first state that we should focus on after Libya?

Mr. PICCONE. I would have to come back to you and look at the list. Thank you.

Mr. DEUTCH. We can try. Thank you.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Deutch.

Congressman Chris Smith, Chairman of the Subcommittee on Africa, Global Health, and Human Rights?

Mr. SMITH. Thank you very much, Madam Chair.

Let me just ask you about the issue of mandates and the various U.N. agencies as well as the treaty bodies. I am very concerned that, although the U.N. agencies and treaty bodies are intended to work within their mandates—and it should be very specific because, certainly with regards to the treaties, it couldn't be more specific—and be receptive to the input of a wide variety of nongovernmental organizations, the fact of the matter is that U.N. agencies and treaty bodies clearly favor certain ideologically driven NGOs in both funding and the opportunity to shape policy.

For example, if you search the unfpa.org Web site, there are over 1,000 references to the International Planned Parenthood Federation. Just last Friday at a U.N. event, UNFPA praised a Center for Reproductive Rights report and asked the attending ambassadors to read it, regardless of the fact that the center's worldwide goal is to establish an unfettered right to abortion in every country of the world, including access to abortion by minors without parental notification or consent.

We all know that U.N. agencies push their mandates, as they should, but they also almost like contract out and empower NGOs to do what the agencies are not permitted to do. They seem to exceed it and nobody holds them to account from time to time.

My question is, how do we ensure that those NGOs who have a different point of view have access to the U.N. and can participate more robustly? They are absolutely marginalized. And I know that for a fact. Do you have any ideas on this, no matter where you come down on any of these other issues?

I was at the U.N. population conference in Cairo. I was at the Beijing women's conference. Even though there are prep coms and the like, we know who wrote the language. It was the NGOs that wrote the language for those conferences.

What are your thoughts on that? How do we open this system up for more diversity and opinion? Yes, please?

Ambassador WALLACE. I will be brief to allow Terry because Terry covered a lot of these issues. I think the first step—and perhaps this is a perilous thing to raise, but the very public debate that we are having about the budget of the United States Government that is going on right now is instructive. Why shouldn't every one of these U.N. funds programs and specialized agencies publish their budgets online, put their procurement activities online to show where there money is going? Because then we can have a political debate whether or not we think it is right, wrong.

And I am sure there will be divergent views. But the very first step that we should have is transparent budgeting, transparent procurement activities. And that is something that is reasonable to ask of these U.N. funds programs and specialized agencies if we are going to continue to fund them. That is a basic thing that we should all be able to agree upon here today.

Terry?

Ambassador MILLER. Yes. Thank you very much.

This is a very serious problem. And I think at the heart of it is the lack of democratic accountability anywhere in the system. What happens is that these various agencies and activities get captured by special interests. And those special interests, then, have enormous, exert enormous, influence over the work program and the ideological agenda that are pursued in these agencies.

And I think we are going to have to find a way to insist that if, in fact, we are going to involve NGOs in the activities of the U.N., I think that is a good thing in general. It must be an absolutely evenhanded, open, and transparent purpose. We probably need more NGOs, not fewer. And we need more evenhanded treatment of them in the process.

What we have now are many—Planned Parenthood you mentioned is one—that have an extraordinary amount of influence because of their historical cooperation and the funding that they receive.

I think we probably need to look at the funding issue very carefully because many of these NGOs actually receive funding from the U.N. system. And then they, in turn, exert influence back on the programs. So it would be easy to imagine a kind of corrupt cycle involving funding there.

So we need the transparency, as Mark said. We need the absolute openness in the system. And then we need some way to make the activities of these specialists in the system accountable, at least to member states, if not in the true sense of democratic accountability that we enjoy here in the U.S.

Mr. PICCONE. I am all for more civil society involvement with the U.N. because it is the U.N. NGO committee that needs reform. I know from personal experience what it means to go up against that committee. I was denied credentials. We appealed it to ECOSOC and won, thanks to countries like U.S. and Israel and others that defended us. That is what we need to do more of.

Mr. SMITH. I appreciate it, Madam——

Chairman ROS-LEHTINEN. Thank you so much, Mr. Smith. Thank you.

Mr. Cicilline?

Mr. CICILLINE. Thank you, Madam Chairman.

This hearing comes at a particular interesting time, I think, as we are engaged in an increasingly complicated and interconnected world. And we see examples of this springing up all over the world.

I think the testimony today reveals that everyone agrees that the single greatest source for reform and improvement of the U.N. is the United States. And so I think our challenge is, how do we determine a greater and more forceful role for the United States in this important institution?

Clearly we should not tolerate in any way fraud, waste, corruption of any kind. And the efforts to ferret that out should continue relentlessly. But what I would like to ask about specifically is the Human Rights Council because since the United States joined that Council in 2009, some things have happened.

Our membership on the Council has allowed us to better support Israel and to reduce the imbalance that has been referenced today and the Council's work. The efforts of the United States and other nations derailed Iran's candidacy for a seat on the Council. U.S. diplomats overcame objections by countries such as China and Cuba and succeeded in persuading the Council to establish a new monitor for implementation on the rights of assembly and association and to hold governments accountable that do not uphold fundamental freedoms.

The Council also created a new mechanism to fight discrimination against women and to provide expertise to governments that seek advice on improving the opportunities available to women and girls. And the Council also extended the mandate of the Human Rights Monitor in Sudan, overcoming the really strong objections of the Sudanese and other African countries.

And so it would seem to an outside observer that our presence on the Council has, in fact, improved the operations of the Council. And my question is whether or not you think any of those things would have happened if the United States had not actively participated in the Council. And specifically would you speak about the efforts of American diplomats in preventing Iran from becoming a member of the Council? We will start with Mr. Piccone, please.

Mr. PICCONE. Thank you very much. I think you have given a good list of some of the accomplishments. I would note that on country scrutiny, this goes on not just with the condemnatory resolutions and special sessions, but the universal periodic review process means every single country is being reviewed.

And there is a year-round process. The special rapporteurs bring country reports to the table. And they are debated and discussed. All countries are facing this but particularly countries that the old commission never really addressed before in the past. I think that is critical.

Another way that U.S. leadership has made a difference is we have a new U.S. Ambassador who is full-time engaged with the Council, Eileen Chamberlain Donahoe. And I hope that the committee gets to hear from her because she is an outstanding example of what U.S. leadership can do.

She has made a big difference in the kind of hand-to-hand combat that has to go on not only in Geneva but in capitals. And working with the team both in Washington and New York, we have a much more concerted effort going on. So when there are problems that we face in Geneva, a phone call is made by senior officials to capitals to get them to change their positions. And it is really starting to make a difference.

And, as I said before, with some of those kind of middle-tier states that sit on the fence or abstain, we are starting to see some progress with those states. And I think, thanks to the kind of role that the U.S. is playing, we need to remain engaged in that kind of spirit of, you know, we recognize, we are realistic about the

faults and the problems of the Council, but we can fight from within.

I think if we leave, we are really abandoning the field. And we are abandoning our friends on the front lines who need us to be the voice of reason at the Council.

Thank you.

Mr. CICILLINE. Thank you. I yield back.

Chairman ROS-LEHTINEN. Thank you.

Mr. Griffin, Subcommittee on Europe and Eurasia vice chair?

Mr. GRIFFIN. Thank you, Madam Chair.

Mr. Wallace, great to have you here today. I have known you for a long time. And I appreciate your testimony. I have a few questions about Iran. I want to explore a little bit about what my colleague was just discussing.

With regard to the sanctions that have been implemented, it seems that Iran has tried to mitigate the sanctions and mitigate the impact of the sanctions by trying to accomplish some things through the U.N., such as membership, as we just heard, on the Human Rights Council.

Can you comment generally about Iran and its work within the U.N. and maybe other examples of it trying to leverage its position in the U.N. to mitigate some of the international sanctions and problems that it has had?

Ambassador WALLACE. Thank you for the question. It is great to see you up there, Congressman.

I think that it is important in discussing exactly what membership in the U.N. means. Why should a sanctioned U.N. member country, like Iran or North Korea, be allowed to run for leadership positions in the U.N. when they are defying the very rules ostensibly of the membership organization?

I mean, Iran, North Korea, and others are subject to rigorous sanctions and are defying those sanctions. And I think that it would be a reasonable thing to assert that if you were defying the rules, if I were defying the rules of this committee, I am sure I would not be allowed to testify before this committee. I think that is a reasonable thing to assert.

Sanctions are like a game of Whack-a-Mole. The targeted sanctions are the best sanctions. When they are targeted on individuals or on specific areas, they are the best. In the wake of the comprehensive Iran Sanctions Act, focusing on refined petroleum, Iran moved the cheese. They tried to enhance their refined petroleum capacity.

I think that the goal that we must take in Iran sanctions, whether it be at the U.N. or in this Congress, is to try to find a mechanism to make it such that any company and companies that do business in Iran are as pariah or treated as pariahs, as a pariah regime.

I think you have seen that happen because of the great work of this body. Members on both sides of the aisle have done great things with legislation, the work of the U.N. sanctions resolutions and the Security Council have been very, very valuable in that regard. The European Union has passed sanctions rules. We can do much more and, as I mentioned previously with Congressman Deutch and others who are supporting legislation, to make it so

that any company that is doing business with Iran has to come clean.

For too long when we started United Against Nuclear Iran 3 years ago, we were really troubled because there was no place to go to find the list of companies and entities that were doing business in Iran. We have tried to compile that list.

With your help, we can make it be so that any company, wherever they are based around the world, if they avail themselves of the U.S. capital markets, that they have to disclose in their regulatory filings whether or not they are in Iran. That will be precise information that our diplomats at the U.N., our diplomats in the European Union can then take and focus that sanction work on that information that is disclosed in our regulatory filings. And I know that this committee and various members on both sides of the aisle are very much focused in that area.

One thing on the Human Rights Council, there are only two options. The United States lends its imprimatur to a U.N. body that is bad or we try to go in and make it better. That is a thoughtful debate.

I disagree with my colleague, respectfully, on this. The Bush administration didn't want to lend its imprimatur to the Human Rights Council because they thought it was fundamentally flawed.

The Obama administration has said that it wanted to engage and show leadership. I believe that they have shown the leadership. They are doing a good job of making sure that the Human Rights Council functions sort of in a way that it should, but I don't know that it is affecting human rights around the world. I know it is affecting human rights on the Human Rights Council, but I don't know if it is doing anything else around the world.

And I think that there is a real question of a difficult decision. The Durban Review Conference on Racism, the Bush administration took the position that we should not fund it and we should not support it. The Obama administration ended up walking out and leaving that conference, leaving it. That was abandoning the field under that analysis.

I think both sides are actually reasonable positions. And they are difficult things. The question is, do you lend your imprimatur of the great power of the United States, the one hegemon in the world and the one that we are all so devoted to, or do you go in and try to reform it in the inside? The case is that the Bush administration, the Obama administration have done both on both sides.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. Carnahan, ranking member of the Subcommittee on Oversight and Investigations?

Mr. CARNAHAN. Thank you, Madam Chair.

And, again, we appreciate the witnesses here today. I really wanted to focus on a couple of areas and start with Mr. Piccone. We have had a lot of discussion here today about engagement or not, funding or not, you know, voluntary or not. Can you quantify some of the achievements that you see from being engaged and, you know, fulfilling our obligations versus times when we have taken another course and how you see that, how you can really quantify that difference?

Mr. PICCONE. Sure. As I tried to point out in my remarks, I think when we look at the creation of the Council, there was a time when the U.S. did take a combative approach that really sought to cross the agenda of the summit in 2005, sought to push things through in a way that did not bring allies around. So in the end, we were isolated. I think that is not the way to go about it.

I think a more engaged process has got us the kinds of results we are starting to see, starting to see, in Geneva. There is a lot more work that needs to be done. But whether it is the number of special sessions that are focused on other countries, where real problems are occurring—and I would have to say that in terms of impact on the ground—and I have done a lot of research on this issue—the Human Rights Council does have impact on the ground, particularly through these independent experts.

I mean, these independent experts get in and see political prisoners. They see journalists who have been charged on outrageous claims of deformation. And they are getting them out of jail. They have gone to visit prisons and helped women and children in prisons get food and health care. And there are cases and cases that I document in my report where the U.N. Council's instruments are actually on the ground in the field making a difference.

And we don't hear about those stories very much. But they are happening. And I think the U.S. support to not just the Council but there is a wider system of work that the Office of the High Commissioner, the International Criminal Court and its other tribunals, their field offices that OHCHR runs. I mean, these are the kinds of arms and eyes and ears that we are out there in the field helping people who need help. And I think that is the kind of results that we get when we are engaged and paying our dues.

I think when we say that we should move to voluntary funding, what worries me about that is that it is kind of an a la carte cherry picking what we want, but I think we are going to end up having to pay more.

I mean, if you look about our missions in Iraq and Afghanistan, I mean, we are investing, you know, billions of dollars. It is important that we leave behind the kinds of institutions that work. I mean, we have to respect the sacrifice of our own soldiers in leaving something behind. The U.N. is in there with the kind of political missions that are making a difference in the ground in those as well.

So if we didn't have that kind of instrument, I think we would end up paying a lot of the costs ourselves. This is a way to share the burden with our allies, with others on things that we need to get done.

Mr. CARNAHAN. Thank you.

And, Ambassador Wallace, I wanted to ask you. In '05, when the Hyde U.N. Reform Act came up, I voted against that, but also the Bush administration said at the time that the bill could detract from and undermine our efforts to reform the U.N. Do you agree with that kind of approach in this debate we are having here today?

Ambassador WALLACE. Again, not to tread imperilous ground, if this committee were considering a U.S. Government budget that

was a 25 percent increase from last year, nobody here could vote for that. You would be voted out of office in my opinion.

When I was considering the budget and we were negotiating the budget, it was a 25 percent increase from one budget to the next exclusive of the peacekeeping missions, which I agree when we are so heavily invested in these peacekeeping missions, we have an obligation to pay. But a 25 percent increase, that is outside of the norms of any state around the world or any international organization.

In terms of withholding, at the risk of saying a bad word, I have a slightly nuanced approach. I think that it is very reasonable, Madam Chairman, to impose the things that you seek to impose in your model legislation. These are basic things that no one in this room in private should be able to disagree with and say to a U.N. agency or an international organization, "You need to do these very basic transparency and accountability measures, like having your budgets online, having an ethics office, having financial disclosure, very basic things. And if you don't do those, we are going to seriously consider not paying our dues in the future."

I don't like not putting agencies on notice now of what we expect of them and then withholding. I don't think that is appropriate.

Chairman ROS-LEHTINEN. Thank you.

Ambassador WALLACE. I think we should let them know.

Mr. CARNAHAN. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you so much. Thank you, Mr. Carnahan.

Ms. Buerkle of New York, Subcommittee on Terrorism, Nonproliferation, and Trade vice chair? Thank you.

Ms. BUERKLE. Thank you, Madam Chairman and thank you to our guests here this morning.

My first question is a simple "Yes"/"No" to the three of you. You know that Congress has just looked at the health care bill. And we looked at it. It was so complicated, so costly. Many argued it was not in the best interest of the American people. And so, rather than trying to fix what was there, we opted to repeal it. We voted to repeal it. And we will replace it with true health care reform.

So my question to the three of you today—and I had this thought as my colleague Steve Chabot was speaking—is the U.N. fixable or should we do as he said and just withdraw? I will start with Ambassador Wallace.

Ambassador WALLACE. I think it is our obligation to try to fix the U.N.

Ms. BUERKLE. Ambassador Miller?

Ambassador MILLER. I think it is probably not fixable without huge effort and undertaking by the United States, maybe a charter reform conference, something like that. This piecemeal reform we undertake is not having much of an impact.

Ms. BUERKLE. Thank you.

And Mr. Piccone?

Mr. PICCONE. I think the U.N. is fixable with a tremendous amount of effort and constant, constant regular attention by this committee and by the Congress and by, you know, our really top diplomats in New York who are on the case.

Ms. BUERKLE. And so in response to your responses, would you be willing to lay out for us what you would consider to be effective reform that would truly get our participation in the U.N. to a point where the American people and the Members of Congress are comfortable with that?

Ambassador WALLACE. I think you have it before you. I think that the U.N. Transparency and Accountability Act that the chairman described is really important. There are eight areas of reform that we laid out, budgets online identifying procurement activities, financial disclosure policies, ethics offices, oversight bodies, adoption of IPSAS, International Public Sector Accounting Standards. These are basic things.

The first thing that we have to do is understand what is happening in the U.N. And because of these exploding mandates that I think are unlike anything in the world, even though I understand the comparison by Mr. Berman and I think it is a good one and I appreciate it—I really do—I think that these exploding mandates are a different level of bureaucratic expansion than anywhere else in the world. And the first thing that we have to do is understand what every one of these U.N. funds programs, specialized agencies, and the Secretariat are doing.

The Secretariat has actually made some progress in the area. I mean, in terms of these eight areas, these eight areas really mostly apply in my opinion to the funds programs and specialized agencies, which is very, very important.

As soon as we identify and have transparency and understand what is happening in those agencies, then I think we can impose and have a thoughtful policy debate about what we like and what we don't like.

Ms. BUERKLE. Thank you.

Go ahead. I have a question for Mr. Piccone that I want to end up with. Go ahead. Go ahead, Ambassador Miller.

Ambassador MILLER. Thank you very much. I agree completely with Ambassador Wallace, but I wanted to add two things to essential elements. One is you absolutely need to somehow attack the one country, one vote decision-making process in the U.N. That is a corrupting process that doesn't reflect the realities of power in the world or the realities of levels of contribution to the organization.

The other thing is you need to move to a system where much more of the funding is on a voluntary basis, where only the core activities of maintenance of the Secretariat are done on an assessed basis. And that should probably be evenly shared among the membership. And then the additional activities could be funded voluntarily.

Ms. BUERKLE. Thank you.

And my next question, Mr. Piccone, is for you because in your opening remarks, you mentioned that it is better for us to be a participant because we can affect change from the inside much easier than from the outside. And we heard that from the administration in 2009 as well.

And I should say you also mentioned our participation. And how we are helping is real. Can you give me some specifics that the

United States in our participation—what we are doing to help decrease the anti-Israel bias in the U.N.?

Mr. PICCONE. There is a long record and a good one that shows that the U.S. has defended Israel throughout, not only in Geneva but in New York as well.

I mean, I think the point about the special sessions having gone from five to one since the U.S. has been on the Council, that is one example. The U.S. stands with Israel in voting against those biased resolutions and demands that those corrections happen wherever possible.

The U.S. has supported Israel in various ways in New York as well. I mean, the Durban protest is an example where the U.S. can walk away selectively. I think there is a time and place where you have to say that this isn't working. But up until that point, we need to be fighting. You know, sometimes it is tedious and difficult, but——

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Ackerman, the ranking member of the Subcommittee on Middle East and South Asia?

Mr. ACKERMAN. Thank you, Madam Chair.

I am glad I came. I just heard a new thought. The U.N. is very complicated. Just repeal and replace it. You know, nobody I knew ever really liked the kid who, when he didn't get his way, would just take his ball and go home. I don't know if that is what we do with the U.N., take our money and leave. How does that make anything any better?

I think part of the problem is that some of my colleagues are too young. They don't remember the cowboy movies. About 46 or -7 minutes into the movie, there was always a runaway stagecoach. And the good guy, you knew who he was because he always had the white hat, and it never fell off. And he would be riding, risking life and limb to catch up, and he would jump on the runaway lead horse of the runaway stagecoach so that he could help steer it in the right direction.

If you have got a runaway, you can't fix it unless you help drive. I don't know, if we walk away from the U.N. because we don't like a decision that it makes, that it helps us any. Maybe we should just set up a different U.N. with those countries that agree with us all the time. Then you could have two U.N.s. Or maybe you could join both, so you walk out of one, one day and come to a pretty good consensus with the people that you are with, and maybe just go over to the other one the next day. I don't know how that works to make the world a better place. How does that help us?

I mean, everybody brings up Israel in this context. I haven't heard the Israelis tell us to quit the U.N. I don't know of a country on the planet that was happier when the United States of America was at the United Nations the other day and vetoed an important resolution that would have condemned it and further isolated it in a very dangerous world.

I don't know how we speak for the Israelis and say we shouldn't be in the U.N. because of them. I mean, don't put that on them. I don't think they would be ashamed to tell us we should quit the U.N. It doesn't seem to me that they have quit the U.N. It seems to me that they sit at pretty raucous tables. And sometimes they

plead with the other guys, they disagree with to come back to the table, or sit at the table, so they could discuss the differences.

Much has been made about some of the wacky people or countries that get to sit on this Council. You know, these ambassadors and countries are selected by their own people. They are the judge of their own qualifications, whether they think they meet the standards or not. I mean, every once in a while some of us come to a conclusion that there are some pretty crazy people that get elected around here, nobody in this room for sure.

But, you know, when crazy people have a crazy notion and I don't agree with it, should my side just get up and leave the room because we know what the vote is going to be? Or should we stay here and fight for what we believe in to try to change people's minds and make the points that we have to make? I think that is what is at stake here, our credibility to stay in the game, not cut and run, as I think is the phrase of the day, which in my mind, Mr. Piccone used.

How does it help us, or if you are here to defend Israel, tell me, you know? I can appreciate that. But how does it help anybody if we just walk away? Anybody?

Ambassador WALLACE. Well, sure. Just quickly. I think that you made a very eloquent statement. The Bush administration, we didn't want to support funding for Durban, but we were open to attending. The Obama administration walked out of Durban and refused to attend. I don't believe that was cutting and running. It was——

Mr. ACKERMAN. I have been to Mets games like that where I got up and left.

Ambassador WALLACE. But they didn't——

Mr. ACKERMAN. You have to——

Ambassador WALLACE. I think that is a fair point, sir, but I think it is a thoughtful debate whether you lend the imprimatur of the United States or you attend. And it is not black and white.

The Obama administration said that you couldn't salvage a conference on racism by all member states because it was so anti-Israel. The Bush administration said you couldn't salvage the Human Rights Council.

Mr. ACKERMAN. Yes, but that is——

Ambassador WALLACE. I think they are both right.

Mr. ACKERMAN. That is a "pick and choose." That is not an "I am never going to attend the meeting."

Ambassador WALLACE. Because both administrations did it.

Ambassador MILLER. Yes, but, sir, nobody here is talking about cutting and running. We are all, all of us, trying to talk about ways to increase the influence of the United States in these international discussion and debates.

Ambassador WALLACE. You do it long distance.

Ambassador MILLER. And you use a variety of tools that you have available to you to do that. Sometimes that means you engage in the process, as Mr. Piccone is talking about. Sometimes you might walk away on a temporary basis, like I was talking about and experienced with UNESCO. Sometimes you fund fully. Sometimes you might withhold.

The point is to use a variety of tools, every tool available to you.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Rohrabacher, the Subcommittee on Oversight and Investigations chairman?

Mr. ROHRABACHER. 192 nations in the General Assembly. How many of them are democratic nations and free countries out of the 192? Half? A little less than half but right around half?

Mr. PICCONE. If you call them electoral democracies, it is over 100.

Mr. ROHRABACHER. Okay. So about half, really, because if it is over 192. So I would like to remind my good friend from New York that all of these representatives in the U.N. that we are talking about, they were not selected by their people to represent them anywhere to control their countries or to represent what is right and wrong in an international body.

What you have is an organization in which half of the members, voting members in the General Assembly, not only are brutalizing their own people and don't represent their own people in the United Nations but they don't represent their own people at home as well.

So we have a fatally flawed concept where we are saying that we are going to look for a global policy based on a relationship with an organization in which half the members are actually gangsters, thugs, and lunatics, who do not even reflect their own people and their own peoples' interest, much less the interest of a better world.

Six billion dollars is what we spend in the United Nations. Is that correct? Around $6.3 billion I understand is the figure? Now, the point was made earlier that if we were to use our own troops somewhere else, rather than a U.N. operation, that it would cost eight times as much for a United States military force as it would for U.N. troops.

I understand that we do not get credit for when American troops are actually put into use supporting a U.N. operation, that we do not get credit in terms of that being part of our assessment credit, but other countries do. Is that right? I believe it is. So we will let you——

Mr. PICCONE. I don't know the answer other than to note that I think there are less than 100 U.S. military personnel in peacekeeping operations.

Mr. ROHRABACHER. Right now. That is correct, right now.

Ambassador WALLACE. That is correct. It is small, a relatively small number. I don't know the answer to that specifically.

Mr. ROHRABACHER. Okay.

Ambassador WALLACE. One of the things that Ambassador Rice has done I think that has been very helpful is focusing on making our peacekeeping missions more effective and——

Mr. ROHRABACHER. Right. And, of course, when we talk about the United States and our commitment to peace overseas, never in the calculation is it put in how much we spend in countries like Afghanistan or Iraq or Kosovo, maybe Kosovo, maybe. I would suggest so now, of the 192 members of the General Assembly, about half of them are not legitimate governments. What about the Security Council?

Is it true that the world's worst human rights abuser has a veto power over anything the U.N. can do through the Security Council? I am referring to China, of course.

Well, yes, it is, isn't it? So what do we put in our faith and our money in? An organization that has such a dominant role being played by countries, by governments, by gangsters, by groups of people who have fundamentally a different approach to human rights and the human condition than we have in the United States of America. It is bound to fail. And it has been failing and has been a tremendous waste of our resources.

I am not talking about retreating from the world. I am not talking about isolationism. I am talking about making sure that we do things in a way that is more likely to achieve our global objective, which is a more peaceful, a freer and more prosperous world.

The United States, we are now spending $1.5 trillion more a year than we are taking in. We have got to find a way of not wasting that money. What we have heard today is a huge waste of that money. And there are ways we can spend less money and have a more positive impact on the world working with the democratic missions of the world, rather than putting ourselves at mercy of an organization dominated by crooks and gangsters and dictators.

Thank you.

Chairman ROS-LEHTINEN. Thank you, Mr. Rohrabacher.

Mr. Connolly of Virginia?

Mr. CONNOLLY. Thank you, Madam Chairman. And welcome to the panel.

I would note, Ambassador Miller, that you in response to Mr. Ackerman said that, well, nobody is talking about withdrawing from the United Nations or gutting the institution. We are talking about improving it. I thought I just heard my colleague actually say precisely that.

Mr. ROHRABACHER. Absolutely.

Mr. CONNOLLY. Ex post facto, I yielded to my colleague for confirmation. So your rhetoric sometimes has perhaps unintended consequences.

Let me ask you, Ambassador Wallace or Ambassador Miller, did the Bush administration favor the withholding of U.N. dues? What was the official position of the previous administration on that issue?

Ambassador WALLACE. They did not favor it.

Mr. CONNOLLY. They did not favor it. And at the time Ambassador Bolton, our Ambassador to the United Nations, did he comment on that issue of withholding dues to the United Nations?

Ambassador WALLACE. You know, I don't remember precisely how John phrased it, but I am sure you did the research. I don't have it here. I have been out of the government a couple of years. I don't remember precisely.

But I think your point is——

Mr. CONNOLLY. Ambassador Wallace, officially was it not true that our U.N. Ambassador, Mr. Bolton, in fact, went on record as saying he did not favor the withholding of U.S. dues to the United Nations?

Ambassador WALLACE. I believe that Ambassador Bolton——

Mr. CONNOLLY. The——

Ambassador WALLACE. I should be able to finish if you want to ask me a question, respectfully. But I believe that he did say that if I remember correctly.

Mr. CONNOLLY. I am sorry. I thought you said you didn't know the answer.

Ambassador WALLACE. Well, you are refreshing me. I am not trying to be contentious in any way. I know that when you are an ambassador, you reflect your instructions of your department.

Mr. CONNOLLY. Well, Mr. Wallace, I am not asking you——

Ambassador WALLACE. I believe that he personally believed——

Mr. CONNOLLY. Mr. Wallace, I am sorry. This is my time. I am not asking you to be an apologist for Mr. Bolton's actions. I asked you a simple question. Did he or did he not favor the withholding of U.S. dues?

You said you didn't know the answer. I refreshed your memory. The answer is he did not. He went on record as saying it would be wrong and it would be harmful to U.S. interests for an institution, for an institution, that apparently does so many awful things and is no ineffectual and works so often against U.S. interests. That is a striking thing for somebody who was appointed to that job, not confirmed by the Senate at the time, who was perhaps one of its chief critics.

I note that for the record.

Ambassador WALLACE. I don't think anybody in this room believes that John Bolton doesn't support withholding. He does support withholding. I am sure at the time that he was Ambassador, he was following instructions. But Ambassador Bolton, no one in this room believes that he doesn't support withholding. And that is his opinion. He should come testify to that.

Mr. CONNOLLY. Well, we would be glad to have him come and testify, but, again, the purpose of the question was to get on the record what was the official position of the Bush administration and its spokesperson, both here and at the United Nations.

Mr. Piccone, the United Nations—I am listening to all of this—has been an abject failure when it comes to U.N. foreign policy interests, has it not, in terms of peacekeeping operations, in terms of support for various and sundry resolutions that the United States would care about? It has pretty much been for its existence nothing but a thorn in the side of United States foreign policy.

Would that be a fair statement?

Mr. PICCONE. No, it has not been an abject failure. And I tried to point out ways in which it has helped us share the burden of things that we would need to do anyway to protect our core interests in international peace and security.

Mr. CONNOLLY. Any striking examples of where there has been a coincidence of U.S. foreign policy interest and United Nations action?

Mr. PICCONE. Well, I have mentioned Iraq and Afghanistan, where the U.N. has come behind U.S. military operations to help lay the groundwork for sustainable peace and democracy in those countries. I have mentioned Haiti, where the U.N. came in. And, of course, as you know, over 100 U.N. officials and civil servants were killed in that earthquake, which shows that they were putting their lives on the line in cases where we need them to help in situ-

ations that are really important to our core interest. Those are just two examples. There are many, many more.

Mr. CONNOLLY. Ambassador Wallace, if I could sneak in one last question? The United Nations Security Council passed resolution 1929, subjecting Iran to what had been called some of the perhaps strictest sanctions ever imposed by the United Nations.

Those sanctions and that resolution were, in fact, praised by Secretary Gates, our Defense Secretary, as being a good example of multilateral cooperation against Iran. Do you share that view?

Ambassador WALLACE. Let me repeat my testimony earlier. I am not sure if you were here at the time when I said that peacekeeping and sanctions are two important things that the U.N. does. It doesn't mean that we shouldn't strive to make the U.N. a better place and more reflective of our U.S. national security interests. Do you need me to say it again? I will. Peacekeeping——

Mr. CONNOLLY. No.

Ambassador WALLACE [continuing]. Is important and sanctions are——

Mr. CONNOLLY. Ambassador Wallace, again, that is not my question. My question was, do you share Secretary Gates' opinion that that resolution and those sanctions represent, in fact, a multilateral success of the United Nations?

Ambassador WALLACE. Every sanctions resolution against Iran, North Korea, Burma I think is a good thing. So yes.

Chairman ROS-LEHTINEN. Thank you.

Mr. CONNOLLY. Thank you.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Kelly, Subcommittee on Asia and the Pacific vice chair?

Mr. KELLY. Thank you, Madam Chairman.

Since there is some confusion as to what Ambassador Bolton actually says,—I am going to quote from his book, "Surrender is Not an Option," I go to page 443—

> "Accordingly, I conclude that only one U.N. reform is worth the effort. And without it, nothing else will succeed. Voluntary contributions must be replaced, assessed contributions. If America insisted it would pay only for what works and that we get what we paid for, we would revolutionize life throughout the U.N. system. There is simply no doubt that eliminating the entitlement mentality caused by relying on assessed contributions would profoundly affect U.N. officials around the world."

So, rather than us trying to figure out what the Ambassador may have said or needing to refresh other people's memory, let's just go to his book and use that.

Mr. Wallace, Ambassador Wallace, let me just ask you because I come from the private life, where competition means everything. And I know that a lot of what we do in the U.N., we look at it as does it have any worth or does it not have any worth?

On page 6 of your written testimony, you talk about fostering competition. And you say that some U.N. agencies perform at a much higher standard from their counterparts and especially the World Food Programme. This is a voluntary program that is funded voluntarily. And it seems to have better efficiency, account-

ability, transparency. Everything works better than when it is up to competition.

So recognizing that the largest contributor to the World Food Programme is the United States at $1.57 billion, or 40 percent, of its $3.82 billion budget, let me just ask you this. This fostering competition sounds like a good way to fix some of these things that we think and lessons that we have learned from the past history. How can we overcome some of the challenges to the competitive model? What could we do to bring this about in other facets of what we do with the U.N.?

Ambassador WALLACE. I do believe and agree with the premise that that those U.N. funds, programs, and specialized agencies that are voluntarily funded have to compete for dollars in that competition makes them more accountable to member states. I think that is crystal clear. I think the World Food Programme is a classic example.

I think that you should seek a voluntarily funding model certainly much more across the board than the funds programs and specialized agencies. It doesn't mean that we should pull out or otherwise, but we should ask these funds programs and specialized agencies to conduct themselves in a manner that is twenty-first century, Republican, Democrat, NGO, not-for-profit, country, corporation.

And some of the things that you all have outlined in the legislation in terms of suggesting reforms, those apply in my opinion to both voluntarily funded programs and those that are mandatorily funded.

I think those reforms are good. I think, generally speaking, those that are voluntarily funded are more transparent and more accountable because they are competing and they have to satisfy you that they are doing a good job. They have to show where the money is going in a detailed manner. And that is more accountability. And that is what voluntarily funding does.

I think, coupled with the Transparency and Accountability Initiative that you all have outlined that we supported, I think voluntary funding, funds programs, and specialized agencies are the way to go.

Mr. KELLY. Okay. Thank you. Let me ask you that. What U.N. committees and agencies would you think were the prime candidates? What could we look at, any of the three of you, please?

Ambassador MILLER. Every U.N. specialized agency is a candidate to have the majority of their budget put on a voluntary basis. I think it would be appropriate in many cases to have a very small component of the budgets of these agencies put on a permanent and assessed basis as a condition of membership.

But when the agencies are actually undertaking activities in the world, when they are undertaking assistance activities, aid activities, when they are undertaking any kind of activities that involve going out and helping citizens around the world, any kind of engagement around the world and the same way peacekeeping activities tend to be funded in a different way, well, we ought to think about funding these activities of these specialized agencies that way as well by voluntary funding.

Then, as Ambassador Wallace says, they have to compete. They have to be accountable for results. The problem with have with aid expenditures around the world is that we measure inputs. We measure how much we spend. There is no ability, really, at all, in an effective way to measure the results of those expenditures. You get that through the competitive process.

Mr. KELLY. Yes. And I ask you, then. So some of the metrics that you use, I mean, how do we gauge the return on our investment? How do we gauge the success or how would we improve it? What kind of metrics could we use?

Ambassador MILLER. It has got to be the results that you achieve in real terms in the world. One of the most serious problems with the U.N. is that we tend to judge its results by the promises that it makes in terms of addressing problems. We need to go out and actually measure, is development taking place? Is health improving? Is education taking place?

Chairman ROS-LEHTINEN. Thank you.

Ambassador MILLER. Is peace happening anywhere in the world?

Chairman ROS-LEHTINEN. Thank you.

Ms. Schwartz from Pennsylvania?

Ms. SCHWARTZ. Thank you, Madam Chairman. I appreciate the opportunity to inquire.

Actually, while it seems that there is a disagreement, there actually is I think remarkable agreement that we ought to stay engaged with the U.N. I think Ambassador Miller sort of answered it slightly differently but did come to the conclusion the last time around that we ought to stay engaged.

And I think that I wanted to appreciate the Ambassador Wallace's mention that when you focus on the problems and the concerns and the reforms that have been made, which was part of your mission, they are only talking about the problems and the concerns. And there are forms that have to be done and some of the things we neglected to talk about and some of the things that were just mentioned that are keenly important that the U.N. does that really help us in our mission to be safer or more secure in a world community.

So I think maybe that is something we ought to focus on, what do we get for the dollars and what does the U.N. do that we actually find extremely valuable to our own U.S. interests and to recognize the U.N. is not the only way we engage in the world community. I believe it is an important one, but it is not the only one. It doesn't preclude us from many other both unilateral and multilateral discussions of interest to the United States.

So the U.N. is one tool. And I think all of you pointed out quite keenly that the issues of peacekeeping and political missions that we engage in in the sanctions are extremely important to have our allies around the world agree with us and be able to move forward in a more multilateral way than not.

And recently, of course, the U.N. Security Council taking a very swift action on Libya was really—we talked about Iran already and Libya as well—something that I think many of us were very proud to see happen. And I have to say certainly our engagement in the U.N., well, it might not have happened at all without us being engaged.

You are all nodding. So I will put that on the record. They are all nodding yes, which is a good thing.

And I do want to recognize that because I think a unanimous adopted resolution that condemns and demands an end to violence in Libya is really important in posing those tough sanctions. Iran and Libya are very important to us.

I mean, given what is going on, we talk about many places around the world but the real threats around the world, the real uncertainties. And, of course, the current violence in Libya is of deep concern to all of us. It is a very volatile part of the world unexpectedly in some ways. I think many would recognize that the last couple of months have really changed the dynamic so much: Tunisia, Egypt, Libya. You could say maybe Jordan, maybe elsewhere.

So I wanted to really ask the question about the role in both again on peacekeeping but, really, also more on the political mission going forward and the role that we will play but could also play, the U.N. could play, in helping to make sure that those countries, particularly Egypt, for example, move ahead with democratic reforms and democratic institution building. It has been a concern of many of ours.

So I do want to reserve a minute for the ranking member. So just really quickly, Mr. Piccone, if you would start there, that would be very helpful because I think helping them get it right but not having interfered too broadly is extremely important to safety and security in the region and for us.

Mr. PICCONE. I would point out that in the case of what is going on in North Africa, you already have U.N. agencies on the ground that are feeding and sheltering refugees crossing the border from Libya into Tunisia and Egypt.

I would also note that, you know, when political change happens, you start to see results. So Tunisia, which has always been a very difficult member of the Council, is now inviting the Council experts to come. And they want a field office to advise them on how they can move forward on building democratic institutions.

This is just one example of the role that the U.N. can play in parts of the world where, frankly, when we come in and do it on our own, it is not as easily swallowed by some of these states. But when the U.N. comes in under a blue U.N. flag, people say, "Oh, I can accept this." This is how we can have influence.

Ms. SCHWARTZ. Okay. I appreciate that statement.

And I did want to yield the rest of my remaining time to the ranking member. Mr. Berman wanted to——

Mr. BERMAN. I thank the gentlelady very much for yielding. And it is right in line with what she was saying.

Ambassador Wallace, I very much appreciate your discussion of this in the context of nuance. I am actually, I have to admit, surprised by not because of you but just, you know, all the polarization.

The reason I think it is better not to withhold, to achieve the transparency in budgeting, the transparency in procurement, the member state access to audits, which are absolutely right, every one of them, is our closest allies if we start withholding, we need them to achieve these things.

I am convinced from my conversations that if we play that withholding game, we will lose them in this effort. And that is why I think withholding is a mistake.

Thank you.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman. Thank you, Ms. Schwartz.

Mr. Manzullo, the chairman of the Subcommittee on Asia and the Pacific, is recognized.

Mr. MANZULLO. Thank you, Madam Chair.

I have a question I would like to ask. Do you believe that international treaties that are based upon U.N. organizations should trump domestic laws in different countries?

Mr. PICCONE. No. We have a process under our law where our Senate ratifies treaties. And, therefore, it does become part of our law. And, therefore, there is some commitment we have made to abide by——

Mr. MANZULLO. So, then, you——

Mr. PICCONE. So we have a treaty requirement and, for example——

Mr. MANZULLO. So, then, you would allow the United States Senate, without any input from the House of Representatives, to adopt the treaty or the convention of rights of the child to trump U.S. law?

Mr. PICCONE. I am not familiar enough with the details of that particular convention, but that is the role that our Constitution gives to ratify.

Mr. MANZULLO. I understand that, but what is going on is the UNICEF has come up with this treaty on convention of the rights to the child that says if a nation adopts it, it is for the purpose of recognizing the best interest of the child, and I quote, "in the child's evolving capacities" as the umbrella principle under riding the exercise of all rights in the convention. It would actually go on to overturn recent Supreme Court decisions on who has the ultimate decision to make in raising the family. That is the Troxel case.

Ambassador Miller?

Ambassador MILLER. Thank you, Mr. Manzullo. I am very familiar with that convention and was actively involved in some of the negotiating processes for it and believe very strongly that the United States should not ratify it, but because many portions of it are in fundamental conflict not only with our basic values and principles but with our principles of the Federal system because many of the things that are covered by that convention are actually handled at the state and local level and U.S. law and practice.

I think were the Senate to ratify that convention, were the Obama administration to decide they wanted to join, the Senate ratified, I think it would be the subject of court cases and judicial action for years in the United States.

Mr. MANZULLO. But would you agree then, that now, here is an international organization to which the United States has the biggest share of dues? Taking that dues money and coming up with an international treaty that, if adopted by the Senate, would trump all law in this country with regard to the raising of children?

I mean, is that a correct use of U.S. taxpayers' money to have an international organization determine how children should be raised?

Ambassador MILLER. I think it is a complete distortion of anything that we would ever want to achieve. And it is really important to understand that when we try to partner with these other countries around the world, you have to look at who your partners are in that case. And these are countries, many of which do not share our values. So I think we need to exercise the utmost caution when we are talking about——

Mr. MANZULLO. Okay. Mr. Piccone?

Ambassador MILLER [continuing]. Social issues or——

Mr. MANZULLO. Do you believe that is okay to have——

Mr. PICCONE. I think the U.N. isn't forcing us to do anything and can't force us to do anything,——

Mr. MANZULLO. They are involved in this.

Mr. PICCONE [continuing]. Signing a treaty in this case. If there is objection to signing the treaty, we don't sign it or if maybe in another treaty where we express reservations and we make it clear certain——

Mr. MANZULLO. But, I mean, this is——

Mr. PICCONE [continuing]. Provisions we do not——

Mr. MANZULLO. The U.N. is doing this in terms of a treaty. This bypasses not only traditional state law, but any Federal law that may have to do with raising a child in favor of something called the "evolving capacities" of a child.

It just bothers me that taxpayers' money should be used to give to organizations where people sit around and spend that type of money to come up with things like this, this convention on the rights of a child.

Mr. PICCONE. I would just say that if you look at the array of human rights treaties that have been negotiated and ultimately ratified by this country and many other countries, that we have succeeded in putting forward American values as universal values. There are exceptions.

Mr. MANZULLO. So you can defend the expenditure of U.N. money on a study like this, in a treaty presented before the United States?

Chairman ROS-LEHTINEN. Thank you, Mr. Manzullo. We will continue that——

Mr. MANZULLO. Can he give an answer? Can he say "Yes" or "No," which?

Mr. PICCONE. I took it as a rhetorical question.

Mr. MANZULLO. I don't ask rhetorical questions.

Mr. PICCONE. I would say, you know, minimal, minimal resources. This is a universal organization.

Chairman ROS-LEHTINEN. Thank you. We will continue that conversation.

Mr. MANZULLO. Thank you.

Chairman ROS-LEHTINEN. Mr. Payne of New Jersey, the ranking member on the Subcommittee on Africa, Global Health, and Human Rights?

Mr. PAYNE. Thank you very much.

How many countries have not ratified the treaty—I am not familiar with it—the treaty, the one that Mr. Manzullo is talking about? Do you know?

Chairman ROS-LEHTINEN. Mr. Manzullo, hold on. If we could start the time again because he is referring to the countries of the treaty?

Mr. PAYNE. Yes.

Chairman ROS-LEHTINEN. We will start the time again. Mr. Payne is recognized.

Mr. PAYNE. Great. Thank you. Thank you very much.

I certainly support the United States rejoining or joining the Human Rights Council. Mr. Piccone, could you tell me the differences of the changes made by the Human Rights Council from its inception, how you were voted on? It was done by blocks of countries or so forth? And what changes were made in the new one?

Mr. PICCONE. Under the old Commission, it was a clean slate for each region. And then you had an open-ended appointment, in effect. Now states have to run in competitive elections. And the competitive elections have led to defeat of some bad states. So that process works.

You are also term-limited. So states cannot serve for more than two consecutive terms. So Cuba, China, they will rotate off the Council. They shouldn't have been elected in the first place. I totally agree they should not have been elected in the first place, but they will rotate off. And it is critical that good states then run. And that is what the U.S. has been trying to do.

I think the universal periodic review is a new mechanism that for the first time allows every state to be reviewed. We used to have huge fights in Geneva over just getting China to be reviewed. And there would be no action motions. And we often lost. I think we won once on that.

And now China is being reviewed, publicly webcast. And this allows Chinese civil society to actually create a record and submit their own criticisms of the Chinese Government in the U.N. forum. That is unprecedented. That is also another example of something that is new.

Mr. PAYNE. And also the U.S. ran and did pretty well, right, in this new round since we entered?

Mr. PICCONE. Yes, I think the U.S. leadership, as I mentioned in my testimony, has made a big difference in focusing more on country scrutiny away from Israel with cases like Cote d'Ivoire, cases that I didn't mention, like Democratic Republic of Congo. After the crisis of the rapes in that country, a session was called for that case, et cetera.

Mr. PAYNE. Right. Yes. I think that it made no sense for us not to participate at the beginning. You know, here you have the most powerful nation in the world and we say we are not going to sit down there because they are going to say bad things about us, rather than being in the room and saying, "Wait a minute. You don't talk about me like that. Let me tell you about yourself." In other words, to me it made absolutely no sense.

And I am glad that this administration had the courage to say, "Let's participate in it. Let's go there and let's argue our position.

Let's take Amman when they are off the board on Israel or any other area that they are making mistakes on." And so I am glad to see us participate.

I think there still has to be a lot of reform. But I do believe that we are on the right track.

The question of the U.S. dues being withheld, I think that really also doesn't make too much sense. As you know, when the U.N. started, we procured about 50 percent because the world was in shambles. When it came to actual dues, we were down to 33 percent was what it was fixed on. As you know, from the 33 percent that we have been paying for U.N. dues, the general assessment, we have reduced ourselves by one-third. As you may know, we are down to 22 percent, just a little bit above, say, Japan, for example.

So the fact that I think we are getting increasingly much more bang for the buck because we, too, have said that we will not ever let a U.S. troop be boots on the ground peacekeeping. So the rest of the world, you bring the troops. And we will pay our assessment, but we are not going to get in harm's way.

So I think that in Haiti and in other places, where we would possibly have had troops, the U.N. is covering that for us. So I think that there are tremendous amounts of positive things that are happening as a result of the U.N. being around. And I think that it is going to play a key role in the Middle East, where we can set up, as you mentioned, we can set up U.N. offices to do democracy building, rather than the U.S. going in, because that would just be what other countries would use against us.

So, as you can see, I am a pretty strong supporter of the U.N., feeling that it has a lot of flaws, but I think it has improved and we still have to keep the pressure on them to make them improve more.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Payne.

And I would like to recognize our ranking member, Mr. Berman, for a unanimous request.

Mr. BERMAN. Thank you very much, Madam Chairman.

And I would like unanimous consent to present a letter into the record of this hearing from the Foreign Minister of Israel to the Secretary of State regarding the U.S. efforts in UNESCO to prevent the adoption of five anti-Israel resolutions.

It is relevant to the conversation that Ms. Buerkle had with Mr. Piccone earlier. And, for that, I would like to include this letter in the record, if I could.

Chairman ROS-LEHTINEN. Thank you. And I would just like to point out that we did return to UNESCO after being out for so many years. And they saw the light. It is so wonderful.

Mr. BERMAN. Well, I don't know if they saw all of the light, but they are——

Chairman ROS-LEHTINEN. Well, they have seen some light.

Mr. BERMAN. But they——

Chairman ROS-LEHTINEN. But they like withdrawing.

Mr. BERMAN. They are a lot better than they were,——

Chairman ROS-LEHTINEN. Yes. Okay.

Mr. BERMAN [continuing]. Anybody, than they were in 1988.

Chairman ROS-LEHTINEN. All right. Thank you.

And for the last word, I will yield 5 minutes to Mr. Burton, the chairman of the Subcommittee on Europe and Eurasia.

Mr. BURTON. Thank you, Madam Chair.

First of all, my good friend Mr. Berman, the ranking member, indicated that—and I think Mr. Payne did as well—we shouldn't be cutting the U.N.'s funds. Great Britain and the House of Commons—let's see; it was Mr. Mitchell—said that they were going to cut 50 million in pounds by cutting development funding to 4 United Nations organizations, United Nations Industrial Development Organization, U.N. Habitat, U.N. Agency for International Labor Organizations, and the U.N. International Strategy to Disaster Reduction.

Mr. BERMAN. Would the gentleman yield?

Mr. BURTON. No. I am sorry. I will if I have time at the end because——

Mr. BERMAN. Okay.

Mr. BURTON [continuing]. I love you, man. [Laughter.]

Let me just tell you that I listen to this kind of discussion. And I have been here for 28 years. I know I look a lot younger, but I have been here for a long time. And I have to tell you I get so frustrated sometimes when I listen to this stuff. You know?

We shouldn't be passing any treaty or anything that cedes our constitutional authority to anybody but especially the U.N. And I will do everything in my power as long as I am in this place to stop any of our rights that are given to us by our forefathers I the Constitution to any agency in the world, especially the United Nations.

And the next thing I would like to say is my good friend Mr. Payne said, "Well, we don't pay much more than the Japanese do." Well, the Japanese pay 16 percent of the budget. We pay 22 percent. And I would say that is a pretty big difference.

But, nevertheless, we should I think hold the U.N. accountable. We spend over 25 percent of the budget for defensive actions around the world, for the United Nations military forces.

When we talk about Haiti, the U.N. does do some things, but we spend a lot of money down in Haiti. We spent $6.3 billion so far. So we are doing more than our share if we didn't give the U.N. a thing.

Now, what I would like to know, I am not a big fan of the U.N. I mean, you might have gathered that. I think that, you know, they end up opposing us on so many things. And since the Korean War, I can't think of very many areas where the U.N. has been supportive of what the United States wants. And so, you know, if somebody is constantly kicking you in the fact, I don't see any reason to give them a whole lot of money. But, nevertheless, I realize where we are.

Now let me just ask a quick question of you folks. And you can give me the answers within the time frame. How many U.N. agencies and offices and officials publicly disclose their budgets and finances?

And, second, are all U.N. agency audits and investigations available to donor states? U.N. entities are subject to the transparency that we expect from publicly held companies here in the United States. I can remember when they were spending tremendous amounts of money, double, triple what an accountant would make

in New York. They are giving their kids college money. They are paying for their houses. They are paying for their cars. They are paying for everything with our tax dollars. And I would like to know if there is any transparency in those areas. And I will yield to any of you.

Ambassador WALLACE. In that order, not enough, no, and no.

Mr. BURTON. I love your succinctness.

Ambassador WALLACE. But I want to give one caveat. I think in this time when we have such tight budget dollars, we have to have the thoughtful discussion about the benefits of our ODA dollars and what it gets to, the end users or intended beneficiaries, or donations as we contribute to international organizations.

Let me read you one quote, "Approximately 75 percent of the budget resources are related to salaries and common staff costs," 75 percent. That wasn't me. That was my friends from the G–77 in China in the budget discussion in 2008 and 2009.

One of the reforms that we should seek to have, which is the cutting edge of not-for-profit giving and international aid, is to have a cap on administrative overhead and costs. I think we should narrow that down so only 5 to 10 percent goes to overhead, administrative, and costs. That is a better deal.

Let's have a thoughtful discussion about that. And let's move these funds programs, specialized agencies to lower their overhead from upwards of 50 to 75 percent down to a more appropriate 5 percent.

Right now our ODA when we give it directly to the field is, arguably, a much better deal. Why should we be paying overhead? We should be paying directly to the field. Our dollars should go to help people around the world, not to pay overhead.

Mr. BURTON. Go ahead, Mr. Miller.

Mr. PICCONE. Well, I——

Mr. BURTON. I can't read. I don't have my glasses on.

Ambassador?

Ambassador MILLER. One of the most frustrating things that happened when Ambassador Wallace and I were in New York was we would go into a meeting of UNDP, for example, and ask for a financial document or information about how much was spent on a given area. How much was spent in North Korea, for example?

And that information was never forthcoming. There was a systematic effort to prevent us from obtaining the information that we needed in order to exercise proper oversight.

Chairman ROS-LEHTINEN. Thank you so much.

This was a wonderful set of panelists, good witnesses, good interaction from our members. And the committee is now adjourned.

[Whereupon, at 12:11 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

March 1, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Thursday, March 3, 2011

TIME: 10:00 a.m.

SUBJECT: Reforming the United Nations: Lessons Learned

WITNESSES: The Honorable Mark D. Wallace
President and Chief Executive Officer
United Against Nuclear Iran
(Former United States Representative to the United Nations for Management and Reform)

The Honorable Terry Miller
Director of the Center for International Trade and Economics
The Heritage Foundation
(Former United States Representative to the United Nations Economic and Social Council, United States Observer at the United Nations Educational, Scientific, and Cultural Organization, and Deputy Assistant Secretary of State for Economic and Global Issues)

Mr. Ted Piccone
Brookings Institution
Senior Fellow and Deputy Director for Foreign Policy

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Thursday* **Date** *March 3, 2011* **Room** *2172 Rayburn*

Starting Time *10:00 a.m.* **Ending Time** *12:11 p.m.*

Recesses [ ] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Reforming the United Nations: Lessons Learned

COMMITTEE MEMBERS PRESENT:

Attendence Attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Berman's Letter
Chairman Ros-Lehtinens QFRs for Amb. Wallace and Amb. Miller

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:11 p.m.*

Mark Gage, Deputy Staff Director

Hearing/Briefing Title: Reforming the United Nations: Lessons Learned

Date: March 3, 2011

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
	Edward R. Royce, CA
X	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
	Joe Wilson, SC
X	Connie Mack, FL
X	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
	Bill Johnson, OH
	David Rivera, FL
X	Mike Kelly, PA
X	Tim Griffin, AK
	Tom Marino, PA
	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Donald M. Payne, NJ
	Brad Sherman, CA
	Eliot Engel, NY
	Gregory Meeks, NY
X	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
	Dennis Cardoza, CA
	Ben Chandler, KY
	Brian Higgins, NY
X	Allyson Schwartz, PA
	Chris Murphy, CT
X	Frederica Wilson, FL
X	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE HOWARD L. BERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Deputy Prime Minister and Minister of Foreign Affairs

Jerusalem, 25 April 2010

Dear Madam Secretary,

I wish to warmly thank you for the strong and consistent position, taken by the United States in the recent discussions of UNESCO'S Executive Board, in support of UNESCO being an effective and professional organization. That US position, Madam Secretary, prevented the adoption of 5 anti-Israel resolutions initiated by the Arab Group at the instruction of the latest Arab League summit, and the resolutions were consequently deferred to the next Executive Board meeting.

Israel and the US share the desire to be more positively engaged in UNESCO so that it can accomplish its goals. There is clearly widespread rejection in the organization of all attempts to politicize its work and your delegation skillfully tapped that sentiment and succeeded in mobilizing a majority for this view.

The Arab Group's refusal to enter into any negotiations prevented consensus from emerging and dangerously politicized the work of UNESCO.

This attempt in UNESCO is, regrettably, part of a systematic worldwide campaign by the Arab states to undermine Israel's legitimate right to exist in peace and security among the nations. That trend finds expression in the United Nations in a grossly disproportionate number of resolutions condemning Israel and only Israel, while shockingly ignoring the very numerous problems around the rest of the world.

The United States stood staunchly by its principles. Your position proves to us and to the world once again how strong and stalwart the ties are between our two countries and peoples, which, as you said in your moving words to the people of Israel on our Independence Day, "reaffirms the bonds that unite our two nations – our strategic partnership, our shared values, and our common aspirations."

With esteem,

Avigdor Liberman

The Honorable
Hillary Clinton
Secretary of State
United States of America

Questions for the Record from Chairman Ileana Ros-Lehtinen to Ambassador Terry Miller following the House Foreign Affairs Committee hearing on March 3, 2011, "Reforming the United Nations: Lessons Learned".

1. Ambassador Miller, many have talked about how important it us for the U.S. to pay our assessed dues in full. But you all know that the biggest leverage Congress has over Executive Branch agencies, for example, is the power of the purse. And past history contradicts that argument.

- If UN agencies and other Member States know that we're going to pay our assessed contributions in full, no matter what, why on earth would they have to agree to real reforms?
- So don't the simple facts and logic call precisely for using our contributions as leverage, and not for paying our dues in full no matter what?

Answer: The United States occupies a unique position in world affairs because of the size of our economy, the overwhelming superiority of our military capability, and the attractiveness of our political system and culture to people around the world. None of this uniqueness is reflected in the formal decision-making processes of the United Nations General Assembly, where the U.S. has only one vote, the same as each of the other 191 members. By contrast, the United States power and wealth is reflected in the UN scale of assessments, which requires the U.S. to pay 22 percent of the organization's overall expenses (and an even greater share of peacekeeping costs). This disparity between the large U.S. responsibility to pay and the small formal U.S. decision-making power has been a source of tension throughout the life of the UN.

This tension has led over time to a widespread recognition in both the membership and the UN Secretariat that the organization is highly dependent on the United States and vulnerable to possible budget withholding by the U.S. Government. When this sense of vulnerability has been heightened by Executive Branch policy or Congressional decisions, the U.S. has gained additional leverage in budget discussions and decision-making. Conversely, when either the Administration or the Congress has explicitly renounced possible unilateral restrictions on U.S. payments, U.S. leverage has been reduced.

While other UN members do sometimes favor reforms that promise increased efficiency or effectiveness, there are powerful incentives for most members and the UN Secretariat to maintain a status quo that provides jobs, resource transfers, and disproportionate status and influence in world affairs to smaller states and weaker powers. The only effective tool the U.S. has for breaking these states' resistance to change is the power of budget withholding, either threatened or actual.

2. Ambassador Miller, there has been a lot of controversy about the UN Development Program, and particularly allegations of misconduct and whistle-blower retaliation about its operations in North Korea.

- Can you please briefly discuss what actually happened with the UNDP in North Korea and what is happening now?
- Have any of the reforms that the UN has put in place since the scandal been enough to prevent a recurrence?

- What reforms does the U.S. need to demand at UNDP, and what leverage can we use to bring those reforms about?

Answer: Information provided by UNDP whistleblowers led the U.S. to investigate UNDP activities in North Korea, and at U.S. urging the UNDP Executive Board suspended the organization's activities in North Korea in March 2007. Subsequent reports by the Permanent Subcommittee on Investigations of the U.S. Senate and an independent audit commissioned by UNDP confirmed that deficiencies in UNDP rules, procedures, and management permitted North Korea to dictate the composition of UNDP staff, access hard currency, and avoid standard monitoring procedures for projects and financial transactions.

Based on recommendations in these reports, UNDP adjusted its procedures in North Korea, and in 2009 the Executive Board decided to resume activities in North Korea. The reforms implemented, while an improvement in theory, are insufficient in practice. The North Korean government exercises tight controls over the activities of North Korean citizens and the in-country activities of non-governmental organizations and international organizations such as UNDP. These governmental controls may, and do, undermine the integrity of these organization's activities in North Korea and vitiate the positive benefit that might have resulted from UNDP's internal control reforms. To put it more bluntly, the North Korean regime is corrupt, and all interactions between it and an outside entity such as UNDP are likely to be tainted by that corruption. U.S. representatives at organizations like the UNDP need to understand that any assistance intended to aid the North Korean people, however nobly intended or desperately needed, is likely to be misused or misdirected by the North Korean government.

Despite North Korea's violation of multiple Security Council resolutions, the U.N. continues to provide assistance to North Korea through the World Food Program, UNICEF, and UNDP. The U.S. should demand that UN organizations curtail or suspend their North Korea programs until rigorous, transparent monitoring standards and delivery verification are implemented and until Pyongyang complies with Security Council resolutions and ends its nuclear program.

3. Ambassador Miller, you're a senior official at The Heritage Foundation.

- Are the UN's standards for oversight, auditing, and accountability ones that your organization would accept as satisfactory for itself?
- Or, is it fair to say that the UN's standards just wouldn't cut it?

Answer: As a public charity, The Heritage Foundation adheres scrupulously not only to Federal regulatory requirements such as public disclosure of Form 990 (which is now quite extensive), but also to industry accepted accounting, auditing and reporting standards as well as requirements of state's attorneys general. The entire charitable sector is also scrutinized by a myriad of private watch dog groups such as BBB's Wise Giving Alliance and Charity Navigator, which offer another layer of information to the public that is typically not available to people assessing performance of governmental entities. However, we consider all of those things minimum requirements. More importantly, we are accountable to our member donors for proper stewardship and use of the funds they provide. The continued willingness of our supporters to provide the funds with which we

operate is the ultimate statement of trust and accountability. Just as they are free to chose whether or not they make contributions, individual donors can also chose to put a charity out of business very quickly. Either we perform as promised, with effectiveness and efficiency, or our members will cease their financial support.

By contrast, the UN asserts a right to demand support payments from its members, based on whatever procedures and at whatever rates its members collectively decide. By claiming the right to extract payments from its members, the UN avoids the need to prove its effectiveness or efficiency to its members. And by skewing the scale of assessments to provide for de minimis contributions from a majority of its members, it can ensure voting control of decision-making that is divorced from any responsibility to pay for implementation of the decisions made.

Since they are paying almost nothing for the UN's activities (and in many cases are net recipients of UN benefits), the majority of members controlling the UN's activities have little or no interest in holding the Secretariat accountable. Many of these member states are neither democratic nor fiscally accountable to their own citizens, and have thus imported and supported corrupt practices within the Secretariat. The standards by which the UN operates would be unsustainable in any market system that provided for competition, and they would be unacceptable in any democratic society operating under the rule of law.

4. Ambassador Miller, concerns have grown over the UN's lack of responsiveness to press inquiries. For instance, the Secretary-General's spokesman has repeatedly ignored critical questions during hearings, going so far as to abruptly walk out of the briefing room when asked recently about the UN's role in Darfur.

- What reforms should the U.S. push for to increase the UN's accountability to journalists?

Answer: This question is probably better asked of journalists covering the UN who would be intimately familiar with the inadequacies of the current system. For my part, given the public and publicly-funded nature of the UN, I can think of only two kinds of information that should ever be withheld from the public: 1) advance information about military or security operations; and 2) information that might compromise the safety of UN personnel. One area that would indisputably benefit both journalists and Congress would be for greater transparency at UN headquarters. Public access to all UN audits and OIOS reports would be an excellent start as would having the UN implement an equivalent to the U.S. Freedom of Information Act.

5. Ambassador Miller, Iran has tried to mitigate its international isolation by seeking leadership roles within the UN system. Recently, Iran sought seats on the Human Rights Council, the new UN women's rights committee and even on the policy-making committee of the International Atomic Energy Agency (IAEA). While, luckily, Iran's candidacy was defeated in these instances, Iran continues to try to use the UN to undermine U.S. efforts to isolate Iran.

- Please talk about the ways that Iran is exploiting the culture at the UN to mitigate its international isolation and the ways that the U.S. has or should combat these initiatives.

- Could you discuss the strategy behind, and consequences of, Iran's efforts to assume leadership roles throughout the UN system—including at the Commission on the Status of Women, the UN Development Program, and the UN Population Fund?

Answer: Countries seek seats on UN bodies for a variety of reasons. Some may wish to advance the interests or agendas of those bodies. Others may want to advance their narrow individual interests, or even frustrate or counter the organization's activities that they view as potentially harmful.

For example, a country may seek a seat on a human rights body to press for greater observance of human rights or, in all too many cases, including Iran's, it may want instead to frustrate any examination of its own harmful practices. Countries seeking membership on the Commission on the Status of Women may sincerely want to advance women's rights, or they may wish to ensure that women's liberation stops short of affecting traditional practices or discrimination in their own society.

A seat on a body also offers opportunities for influence peddling and vote trading. A country may not care deeply about an issue on the agenda, but other countries may. This provides the chance to curry favors that can be cashed in later or in other bodies.

Iran is adept at playing the UN system to its advantage. By seeking seats on various UN bodies it extends its influence and places itself in a position to protect itself from unwanted scrutiny or criticism.

WRITTEN RESPONSES FROM THE HONORABLE MARK D. WALLACE TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE ILEANA ROS-LEHTINEN

Ambassador Wallace, former UN Procurement Task Force head Robert Appleton's tried to oversee and help reform the UN and uncovered over $1 billion in tainted contracts, and as thanks, he got fired and blocked from being hired for further jobs there—and many of his cases remain open and unaddressed. Is this what generally happens to UN investigators who take their jobs seriously and try to root out corruption and misconduct?

While I am unfamiliar with the specifics of Robert Appleton's termination, my experience with him suggested that he was highly effective. I was disappointed when I learned of his unfortunate departure. The difficult challenge facing UN investigators is both the UN bureaucracy and member states. The UN is of course staffed with people from all member states. Inevitably, when investigating a person for misdeeds, large bureaucracies can be obstructive. Member States, particularly those without advanced and developed justice systems, frequently take action to protect their nationals from prosecutions. Any successful investigation must, by definition then, run afoul of the bureaucracy and member states, jeopardizing any successful investigator's long-term future at the UN.

Ambassador Wallace, there has been a lot of controversy about UNDP, and particularly allegations of misconduct and whistle-blower retaliation about its operations in North Korea. Can you please briefly discuss what actually happened with the UNDP in North Korea and what is happening now? Have any of the reforms that the UN put in place since the scandal been enough to prevent a recurrence? What reforms does the U.S. need to demand at UNDP, and what leverage can we use to bring those reforms about?

Initially USUN raised inquiry with UNDP that UNDP acted in DPRK in violation of UN policies and rules by:

a) Making payments in hard foreign currency;
b) Utilizing DPRK seconded staff in core functions;
c) Failing to make project site visits, and;
d) Lacking of external auditing.

USUN was concerned that, in the absence of each aspect of this important set of financial controls, that UNDP would be unable to determine the ultimate use of its development money in the DPRK by its intended beneficiaries – the people of the DPRK.

In January 2007, as a result of the information developed by USUN and presented to UNDP and the Member States of the UNDP Executive Board, the UNDP Executive Board determined to strictly apply such financial and administrative control rules in its country programs. As a result of the DPRK's refusal to operate under these rules, UNDP shut down its program in the DPRK in March 2007.

During the same time period, the Secretary-General requested that the UN Board of Auditors (BOA) conduct an audit of the operations and activities of Funds and Programs in the DPRK. Although the BOA's work was limited in its scope, the BOA Preliminary Audit unequivocally validated USUN concerns in these four areas.

USUN continued to learn of additional information regarding irregularities in UNDP activities in the DPRK, including information from a former staff member of UNDP in the DPRK, and others. This new information suggested larger amounts of hard currency delivered into the DPRK through UNDP than reported by UNDP, the improper use or diversion of such funds and UNDP's procurement on behalf of the DPRK of "dual-use" equipment.

UNDP subsequently terminated the employment of this former UNDP staff member on whose information UNDP falsely believed formed the entire basis of USUN's inquiry and launched a campaign attacking his credibility and reputation. The staff member sought protection as a whistleblower from the newly established UN Ethics Office.

After an extensive inquiry, in August of 2007, the UN Ethics Office concluded that the former staff member had established a *prima facie* case of whistleblower retaliation against UNDP. Upon the announcement of this finding, UNDP asserted that the UN Ethics Office did not have jurisdiction over UNDP. The Head of the Ethics Office specifically requested UNDP to allow the UN Ethics Office to decide the claim "in the interest of the United Nations." UNDP refused, despite the fact that it had no credible ethics office or whistleblower policy of its own.

At the end of September 2007, the Executive Director of UNDP established the External Independent Investigative Review Panel (EIIRP), to further review UNDP activities and operations in the DPRK as well as the whistleblower retaliation claim by the former UNDP staff member. Also in 2007, the U.S. Senate PSI began an examination into allegations of mismanagement and misconduct in the operations of UNDP in the DPRK. Both the EIIRP and the Senate PSI confirmed the findings of the BOA and validated USUN concerns regarding irregularities in UNDP operations in the DPRK. In addition, the Senate PSI proffered significant new information describing a systematic misuse of UNDP by the DPRK and concluded that UNDP had violated the due process rights of the whistleblower.

It is my understanding that UNDP re-opened its country office in the DPRK after my departure from the State Department. Since I no longer work for the State Department, I do not have sufficient information to comment on the current status of the UNDP program and/or UN operations in the DPRK.

In order to avoid a repeat of the UNDP DPRK episode, the UN Funds and Programs should, among other actions, implement the series of management reforms developed by USUN and the State Department in 2007 known as the U.N. Transparency and Accountability Initiative (UNTAI) that was subsequently incorporated into the UN Transparency and Accountability Act. These eight reforms will enable Member States to exercise greater oversight and increase transparency and accountability to ensure that funds are utilized efficiently and effectively for their intended purpose. The U.S. should make future contributions to the UN Funds, Programs and Specialized Agencies contingent upon the full implementation of these management reforms.

Ambassador Wallace, do you think that another scandal like Oil-for-Food could be happening at the UN right now? Has the UN put in meaningful protections and reforms to prevent a repeat? Please elaborate.

I am without sufficient information to comment on the specific programs at the UN right now. In general, however, the UN should implement best practice management reforms to ensure that all member state contributions are going towards their intended purposes and to prevent institutional misconduct.

In order to prevent another 'Oil-for-Food' or 'Cash for Kim' scandal, the UN should implement and enforce management reforms and financial controls as outlined in UNTAI. Such measures would provide the baseline of meaningful protections to help prevent future misuses of UN funds. A robust investigations authority with real potential penalties for abuse is also a key imperative to prevent abuse. The Secretary-General should maintain a blanket waiver of immunity in New York for those that engage in fraud and abuse.

Ambassador Wallace, many UN funds and programs have created individual ethics offices or agreed to use the [UN] Ethics Office. But isn't the whole point of having an independent ethics office that it should be able to have jurisdiction over the entire UN? Why have others in each agency? Why the duplication? Why enable agencies to opt out from accountability?

At the time of its creation, the UN Ethics Office was rightfully touted as a signature accomplishment for the U.S. and other reform-minded states. It was the intention of Member States to create an Ethics Office that had UN-system wide jurisdiction. Indeed it was the belief among Member States that this was the case. However, in 2007 after USUN began inquiring into UNDP's activities in the DPRK, the UNDP initially submitted to the jurisdiction of the UN Ethics Office in the latter's inquiry into allegations that UNDP had retaliated against the former operations officer in the DPRK. It was only after the Head of the Ethics Office, Robert Benson, returned a finding that this former staff member had established a *prima facie* case of whistleblower retaliation against UNDP that UNDP asserted that the UN Ethics Office did not have jurisdiction over UNDP. UNDP's forum-shopping to avoid its own responsibility for its inappropriate actions served as a setback for the UN Ethics Office reform. As a result of such action, the UN Ethics Office, thought to apply system-wide, was effectively limited to the UN complex in New York City. The Secretary-General occupies the most senior post in the UN-system. In addition, the Secretary-General appoints the UNDP Administrator and the UNDP Administrator is most often the Secretary-General's representative in program countries. The Secretary-General could have ordered the UNDP to submit to the jurisdiction of the Ethics Office at any time. I admire Secretary-General Ban Ki-moon and believe he is a good and fine man. Unfortunately, for reasons that remain unclear to me, the Secretary-General elected not to order the UNDP to submit to the jurisdiction of the Ethics Office even though at the time of the Secretary-General's decision UNDP did not have a functioning Ethics Office of its own. UNDP's pattern of obfuscation and lack of transparency during the entirety of USUN's inquiry into UNDP operations in DPRK suggests that UNDP's decision to finally establish a separate ethics office was purely to avoid the findings of the UN Ethics Office.

Ambassador Wallace, you head United Against Nuclear Iran. Are the UN's standards for oversight, auditing, and accountability ones that your organization would accept as satisfactory for itself? Or, is it fair to say that the UN's standards just wouldn't cut it?

USUN developed UNTAI precisely because the UNTAI reforms represented standard

management reforms that any reasonable person could expect to be in place in any public or private organization operating under management best practices. When UNTAI was initially proposed, the standards of oversight, auditing and accountability in many UN Funds and Programs would have been insufficient for a 501(c)(3) not-for-profit operating in the United States. By way of example, successful not-for-profits like United Against Nuclear Iran (UANI) ensure minimal operational overhead relatively to programmatic activities. UN overhead is oftentimes far too high. In addition, under IRS rules, not-for-profits have rigorous application and filing requirements that impose strict standards similar to reforms we sought at the UN.

Ambassador Wallace, concerns have grown over the UN's lack of responsiveness to press inquiries. For instance, the Secretary-General's spokesman has repeatedly ignored critical questions during hearings, going so far as to abruptly walk out of the briefing room when asked recently about the UN's role in Darfur. What reforms should the U.S. push for to increase the UN's accountability to journalists?

I am without sufficient information to comment on the specific actions of the Secretary-General's spokesman. However as a general principal, the spokesman represents the Secretary-General, who in turn is entrusted to safeguard the interests of the Member States. As such the spokesman should provide regular and open briefings with members of the press.

Ambassador Wallace, the UN Security Council has passed multiple rounds of sanctions against Iran, including Resolution 1929 last year. What additional steps can be taken at the UN to strengthen these sanctions and ensure their proper implementation? The implementation of these sanctions has been uneven at best. Please talk a little about the ways that the UN should be ensuring uniform implementation. Press reports indicate that China has been hindering the implementation of other UN sanctions including the publishing of reports that North Korea has been supplying nuclear technology to Iran and Syria. What should the U.S. be doing to counter China's unproductive behavior? More generally, what should the U.S. be doing within the UN structure to encourage better implementation of UN Security Council resolutions?

At the outset, sanctions resolutions that are comprehensive and targeted on specific persons or entities are the most effective. Any policy to ensure effective implementation should start with sanctions resolutions that have teeth, that are enforceable and that are effective. The U.S. should always advocate thorough, comprehensive and targeted sanctions resolutions. The, at times, piecemeal approach in phased sanctions undermines the ability for effectively implementing and enforcing such resolutions.

In addition, shining the bright light of transparency on enforceability would help implementation. Concise but comprehensive reports and briefings by the Security Council and the President of the Security Council would help implementation and make it harder for countries to obstruct implementation.

The UN should continue to push for stronger uniform sanctions against Iran. Efforts to isolate Iran economically and diplomatically are having an effect. Through the advocacy efforts of United Against Nuclear Iran, responsible companies have pulled their business out of Iran and

have vowed not to conduct business in Iran until the regime ends its illegal behavior; UN sanctions reaffirm the international community's overall concern of a nuclear Iran.

It is unfortunate to learn of reports that China has been hindering the implementation of UN sanctions against Iran, and the U.S. should work with members of the Security Council to emphasize the importance of sanctions. The U.S. should make sanctions against Iran a key priority at the forefront of its policy agenda in the Security Council. By working to further isolate Iran economically and diplomatically, the international community has a better chance of successfully compelling the Iranian regime to forgo its nuclear weapons program, to stop its continuing violations of human rights, and to stop its sponsorship of terrorist organizations.

Ambassador Wallace, Iran has tried to mitigate its international isolation by seeking leadership roles within the UN system. Recently, Iran sought seats on the Human Rights Council, the new UN women's rights committee and even on the policy-making committee of the International Atomic Energy Agency (IAEA). While, luckily, Iran's candidacy was defeated in these instances, Iran continues to try to use the UN to undermine U.S. efforts to isolate Iran. Could you discuss the strategy behind, and consequences of, Iran's efforts to assume leadership roles throughout the UN system—including at the Commission on the Status of Women, the UN Development Program, and the UN Population Fund?

Efforts by the international community to isolate Iran economically and diplomatically are having an effect. The success of these efforts is demonstrated by Iran's increasingly desperate and transparent diplomatic statements and maneuvers including at the UN. Iran's *modus operandi* is clear, e.g. when Iran's human rights record and discriminatory practices are called into question, the regime sends President Ahmadinejad to abroad, by way of example, in an attempt to co-opt the HRC and the Durban Review Conference, respectively. When the international community criticizes Iran's illegal nuclear program, the regime sends President Ahmadinejad to UN Headquarters in an attempt to co-op the NPT Review Conference. Finally, when the international community criticizes the Iranian regime's wrongful treatment of women, the regime attempts to co-opt the Commission on the Status of Women. When Iran does succeed in assuming leadership roles at the UN, as it did with the UNDP Executive Board, the UN serves to provide its *imprimatur* to an Iranian regime that is otherwise viewed as an international outlier.

In order to frustrate Iran's attempts in this regard, the U.S. should support the adoption of a new regulation that would prohibit any Member State targeted by UN sanctions from winning election on any UN Committee, Executive Board, Working Group and/or other Committee. Member States that have been singled out for censure, sanction and punishment by the UN should not have the privilege of presiding over the same organization in a different context. Obviously, such action would immediately preclude Iran from pursuing further leadership roles at the UN.