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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 parliamentary 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.

United States House of Representatives
Committee on Foreign Affairs

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Clause 2(g) of rule XI of the Rules of the House of Representatives and the Rules of the Committee require the disclosure of the following information. A copy of this form should be attached to your written testimony and will be made publicly available in electronic format, per House Rules.

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3. Date of Committee hearing: March 3, 2011	
4. Have <u>you</u> received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5. Have any of the <u>organizations you are representing</u> received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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“Truth In Testimony” Disclosure Form

Theodore Piccone

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- US Agency for International Development, \$299,269 (2/07 - 2/09): Brookings Institution
- US Agency for International Development, \$799,107 (8/09 – 6/11): Brookings Institution
- US Agency for International Development, \$16,000 (2/10 – 8/10): Brookings Institution through Norwegian Refugee Council