

UNITED NATIONS REFORM

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

JULY 21, 2005

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UNITED NATIONS REFORM

MONDAY, JULY 21, 2005

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington DC.

The committee met, pursuant to notice, at 10:01 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman) presiding.

Present: Senators Lugar, Biden, Hagel, Sarbanes, Chafee, Dodd, Coleman, Voinovich, and Obama.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

The CHAIRMAN. The world has just marked the 60th anniversary of the founding of the United Nations. In that time, the organization has accomplished much worth celebrating, not least its role in helping to prevent a repeat of the calamitous world conflict that brought about the U.N.'s creation. But unfortunately, the U.N.'s anniversary has been overshadowed by a series of setbacks that have raised questions about its ability to live up to its founders' intentions.

During the Oil-for-Food scandal, billions of dollars that should have been spent on humanitarian needs in Iraq were instead siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the U.N. Security Council who were complicit in these activities. It also depended on U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The capabilities possessed by the United Nations depend heavily on maintaining the credibility associated with countries acting together in a well-established forum with well-established rules. Profiteering, mismanagement, and bureaucratic stonewalling squander this precious resource. At a time when the United States is appealing for greater international help in Iraq, Afghanistan, and in trouble spots around the world, a diminishment of U.N. credibility reduces U.S. options and increases our own burdens.

The Foreign Relations Committee held the first congressional hearing on the U.N.'s Oil-for-Food scandal a year ago last April. Since that time, through the efforts of Paul Volcker, Senator Norm Coleman, and many others, we have learned much more about the extent of the corruption and mismanagement involved. Senator Coleman's work as a member of the Senate Foreign Relations Committee and as the chairman of the Homeland Security and Govern-

mental Affairs Permanent Subcommittee on Investigations has provided the Senate with extensive knowledge of what went wrong in the Oil-for-Food Program.

During the last several weeks, Senator Coleman and I have combined efforts to offer the Senate a comprehensive reform bill that we believe would greatly improve the ability of the United Nations to be an effective institution in this century. I would like to thank staff on the Foreign Relations Committee and on the Permanent Subcommittee on Investigations who collaborated for many hours as we finalized the Coleman-Lugar U.N. reform bill.

We began with the presumptions that the United Nations needs more focused oversight, better whistleblower protection, greater transparency in its procurement and financial dealings, and better management of its personnel. It also needs to reform two functions vital to international peace and security: Peacekeeping and human rights protection. Achieving these and other reforms will require a significant shift in the culture of consensus that often results in gridlock at the United Nations and has thwarted previous attempts at reform.

Our legislation provides President Bush with the flexibility and tools he needs to achieve the objective of a reformed United Nations. Should the President believe that, in spite of his best efforts, the other member states of the United Nations do not share our conviction regarding these reforms, our bill grants him authority to withhold up to 50 percent of our U.N. dues until such time as reform has taken hold.

Other Members of Congress, including members of this committee, also have spent substantial time considering what the United States should do to achieve reform at the United Nations. The House of Representatives has already voted for a bill that would require the President to withhold U.S. contributions to the United Nations by 50 percent, if certain conditions are not met. Some Senators have voiced support for this approach, but I believe that a rigid formula that removes decisionmaking and flexibility from the President is a mistake. The drive for reform at the United Nations is not going to occur in a national security vacuum. We will continue to have national security interests that are affected by U.N. agencies and U.N. deliberations. Without narrowing the President's options, the Coleman-Lugar legislation allows the President to make tactical judgments in the national security interest about how to apply leverage and about what methods to use in pursuing reform.

On the other side of the equation, some Senators may oppose the Coleman-Lugar bill because it does allow the President to cut U.S. contributions to the United Nations by up to 50 percent. Senators may contend that the U.S. contribution should be predictable and off the table in negotiations on reform. But U.N. reform is urgent and is most likely to happen if Presidential initiatives are backed up by a full range of options, including withholding funds.

The diminishment of U.N. credibility from corruption in the Oil-for-Food Program and other scandals related to peacekeeping troops and the Human Rights Commission is harmful to U.S. efforts aimed at coordinating a stronger global response to terrorism, the AIDS crisis, nuclear proliferation, and many other inter-

national problems. Congress, motivated in large part by these matters and the unwillingness of the Security Council to address appropriately the genocide taking place in Darfur, commissioned an important study on U.N. reform through the United States Institute of Peace. That study was ably chaired by the distinguished members of our first panel: Former Speaker of the House Newt Gingrich and former Senate Majority Leader George Mitchell. We are pleased to have the benefit of their counsel today. I would strongly encourage my colleagues to read the bipartisan report that resulted from their efforts, entitled, "American Interests and U.N. Reform." It puts forward excellent recommendations for change that could help the United Nations to regain public confidence and improve its capability to serve peace and prosperity around the world. Senator Coleman and I relied heavily on these recommendations as we constructed our bill.

[EDITOR'S NOTE.—"American Interests and U.N. Reform," the report of the Task Force of the United Nations was too large to include in this hearing. It will be maintained in the permanent record of the hearing or can be accessed at the USIP Web site: <http://www.usip.org/un/report/index.html>.]

In addition to our first panel, we are very fortunate to be joined by Nicholas Burns, the State Department's Under Secretary of State for Political Affairs. Secretary Burns has been a good friend to this committee, and he speaks to us today as one of Secretary Rice's key advisors on U.N. reform issues.

The United Nations' ability to organize burden-sharing and take over missions best handled by the international community is critical to the long-term success of U.S. foreign policy. Americans cannot afford to approach the United Nations purely out of unilateral frustration. Rather, we have to show resolute leadership that will drive reform toward a constructive outcome that will reinvigorate the United Nations. In this process, we must do more than just negotiate for reform. We must also explain why these reforms are necessary and how they will help the world community. If we can create international momentum, we have a unique opportunity to achieve an objective that has long been sought by both critics and friends of the United Nations.

We look forward to hearing our witnesses and before recognizing the first panel, I turn to my distinguished colleague, Senator Coleman, for an opening comment.

STATEMENT OF HON. NORM COLEMAN, U.S. SENATOR FROM MINNESOTA

Senator COLEMAN. Thank you Mr. Chairman; just briefly. First I want to begin by thanking you for holding this very important hearing and for working so closely with me, to develop a legislation we introduced 2 weeks ago, the United Nations Management Personnel and Policy Reform Act of 2005, S. 1383.

It's been my pleasure to work with you, Mr. Chairman, and your staff, and to draw upon your many, many years of expertise on these matters. Your leadership on this and so many other critical international issues is greatly appreciated by all. I also want to express my appreciation to Speaker Gingrich and Senator Mitchell for the comprehensive report they have produced. Which in many

ways is a template—we have used as a template—very openly for the legislation that we developed. There's a lot of work that went into this, and we thought we got good work product out of that. We don't agree with everything, and there may be some things that you didn't address as fully as we'd like to, but it has really served as a—I think an excellent template for Senator Lugar and myself as we drafted our legislation.

This is a good report. It represents a rare bipartisan assessment of the real imperative for U.N. Reform, and it's been extremely valuable. It has made an extremely valuable contribution to the debate on U.N. Reform, and so for that we thank you and the folks who work with you.

As chairman of the Permanent Subcommittee Investigations, I have conducted a thorough investigation of the corruption for the Oil-For-Food scandal, and the management failures of the United Nations that allowed this scandal to take place. While the finding as my 16-month Oil-For-Food investigation have underscored the U.N. severe loss of credibility, on the positive side I hope that they have served to generate helpful momentum for reform that will be necessary for any meaningful changes to be implemented, we need reform to take place. America cannot be the world's sole policeman, it cannot be the almost principal provider of humanitarian aid. We will continue to do those things, but it is helpful for America to have a workable, credible, transparent, United Nations.

And I would note, Mr. Chairman, just yesterday I had an opportunity to visit with Chris Burnham who's now the Under Secretary General looking at management operations at the United Nations. I can tell you that the message has been heard. Whether folks can deliver on the message is going to be the question. The message from this report, the message from—Mr. Chairman, from your work that you have done, and the work we've done in our bill has been heard. The challenge is, can it be transformed into action.

I think the task at hand is capitalize on this unique consensus and push for change that will make the United Nations a suitable vehicle for facing the world's most daunting challenges. And I look forward to the debate and, hopefully, I look forward to real reform happening.

The CHAIRMAN. Thank you very much, Senator Coleman. And now I turn to our first panel. We are indeed fortunate to have two great friends, and two statesmen, who have meant so much to American governance in our House of Representatives, and the U.S. Senate. I'll recognize first of all, the Honorable Newt Gingrich, cochairman of the Task Force on the United Nations for the U.S. Institute for Peace. And then second, the Honorable George Mitchell, cochairman of that same task force.

And let me say gentlemen, we really do want to hear from you, and your statements will be placed in the record in full. Please give us the benefit of your wisdom. That will be true of Secretary Burns later on. This is not a meeting meant to restrict people to 5 minutes, it's to hear how you came to your conclusions and the support for your report.

Speaker Gingrich.

Mr. GINGRICH. Actually, if I might, Mr. Chairman, we've agreed that Speaker represents a rather a different part of the legislative

branch, that in this side of the building it would be far better if Senator Mitchell led off.

The CHAIRMAN. Well, a very gracious thought. And it is a delight to recognize the majority leader, Senator Mitchell.

**STATEMENT OF HON. GEORGE MITCHELL, COCHAIRMAN,
TASK FORCE ON THE UNITED NATIONS, U.S. INSTITUTE OF
PEACE, WASHINGTON, DC**

Senator MITCHELL. Mr. Chairman, thank you very much. When we appeared before the House committee I told them that, within minutes after I was elected majority leader of the Senate, I was informed by the then-Speaker of the House, that the position of Speaker is established in the Constitution but the position of Senate majority leader is not in the Constitution or any law. The implication was clear, and since then I have deferred to Speakers, present and past, and I found it to be a very wise and useful thing to do. So I'm grateful to the Speaker for yielding to me here.

Mr. Chairman, and members of the committee, it's a great honor for me to join you, many of my former colleagues in the Senate, to present the report of the Task Force on the United Nations. I commend you, Mr. Chairman, Senator Coleman, and others who have been active in this area, and encourage you to continue in your leadership on this issue.

It's a special pleasure for me to be doing this with my friend and cochair, Speaker Gingrich. We worked closely together over a period of several months, along with the other members of the task force, and many supporting experts, we have done so in good faith and in a spirit of bipartisanship.

I particularly thank the Speaker for his outstanding leadership, and his cooperation in this effort.

It was just over 7 months ago, at a time of critical importance for the United Nations, that Congress authorized the creation of a bipartisan task force to study and report on how effective the United Nations is in meeting the goals of its charter. In a very compressed timeframe, task force members and experts have produced what we believe to be a comprehensive report.

It is based on fact-finding missions by task force members, including visits to peacekeeping operations and humanitarian missions in the field, and meetings with U.N. leaders and others in Geneva and New York. The full task force met in plenary session for two all-day meetings here in Washington.

The experts who worked with task force members represent great breadth and depth of knowledge, reflecting the fact that they come from six of the Nation's leading public policy organizations. I would especially like to acknowledge and thank Lee Feinstein of the Council on Foreign Relations and William Sanders of the American Enterprise Institute for their knowledge of this subject and substantive contributions to this report. I also want to thank Dick Solomon, Gary Matthews, and Heather Sensibaugh of the U.S. Institute for Peace; they are present here today as is Rod Hills, one of the valuable and contributing members of the task force.

Mr. CHAIRMAN. We welcome these distinguished Americans.

Senator MITCHELL. Thank you, Mr. Chairman. As the report explicitly states, this is a consensus document. Twelve experienced,

knowledgeable citizens inquired, debated, discussed. We agreed on most of the issues, but not all. Obviously, each member has the right to express his or her individual views, beyond what is set forth in the report.

We have come together to do what we can to help the United Nations realize more fully the aims of its charter. Our mandate was to recommend an actionable agenda for U.N. reform. We were asked to address this subject solely from an American perspective, and we have done so.

We do not presume to speak for or to other people, but we believe that the conclusions we've reached will be similar to conclusions they reach. We have carried out this mandate in the firm belief that an effective United Nations is in American interests and, indeed, that is the first and most fundamental conclusion of our task force.

Americans have always hoped and wanted the United Nations to play a major role in the pursuit of a better world. Yet, recent events have challenged the United Nations and its members, including the United States, to adapt to dramatically different demands: The problem of failed states, catastrophic terrorism, the need for effective action to prevent genocide, and the promotion of democracy and the rule of law.

The task force concluded that reform is necessary on two levels. The first is institutional change, without which other reforms will be much more difficult to implement. Institutional reform is not a favor to the United States; it is vital to the continued integrity and vitality of the United Nations itself.

The task force notes that it undertook this effort at a time of growing consensus on the imperative for reform at the United Nations, and in light of important reports on reform by the High-Level Panel on Threats, Challenges, and Change, and the Secretary General's own report, "In Larger Freedom." The task force found that management systems common in other public and private institutions were lacking in a number of U.N. agencies and bodies we reviewed.

[EDITOR'S NOTE.—The report by U.N. Secretary General Kofi Annan, "In Larger Freedom," was too large to include in this hearing. It can be viewed at the U.N. Web site: <http://www.un.org/largerfreedom/contents.html>.]

We recommended a reform program that includes a number of elements. Among these are: An authoritative Independent Oversight Board that will have all the authority of an independent audit committee; empowerment of the Secretary General to replace top officials and the creation of an effective chief operating officer and modern personnel system; effective whistleblower protection, and ethics and disclosure standards for top officials, and, very importantly, transparency in all operations; sunset provisions for all programs and activities mandated by the General Assembly; and identification of operational programs that should be funded entirely by voluntary contributions.

With respect to peacekeeping, the task force reviewed the disturbing allegations of sexual exploitation and abuse by U.N. peacekeepers in the Congo and elsewhere. We recommended immediate

implementation of a policy of zero tolerance, better training, and other disciplinary and preventive measures.

We also recommended that the Department of Peacekeeping Operations become a more independent program with distinct rules and regulations appropriate for its operational responsibility for comprehensive peacekeeping missions.

The second kind of reform is operational. Nowhere is this more important than in crafting an effective strategy and identifying specific measures to improve the U.N.'s capacity to stop genocide, mass killings, and human rights violations, including immediate action on Darfur.

On Darfur, the task force recommended a series of immediate initiatives, for the United States, the United Nations, and others to assist the African Union in stopping the killing. Our recommendations include assembling a package of assistance for the African Union; authorization and establishment of a no-fly zone over Darfur; and a new Security Council resolution that provides a strong mandate, backed up by the forces adequate to the mission.

The task force also discussed genocide prevention more generally. One of the task force's most important conclusions, I believe, is its affirmation of every government's responsibility to protect its citizens and those within its jurisdiction from genocide, mass killing, and massive and sustained human rights violations.

We recommend that the U.S. Government call on the Security Council and General Assembly to affirm this responsibility.

The task force further agreed that in certain circumstances, and I quote from the report "a government's abnegation of its responsibilities to its own people is so severe that the collective responsibility of nations to take action cannot be denied. The United Nations Security Council can and should act in such cases. In the event the Security Council fails to act, its failure must not be used as an excuse by concerned members to avoid protective measures."

We also recommended that the Commission on Human Rights be replaced. Its reputation has suffered badly, its performance has been disastrous. It should be replaced by a new Human Rights Council, ideally composed of democracies—a proposal consonant with the Secretary General's own conclusions.

The task force devoted considerable energy and attention to the critical issue of development. Addressing the needs of the developing world is not icing on the cake. It is a key challenge for how 1 billion people in rich nations will share the planet with over 5 billion in poor countries.

The task force agreed on the importance of greatly increased support for the effort to bring developing nations out of poverty as a global priority, including government-to-government assistance, and, we emphasize, private investment, including the legal, political, and economic infrastructure that will allow such aid to be effective and investment to flourish.

The task force did not reach agreement on the details of any Security Council expansion. It did conclude, however, that any such expansion should enhance the effectiveness of the Security Council and not in any way detract from the Council's efficiency and ability to act in accordance with the charter. Task force members have dif-

fering views on this question and they are, of course, free to express them.

Speaking personally, I believe the United States should support expansion of the Security Council, with the aim of improving the Council's ability to carry out its key security and development functions—by which I mean more support for development and more capacity for peacekeeping operations. The task force discussed, and I support, an expansion with no new veto powers and no new permanent members, and with the possibility of some longer and consecutive terms. This is similar to one of the proposals advanced by the high-level panel.

Let me conclude with a few general points. Our task force agreed that reform is both desirable and feasible. But it can be accomplished only with the concerted leadership of the United States, working with the growing ranks of the world's democracies.

A successful U.S. effort will also require bipartisanship here in our own country. I believe the work of the task force, and the wide range of views it represents, is itself a demonstration of what is possible when people of differing views come together in good faith to chart a course for the common benefit of the Nation.

Let me close again by thanking the chairman, Senator Biden, and all the members of the committee. I commend you, Mr. Chairman, for your years of service and leadership and, especially, the bipartisanship this committee has demonstrated despite the many challenges you face.

I am now pleased to yield to my friend and colleague, Speaker Gingrich.

[The prepared statement of Senator Mitchell follows:]

PREPARED STATEMENT OF HON. GEORGE MITCHELL, COCHAIRMAN, TASK FORCE ON THE UNITED NATIONS, U.S. INSTITUTE OF PEACE, WASHINGTON, DC

Chairman Lugar, Senator Biden, distinguished members of the committee, it is an honor to join my former colleagues in the Senate to present the report of the Task Force on the United Nations.

It is a particular pleasure to be doing this with my friend and cochair, Newt Gingrich. We have worked closely together over a period of 6 months, along with the other members of the task force, and we have done so in good faith and in a spirit of bipartisanship.

Just over 7 months ago, at a time of critical importance for the United Nations, Congress authorized the creation of a bipartisan task force to study how effective the United Nations was meeting the goals of its charter.

In a very compressed timeframe, task force members and experts have produced a very comprehensive report.

The report is based on factfinding missions by task force members, including visits to peacekeeping operations and humanitarian missions in the field, and meetings with the U.N. leadership in Geneva and New York. The full task force also met in plenary session for two all-day sessions in Washington.

The experts who worked with task force members represent great breadth and depth of knowledge, reflecting the fact that they come from six of the Nation's leading public organizations: the American Enterprise Institute, the Brookings Institution, the Center for Strategic and International Studies, the Council on Foreign Relations, the Heritage Foundation, and the Hoover Institution. I would especially like to acknowledge and thank Lee Feinstein of the Council on Foreign Relations and William Sanders of the American Enterprise Institute for their knowledge of this subject and substantive contributions to this report.

As the report states, this is a consensus document. Twelve experienced, knowledgeable citizens inquired, debated, discussed. We agreed on most of the issues but not all. Obviously, each member has the right to express his or her individual views, beyond what is not set forth in the report.

We have come together to do what we can to help the United Nations realize more fully the aims of its charter. Our mandate was to recommend an actionable agenda for U.N. reform.

We were asked to address this subject solely from an American perspective, and we have done so.

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Americans have always hoped and wanted the United Nations to play a major role in the pursuit of a better world.

Yet, recent events have challenged the United Nations and its members, including the United States, to adapt to dramatically different demands: The problem of failed states, catastrophic terrorism, the need for effective action to prevent genocide, and the promotion of democracy and the rule of law.

The task force concluded that reform is necessary on two levels. The first is institutional change, without which other reforms will be much more difficult to implement. Institutional reform is not a favor to the United States; it is vital to the continued integrity and vitality of the United Nations itself.

In this regard, the task force notes that it undertakes this effort at a time of growing consensus on the imperative for reform at the United Nations, and in light of important reports on reform by the High-Level Panel on Threats, Challenges, and Change, and the Secretary General's own report, "In Larger Freedom."

The task force found that management systems that are common in other public and private institutions were lacking in a number of U.N. agencies and bodies we reviewed.

We recommended a reform program that includes a number of elements. Among these are:

- An authoritative Independent Oversight Board that will have all the authority of an independent audit committee;
- Empowerment of the Secretary General to replace top officials and the creation of an effective Chief Operating Officer and modern personnel system;
- Effective whistleblower protection, and ethics and disclosure standards for top officials, and transparency.
- Sunset provisions for all programs and activities mandated by the General Assembly; and
- Identification of operational programs that should be funded entirely by voluntary contributions.

With respect to peacekeeping, the task force reviewed the disturbing allegations of sexual exploitation and abuse by U.N. peacekeepers in the Congo and elsewhere. We recommended immediate implementation of a policy of zero tolerance, better training, and other disciplinary and preventive measures.

We also recommended that the Department of Peacekeeping Operations (DPKO) become a more independent program with distinct rules and regulations appropriate for its operational responsibility for comprehensive peacekeeping missions.

The second kind of reform is operational. Nowhere is this more important than in crafting an effective strategy and identifying specific measures to improve the U.N.'s capacity to stop genocide, mass killings, and human rights violations, including immediate action on Darfur.

On Darfur, the task force recommended a series of immediate initiatives for the United States, the United Nations, and others to assist the African Union in stopping the killing. Our recommendations include assembling a package of assistance for the African Union; authorization and establishment of a no-fly zone over Darfur; and a new Security Council resolution that provides a strong mandate, backed up by the forces adequate to the mission.

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We recommend that the U.S. Government call on the Security Council and General Assembly to affirm this responsibility.

The task force further agreed that in certain circumstances, "a government's abnegation of its responsibilities to its own people is so severe that the collective responsibility of nations to take action cannot be denied. The United Nations Security Council can and should act in such cases. In the event the Security Council fails to act, its failure must not be used as an excuse by concerned members to avoid protective measures."

We also made recommendations to replace the Commission on Human Rights, whose reputation has suffered badly, with a new Human Rights Council, ideally comprised of democracies—a proposal consonant with the Secretary General's own conclusions.

DEVELOPMENT

The task force devoted considerable energy and attention to the critical issue of development. Addressing the needs of the developing world is not icing on the cake. It is a key challenge for how 1 billion people in rich nations will share the planet with over 5 billion in poor countries.

The task force agreed on the importance of greatly increased support for the effort to bring developing nations out of poverty as a global priority, including government-to-government assistance, and private investment, including the legal, political, and economic infrastructure that will allow such aid and investment to flourish.

SECURITY COUNCIL EXPANSION

The task force did not reach agreement on the details of any Security Council expansion.

It did conclude, however, that any such expansion should enhance the effectiveness of the Security Council and not in any way detract from the Council's efficiency and ability to act in accordance with the charter.

Task force members have differing views on this question and they are, of course, free to express them.

Speaking personally, I believe the United States should support expansion of the Security Council, with the aim of improving the Council's ability to carry out its key security and development functions—by which I mean more support for development and more capacity for peacekeeping operations. The task force discussed, and I support, an expansion with no new veto powers and no new permanent members, and with the possibility of some longer and consecutive terms. This is similar to one of the proposals advanced by the high-level panel.

REFORM REQUIRES LEADERSHIP

Let me conclude with a few general points. Our task force agreed that reform is both desirable and feasible. But it can be accomplished only with the concerted leadership of the United States, working with the growing ranks of the world's democracies.

A successful U.S. effort will also require bipartisanship at home.

I believe the work of the task force, and the wide range of views it represents, is itself a demonstration of what is possible when people of differing views come together in good faith to chart a course for the common benefit of the nation.

Let me close again by thanking the chairman, the ranking member, and the entire committee. I commend your years of service and leadership and, especially, the bipartisanship this committee has demonstrated despite the many challenges you face.

The CHAIRMAN. Well, thank you very much, Senator Mitchell, and it's a pleasure now to welcome Speaker Gingrich. Let me mention, as a bit of housekeeping, that it's probable that a rolicall vote will soon be called on the Senate floor. My thought would be that we would have the statement of Mr. Gingrich, and then we will see whether it is feasible to commence the questioning, or whether we should take a short recess while members vote so that we can all hear the questions and answers.

Speaker Gingrich.

STATEMENT OF HON. NEWT GINGRICH, COCHAIRMAN, TASK FORCE ON THE UNITED NATIONS, U.S. INSTITUTE OF PEACE, WASHINGTON, DC

Mr. GINGRICH. Well, thank you, Mr. Chairman, and I do want to thank you and the committee for having us here today, and I want to also commend both you and Senator Coleman for the leadership each of you has shown in tackling these questions. I'm going to try

to be directly responsive to your earlier injunction. I have submitted for the record a statement. And I join Senator Mitchell in thanking all of the leadership of the U.S. Institute of Peace. And, in addition, thanking Lee Feinstein, and Commander Bill Sanders, and also I'd like to add Vince Haley. They've done immense work to make this possible. And I also want to commend the members of the task force. When we were first gathered together initially at Chairman Frank Wolfe's recommendation. I think it's been the quality of the investment by individuals on the task force that made our work possible.

Finally, I want to note the importance of your committee and this hearing, on the fact Under Secretary Burns is here and I reviewed his testimony and am very gratified by the degree which the administration is taking seriously our work. I want to, in a sense, work backward. We have a number of major conclusions, but I want to start with the one that I know you find the most perplexing, as I did when I was in the House. And that is, what is the legislative branch's legitimate interest and how does it gain—exercise leverage over the executive branch in our very complicated constitutional system. I raise that because I think there are significant questions about how do we monitor and encourage the executive branch to place priorities that may be different than it would reach on its own. That's part of the constitutional tension we have.

I would only make two observations about that in the beginning and that is, first, that we have a rare opportunity over the next few years to make reform of the United Nations a continuing project. While the September meeting is important and we'll get a fair amount done in September, I don't believe we can actually expect to have a truly reformed United Nations, unless the United States shows a consistency of commitment, a level of working with the other democracies, and a seriousness of purpose which, all too often, has been lacking because the United States has many interests and has many concerns. And, somehow, things as mundane as reforming the U.N. personnel system kind of drift away until the next scandal shows up, and then we go back and decry it, and we're back in the same cycle.

I do think there is a middle ground between compulsory withholding of U.S. dues and automatically accepting whatever happens in New York or Geneva, and I would commend this committee, as you've already begun with the Lugar-Coleman bill, to look for common ground which, frankly, should be one I would hope that would make the executive branch a little uncomfortable by requiring a level of annual reporting and a level of certification in order to get the money. And I would also remind the executive branch that the Congress always has the legitimate right, every year, to reconsider appropriate appropriation levels. And I say that because I think the U.N. bureaucracy and the 120-some countries who collectively pay less than 1 percent of all U.N. dues have to be reminded that a free people do reserve some standards to set on whether or not reforms have occurred.

Let me just start and say, I have seven key points I want to make, and I'll try to make them very quickly.

The first is, the United Nations has to be reformed for its own good. I particularly commend the work that Rod Hills and Ed

Fuelner did on the management side of U.N. reform, but the personnel system is an embarrassment. They have been trying for 2 years to fire somebody who was implicated in the Rwanda massacres, and the personnel system is so cumbersome they can't fire him. Now there is something profoundly wrong when you can't, in any way, recognize merit or minimize demerit if you will.

And so, first, I think we have to recognize that the United Nations has very serious internal reforms that lead to transparency. It has to bother everyone. When the Secretary General's Chief of Staff shreds documents for 7 months, after having sent a memo saying, don't shred any documents. And if there's no accountability and no transparency, I think it's very difficult to explain to the American people why we should be making the level of investment we're making.

Second, and I think here we're getting almost universal agreement. The U.N. Human Rights Commission has to be abolished, and replaced by a new organization that has standards for membership. It has been an embarrassment to have the dictatorships and the murders take over the Human Rights Commission and, basically, use it as a shield for their behavior. Sudan has been elected to the Human Rights Commission for 2 years in a row, while being investigated for genocide. It's clearly an agency that can't continue to survive, and I commend the testimony you'll hear from Secretary Burns, I think it's very important that we find a way to set a standard for a relatively small limited group that replaces the Human Rights Commission and that actually has standards for democracy and the rule of law as part of the process of being elected to that group.

Third, I think that there has to be notice taken of the stunning level of consistent United Nations hostility toward Israel. Just in the last week, UNESCO's engaged in an annual dance of attacking Israel at the very time when there's serious effort underway to try to find grounds for peace between the Palestinian people and Israel. At a very time when the Israeli Government is trying to withdraw from Gaza and is faced with a tax against Israeli civilians by terrorists. There's something profoundly wrong and it's symptomatic of the underlying weaknesses of the United Nations. That Israel is consistently singled out for attention, far more attention than Sudan gets for massacring several million people, far more attention than other countries have gotten for similar kind of problems.

And I think the United States should be working with other democracies to establish a balance in the United Nations approach to Israel, and to end the discriminations against Israeli activities in the United Nations.

Fourth, I think we have to recognize that there are inherent limitations in a universal body. It is good to have a place where as Churchill once said: "Jaw, jaw, jaw, is better than war, war, war." And it's good to have a universal institution. But the fact is, that means there are people at the table who don't share our values, don't share our beliefs, don't use language in the same way. When, for example, the Chinese can be eliminating the word democracy from Internet application and can have people warned if they use

the word democracy in their e-mails, clearly the Chinese don't approach freedom of speech with the same pattern we do.

It's clearly impossible to consider most of the dictatorships on the planet as approaching the rule of law the same way we do, and so I think it's useful for the United States to recognize that the United Nations is an important, but a limited body, and that there are times and places when we may have to organize in other ways. And our task force was quite clear about this. That the United States always retains the opportunity to work through regional bodies, to work through organizations of democracy, to do whatever is necessary around the United Nations on those occasions when the nature of the United Nations makes it impossible for it to be effective.

Along that line, fifth. We had very serious discussions in the task force and concluded that we strongly wanted to advocate a responsibility to protect. That every government should be put on notice that the genocidal and murderous behavior against its own citizens would, in effect, limit the protection of sovereignty. We clearly recognize that there are criminal regimes and that there are times when, ideally, the United Nations will take steps against those criminal regimes. But if for political reasons the security council can't take those steps, that we believe that regional bodies, or ad hoc groups, or coalitions of the willing, that there are a variety of levels, each of them of decreasing desirability but they may be made necessary if the United Nations can't operate.

And we want—we tried to make very clear in our report that sometimes the United Nations gets blamed for things that are clearly its members'. It is China, in particular, that has blocked R-4, largely for oil interests that China has with almost \$6 billion dollars of investment in Sudan. There were times when Russia was blocking activities to save lives in the Balkans, largely for traditional, military reasons.

The United States, itself, has at times been very hesitant about doing the right things for reasons relating to domestic politics. So we believe that the United Nations is an important place, and a place where often you want to start, but we don't think the responsibility to protect be allowed to wither because the Security Council turns out to be impotent and we quite specifically said there are times when working through regional bodies or working through coalitions of the willing may be necessary.

Sixth, we think that a great deal of economic development is a function of the rule of law, of private property, and of security. And that while the United States has joined in considerable leadership on the issue of economic aid, we think that economic aid is only as effective as the recipient governments are prepared to reform themselves and modernize themselves and that a substantial part of that burden has to be on the recipient country.

And finally, we come back again, and again, in our task force report to the notion that the United States has to work with, and organize the other democracies. For reform to truly be effective it can't be an American-only product. We think that there's a great opportunity through the G-7, and a great opportunity through other organizations of democracies, for the United States to consistently help move the United Nations toward being more representa-

tive of the rights of the entire human race, rather than representative only of the interest of sovereign governments, many of whom are dictatorships.

And we urge the committee, as it considers legislation to look both at ways to help focus the executive branch on a routine regular commitment to reform over a number of years, and on executing a large part of that commitment to reform by helping organize and develop a caucus of democracies, in ways that will draw a clear distinction between dictators who have the right to belong to the United Nations but don't have the right to render judgment on issues like human rights.

And between governments which have sovereignty under international law, but run the risk of losing that protection if, in fact, they engage in criminal behaviors and fail in the responsibility to protect their own citizens. And we look forward very much to a chance to answer questions from your committee.

[The prepared statement of Mr. Gingrich follows:]

PREPARED STATEMENT OF HON. NEWT GINGRICH, COCHAIRMAN, TASK FORCE ON THE UNITED NATIONS, U.S. INSTITUTE OF PEACE, WASHINGTON, DC

Chairman Lugar, Ranking Member Biden, and members of the committee, I appreciate the opportunity to testify today, along with Senator Mitchell, on the consensus findings of the Task Force on U.N. Reform, which was mandated and funded by Congress.

I agreed to participate and cochair this Task Force on U.N. Reform with my friend, Senator Mitchell, because I share the belief that a dramatically reformed U.N. can be an effective instrument in the pursuit of a safer, healthier, more prosperous, and freer world—all goals which serve American interests and the interests of our democratic allies.

As the largest stakeholder in the U.N., the American taxpayer has every right to expect an institution that is at once effective, honest, and decent. That United Nations—a very different body from the one that stands today in New York—could be a valuable instrument to promote democratic political development, human rights, economic self-sufficiency, and the peaceful settlement of differences.

Before I go on, I would like to stress that this report is the product of serious negotiation. We got here because of a firm integrity and commitment to hammering out a consensus document. There are people on the right, including myself, who might have said other things in a different setting. Accordingly, there are people on the left who might have said other things in a different setting. Nevertheless, we were able to come together in a very positive way to provide leadership and put forth a set of recommendations to show how, with the right kinds of reform, the U.N. can become an effective institution.

THREE GUIDING PRINCIPLES

However, American efforts to reform the U.N. should always be conditioned on three principles.

First, that telling the truth and standing up for basic principles is more important than winning meaningless votes or conciliating dictators and opponents. It is time to end the appeasement strategy of a soft diplomacy which fails to insist on honesty. Telling the truth is only confrontational to those whose policies cannot stand the light of day.

Second, all reform proposals should emphasize what is right and necessary, not what is easy and acceptable. In any given session the United States may only win a few victories. However in every session the United States should proudly affirm the truth and fight for principles that matter. Ambassadors Moynihan, Kirkpatrick, and Pickering were exemplars of this kind of direct tough minded principled advocacy. The repeal of the infamous "Zionism is Racism" resolution in 1991 was an example of courageously doing what was right rather than doing what was comfortable. The time for appeasing the vicious, the dictatorial, the brutal, and the corrupt has to be over.

Third, the members of the U.N. must be made to understand that the United States wants to reform the U.N. and is committed to doing all it can to achieve that reform. However, the problems there are so deep, in order that they might be fixed,

we must confront roadblocks put up by dictators and other entrenched interests who will want to defend the status quo and reject reform.

Failure, while not desirable, can be an option for the United Nations. It cannot be one for the United States. There must be effective multilateral instruments for saving lives and defending innocent people, and we should be prepared to explore other avenues for effective action if the U.N. refuses to reform itself. America can never be trapped by the unwillingness of others to do the right thing.

FIVE THEMES

This statement does not address the details of the task force findings, but rather stresses five themes which personally think that the Congress should keep in mind as it considers the future relationship of the United States with the United Nations.

1. An unacceptable gap exists between the ideals of the U.N. Charter and the institution that exists today

By any reasonable measure, it is fair to say that there exists an unacceptable gap between the ideals of the U.N. Charter and the institution that exists today.

Today, notwithstanding the charter's goals, the civilized world is in the fourth year of a new global war against a committed ideological foe bent on using terror. Thousands of innocents have been murdered and maimed in New York, Washington, London, Madrid, Beslan, Bali, Jerusalem, Baghdad, Istanbul, and many other cities. The terrorist Ayman Al-Zawahiri is explicit about al-Qaeda's "right to kill 4 million Americans—2 million of them children—and to exile twice as many and wound and cripple hundreds of thousands."

And yet, 4 years after 9/11, the U.N. General Assembly still has not reached agreement upon something as basic to the war on terror as a comprehensive definition of terrorism.

At the same time, genocide continues unstopped in Darfur 10 years after the world vowed that Rwanda would be the last genocide.

Our faith in the U.N.'s fealty to fundamental human rights is once again shaken, not only by the egregious paralysis by the U.N. in the wake of mass killings in the Balkans, Rwanda, and Sudan but also by the existence of a 53-member U.N. Human Rights Commission whose process for membership selection has become so distorted that countries with appalling, even monstrous, human rights records—Sudan, Syria, Zimbabwe, Libya, and Cuba, to name a few—have been seated there. This has led to a substantive failure to hold many nations accountable for abysmal human rights records.

Also, an insidious dishonesty can be found in the Oil-for-Food scandal, the rapes and sexual abuses by U.N. peacekeepers of the very people they were sent to protect, and the consistent failure to admit failure and assign responsibility within the senior bureaucracy.

Without very substantial reform, there is little reason to believe the U.N. will be able to realize the goals of its charter in the future. Indeed, the culture of hypocrisy and dishonesty which has surrounded so many U.N. activities makes it very likely that the system will get steadily worse if it is not confronted and substantially reformed. Without fundamental reform, the U.N.'s reputation will only suffer further, reinforcing incentives to bypass the U.N. in favor of other institutions, coalitions, or self-help.

2. The United States has significant national interests in an effective United Nations

Notwithstanding these and other failures, the United States has a significant national interest in working to reform the U.N. and making it an effective institution.

The United States took the lead after World War II in establishing the U.N. as part of a network of global institutions aimed at making America more secure. It was intended to serve as, in the words of Franklin Delano Roosevelt, a "Good Neighbor," by helping other people achieve safety, health, prosperity, and freedom. It was that generation's belief that a freer and more prosperous world was a better world for America.

Today, a freer and more prosperous world most certainly remains a fundamental interest of the United States. We believe that if it undertakes the sweeping reforms called for in the task force report, the U.N. will be in a much better position to be a "Good Neighbor" to help all nations achieve a larger freedom.

Three generations of Americans have demonstrated not only a strong preference for sharing the costs, risks, and burdens of global leadership, but also an acute recognition that action in coordination and cooperation with others is often the only way to get the job done.

Perhaps there is no more important illustration of this practical recognition than in the security challenge facing the United States and the rest of the world from our terrorist enemies and the proliferation of weapons of mass destruction (WMD).

The current proliferation trends are alarming. North Korea continues to enhance its nuclear capabilities. Iran is building a uranium enrichment facility that could be used to produce fissile material for nuclear weapons. Pakistan has nuclear weapons and we now know that one of their leading scientists has provided critical equipment and technologies to Iran, North Korea, Libya, and perhaps other countries or terrorist organizations. Even worse, Pakistan's internal stability is constantly in question. If fundamentalist Islamists were able to take control of that country and their nuclear arsenal, the potential threat that would emerge is unimaginable.

As protecting America and preserving freedom are this Government's primary missions, I agree with the fundamental conclusion of this task force that countering terrorism and proliferation effectively is significantly enhanced by broad international participation, which can be greatly facilitated by an effective United Nations.

In addition, if it works, the U.N. can be an effective cost multiplier that can help achieve humanitarian aims in places where nations might be unacceptable and in ways which enable the United States to have other countries bear more of the burden than they would in a purely ad hoc world.

For all these reasons and despite its record of grievous and real failures, the U.N. is a system worth reforming rather than a system to be abandoned.

3. The U.N. Human Rights Commission must be abolished

The task force's consensus recommendation to abolish the U.N. Human Rights Commission is of paramount importance.

We are all well aware of the U.N.'s and the international community's failures in Rwanda in 1994 and in Sudan today.

The U.N.'s response to the crisis in Sudan is a shocking example of its current institutional failures. For over two decades the Government of Sudan has been an active participant in the genocide of its non-Muslim population. Since 1983, the government in Khartoum has been responsible for the killing of over 2 million Christians and animists and the displacement of 4 million more during the "jihad" it waged in southern Sudan. According to the U.N.'s own calculations, recent violence in the Darfur region has resulted in the killing of at least 70,000 people and the internal displacement of over 1.5 million civilians. Some analysts are estimating, however, that the true death toll could be four or five times higher.

Despite these facts, the U.N. and member states have done virtually nothing to stop it. Indeed, there has been a consistent effort to describe the mass murders dishonestly because an honest account would require measures that many member states want to avoid. Former Secretary of State Powell concluded that genocide has been, and continues to be, committed in Sudan and that the government bears responsibility.

Failure to deal with genocide around the world and the continued inability to address honestly the situation in Sudan is a problem that has its roots in the internal institutions of the U.N., specifically the Human Rights Commission, which has been corrupted by political games that have allowed some of the world's worst human rights abusers to sit in judgment of others—and to shield themselves from criticism.

The plain and simple facts are that known human rights abusers have served on the U.N. Human Rights Commission, illustrated by the fact that today the Government of Sudan is currently serving its second term on the Commission. In 2003, Libya was elected to chair the Commission by a bloc of African and Middle East nations. Between 1987 and 1988 Iraq was a member in good standing of the Commission at the very time that Chemical Ali was using mustard gas and Sarin nerve agents upon Iraqi Kurds.

Current U.N. policy is that the human rights records of the 53 countries that sit on the Commission may not be assessed as a prerequisite to serving on the panel, which means there is no mechanism to protect the Commission from being manipulated by governments that routinely abuse human rights.

In effect, the dictators and the murderers have systematically come to dominate the institution designed to bring them to justice.

This policy completely undermines the integrity and decency of the entire U.N. and should be offensive to free peoples everywhere. Even Secretary General Annan recognizes that "we have reached a point at which the Commission's declining credibility has cast a shadow on the reputation of the U.N. system as a whole and where perceived reforms will not be enough."

It is for these reasons that the task force has unanimously called for abolishing the current Human Rights Commission and replacing it with a new Human Rights Council.

The task force recognizes that it would be folly to abolish the Commission only to have it replaced with a new body with a new name but which would suffer from the same inherent flaws; nations that are human rights violators cannot have the responsibility to set the standard for global justice.

Therefore, it was the consensus of the task force that a new Human Rights Council must be established that should be comprised of democracies. Democracy is, by its nature, transparent, accountable, and committed to freedom and liberty. Totalitarian regimes are, in contrast, not. Therefore, what we have said is that only those who have demonstrated their own commitment to human rights and the rule of law should be assigned the responsibility to tell the world truths about governments that rape, torture, and murder their citizens.

4. Any U.N. reform program supported by the United States must insist on a fundamental change in the way the U.N. treats Israel

A true test of whether there is meaningful U.N. reform is whether there is a dramatic reform of the way that the U.N. treats Israel.

A U.N. General Assembly partition plan resolution in 1947 made the establishment of Israel possible, but since that time the U.N. has treated Israel as a second-class citizen. In many ways the U.N.'s treatment of Israel is a continuing case study of political manipulation, mistreatment, and dishonesty.

As stated in our report, "Israel continues to be denied rights enjoyed by all other member states, and a level of systematic hostility against it is routinely expressed, organized, and funded within the U.N. system." Ever since Israel's establishment, member states who have been fundamentally opposed to its existence have used the General Assembly forum to isolate and chastise this democratic nation. At the opening session each year these nations challenge the credentials of the Israeli delegation.

More than one quarter of the resolutions condemning a state's human rights violations adopted by the Human Rights Commission over the past 40 years have been directed at Israel. Israel is the only nation to have its own agenda item dealing with alleged human rights violations at the Commission in Geneva; all other countries are dealt with in a separate agenda item. This systematic hostility against Israel can also be gleaned from the fact that of the 10 emergency special sessions called by the U.N. since its founding, 6 have been about Israel. In contrast, none has been called to address the genocide in Rwanda, the former Yugoslavia, or the continuing atrocities in Sudan.

The most vivid historical example of Israel's mistreatment by the U.N. goes back to 1975, when the General Assembly passed Resolution 3379 on the anniversary of Kristallnacht. This resolution declared that "Zionism is a form of racism and racial discrimination . . . [and] is a threat to world peace and security" and was meant to deny Israel's political legitimacy by attacking its moral basis for existence. It was only repealed in December 1991, following tireless efforts by the U.S. Government, particularly President Bush, Secretary Baker, and Ambassador Pickering. Its mere existence however, shows how the General Assembly has often become a "theatre" for bashing Israel.

The U.N. continues to provide a theatre for this sort of behavior. Just last week the U.N. sponsored an annual Israel bashing meeting at the UNESCO headquarters in Paris. The meeting, organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, adopted an "Action Plan by Civil Society" calling for a global campaign of boycotts, divestment, and sanctions against Israel to "pressure [it] to end the occupation." Israel's plan to disengage from the Gaza Strip was described as "a ploy to legitimize Israel's annexation of wide swathes of territory in the West Bank." This meeting took place despite the fact that the U.N. Secretary General has recently made several statements regarding the fair treatment of Israel as an important component of U.N. reform. Nevertheless, this is one more example of the ongoing mistreatment of Israel and the U.N.'s one-sided approach to the Middle East conflict. The U.S. taxpayer should not be subsidizing a one-sided anti-Semitic assault on the survival of the only true democracy in the region other than Turkey. A genuine commitment to reform would require abolishing this sort of U.N. machinery whose only purpose is to demonize Israel.

U.N. member states must recognize that the terrorists and the state sponsors of terrorism against the State of Israel are of the same evil nature and pose the same threat to the civilized world as the terrorists who murdered innocent civilians in London, Madrid, New York, and Washington, and who continue their attacks on the innocent in Baghdad. The first U.N. Chapter VII sanctions for terrorist acts were

against Libya in 1992. This success has been a model for subsequent responses to the Taliban and al-Qaeda since 9/11. Certain U.N. members have, however, been unwilling to support these actions against nations such as Syria and Iran who support and fund terrorist activities against Israel. These member states have found it easier to promote an anti-Israel stance that makes the U.N.'s response to terrorist attacks against the Israeli people inconsistent and ineffective.

This is why the U.N. must adopt a comprehensive definition of terrorism that is not manipulated by the very members who are themselves supporting terrorism. As the task force recommends, a comprehensive definition of terrorism should not be applied to the actions of uniformed national military forces (which are already bound by the laws of war), but to the actions of individuals or irregular organizations. Many member states have tried to derail this process by insisting that any actions in the context of "wars of national liberation" and the ejection of "occupying forces" by such individuals and irregular organizations should not be considered terrorism. Such a definition would be unacceptable, as its effect would be to legitimize terrorist attacks against coalition forces in Iraq and Afghanistan as well as against Israel.

We also made clear in this report that the U.N. cannot presume to be the arbiter of international human rights and justice when Israel is discriminated against and excluded from any regional grouping in Geneva and excluded from a permanent regional grouping in New York. Although the U.N. Charter gives every member state the right to be elected a member of the Security Council, Israel's segregation from a permanent regional grouping has denied them the right to seek a seat. It also means that an Israeli judge can never be elected to the International Court of Justice, nor can Israel even vote on the makeup of this court.

Also, while the task force did not develop any specific recommendations regarding structural reforms of the Security Council, it did state that any reforms measures that are adopted must extend to Israel. There is no legitimate basis for allowing rogue dictatorships, such as Syria, to sit on the Security Council while denying representation to a 50-year-old democracy in the heart of the Middle East.

Accepting Israel as a normal member with full voting and participatory rights should be considered a benchmark test of any U.N. reform program. This would demonstrate that the U.N. is genuinely committed to the equality of rights that are enshrined in its charter.

5. A U.N. with no democratic preconditions for membership will always have inherent limitations that are not subject to reform

Because the U.N. has no democratic preconditions for membership, we must recognize that there are limits to America's ability to render the U.N. infrastructure and its decisions compatible with American values and interests through any reform initiative. There are inherent limitations of the U.N. that are not subject to "reform."

The United States of America is a liberal democratic nation state (as are our principle allies). Our form of government is based on the principle of "government by consent of the governed." In other words, it is based on the principle of "democratic sovereignty." This is the principle that a democratic people have the right of self-government—the right to rule themselves. And as first set forth in our Declaration of Independence, we have held this to be true not only for the American people, but for all peoples.

In this regard, it is only necessary to note that the first seven words of our Constitution—We the People of the United States—accurately reflect our founding belief that governments derive "their just powers from the consent of the governed" and the fact that the sovereign will of the people of the United States was expressed in the Constitution itself and in our ongoing system of government created by it.

By contrast, the first seven words of the U.N. Charter—We the Peoples of the U.N.—are only accurate as they apply to its democratic members. The peoples of countries like Cuba, Zimbabwe, Sudan, Iran, and North Korea, to name a few examples, have no say in what their governments do in their name, especially in the United Nations. Countries in which criminal gangs and ruthless dictators impose their will without the consent of the people are inherently less defensible and morally less sovereign than countries which have earned the respect of their citizens by deriving their just powers from the consent of their people.

Americans can hardly be surprised then when such member states attempt to block U.N. action that would hold them accountable for violations of human rights or organize through the General Assembly highly publicized meetings such as the 2001 U.N. World Conference against Racism in Durban, where illiberal and undemocratic interests prevailed.

Any international organization in which a majority of its members are not full-fledged democracies, and which provides a platform to divide democracies by facilitating coalitions with undemocratic states in an effort to trump the United States—even democratic states often will sacrifice fundamental interests such as human rights at the U.N. altars of false consensus and regional solidarity—will likely remain an imperfect instrument in adjudging and protecting human rights fairly and accurately. It will also remain an imperfect instrument in spreading democracy to the darkest places in the globe and combating terrorism and nuclear proliferation or the major threats to the security interests of the United States (and our democratic allies).

This ongoing reality that the U.N. is a mix of democratic and undemocratic states explains why a primary conclusion of the task force is that the challenges and problems faced by the U.N. can only be addressed through consistent and concerted action by the world's genuine democracies, which is why the task force recommends strengthening the Caucus of Democracies as an operational entity capable of organizing concerted political action to counter gross violations of human rights and to save lives and creating or strengthening alternative channels of influence outside the institution, such as the Community of Democracies.

Additionally, I would personally add that the United States should explicitly affirm the principle of “democratic sovereignty” as a core universal principle in all international and global relations, and as central to the administration of the United Nations. The only institution that possesses democratic legitimacy in today's world is the liberal democratic nation state. Clearly, democratic legitimacy is not possessed by the United Nations, international organizations, and nongovernmental organizations (NGOs).¹ All of these institutions have what is often called a “democracy deficit.” None of these institutions is accountable or responsible to a democratic electorate, genuine democratic institutions, or the give and take of national democratic politics. These NGOs and institutions taken together do not represent something called “global civil society” or “global governance,” amorphous concepts that purposely blur the constitutional limits and democratic accountability of actors within the liberal democratic nation state.

Clearly, none of these institutions (the United Nations, international organizations, or NGOs) has the democratic legitimacy to impose decisions upon a liberal democratic nation state without the consent of the people of that democratic state.

Therefore, a coalition of genuine democratic nation states led by the United States can explicitly and consistently reject any effort by the General Assembly, in special conferences and meetings, and in any U.N. Organization to adopt rules, treaties, and systems which would infringe on American constitutional liberties or democratic institutions, or the constitutional liberties or democratic institutions of other liberal democratic nation states.

A coalition of genuine democratic nation states led by the United States can explicitly and consistently reject a growing undemocratic international movement that seeks to create a system of rules, and “laws” which will circumscribe American liberty and coerce America into taking steps which the people of America would never take. The use of large international meetings (sometimes under U.N. authority) to create new systems of “law” and new “norms” of international behavior, often advanced under the guise of “global governance,” are a direct threat to the American system of constitutional liberty and must be rejected.

This is not a narrow, or a partisan concern for a few—but a constitutional concern for all Americans. U.N. treaties are often vague; open to wide interpretation; and subject to considerable mischief. The Senate could approve well-meaning general principles in a U.N. treaty that are interpreted in ways that the Senate did not intend. For example, the U.S. Senate has ratified the CERD (Convention to Eliminate all Forms of Racial Discrimination) Treaty emanating from the United Nations. The United States added reservations stating that the “hate speech” provisions in the CERD are subordinate to our free speech rights under the first amendment.

Nevertheless, some NGOs, international bureaucrats, law professors, and even judges, are arguing that the CERD Treaty requires that the U.S. Government do all sort of things that have not been approved by Congress, including implementing

¹ While NGOs were not a subject addressed in the task force report, the Congress should recognize that NGOs are a growing and unregulated set of special interests and are playing important roles inside the U.N. bodies in which they are accredited, often by procedures highly discriminatory to promarket, prodemocracy ideals. They are not unaccountable to anyone. Incredibly, NGOs are also beginning to make decisions in the place of sovereign governments. At the recent Review Conference of the Non-Proliferation Treaty, an NGO representative was seated in the place of a certain Central Asian nation. Consequently, rules governing the participation of NGOs in the U.N., their accreditation and transparency for those allowed through the door are a vital requirement for any meaningful U.N. reform.

speech restrictions. In monitoring U.S. compliance with international treaties, U.N. rapporteurs under the guise of U.N. treaty requirements, and in the name of “global governance,” often advocate the implementation of policies that challenge both the legislative authority of the Congress and the federalist prerogatives of the states under our constitutional system. This is new territory and legal reasoning of this type is being heard in arguments over U.N. treaty after U.N. treaty.

Surely all Americans could agree with the principle that: “If there is a conflict between U.S. constitutional law and international law derived from the Senate’s decision to ratify a U.N. treaty or convention, U.S. constitutional law must take precedence in all cases.” No one who believes in the supremacy of the U.S. Constitution can oppose this simple statement.

A COALITION OF GENUINE DEMOCRACIES MUST WORK TOGETHER TO REFORM THE UNITED NATIONS

Effective and deep reform will result if there is a coalition of genuine democracies, the United States chief among them, that want to create a new accountable, transparent, honest, and effective United Nations.

Because so much of the U.N. behavior and culture would be indefensible if described honestly, there is an overwhelming tendency to use platitudes and misleading terms to camouflage the indefensible. There is no institution on earth with more Orwellian distortion of language than the United Nations. The very dishonesty of the language helps sustain the dishonesty and destructiveness of its institutions. A coalition of genuine democracies with representatives willing to speak straightforwardly can do much to reform these institutions by simply telling the truth.

A coalition of genuine democracies can affirm what the task force calls on the U.S. Government to affirm, that sovereignty belongs to the people of a country and governments have a responsibility to protect their people. And that if a government fails in its primary responsibility to protect the lives of those living within its jurisdiction from genocide, mass killing, and massive and sustained human rights violations, it forfeits claims to immunity from intervention when such intervention is designed to protect the at-risk population.

Likewise, a coalition of genuine democracies can affirm that when a government’s abnegation of its responsibilities to its own people is so severe, the collective responsibility of nations to take action cannot be denied. While the U.N. Security Council can and should act in such cases, in the event it does not, its failure must not be used as an excuse by concerned members, especially genuine democracies, to avoid taking protective measures.

A coalition of genuine democracies can help to reaffirm a fundamental faith in human rights, which is why the task force recommends abolishing the Human Rights Commission and replacing it by a new Human Rights Council ideally composed of democratic states that respect human rights.

A coalition of genuine democracies can move to replace the emphasis on bureaucratic and often corrupt state-to-state aid programs with a consistent emphasis on the rule of law, private property rights, incentives for private investment in and trade with developing countries, private charities and supporting the growth of a civil society beyond the control of dictators and bureaucracies.

A coalition of genuine democracies can explicitly and consistently reject a growing antidemocratic international movement that seeks to create a system of rules and “laws” which will circumscribe American liberty and coerce America into taking steps which the people of America would never take. The use of large international meetings to create new systems of “law” and new “norms” of international behavior are a direct threat to the American system of constitutional liberty and must be rejected.

CONGRESS HAS A KEY ROLE IN ENSURING SUCCESSFUL U.N. REFORM

Congress needs to get its act together for U.N. reform to happen. When the Congress of the United States, which has the power of the purse, the power of law, and the power of investigation, takes U.N. reform seriously and sticks to it year after year, it will surely have a significant impact.

I recommend that Congress should have a much more robust presence in New York, have a much more robust interaction with the U.N. Ambassador, once we get one, and have a much more robust requirement of whoever is in charge at State, as someone you can hold accountable regarding what we have done over the past 3 months and what is planned for the next 3 months. Congress has every right within our constitutional framework to tell the State Department that you want consultations on a regular basis. You cannot actually issue effective instructions, but you can demand consultations and reports.

This is important because we need to elevate U.N. reform to be a continuing and ongoing part of congressional involvement, both at the authorization and appropriation committee levels and both in the House and Senate. We further need to get more members engaged so that there is a sophisticated understanding of what has to get done, how we are going to get it done, and what we ultimately hold the executive branch accountable for.

Additionally, organizing the democracies so that we can then be in a position to systematically reform the U.N. is a significant undertaking that is going to take real time.

Having Members of Congress talk with their counterparts in other countries, getting British Parliamentarians, the French Parliamentarians, the Germans, the Japanese, to agree that these are values we should be insisting on will be an enormous asset to the United States.

This Congress must play a key role in ensuring a successful reform of the United Nations. The task force report presents a starting point. One proposal for the Congress to move forward on U.N. reform is to pass legislation that requires an annual review by the executive branch that evaluates the progress of U.N. reform against a set of performance metrics. Since the task force report sets forth a number of reform recommendations, I have attached as an appendix to this statement an example of what such a U.N. reform scorecard with a set of proposed performance measures might look like with respect to the task force's reform recommendations. This list is intended to illustrate the types of performance measures the Congress could adopt; it is by no means intended to be an exhaustive list. There are surely several more inventive measures that this Congress could design.

Guided by such a set of performance measures, the Congress could hold hearings every June or July to review the U.N. reform progress report prepared by the executive branch that identified the progress to date. That report could then become the basis for an annual discussion on U.N. reform at each summer's meeting of the G-8, and then later at each September's meeting of the U.N. General Assembly. Following the annual hearings on U.N. reform, the Congress could adopt amendments to the scorecard legislation based on progress so that standards for the following year could be set forth. In this manner, Congress could develop a continuous practice of monitoring U.N. reform.

I think the United States should enter into this process of reform for as many days as it takes, with the notion that the most powerful country in the world is going to get up every morning and is going to negotiate at the U.N., organize the democracies, tell the truth, and keep the pressure up until we break through and get the kind of United Nations the people of the world deserve.

I am hopeful and confident that if the Congress moves forward in this spirit and with the level of commitment that will be required to achieve reforms, the United States can once again lead the way in designing a United Nations that will be an effective instrument in building a safer, healthier, more prosperous, and freer world.

I also remain hopeful that the U.N. will adopt and undertake all of the necessary reform measures that will satisfy the United States and our democratic allies without the need to resort to any type of limitation on the appropriation of U.S. taxpayer funds to U.N. activities. And while I hope it will not be necessary to use any such limitations in the U.S. relationship with the U.N., I think it is inevitable that limitations will be enforced by the Congress if the necessary reforms of the U.N. are not implemented in a timely way.

THE U.S. GOVERNMENT CAN RISE TO THE OCCASION AND REFORM THE UNITED NATIONS

During the Second World War, the American system responded magnificently to defend freedom.

During the cold war, the Congress and the executive branch sustained collective security for 44 years with amazing stability despite the stresses of Vietnam and other difficulties.

Now, faced with a very complex world in which people are starving to death, being killed viciously, being tortured, brutalized and mutilated by truly evil people, there is a new need for sustained consistent American leadership at the United Nations if that organization is to become an effective instrument in protecting the safety of the American people and the dignity of peoples worldwide.

The threat of terrorists with weapons of mass murder and weapons of mass destruction makes this a pressing need of national security (indeed, of our national survival) and the security of our democratic allies. The ongoing genocide in Darfur and the need to address humanitarian crises makes reforming the U.N. a pressing need to save lives.

Just as the United States took the lead after World War II in forging the consensus that led to the creation of the United Nations 60 years ago, we believe the United States, in its own interests and in the interests of international security and prosperity, can and must help lead the U.N. toward greater relevance and effectiveness in this new era. Without change, the U.N. will remain an uncertain instrument, both for the governments that comprise it and for those who look to it for salvation.

With a President and a Congress united in their desire to advance our national interests, a reformed U.N. can be fashioned to more effectively meet the goals of its charter and the new challenges that it confronts.

[EDITOR'S NOTE.—The appendix containing "An Example of a U.N. Reform Scorecard," attached to Hon. Gingrich's statement, can be found in the Additional Material Submitted for the Record section at the end of the hearing.]

The CHAIRMAN. Well, thank you very much, Speaker Gingrich. Let me now recognize the distinguished ranking member of the committee, Senator Biden, for his opening statement.

**STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR
FROM DELAWARE**

Senator BIDEN. Thank you, I'll be very brief. Gentlemen, welcome, it's truly a pleasure to have you here. I think your report is first rate. And, Mr. Speaker, your reference to, and prior to that, Majority Leader Mitchell's references to, responsibility and respect for citizens is an incredibly important contribution.

I also want to point out, that I think that unless we lead the other democracies and begin to make clear that there are circumstances in the 21st century that go beyond the Treaty of Westphalia, where you actually yield your claim to sovereignty. One of those is genocide within your borders. And that will only come, in my view, not through the United Nations Security Council, but through the major democracies agreeing after some significant and serious discussion about what the new international rules of proceeding are.

The United Nations, to state the obvious, you both stated it and you stated it in your congressional careers, is necessary. And so I'd like to stipulate at the outset, that it's absolutely clear that reform is needed. Quite frankly, as strange as it sounds, under the leadership of Senator Helms we actually began this process, it was a halting start, but we actually began the process. I find it interesting that Helms and Biden put through the first bit of reform, and it was really Senator Helms, and now we have Gingrich and Mitchell which is another odd couple, but a welcome couple.

I want to recognize the leadership of my colleague, particularly the chairman, as well as our friend who has done more work on this than anyone else that I know in the Senate in the last 2 years, and I think the work has been first rate. And I think their contribution has been positive on how to move with reform. This is a time of significant promise. But also it's a time of peril with regard to U.N. reform.

The good news is, there's now widespread recognition, universal recognition that there's a need for significant change. If you had raised some of the things you're raising today, 10 years ago it would have been viewed as heretical. You would have gotten a left-right argument going. The rest of the major powers in the world would have said we're rocking the boat too much. The Secretary General would have had an apoplexy, and so on. But here we are

with evident attention the Secretary General has given to this issue. We can argue why he has been spurred to this moment, but the fact of the matter is, in convening the high-level panel last year, writing his report "In Larger Freedom," and undertaking several forms within his own authority, that's progress.

It also has been significant that Congress is paying attention to reform, granted it may have been a scandal that, in fact, moved us to this position, but we used to have debates up here, as the chairman will know, in the past, about whether the United Nations should exist, not how to make it better. It was, "you're either against it or you're for it. You're either the black helicopter crowd, or you're the 'one world' guys." I mean there was very little serious debate about modernizing, and bringing the United Nations into the 21st century.

And so the question for the Congress, Mr. Chairman, and the administration, is not whether, but how to best initiate this reform, and I think you're well underway here.

Without going through my whole statement here, let me suggest that one of the first issues that both of our colleagues have referenced already, that we're going to have to resolve upfront here, is withholding, semiwithholding, or encouraging payment of U.S. dues. It basically breaks down into those categories. And I, for one, which will not surprise my colleagues, think it's a mistake to withhold payments. We've been down that road before and it takes an awful lot of time to catch up. And I think it tends sometimes to be counterproductive. It took us the better part of a decade to get out from under where we were before, and I would argue, and I will on the floor, that the House-passed legislation is almost certainly going to move us back into arrears and, in fact, delay reform.

We're going to argue about the wrong thing. We're going to be arguing about whether or not we should, or should not, have withheld dues. Senator Coleman and the chairman's proposal is much better, but it does, quite frankly, give me pause as well because it could unintentionally undermine the negotiating efforts that are underway at the United Nations. And I would say, at the same time, we are in a time of peril, because of the things we say and do in Congress are closely watched by the world. We should take care that our efforts assist in reform negotiations and not undermine them. We all know that egos exist in other capitals, among our friends as well as among those who don't agree with us. We rightly or wrongly, I will not make a judgment about it, have to deal with whether or not we are totally unilateral or whether it's pox Americana, and so on and so forth. This is not the time for us to unnecessarily put ourselves into the position of being accused of that.

We were in, as I said, a similar position in 1997 that took a long time to get ourselves out of. I think the issue of U.N. reform needs to be addressed in a bipartisan manner which we have expressed here and I suspect can occur on the Hill. I think if legislation is needed, we should stick closely to the recommendations you have made, that your committee has made. And I think, rather than threaten to withhold dues if there's not sufficient reform, I think we should provide positive incentives if reforms are achieved. We can always go back to the other option. But it seems to me that

to put our assessment payments back on the calendar year basis, so that we pay in January rather than October, would provide significant benefit to the United Nations and earn us some significant goodwill, which would put us in a better position to get consensus to make some difficult changes. Not all of our allies and friends are ready to be as straightforward as you've recommended. And I think we should not let ourselves be gamed in this process as we have on other occasions in Democrat and Republican administrations. I truly appreciate your testimony here today.

And, at the risk of raising another contentious issue, I don't know whether we'll ever reach agreement with regard to the nomination of Mr. Bolton, in terms of material being supplied to those of us in the committee who think we need it, and to the Senate. I don't know whether, if it doesn't occur, the President will make an interim appointment. That is the President's judgment, not mine. But I say with all sincerity, if, in fact, there's any reconsideration, and I'm not suggesting that any has been undertaken, I would say to you, Mr. Speaker, I would hope that if the President came to you, that you would consider taking the position. I can't think of anyone who would be more ideally suited for that job. I mean this sincerely. You and I have disagreed philosophically, I have great respect for you. The power of your ideas, the power of your persuasion, and your clear knowledge in this area is the kind of positive force we need now at the United Nations. I mean this sincerely. I probably damned any possibility of that happening by mentioning it. And as soon as I said it I just thought of that. Actually I don't like you a damn bit, I don't think you're capable of going up there. I don't think you should, if, in fact, you are asked. [Laughter].

Senator BIDEN. The more I think about it, you're totally unsuited for the job. But, anyway, think about it if it occurs.

Thank you Mr. Chairman.

The CHAIRMAN. Well, thank you very much, Senator Biden, for an interesting, even provocative opening statement. But we won't go there. Back to the United Nations. Let me just say that the vote has been postponed for a few minutes, so we'll proceed with questions. We have a good membership participation, so we will have an 8-minute limit for our questions and answers on the first round. And I'll commence by asking a question about the Oil-For-Food scandal. It exposed a vast inability to account for funds, considering all the motivations that may have been there. I have already suggested it at the Security Council level of various nations, to handle it in various ways.

Is the United Nations capable of handling a program that is that vast, with those sums of money, the logistic support that is required for the humanitarian aspects, quite apart from the commercial business of getting the food and so forth? And if it is not, are the recommendations that you have made adequate to solve that problem, or is some other international organization better equipped? Have you tried to think through the enormity of how much money, how much food, how many people either living or dying were involved in that, and whether the United Nations really is capable, as an organization, of dealing with that?

Senator MITCHELL. In my judgment, as presently structured the United Nations could not effectively supervise a program of this complexity and difficulty. The circumstances with respect to that scandal are well known to this committee, Senator Coleman and another committee has looked into that in great detail. We did not conduct an independent investigation given that there are five congressional inquiries and the Volcker panel is considering it. But it does clearly demonstrate the current inability of the United Nations to effectively operate and supervise such a program.

However, we devoted a great deal of attention to the subject of accountability and reform of operational methods. The Speaker has already mentioned Rod Hills and Ed Fuelner, and they were the task force members who served on the group that dealt with that subject, it's chapter 3 in our report. It's a very comprehensive set of recommendations. I believe if they were adopted, or something comparable to them, that there would be a much greater chance of effectively operating such a program or something like it in the future. We did not evaluate the second question you asked, which is whether some other institution might be more capable of doing so; our task force deliberations were limited to the United Nations and its operations.

In summary and repeating, I do not believe the United Nations could effectively now administer such a program; I believe they could if they adopted the reforms that we've recommended.

The CHAIRMAN. Very good, and we'll refer to chapter 3, and study that more extensively. Let me touch upon the question that Speaker Gingrich mentioned in his opening statement. And that is the appropriate role of the Congress and the administration in dealing with each other and, therefore, with the United Nations. Clearly, as you've both pointed out, the appropriation process, the money process, is here in the Congress. At the same time we cannot all be President of the United States at the same time, or Secretary of State and as a result somebody has to be in charge of this. In the legislation that Senator Coleman and I have fashioned, we've said finally that the President is in charge. He's not all by himself, but he is the final arbiter. We have included the withholding of dues, which clearly is a controversial area, for all the reasons my colleague, Senator Biden, has pointed out, including in forums that he and Senator Helms have worked on to try to get us back to dues-paying status after many, many years in the wilderness.

But I would just observe that in our democracy, people are elected to the Senate and House all the time. Many of them are new. They may come from places such as one that I can remember very well on the roads of Indiana, with all the billboards that said, get us out of the United Nations. From time to time, they reappear. People have them in the garage, and bring them back out again. Therefore, members who are so admonished by their own constituents don't appropriate money for the United Nations. So regardless of what we're recommending, the President may, or may not, ever have the chance of withholding the money, if it's not even appropriated to begin with. We must understand that.

On the other hand, our thought was that, perhaps, Members of the Congress and the administration might come to a view that withholding the funds is one of the ways in which reform might be

effected, only one, although it would be a lightening rod for controversy. And if it is to be used, it should be used very sparingly and effectively at the Presidential level, as opposed to all of us attempting to do this legislatively, year by year.

Now, we're never going to be able to prohibit people from doing that, but if we undo a tradition of whoever the Chief Executive might be dealing with this in this way, this might be preferable. Obviously, the House of Representatives has taken a different point of view. That has been applauded by some editorial writers. Others have applauded our stance, and some have said none of you should touch the whole thing, you should stay out of it altogether. There may be still other points of view. But what would your points of view be? Speaker Gingrich, do you have a thought, having raised this constitutional issue?

Mr. GINGRICH. Well, if you don't mind, I think we would be more comfortable if we would talk as individuals, and we're not necessarily representing the task force's unanimous view, and we may even have some nuances of—from my perspective, and I think—and you've lived through this in your own career. We are now entering a very important evolutionary stage of our constitutional process. I mean our Founding Fathers wanted to avoid dictatorship, and their method of doing was to invent a machine so inefficient that no dictator could force it to work.

The CHAIRMAN. Checks and balances.

Mr. GINGRICH. And the checks and balances really do spread money and power in ways that are very complicated. And I don't know that we've thought through, despite all the efforts to make sure the executive branch reforms. I don't know that we've always thought through how the legislative branch also has some challenges in keeping up with a real-time 21st-century information age. So let me just make my brief observations. First, I think that the Hyde bill, as a statement by the House, is a useful signal to the world about how fed up honest Americans are with paying taxes for a system that, as Senator Mitchell just pointed out, couldn't effectively implement Oil-For-Food, and literally couldn't. It doesn't have the mechanisms.

On the other hand, I would think that the President would be very protective of the ability to negotiate with flexibility and to not be trapped into an automatic mechanism. And I think that that's a legitimate distinction between the two branches.

My personal belief is, that first of all, we have to have very strong leverage at two levels from the legislative branch. One leverage is with 120 nations that together pay less than 1 percent. They have no natural interest in reform. And they have every interest in a patronage system version of personnel that is destructive. And so there's got to be a fair amount of pressure to get them to change.

The legislative branch, it seems to me, has a second interest. Which is how do you keep the executive branch's feet to the fire. And there, I think I come down, if you will, half way between doing nothing, and doing as much as the Hyde bill will do, and my recommendation would be, that the Congress pass, and I submit it as part of my testimony. This is at a personal level, not the task force document, but I submitted an appendix that's kind of an example of what a U.N. reform scorecard would look like.

Senator Biden was very generous in saying, I quote: "We should stick closely to your recommendations." Something which was certainly—I listen to with great fondness. But I think the trick is to be able to say, so how a year from now do we know whether or not we're getting there, what's left undone, what's changed since then. And my recommendation would be to look at some kind of probably report language that is literally a check list. And to say in the legislation, we fully expect State to report back next year. We fully expect both branches of the House and Senate to have hearings on the check list, and that we give the President, as you do, the authority to withhold money if he decides that useful and effective.

But I would also say that we require of the President that he report the circumstances under which he didn't waive it, and under which he waived. Is he not withholding because he got it done. Is it not withholding because he's getting closer to getting it done. I mean, what is it we Americans should expect from our Government in what is inherently a multilateral environment where our leverage isn't 100 percent. So I think some kind of middle ground, in which we are raising the ante on the United Nations we are serving notice on the State Department, but we're also recognizing the President's legitimate interest and flexibility, I think is useful.

And finally, I actually—I agree this is going to get us both in trouble, Senator Biden. I agree with some of Senator Biden's comments which is, if you lead with withholding, you make that the fight. If you reluctantly have withholding which annually is an option of the Congress under appropriations, if you serve notice that we're going to demand reform and that that is an ultimate option, I think you're actually in a stronger position than to lead with that as a mandatory fight in New York.

Senator MITCHELL. Mr. Chairman, we're very grateful and flattered that our report has been so well received. Senator Coleman referred to it as a template. And I, personally, strongly support your legislation in most respects. However, with respect to withholding, I've had the opportunity this morning to review Ambassador Burns statement in which he will shortly express the Bush administration's strong opposition to the withholding of dues. As you will know, Mr. Chairman, and other members of the committee, from my previous public statements, including our very recent testimony in the House, I share the administration's view on this issue.

In the past, the United States used withholding to change the structure of U.N. dues. It was a money only issue. There has been, ever since, an unresolved debate as to whether, and if so how much, withholding dues actually helped in that effort. I believe that withholding payments to bring about structural and policy reforms of the number and complexity that are at issue here is an entirely different and much more complex matter.

I conclude that the negative consequences to the United States would outweigh any benefits. I recognize that your bill makes withholding discretionary by the President, and, in my view, that is certainly far preferable to the mandatory provisions of the House bill. On the broader issue, Mr. Chairman, if I might say, there is obviously an inevitable tension between the legislative and executive branches that was intended by the Framers as a way of distrib-

uting power. I think the Speaker and I have a legislative bias, as I'm sure many of you do; but, as you correctly pointed out, there's only one President at a time, there's only one Secretary of State at a time. I think that it is possible to achieve a constructive tension, preserving an important role for the legislative branch while not tying the hands of a President and Secretary of State. And I believe that the mandatory withholding would effectively tie a President's hands in a way that would be counterproductive for U.S. policy.

Mr. CHAIRMAN. Well, thank you very much. I'm going to recognize Senator Biden. The vote has started, and the Senator may proceed, if he wishes, and recognize whoever happens to be here in the event that I have not returned. But that way we will continue our questioning and utilize our witnesses' time better.

Senator BIDEN [presiding]. Thank you, Mr. Chairman. Gentlemen, I think this is a tough call. And I think, quite frankly, the way to put this Rubik Cube together, and I'd like you to respond to it, is that this is again going to continue to hurt us both. It seems to me that we should kick the can down the road here, and have in this reform legislation, benchmarks and expectations of specific reporting requirements from the President of the United States, within the calendar year, or whatever criteria we set. And then seek a recommendation, a policy recommendation in the legislation from the President, at the time that the reporting takes place. For example, set out the benchmarks, that I think we should base on your report, based on a growing consensus here. We should lay out in some detail the prescriptions that we expect the administration to attend to, within a timeframe that we think is reasonable. That's totally within our constitutional capability. We have the authority to do that. But shouldn't add the ending sentence, that "we will withhold unless you waive, Mr. President." I have—and I know you both do as well—scars on my back, politically speaking, from the numerous meetings at the United Nations and with Foreign Ministers and heads of state around the world, over this issue, from what would always start off with a nice way of saying "you all are arrogant." We'd never get to the question of reform. We spent all the time talking about whether or not it was in the spirit of the charter, for us to set conditions for the U.N. members to follow in order for us to pay our dues. And you all know our dues are more than our dues. Our dues are peacekeeping, and so on.

I'd like you to respond to the idea of further splitting this issue. Take out any reference to withholding in the report language. State that we will reconsider the question of withholding, but let the President have the authority, unfettered by having to explain whether or not he's being unilateral, he's being arrogant, whether there's a veiled threat in the legislation that he has to attend to. We should lay out with some specificity, the areas, not unlike the areas you lay out in the report, that we expect the President to be able to move on, and to give us an explanation of what he was unable to, or did not, do.

Mr. Speaker, and Senator, you guys are right. You've been here, and you were here a long time. This is hard slogging for Presidents. And as much as they want to do it, it almost always ends up as the bottom priority. In all of the other things that are impor-

tant, they always have an Assistant or an Under Secretary of State, or Defense coming in and saying, whoa, whoa, whoa, wait a minute, wait a minute. We have to deal with this, or that, or this. What do you think of this sort of generic approach? I'm not looking for a compromise to get it passed. I'm looking for an approach that gets us out of the debate. I don't know how many times you had to listen to—and go through the whole thing about whether or not, because we're the only superpower in the world, our arrogance is overwhelming; to get into debates that had nothing to do with reform and allow them to avoid any discussion of responsibilities. That's my observation and somewhat of a question. I invite your response.

Mr. GINGRICH. Well, let me say first of all, I think you're asking a very important question. But I think you partially answered it with your own comment that it always somehow slides off the table as value. The tension that I think is inherent here is, you know, the United Nations didn't get to be the current mess by itself. And I think this is—the United Nations didn't get to be a current mess, and then one morning the State Department discovered we were members. Or the United Nations didn't get to be a current mess, and suddenly the President discovered that it's in New York. I mean we have had a long stretch of the United States, essentially practicing benign neglect. And this has been a bipartisan desire, because it's a pain in the neck and it's hard and it's difficult and there are so many other issues to worry about, et cetera. I mean you're more of an expert on this than I am. You've been in more of these rooms than I have.

So part of what we're wrestling with, and as I said earlier, I think Senator Mitchell and I may not totally agree on this, but I'll give you my observation. First of all, I think it's totally legitimate to say to a multilateral organization you have to earn the money. Explain to me why the people of my country should be paying this. And that's not being arrogant or presumptive, it's just saying—it's going to be a huge problem with the Japanese if we don't figure out some solution on the Security Council. Because they're the second biggest payer. And they're going to sit and say, wait a second how come I'm doing all this—you know, explain to me again your 120 countries that collectively—

Senator BIDEN. If you'll yield on that point. One of my concerns is, if we put this condition in, the Japanese will put in a condition saying, unless we are—

Mr. GINGRICH. Right.

Senator BIDEN [continuing]. Members of the United Nations, we're withholding our dues. I think that's a fight. That's a series of fights we should try to kick down the road. You know politics is the art of the possible.

Mr. GINGRICH. Right.

Senator BIDEN. And that's one of the main reasons for my concerns about withholding.

Mr. GINGRICH. Well, that's why I said I wouldn't. I personally would not recommend mandatory withholding or automatic withholding. But I think the notion of raising the question the way in which the United Nations is run ought to have some bearing on what the United Nations gets.

Because, remember the current committee that sets the budget is an utterly irresponsible organization.

Senator BIDEN. I agree.

Mr. GINGRICH. There's a real—I'm just saying as background. The second point, though, I want to raise, it may be a little bit uncomfortable with Secretary Burns right here, but I think, hopefully, he will concede this. There has to be some legitimate mechanism for the legislative branch to hold the executive branch's feet to the fire, and part of the reason that I asked our team to generate this appendix of a checklist, is to begin to try to get it down to real things you can check off. I think because, otherwise, what happens is, we have five reform meetings. We all agree we love reform. We'd really like to have reform, reform would really be good. And then you find a year from now, you're in the same institution.

I want to add one other piece of the triptych where you're coming from, I think. And it's something I think you and Senator Lugar would have a unique ability to help develop. I think we've got to look at how does our legislative branch reach out more effectively and more regularly. Both to the United Nations but also to the other democracies' legislative branches so that there's a more consistent dialog. I think we need less negotiating and more dialog. And I think that in this modern age, we are—we have not yet caught up with rethinking how legislators relate to legislators without getting involved in violations of the executive branch's control over foreign policy. But we need to build a consensus among all the democracies, remember that the top aid democracies pay 78 percent of the budget. If they collectively were bringing pressure to bear, we'd be dramatically closer to serious reform than we are right now.

Senator BIDEN. I agree with you. George, did you have comment?

Senator MITCHELL. I'll just make two comments on the subject. The Speaker just said the eight democracies, I think it was, provide 78 percent of the budget and as you and the Speaker have already noted, if we say here is our list of reforms, if you don't adopt them we will withhold, what is to stop Japan, Germany, the United Kingdom, and others from presenting their list of reforms, and if they're not adopted they will withhold. It seems to me there is a very dangerous potential there all the way around.

You commented on the reactions of other officials. The Speaker and I, and other members of the task force, met with dozens and dozens of officials of other countries and U.N. officials. Significantly, not a single one said to us, there's no problem here; go home. Without exception, uniformly, they acknowledged a serious problem, they expressed a serious intention to reform and they said—we believe sincerely at the time, this is before we issued our report—that they look forward to our report and to working with us.

The usual reform effort requires a substantial early period in persuading people that reform is necessary; that's not necessary here. Second, Senator Biden, more directly to your point. In the many meetings I had, there was a yearning for American leadership. A desire for what they hoped would be a constructive approach by the United States to lead them, other nations and the United Nations, itself, out of the difficulties that now exist to cre-

ate a more effective United Nations. As I said in my opening statement, we don't speak for, or to, anybody other than Americans, but we think most countries and people around the world share the same values, aspirations and goals, or at least many do.

Senator BIDEN. I agree.

Senator MITCHELL. So, I don't think that withholding helps. This is a personal opinion; I think it is counterproductive and I think we can do much more with a positive incentive-based approach to the issue.

Senator BIDEN. One of the things, and I realize time is up and the vote time is up, and I don't have nearly as sympathetic a majority leader to hold the vote for me as I used to in the old days, so I'm going to have to go. But I'd like to make two very quick comments. The—the first question is: Influence whom? There's two groups that we're trying to influence. We're trying to influence the members of the United Nations. And we're trying to influence the administration. It seems to me, that our legislative responsibility as just conception under the Constitution is in the checks and balances. We don't do foreign policy separately. We do it through influencing the Executive. We have a right to. The Executive has its job and influence in foreign policy, it is the single arbiter and negotiator with the United Nations.

It seems to me, to overstate the point, that if we wanted to deal with influence by withholding moneys, without getting the other seven countries who pay 78 percent of the U.N. dues with us, really upset, we could withhold moneys from the Executive. I'm going to overstate it; Nick'll die. We could say, unless these reforms take place, we're withholding money for the State Department. That would be conceptually—I'm following into the constitutional law professor mold here—that would be conceptually the appropriate mechanism for us to use, in the tools made available to Congress under the Constitution on the use of money. That is more direct.

So there may be a way to do that without engaging the British Parliament or the Prime Minister of Japan. The second point is, my experience with Senator Mitchell, is that 120 countries pay 1 percent; 8 pay 78 percent. The 8 agree on 90 percent of the specific reforms. But there are differences among the eight on what the other 10 percent should be, so if we lay down, we're withholding unless you adopt reforms, not reform generically, but the reforms we want, it seems to me it puts us into a circumstance that makes it totally legitimate for the other seven to say, hey wait, Jack, you're not telling me what to do. You're not going to threaten me on this, and we end up dividing the very people we need to isolate the 120. And so I would hope that—I know of no one more ingenious that the two of you—you could give us, on the side, some suggestions about how we can keep the lever on the administration without communicating to the world that we're insisting on our dollar for dollar—whatever we produce—the administration produces, reform for reform. I have to go vote. I thank you very much, both of you. And I really did mean what I said.

Senator MITCHELL. Thank you, Senator Biden.

The CHAIRMAN [presiding]. Thank you, Senator Biden. Senator Obama, you are the survivor here, and, therefore, this is your time for questions.

Senator OBAMA. Well, I appreciate that very much. Gentlemen, thank you so much for taking the time to be here. Let me just preface this remark by saying it's hard to find two more accomplished people to work on such an important issue and the report that the two of you were able to put together, I think, has uniformly received accolades and people are very impressed with it.

So I want to appreciate both of you taking the time to do this. As it turned out I was in New York this Friday visiting with the United Nations. Mostly focused on the situation in Darfur, but inevitably also ended up talking about U.N. reform. And one of the things that I was struck by, was the degree of awareness that change does need to take place. I mean I got a genuine impression that folks recognize that business as usual is not going to be acceptable. And I think that the report that you issued helped keep people's feet to the fire on this.

One of the questions I guess that I'm trying to figure out is how, based on what you seen, we can change the behavior, not just to the U.N. bureaucracy, but also incentivize the member states to empower the Secretary General and others to carry out these reforms. Because what I was struck by, was the—that the lack of power and accountability derives in part from the member states being very interested in keeping that bureaucracy weak and protecting their own peyoratives and parcels of power and I'm wondering what you think, whether through the State Department, or other agencies we can be doing things—give the member states, a sense that change is useful?

Senator MITCHELL. Senator Obama, you have correctly identified a major obstacle to significant reform. I believe that nations, like individuals, act out of self-interest. And there is clearly a vast self-interest in perpetuating a system in which there is not anything remotely resembling reasonable balance between investment and benefit.

And with respect to personnel policies, it's especially pronounced. Like many other institutions, including our own government, the United Nations tries to strike a balance between quality and some form of patronage for members. Unfortunately, the quality has really not been a factor and now it's the distribution that is the paramount consideration; it has led to what I believe to be a withering of the U.N.'s reputation in terms of quality and ability.

I believe that there has to be an all-out effort by the United States, this issue was discussed previously, and we must do our best to persuade as many members of the General Assembly that an effective United Nations is in their interests and it cannot be effective if it continues in the manner that now exists. Hopefully, the General Assembly will participate in the preservation of an institution that gives smaller nations a forum that would otherwise not exist. A place in which they can appear as relative equals to the larger nations, an opportunity to have their concerns heard, all of that will, in my judgment, not exist if the United Nations does not reform itself.

So I think it has to be a case based on their self-interest, and they have a larger self-interest than in seeing that some former official in their government gets a job at the United Nations where,

as the Speaker rightly noted, he can't be fired no matter what he does.

Senator OBAMA. Just to follow up on that, I guess. Do you think that within our administration, when we're having bilateral talks with some of these smaller nations, is this something that we're bringing up sufficiently. My impression is, that if you talk to folks who are currently within the United Nations you know the permanent representative or what have you, they may have more of a vested interest than if you're talking to their Foreign Minister, or the head of state when they come to visit. Do you think that we're using our leverage—or should we bring up these issues as part of our broader conversation with these countries?

Senator MITCHELL. I'm not knowledgeable enough to answer the question, specifically, about how and whether we're using our leverage. But I do know this, it's the problem that the Speaker addressed earlier, that Senator Biden addressed, it's one of establishing priorities. The administration is beset with a large number of issues. You have an immediate problem which requires help and a vote from someone and you defer action on the broader, more general policy issues.

We see it every day. We have a policy of advancing democracy around the world. But on specific issues, in dire circumstances, we cooperate effectively with nondemocracies to advance a more immediate, higher priority item, thereby deferring action on the broader issue of promoting democracy and the rule of law and so forth. It's very hard to bring into synchronization your broader policy objectives and the immediate needs in the specific situation. We try in our report to emphasize the importance to our government, and our people, and our national interest, in making this a high-priority approach with a comprehensive plan and perseverance and consistency across administrations, including the Congress.

Senator OBAMA. Mr. Speaker.

Mr. GINGRICH. Thank you, Senator, and I think your question goes to the heart of our challenge. The title of our report, very deliberately, is "American Interests in U.N. Reform." Because we do think that it's important for the American people to understand, this is partly in response to something Chairman Lugar had said earlier, that there's a profound reason to be in the United Nations because it is in our interests.

This is not something we just do out of altruism but because we have felt as a country for 60 years now that an effective United Nations makes it safer and better for America and the world. But I think that we consistently understate how truly different the United States is from much of the world.

We believe in freedom and the rule of law, as you know there are many members in the United Nations that are dictatorship, some of the most repressive and antihuman kind. We believe in a system of accountability, transparency, and competence. As you know the United Nations has a personnel system that has used nepotism in effect, and favoritism to ensure that various governments can place people from back home where they want to. And I think, also, if you looked at the standard we've set with various commercial scandals in the United States in the last decade, and you were to apply those standards to the way in which we have tolerated incom-

petence, dishonesty, and inefficiency in New York, it's pretty breathtaking—the gap.

But we should be honest about how big the gap is. We believe that Israel has a legitimacy as a democracy and as a country, created in part by the United Nations recognition. And yet if you watch the scandalous way in which hostility is institutionalized and systematized it is clearly a different system than we believe in.

And finally, we think that economic development is ultimately based on the rule of law, on private property rights, on encouraging people to invest in a free market which is radically different than the model of transferring wealth to a kleptocratic dictator, so they can then send the money out of country to hide it somewhere. Each of these has very powerful interest groups that want to keep the old order, and we need to enter the process of reform understanding that this is a really serious long-term engagement. Its not what will happen between now and September.

I would just say that the State Department has, I think, taken a very important step in having Secretary Burns take personal—lead responsibility. I think this is the highest we've ever elevated the U.N. reform inside the institution of the State Department. My hope is that the U.S. Ambassadors and 190-member countries are going to be told, as a very significant part of their bilateral responsibility on a regular basis, that they should be communicating our hopes for reform in the United Nations.

I would finally say, and I have really been reading Rudy Guiliani's remarkable book on leadership. There's an old rule that you get what you inspect, not what you expect. And my point would be the tension for the Congress is, how do we communicate with executive branch, that we will regularly come back and inspect the amount of reform we're getting, and how do we get the executive branch then to comfortably communicate to other countries not that this is a unilateral American demand, but that these are values the American people expect of an institution that they belong to, and to which they give not just money, but very substantial amounts of diplomatic and other support.

I think you put your finger on it. It's going to be a—it is an uphill but not an impossible challenge, and it's going to take very consistent institutional leadership by the State Department, and by the United States for it to happen.

The CHAIRMAN. Thank you very much, Senator Obama. Let me just mention to members, we're on an 8-minute system. And, hopefully, members will try to stay within that limit because we still have Secretary Burns and we want to hear from him.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you. Leader Mitchell, you and Ambassador Gingrich, high honor to have you both with us. You have made a very significant contribution, each of you and your task force that has presented to the administration and the Congress of the United States, the United Nations, an important document.

I have believed, and continue to believe, that this institution is as relevant and important in the 21st century as it was 60 years ago when it was formed, and I believe that for many reasons. And so your contributions here are particularly important at a very

transformational time in the world. Transformational time for all institutions that were formed after World War II whether it was the United Nations, or NATO, and every multilateral critically important institution. It really structured and framed the second half of the 20th century, so we should not be surprised that in a dynamic world, institutions will need to adjust and recalibrate to the challenges of that new dynamic world. And that does not mean, in my opinion, that you discard an organization like the United Nations, but, in fact, you make it stronger and better and that's what you have attempted to do here in your report and the Congress will deal with that as well.

Here's a general question I'd like each of you to answer. And I have not read every page of the report. I've read the summary, I've read some of the chapters.

And as you noted, Speaker Gingrich, in your opening comments, you laid out seven specific areas that you all paid particular attention to, and I think those seven issues are particularly relevant. But my bigger question is this. And it also reflects on something you said, Mr. Speaker, as well as Leader Mitchell. And I think you said something to the effect that the United Nations is a limited body; it can do only so much. And I think part of what's happened over the years is that we have put too many tasks upon top of this institution and laid before it larger and larger responsibilities with higher and higher expectations and this body as you noted, Mr. Speaker, like any institution, is limited as to what it can do, and how far it can go. It cannot address all the problems of the world.

Should we also be looking at a part two in your reform as to narrowing the scope of the United Nations mission and purpose.

Speaker Gingrich.

Mr. GINGRICH. Well, I think that we should—and we say this in the report, we should consistently be aware that there are alternative ways of getting things done. And our attitude to the United Nations should be that we're always willing to consider doing things through the United Nations. As I mentioned earlier, for example, on the responsibility to protect, it certainly makes sense to try, first, at the Security Council, but to also have served notice that if the Security Council, for whatever reason, is incapable of acting that that doesn't mean no action. It simply means that there are regional organizations, there are, if necessary, ad hoc organizations. And I think that, historically, we've used the Organization of American States, the Organization of African Union, the North Atlantic Treaty Organization, the European Union, in a sense is a regional organizing mechanism. NAFTA, in a sense, is a regional economic organizing mechanism, and I do think—I was trying to write and I don't have this aphorism down right, but it's fair to say that multilateral institutions expand the pretensions to fill whatever vacuum is available. And so you notice recently, that the United Nations got together experts from places like Iran and China to announce grandly that they're prepared to take over the Internet. Now if you watch what Iran and China do to the Internet I can't imagine a less plausible kind of multilateralism than that kind of agreement. So I think you've got to be aware of the fact that the United Nations is an important, but limited institution, and it is necessary but not sufficient. I think that's as I said earlier, the an-

swer—I remember very well the billboards Chairman Lugar was describing, and I think our answer to people has to be, there are limited places in which the United Nations is truly valuable to America.

And I had mentioned earlier that our task force was entitled “American Interest in United Nations Reform.” And we approached this from the standpoint of American values, and American goals. But we should not ever allow ourselves to be told that we are, therefore, limited by the United Nations as the only mechanism or the only vehicle that can achieve things.

Senator HAGEL. Go ahead, Senator Mitchell.

Senator MITCHELL. I’ll try to be brief. I believe that the importance of U.N. reform at this time, and the attendant publicity, is directly related to the increased significance of the United Nations in recent years. I mentioned earlier that I had reviewed Ambassador Burns testimony. In his testimony he identifies a dozen circumstances in which the United Nations has been called upon to act, or has taken some action. And it is precisely that growing importance and the increasing demands upon the United Nations which make reform all the more necessary.

I think the first thing that the United Nations must do is to do better at what it is doing. That may involve a process of setting priorities which reduces the scope of activities, although I don’t think that should be the first intention. It’s not going to succeed if it does fewer things, but does them under the same structure which will guarantee, I think, lack of success; because of the structure, not because of the number or areas in which they’re involved. So I think the first objective ought to be adopt these reforms, or something like them, to become a more effective institution. And as a part of—and a consequence of that process, determine whether there are some areas that you want to discontinue.

Senator HAGEL. Thank you. Is there a focus, a more pronounced role that the United Nations can play in the area of dealing with counterterrorism. Each nation, obviously, as a sovereign nation entity deals with this, but also as you noted, both noted in relation to other multilateral institutions that are part of combating terrorism, certainly NATO is a good example. Are there things that the United Nations could do, or should do more completely or more clearly, in the area of counterterrorism.

Senator MITCHELL. Emphatically, yes. Beginning with a definition of terrorism that can gain universal acceptance, which does not now exist. And encouraging and persuading—helping to persuade others to join in the necessary international effort, intelligence, police work, preemption, interdiction, and so forth; that is crucial.

As we point out in our report, there are many nations for whom a United Nations seal of approval is important to gaining their assent to actions which they might not otherwise agree to if asked by a single nation; even a nation as powerful as the United States. And so that’s true of the war on terrorism, counterterrorism efforts, and I think it can be even more true there, because it’s so critical to everyone concerned.

Mr. GINGRICH. I think this is actually a good illustration of why it’s so complicated. The United Nations, 4 years after September

11, and then after—well over a quarter of a century of international terrorism, still cannot bring itself to a simple clear distinct condemnation of terrorism. And I think that's a very significant example of why the United Nations is a limited institution in terms of people expecting primary activity, such as self-defense, or effectively waging a war on terrorism. But to the degree that we can establish a sound basis within the United Nations for collaboration across international borders to hunt down and defeat terrorists, I think that is an advantage and something worth the United States pursuing.

The CHAIRMAN. Thank you very much, Senator Hagel.

Senator Sarbanes.

Senator SARBANES. Thank you very much, Mr. Chairman. I want to welcome Senator Mitchell and Congressman Gingrich before us, and thank them very much for the work they did with the task force. I had a chance to talk with Ambassador Eliasson before he left to become the President of the General Assembly for the forthcoming session. Of course he's had extensive experience at the United Nations, both on a country basis and as part of the U.N. Secretariat, and he is very strongly committed to a reform agenda. It is clearly a prime goal for him in assuming this Presidency for the coming year.

I'm concerned about the efforts in the Congress now to, in effect, tell the United Nations, here's what you must do, and if you fail to do it, or if you don't carry this through, then either we're going to withhold our dues, or have some other form of punishment.

It just strikes me that at a time when the United Nations seems to be open and receptive to the idea of reform, when a number of leaders there seem very much committed to it; this approach carries a very high risk of being counterproductive. It may end up provoking the very attitudes we don't want to see develop.

I've been through the previous fight over withholding dues. I actually was very much opposed to withholding our dues, because it didn't seem to me the way to go about trying to accomplish the results we were seeking. But let me ask you: What is your estimation or evaluation of the impact such threats would have? And Senator Mitchell, let me put it to you first, because you did such a distinguished job of serving as a negotiator in the Irish situation. So many others had attempted that, but they weren't really able to move it through. I think yours was a superb diplomatic performance on one of the most difficult issues. Now it's not yet altogether at closure, but it certainly has been in many ways fundamentally transformed, and, obviously, you had to work your way through a lot of very strongly conflicting interests and intensely held feelings. So I ask you: What is the best way to go about trying to achieve these reforms which we want to achieve? On many of them there seems to be broad agreement. Not all, I mean the future composition of Security Council is a difficult and tough issue, and, in fact, your commission, as I understand it, did not reach a unified conclusion on that issue. And that's, I think, understandable, but on many of these other issues, such as transparency, management, auditing, and so forth, there is broad agreement. What's the best way to try to bring those reforms about?

Senator MITCHELL. Senator Sarbanes, in response to an earlier question from Senator Lugar, I gave a detailed response to that question. I will provide now a summary of that, so as not to repeat it in its entirety. I believe that the best approach is a positive one which seeks to persuade others that it is in their self-interest, as well as ours, to engage in reform. I expressed my support for the position to be taken shortly by Ambassador Burns, on behalf of the Bush administration, strongly opposing the use of withholding of dues.

You were involved in the prior situation; there was a restructuring of the U.N. dues system. Since then there has been an unresolved debate as to whether the threat of withholding was, or was not, constructive in that effort. That was money for money. This issue, involving a wide-ranging number of reforms, is much more complex and much more difficult, I think, to be susceptible to the threat of withholding dues. Therefore I concluded, and stated, that I believe the negative consequences to the United States would outweigh any benefits, in my judgment.

Senator SARBANES. Did you address that earlier as well, Mr. Gingrich?

Mr. GINGRICH. Yes, I did. Let me say that I think it's a difficult call for a reason that I don't think we spend much time on, and that is, if you add up everything wrong with the United Nations in the last 3 or 4 years. The sexual predation by U.N. peacekeepers, the inability to be effective in saving lives in places, Srebrenica, Rwanda, Darfur, the scale of the Oil-For-Food scandal, the internal inefficiencies of the personnel system, the chief of staff to the Secretary General shredding documents for 7 months after sending out an order, no document should be shredded. If you list that as a totality and try to go back home and explain how the—you know why the United Nations automatically deserves a blank check, I think it's a really tough mountain to climb. So the question becomes for the legislative branch: Given our system of government, how do you hold the executive branch's attention without being self-destructive? And I characterized earlier that I thought the Hyde bill, as the way of sending a signal about how big the gap is between American expectations and current behavior in the United Nations, was a legitimate vote in the House. It's not a bill I would hope comes out of conference. But it sent a signal. And a signal, if anything, it's not a bad signal to say to people, this is not just fun and games, don't just pawn us off for the same old baloney, you better have real change if you expect the United States not to start systematically changing its behavior.

For example, you could consciously decide to create a Human Rights Commission totally outside the United Nations. There are lots of things you can do to say to the United Nations as a mechanism, you're now so limited, so lacking in transparency, so ineffective that we're simply not going to rely on you to achieve what we believe are multilateral goals. What I suggested earlier was that combination of establishing a checklist of serious detailed reforms not just pious hopes but are these things getting done, having State report on a regular basis every year, and reviewing that kind of checklist in hearings like this and then giving the President the authority to withhold, but also requiring him to explain why he

didn't. I mean, I think the burden of proof has to be right now, on the U.N. system and on the executive branch. Because I do think the decay of the United Nations was so dramatic when you add it all together it's pretty hard to understand how it got to be this bad.

Senator SARBANES. Well, I'm committed to a reform agenda, but let me pursue that for a moment. If the House Member needs to do this in order to be able to handle his constituency when he goes back, why isn't it necessary for a Senate Member to do it as well? If you take that position then the bill will pass. I mean, you said it's good the House passed it, it sends an important message, and the Members are able to have that presentation, but you said you don't want it to come out of conference. But why shouldn't we get the same sort of protection, and pass it here, we'll send it on down to the President and then the President will be confronted with either signing it, or vetoing it. If he vetoes it, we may well pass it over his veto. It seems to me, once we start down that path, it's a very dangerous path in terms of how we interact with the United Nations and how the administration functions.

Mr. GINGRICH. I may have not been clear. I don't think the importance of the signal was back home to the American people. I think the importance of the signal is to the 120 countries that collectively pay less than 1 percent of the U.N. budget. And I think it's actually helpful that they're aware that the American Congress is unhappy. I think there's a difference, whether it's the Senate or the House, there's a difference between what one House may pass going into conference, and what comes out as a hopefully signable bill coming from conference.

But the importance of the signal in my mind was to the U.N. membership, not to the American people.

Senator SARBANES. Well, it seems to me that this signal can be sent in other ways, and once you start down this path of enacting the legislation, it may well carry all the way through. And then you have to confront whether that is going to be productive or counter-productive. And seems to me we've been through that before, and I have very deep concerns about moving down that path. The exercise of U.S. leadership for U.N. reform is very important. But there are many ways to do that, and I don't think we're in a good posture if we're just kind of brandishing the big stick and saying, unless you do these things you're going to suffer these punishments. Particularly when the reform effort hasn't been given a chance to move ahead. I mean they've scheduled a reform summit and there will be followup from that. So it seems to me we ought to give that an opportunity to work its way through without sort of brandishing this sort of club over their heads. Threats don't strike me, in the current context at least, as a good way to try to negotiate these changes.

The CHAIRMAN. Let me, on that note, recognize Senator Coleman.

Senator COLEMAN. Thank you very much, Mr. Chairman. First, I would like to speak—interject that in our legislation we do have in section 11, a reporting requirement. It does—not as extensive as your checklist and I want to talk about the checklist in a second. But I think we need to do that. I think we need to kind of take stock of what we've done. I also have to say, Speaker, that I agree with your assessment of the Hyde legislation. I think it's a good

signal to the United Nations. I don't think we're at a point where we really need to be laying out a series of preconditions if you do this, then automatically, if you don't meet this checklist we're going to take away money.

In fact, I think there is enough incentive out there already. I mean everyone knows we got to do reform. I'm wondering—and to me actually, this whole—I think the discussion about withholding funds is it's kind of been made the major focus, but I think it's off center. Essentially, what we're really saying, if we get to the point where the President of the United States says, we're going to be withholding 50 percent of our funds, we should probably be at the point where we say, we don't need the United Nations. Let us do something else. Because what do—I mean I don't think we're provoking anything here. We—if the United Nations can't provide a focus on combating terrorism, they can end its obsession with Israel, if they can't demonstrate an ability to deal with genocide in a place like Darfur. If it can't make itself more transparent and more accountable, if it can't make itself more effective, are there other places to go.

So ultimately, I think reform has to happen and I don't think that judgment, that judgment about do we really need the United Nations, something you do with a formula, a mathematical formula if you don't do these things here, then you know you're over the edge. I do think the Executive has to have some discretion. I think we, in Congress, simply have to know, you know whether this stuff is happening. But I have to ask you, did the committee ever, or did your commission ever discuss the—when you talk about the consequences of failure to reform, were ever a discussion that says you know, perhaps, the United Nations isn't the right vehicle, then, to do the things that we need to have done. That there are other vehicles out there, if it can't do all these things that the report talks about and that we and Congress are talking about?

Mr. GINGRICH. Well, I think the task force clearly, and it's listed in our report, clearly states that the United Nations is not the only institution, and that the United States is never limited from pursuing other venues if appropriate. And on the example of the responsibility to protect, we're very clear that if the Security Council for some reason, is politically blocked and can't be effective, that countries which are concerned about genocide or mass murder or other such—or massive violations of Human Rights, have other legitimate organizing mechanisms. But I don't think we went beyond that at this stage. I think our hope is, to sort of paraphrase what you just said, our hope is that with our report and with the Secretary General's report, and with the announcement that Secretary Burns would take a leading role in this, that there will be a sufficient effort made that over the next year or two we'll see a dramatically better United Nations. But we do believe, and we state in here quite clearly, that the United States cannot be trapped into, for example, a Human Rights Commission that routinely has dictatorships dominating the Commission. And I think in that sense, we raise the possibility and we try to remind the United Nations that it does not have a monopoly on legitimacy in getting things done around the world. Although it is a very important and very useful institution.

Senator MITCHELL. Senator Coleman, if I could just read two sentences from my report, it answers directly and specifically, and then I'll make a brief additional comment. We said we are struck by the United Nations' own receptivity to needed reforms. But they must be real, and must be undertaken promptly. An effective United Nations is in the interest of the United States, but there is nothing exclusive about the United Nations as regards American interest. The United Nations is one of the tools that America, our allies, and other democracies use cooperatively on the basis of our shared value.

We also comment in other areas about the history, and in overly brief summary, the United States took the lead in creating the United Nations because we believed it to be in our interest. There were no standards or values at the outset, save one: Power. The five permanent members of the Security Council were the five nations on the winning side in the Second World War. The Soviet Union, then headed by Joseph Stalin, was a charter member. China, which shortly thereafter became a Communist totalitarian state under Mao Tse-Tung, was a charter member.

Since then, we have tried, the United States and American people, to move the United Nations in a direction that will both make it more effective and more democratic, because we believe there is a relationship between the two. We believe that where democracy does well, the United States does well, and I think it fair to say that our values are increasingly ascendant in the world. There are more nations now in the United Nations than there were at the outset; there are many more democracies now than there were at the outset.

While, of course, it is always true that there may be circumstances under which we decide that this is a course we no longer wish to follow, I think that is highly unlikely. I think we will find that it is in our interest to devote our energy and effort to encouraging reform of the type that will make it both effective in advancing American interest and at the same time advancing American values, democracy, free-market institutions, protection of human rights and so forth, because I think the two go hand in hand.

Senator COLEMAN. It is certainly my hopes and the hopes of our legislation, and certainly the hopes of the Commission that, in fact, we confront the issue of reform, institutionally, organizationally, et cetera, and then actually do something about it.

My fear is that there have been lots of reports. And lots of studies. I'm a former mayor, transforming organizations is really hard. And so you know, this discussion about withholding funds, I think there's another issue beyond that. It's not just about withholding funds. It's just that a certain point in time—do we reach a point in time if there isn't progress, do we say there are other vehicles. And I think we have to keep that in the back of our mind.

Speaking to one other issue, and then you can probably combine an answer, perhaps, to deal with the two of them. I appreciate the strengths of your comments about the obsession with Israel, the—I think the report touches upon that somewhat more lightly than your prepared comments do. I notice, even in your checklist, you don't call for the abolishment of the committee rights of the Pales-

tinian people. That's the group, by the way, that just recently you mentioned last week, the UNESCO conference that put forth, criticized Gaza, Gaza withdrawal as a ploy. There's the special information program and the question of Palestine, there's a division of Palestinian rights, and we don't see that in other areas of the world. We don't see that in the problematic areas, we didn't see that about Iraq years ago, we don't see it about Darfur, I don't believe the checklist calls for that, is there a—can you give me a little sense of that background, the committee discussion on that Israel. The issue was touched, but it wasn't that hard statement. Our legislation does—and I don't think it's strong enough either in this area by the way and I would say that, that I think we need to strengthen it somewhat, but I'd be interested in the committee's reflection on those issues.

Senator MITCHELL. I believe that the task force strongly endorses the statements made by the speaker, that it is inexcusable that Israel is not provided equal treatment in an institution that is supposed to be devoted to equality among nations and peoples. We strongly support the call that insists upon fair and equal treatment for Israel, as one member nation, and indeed as a democratic nation and as a strong supporter of the United States.

Mr. GINGRICH. I would just say that in the discussions we had in the task force, there was, I think, a universal agreement on the general principal, but we did not develop it into a series of things and it's been in the process of starting to develop this much more narrowly checklist kind of approach. The only comment I was going to make, Senator, and I strongly applaud the leadership you've shown in this area and the firmness and directness you've shown. You really have two totally different audiences. One is the United Nations, the other's the executive branch. And I think as you're thinking through whether it's the concept of a checklist or some other model, what we were trying to wrestle with, is how do we in our complex constitutional system—how do we ensure that the White House and the State Department maintain a sense of focus, that they have a real sense of outcomes, not just effort. This is not just about sincerity, but it's about what do we have to do with our 190 Ambassadors at the bilateral relations of members, what do we have to do in our relationships in New York. How do we systematically and consistently move the ball forward in getting real reform.

And I would just remind everyone, that part of the reason you get this frustration is the United Nations didn't get to be this of mess overnight. There's been a long gradual slide to the problems we now have, and at each stage it's just been sort of too hard to deal with, or it's not been as important as whatever this year's crisis is. And so we're trying to find a way—both for the United States, but also for the other democracies—to begin to build a pattern of making U.N. reform a significant part of how they deal with their foreign policy issues. And I think that's what the legislative branch has to think about, is how do we signal and work with our own executive branch to get them to then work with the other democracies, to then finally get a U.N. reform.

The CHAIRMAN. Thank you very much, Senator Coleman.
Senator Dodd.

Senator DODD. Thanks, Mr. Chairman, and thank both of you again for your efforts here. And I'd ask consent, Mr. Chairman, that an opening statement be included in the record, if I may.

The CHAIRMAN. It will be included in full.

[The prepared statement of Senator Dodd follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM
CONNECTICUT

Mr. Chairman, I would like to thank you for holding this very important hearing today. As we all know, it was little over a month ago, on June 15, that the Task Force on the United Nations—headed up by George Mitchell and Newt Gingrich—issued its very comprehensive report entitled “American Interests and U.N. Reform.” I would like to thank our distinguished panelists for their hard work on this vital effort. Their presence here today is, I know, appreciated by every member of this body who is interested in real reforms at the United Nations. I would also like to welcome Under Secretary Burns again to this committee. I trust that his input on behalf of the administration will add much to today's discussion.

We face many challenges in the world—terrorism, rogue regimes, nuclear proliferation, the HIV/AIDS crisis, and world hunger—to name but a few. These are global challenges. And they require global solutions. Dealing with issues that have a worldwide impact is precisely why the United Nations was created.

But much has changed since 1945. The number of member nations has increased. We face new threats. And as with any bureaucracy, we have encountered problems that need to be fixed.

In fact, the United States is no stranger to bureaucracies that need rewiring. We, here in Congress, spend much of our time dealing with these types of problems. We do so because we hope that through our efforts, we might create a more perfect union.

Today, we are talking about the United Nations. And indeed, with all the global problems we face, the formation of a more perfect international union is one of the most important issues faced by the international community. We need an effective United Nations, and U.S. leadership on the issue will be critical if we are going to achieve that goal.

So while some would suggest that problems at the United Nations are a reason for American disengagement, I couldn't disagree more. Those problems, and the interconnected nature of today's world—for good and for bad—are exactly the reasons that the United States should become more involved in the United Nations and in the process of U.N. reform.

Who and what are those entities? They are terrorists, drug traffickers, and war criminals. They are famine, disease, and injustice. Defeating these entities is the reason why it is so important that we get this process of reform right.

With respect to the task force's report, I would make one very important point. The report does not make any recommendations that, in the task force's view, would require revision of the U.N. Charter. In my view, that is as clear a statement as any that the authors of the U.N. Charter were on the right track when they wrote that document. Indeed, I think that despite all the problems the United Nations faces, the foundation on which we have to build is strong. We would do well to keep that point in mind as we move forward with the process of U.N. reform.

Again, I would like to thank you for holding this hearing today, Mr. Chairman. I know you are very committed to this issue and commend you for your efforts. I would also like to thank our distinguished witnesses for being here today and I look forward to asking them some questions at the appropriate time.

Senator DODD. It's very, very helpful, and I, too, like the title that you've ascribed to this report, American Interests. Which brings me to an opening question. I don't want to—let me mention a criticism or two that I find here. Because I think it goes to the very heart of the last statement you made, Mr. Speaker.

And that is: How do you get the Congress, the administration, and American public to think creatively and positively about what needs to be done? I would have liked to have seen in this report, at some point, a litany of the things that the United Nations has done well. And that's nonexistent here. And I think it contributes to the notion that all we ever hear is about the problems. And cer-

tainly you've enumerated them here, you've brought them out in the report, and it's, obviously, critically important. This is about reform here, what needs to be changed. But I think in terms of our goals as you both have recognized, and I think we don't probably do as well a job as we should individually, up here, of identifying the fact that the existence of this organization, created in large part as Senator Mitchell has pointed out, because of U.S. leadership at the end of World War II, we have been a direct and very significant beneficiary over the last half a century, more than half century of this institution's existence. And I think it's important as we talk about this, that we from time to time remind our constituencies of the gains that have been made, of the problems that have been resolved. Just in the 1990s there have been 40 different peacekeeping missions conducted by the United Nations. Not all of them terribly successful, but I try to imagine what the world might have looked like during the 1990s had there not been a U.N. system that allowed us to respond. Successful ones like East Timor and Namibia were tremendously helpful. Would we have done it? Would the United States have responded alone, would have been able to form a coalition necessarily? I can only imagine the political problems that would have existed had we tried on our own to do these things. Or to build coalitions that would have allowed us to achieve those goals. The world health organizations, eradicating contagious diseases, today we talk about them in historical terms. But they were terribly significant of problems that the United Nations was able to grapple with.

And I think if we did more of that, not to be a Pollyanna, not to be naive or to disregard the legitimate criticisms, then we might, in fact, build the kind of constituencies with coming administrations, present administrations that doesn't give the signals—and there's an implicit suggestion that somehow this organization is more of a burden than an asset. It doesn't really help much. And I think that contributes to the political rhetoric that we hear from time to time, that contributes to the kind of legislation that, as Senator Sarbanes suggest may send a signal there, but it also sends signals here at home. In terms of our ability then to collectively do the things necessary to strengthen this very, very important institution become harder.

We're fundamentally, in my view, an isolationist country. For all the obvious reasons we know, as a nation of immigrants our forebearers, by and large, came here because they were escaping problems elsewhere. In fact, even at the outset of World War II, of course we had to wait until we were attacked ourselves before we were willing to respond to our first cousins in Europe who were burning as a result of the work of the Nazis. And so we're inherently hostile I think to the idea of internationalism. That's been a part of our historical fabric for a long time. So that's one point I want to raise with you if I can and get you to respond.

Second, it strikes me here, that we're kind of—we're talking about reform here, we're kind of moving the blocks around a little bit. But it seems to me, if you were to ask me to list the problems that they were going to face in the 21st century, and none of us have a crystal ball, but what are the problems we're facing? Well, clearly things like HIV/AIDS, world hunger, a proliferation of

weapons, terrorism, Sam Huntington's notion of the class of civilizations. The notion of the nation states conflict is becoming less of an issue for us than it was in the 20th century. And yet this institution still seems to sort of react to the nation states issue when, in fact, the problems we're going to face here are not really—there are some nation state issues, but the more compelling ones seem to defy the boundaries of nation states. And I didn't see suggestions here necessarily, and again I haven't read this as thoroughly as I probably should, but the notion that this institution has to mature beyond just the reforms necessary to really grapple with problems that we never imagined, I think, really dealing with at the outset. And I'd be interested in your observations about that as well.

And last, the Security Council itself. I'd spent a good part of last evening meeting with the Under Secretary General for Peacekeeping Operations, because of the issues in Haiti, and with the French Ambassador as well as people of the policing operations of the United Nations to find out what's going on in Haiti. One of the frustrations I have with the peacekeeping operations is the lack of robustness of the peacekeeping operations. And I know you've recommended in here no permanent military operation, but I'd be interested in how the task force reacted on the expansion of the Security Council. I've heard what Senator Mitchell's point is on this. I didn't hear what yours was, Mr. Speaker, and how the task force reacted to the expansion here, and veto power. And is there some middle ground, between trying to fashion military response teams, on peacekeeping efforts and some more permanent operation that would give us a chance to react more precisely and more contemporaneously with problems than the present problems? I'm frustrated on that Haiti deal. We can't seem to get anyone to really lead this effectively in my view, and it caused me to raise that issue with you, and let me stop there and thank you again.

Mr. GINGRICH. Well, let me say first of all, as one of the Senates leading students of foreign policy, you've managed to cover a fairly large amount in that process. I will comment very briefly. The one place I think I probably most disagree with you is, I don't think we are fundamentally an isolationist country. I think from 1941 on, we have been a remarkably internationalist country. We have American forces across the planet, we have American interests across the planet. We've founded the United Nations. We were clearly the leading force founding it. We have consistently worked to bring together people in a variety of things. And I think that we are a skeptical country about the limitations of trusting foreign governments. But I think that's very different from being isolationists.

And frankly, on that topic, I would also point out anywhere on the planet humans are hurting, they have relatives in America. And, therefore, we are drawn to be concerned about the world in a way that no other country has ever been, because we literally have relationships that are universal. And I think you see this reflected in Secretary Rice's visit to Sudan and to Darfur today.

Second, I do think we favor, and we are quite clear in our report, that we favor potential limitations of nation states. We say that there is a responsibility to protect and we go on to say that governments which fail to protect in the form of genocide, mass murder,

or massive human rights violations, thereby, risk losing their protection of sovereignty and we suggest that there are very strong burdens placed on the rest of us to be proactively concerned.

We also have very specific calls for a much more robust and effective peacekeeping. I would be very opposed to trying to create a United Nations army. But I am very much in favor of the United States working to create effective standby forces at the National level whether it's through the organization of African Union or in other ways.

And finally, as I think it may have, Senator Sarbanes, or somebody pointed out, we shied away from any final comments on the Security Council because we find it as difficult as everybody else. I must say at personal level I am sympathetic with the notion, that first of all, that Japan should certainly be a member of the Security Council permanently. My person—and that's the administration position. My personal bias is that India almost certainly deserves a permanent seat as the largest democracy, and second largest country in the world.

Beyond that I'm very cautious about permanent seats, but I could be comfortable with an expanded Security Council that had some arrangement for countries that would serve longer than just 2 years. But I think our view was, that was an entanglement that was changing regularly, and that it wasn't something, that if we were to get—if we had been very specific for—many places around the world that would have been the only story. And I think by avoiding it we actually got people to focus on the reform aspects of our report.

Senator DODD. Let me just, before Senator Mitchell responds, quickly here. My point about being isolationists was where the American public has been. Administrations—the Marshall Plan for instance, was one of our great achievements to day, the time of it's enactment it took a major effort by Senator Vandenberg and others to convince the American public this was worthwhile. The American public was not enthusiastic about it, as you know—I mean that's the point on the isolationists. Leadership has been, I think we've been properly involved, but the public itself has always been reluctant. That was my point. Senator Mitchell, do you have any comments you want to make.

Senator MITCHELL. Senator Dodd, to respond directly to your comments, first we accept them as valid, constructive criticism, presented in a positive way. We certainly, to the extent that we continue in this, we'll keep those in mind and attempt to deal with them.

We do have references to areas in which the United Nations is effective, or can be effective, in the very opening chapter; indeed on the second page, which the Speaker and I were principally involved in drafting, with the help of our aides. We list several areas where there is a positive benefit from the United Nations.

With respect to the second point you made about the areas of emphasis, when you write a report you never know what's going to get attention. And I must say, I frankly have been surprised that of the six chapters in our report, which includes the opening chapter written by the Speaker and I, and then five task groups, that really the one that's gotten the most attention, is titled: In Need of Re-

pair, Reforming the United Nations. We have lengthy chapters on safeguarding human rights and ending genocide, on deterring death destruction, catastrophic terrorism, and the proliferation of nuclear chemicals and biological weapons, on war and peace, preventing any conflicts, and on helping people in poor nations through development and humanitarian assistance.

It just so happens that the chapter on Need of Reform in the United Nations has gotten most of the attention, most of the questioning, and the others really haven't received what I think is the attention they deserve. I hope your comments will serve to focus attention on those because they are, in my judgment, of critical importance. With respect to the Security Council, we did discuss it in the task force, and we did not reach agreement. So we stated that frankly. There were a few areas where that occurred, and it's explicitly stated in our report. The Speaker has expressed his personal view, I expressed mine previously, and each member of the task force is free to express his or her own.

The CHAIRMAN. Thank you very much, Senator Dodd. We thank our distinguished witnesses for your testimony and your forthcoming responses to our questions. The Chair would now like to recognize R. Nicholas Burns, Under Secretary of Political Affairs, the Department of State. Would you please proceed to the table? Secretary Burns, thank you for coming, thank you for your patience. We've had an extended conversation with our first witnesses, and we look forward to visiting with you. But first of all, we'd like to hear your testimony. Your entire statement will be made a part of the record in full. And please proceed as you wish.

Senator BIDEN. Mr. Chairman, would you yield to me for 10 seconds.

The CHAIRMAN. Yes, Senator Biden.

Senator BIDEN. Karen Hughes, your administration's nominee for a very important post, I'm supposed to meet with at 10:15. So, Mr. Secretary, if I leave after your testimony, please don't be offended. I'm very much interested in what you have to say, and I would like permission to able to submit a couple of questions in writing if she's on time. I——

The CHAIRMAN. Permission granted.

Secretary Burns.

STATEMENT OF HON. R. NICHOLAS BURNS, UNDER SECRETARY FOR POLITICAL AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador BURNS. Mr. Chairman, thank you very much. It's a pleasure to be here. I found the last 2 hours to be a very serious stimulating debate and I enjoyed listening to it. And I profited from it, and I thank you, Mr. Chairman, and the rest of the members of the committee for the commitment that you're giving to the United Nations: An institution that's a great value to us, but an institution that's badly in need of reform.

I have submitted a statement. I will not tax the patience of the committee by reading it. May I just say a few things that, perhaps, would frame the position of the administration on this issue and also respond to some of the points that members have already raised?

First, our administration is committed to U.N. reform. I don't believe we need to have our feet held to the fire to pay attention to it. Or to try to achieve some of the very notable aims that you, Mr. Chairman, and Senator Coleman have put forward in your bill, and we agree with many of the—nearly all of the reform provisions in your bill. The United Nations is a uniquely viable institution, but it is in need of reform. And our administration is committed to seeing that reform through. We have recently, twice in the last month, sent cables to all of our diplomatic missions asking our Ambassadors to see Foreign Ministers about the list of reforms that we wish to see accomplished by September when the High Level Summit's going to be held—President Bush will attend—that's supposed to be focusing on the idea of strengthening the United Nations.

So I just wanted to assure all of you, we are focused on this, and we're focused not just on the effort or on rhetoric, but actually on results. I also want to reply to Senator Dodd's, I think, very strong and good point that we need to speak positively of the United Nations. And give credit where credit is due.

In my testimony I list a high number of examples where the United Nations has been indispensable. And in this very complex globalized world, despite the power of the United States, we cannot go it alone. We cannot be unilateral. And we do have to work through multilateral institutions; each of them has their own strengths, own weaknesses. The United Nations has both. But on the positive ledger, if you look at what the United Nations has been able to do to organize the elections in Iraq, to frame and support the international communities, continued economic support for the Government in Afghanistan; if you look at the way that the United Nations has paid attention to some conflicts where we were not willing to commit troops for very good reasons, but in Côte d'Ivoire, in Sierra Leone, in Liberia, the United Nations Peacekeeping forces in each of those countries has played an indispensable role in trying to preserve, under difficult circumstances, peace.

And I think back to—after the assassination of Rafiq Hariri—when it was the United Nations, through U.N. Security Council Resolution 1559, that spoke with one voice that essentially said to the Syrian Government, “your 29 years of occupation are over.” And it was a powerful statement. France and the United States co-sponsored it. And it's that kind of role that the United Nations can play best that we ought to encourage and we ought to recognize when the United Nations does good things. Not least of all, the U.N.'s attention to HIV/AIDS to democracy promotion to poverty alleviation—it's something that the United Nations can uniquely do that we, as a country, are not able to do on our own.

We think that's important. The next point, I'd like to emphasize, is that American leadership is important. We are the founding country, we're the host country, we're the leading country, we're the largest donor. If we are committed with a positive, and sometimes tough agenda, tough-minded agenda, the United Nations can be more effective. If we walk away, or we withhold funds, and we are very much opposed to that, then we're convinced that the United Nations will be less successful.

Now the United Nations has significant flaws, and I would just commend Senator Coleman for his leadership in calling the United Nations on those flaws. And we've had a chance to meet and we very much appreciate the work that he is doing to look into the significant deficiencies in New York and the Secretariat, in the management, in budget and the administration.

To listen to Chairman Volker and the work that he is doing on the Oil-For-Food scandal, where there are further reports coming. And we are very, very concerned about the revelations on the Oil-For-Food scandal and we hope that people will be held accountable for the grievous lack—abuses in that program.

We look at the peacekeeping scandals, particularly in Congo, where soldiers who are supposed to protect innocent civilians, turned on them as sexual predators. It was shameful and those people need to be held accountable for what they have done.

And finally, I think everyone on your panel, in your committee, Mr. Chairman, has agreed that the United Nations Commission on Human Rights ought to be abolished. It is scandalous that Sudan and Zimbabwe should sit in judgment of the United States and Norway, and France, or South Africa—all of us democracies—Sudan and Zimbabwe, not being democracies. So what we have done in our Government is to ask every U.S. Ambassador in the world to focus on U.N. reform, to deliver our reform agenda to each capitol of the world.

Secretary Rice was in the United Nations to see the Secretary General a month ago; she put our reform proposal before him. I was up in the United Nations yesterday and I spent 5 hours there meeting with various regional groupings. I met with eight African countries, but also with the Secretariat, to say we hope by September the following reforms can be enacted.

First, working with our very fine Under Secretary of Management, Chris Burnham, an American citizen who just took his job, can we have far-reaching management, budget, and administrative forms in the United Nations decided upon by this September, in 2 months time?

Second, can we agree to abolish the Human Rights Commission in Geneva and replace it with a smaller, much more democratically oriented Human Rights Council, that would actually turn its attention not to propagandize individual countries' concerns, but to focus on human rights violators and to try to have the United Nations be an effective voice for change in countries like Zimbabwe and Sudan?

Third, is to agree to the construction of a peacebuilding commission, which would be a vehicle that we've not had over the last 10 years. After a conflict has ended, how can the United Nations be more effective in organizing international, civil, and military reconstruction? It's the type of response we did not have after Bosnia, Kosovo, Macedonia, Afghanistan, and Iraq, and which we badly—we badly need.

Fourth, a Democracy Fund has already been created. That was President Bush's idea; it was inaugurated on July 4 by Secretary General Kofi Annan and the U.S. Government will contribute to that fund, designed to spread democracy in the world.

Fifth, can the United States and the other nations agree on what we ought to be doing to promote development in the world, not the simplistic notion that 0.7 percent of one's GDP is sufficient? But in looking at what we can do with trade, with NGO activities, with business investment, and with government aid to promote real and long-lasting development in the world.

And finally, counterterrorism. Can we agree on a definition of terrorism, and can we have a convention on terrorism that would be an effective response by the United Nations to 9/11, to the London bombings, and to all the terrorists acts between?

So that's our agenda for the United Nations. And what's ironic, I find, about the discussion this morning in this committee, versus the discussions that I had yesterday in New York, is that you've all focused, I would say, on a very serious way and very substantial way, on the these fundamental reforms that must be enacted to shore up an ailing institution.

But I can tell you 98 percent of the diplomatic oxygen is being spent on the U.N. Security Council debate. All of my conversations yesterday, when I tried to press this reform agenda, came around to the U.N. Security Council debate.

And Secretary Rice has taken the position with all of her interlocutors, and I have as well with mine, that the United States does not want to have a vote on expansion of the Security Council until we can demonstrate to the Congress and the American people that we've actually been effective in pushing through these more far-reaching reforms. We can't imagine asking the Senate to amend the United Nations Charter to enlarge the Security Council, which is what we'd have to do.

If we came to you and say we want to grow the Security Council from 15 to 20, or even 25, and yet we had not taken care of the sickness in the institution, I can imagine what the response of the Senate would be. And so, I can assure you that while we are interested in Security Council reform, and we have put forward a proposal for new permanent members, as well as nonpermanent members, we are not inclined, we will not agree to have a vote, and we will vote against any proposal that comes before this major body of reforms is enacted.

Finally, and my last point, Mr. Chairman, would just be to thank you for the attention you've given this issue this morning. And thank former Majority Leader Mitchell and former Speaker Gingrich for their very good, very serious report. We agree with nearly all of the recommendations in it. Secretary Rice and I met with both of them and their associates and we're very gratified that they spent so much of their time producing a report that should be a guide both for the Congress and for the administration. Thank you very much.

[The prepared statement of Secretary R. Nicholas Burns follows:]

PREPARED STATEMENT OF HON. R. NICHOLAS BURNS, UNDER SECRETARY OF STATE
FOR POLITICAL AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

INTRODUCTION

Chairman Lugar, Senator Biden, distinguished members of the committee, I appreciate the invitation to appear before you to discuss U.N. reform. U.N. Reform is one of the most important issues facing the United States. It is an essential tool for the successful management and implementation of U.S. foreign policy. It is fun-

damental to the future effectiveness of the United Nations itself. U.N. reform is one of our most pressing priorities. In that regard, we welcome the leadership of former Speaker Gingrich and former Majority Leader Mitchell in calling for the United Nations to adopt far-reaching reforms in the months ahead.

WHY WE BELIEVE IN THE UNITED NATIONS

Since 1945, but especially since the end of the cold war, the United Nations has become an important foreign policy tool for the United States in our efforts to advance throughout the world the values we believe in. We often forget—or under-rate—just how critical the United Nations has been in helping us to achieve our foreign policy goals and objectives. A quick glance at the headlines proves this point: Sudan, Iraq, Afghanistan, Iran, North Korea, Haiti, Lebanon, Syria, Western Sahara, Congo, Côte d'Ivoire, Liberia. The United Nations is important in each of these countries as a peacekeeper, a mediator, a unified voice of the global community on very difficult issues.

But the United Nations does not deal just with countries in crisis. The United Nations also plays a vital role in addressing the great transnational issues that are at the forefront of today's challenges, such as HIV/AIDS, tsunami relief, illiteracy, democracy promotion, human rights, trafficking in persons, freedom of the media, civil aviation, trade, economic development, and the protection of refugees, to name but a few. Another good example of the U.N.'s long-term work is First Lady Laura Bush serving as Honorary Ambassador for the U.N. Decade on Literacy, as UNESCO is developing a literacy initiative focused on combating illiteracy through mother-child education.

The United States and other countries have freely chosen to take these very complicated matters before the United Nations. We have done so because we know that by working together we can enhance the prospects for success. And, in working multilaterally, we share the burden financially and in terms of human resources. Our work in the United Nations reaffirms our unity of purpose with our allies and friends around the world.

U.S. LEADERSHIP AT THE UNITED NATIONS

As the founding country, host country, and most influential member, the United States is essential to the success of the United Nations. While the United Nations is an indispensable partner to the United States in a complex world, it is also true that the United Nations cannot function effectively without an interested, focused, and committed United States. It is, therefore, vital that the United States lead the United Nations, that we have faith in the United Nations, pay our dues, promote reform, and contribute to strengthen the United Nations for all the many challenges ahead.

We must help shape the U.N.'s priorities and guide the direction of its activities; we must resist initiatives that are against our policies; and we must strive to achieve our goals at lower cost to the American taxpayer.

American leadership is essential to promote fundamental American and U.N. principles and values:

- Through the United Nations, the United States seeks to make the world a safer place, by ensuring nonproliferation; by preventing or deterring terrorism; and by addressing other threats to peace and security, especially regional stability.
- Second, we seek to make the world a better place, by promoting human rights and democracy, by advancing economic freedom, good governance, food security, literacy, and development; by improving the coordination and delivery of humanitarian assistance; and by reducing the number and severity of international health threats.

To those who say that the United Nations is a failed organization and that we obtain little in return for our contributions to that body, I would point to the following results:

- The Security Council has acted to reduce violence in Sudan, Haiti, Liberia, Côte d'Ivoire, and other countries;
- In Iraq, U.N. officials played a key role in elections earlier this year and are assisting in the drafting of the new constitution to take effect in January 2006;
- Joint United States-French efforts have resulted in Security Council resolutions to force Syria to end its occupation of Lebanon;
- Libya signed the Additional Protocol and cooperated in the evacuation of nuclear equipment and materials;
- The General Assembly adopted the Nuclear Terrorism Convention;

- The Security Council declared terrorist acts unjustifiable and is monitoring the sale of WMD to nonstate entities such as terrorist groups;
- The President's proposal for a U.N. Democracy Fund has garnered wide political support, and the Secretary General announced its launch on July 4;
- The General Assembly passed a declaration calling for a ban on all forms of human cloning;
- A Democracy Caucus has been established in Geneva and New York;
- Several key Commission on Human Rights resolutions important to the United States were adopted, while Cuba's Guantanamo resolution was defeated;
- We have addressed human trafficking through resolutions in the General Assembly and Commission on the Status of Women, and through a special trafficking protocol to the U.N. Convention on Transnational Organized Crime;
- Americans were elected or appointed to a number of key leadership positions at the United Nations.

Americans can be assured that, in many important areas, the United Nations is working well to help bring development, security, and peace to the world. The United Nations, however, is far from perfect. In many ways, it is an ailing institution badly in need of fundamental and bold reforms. The recent Oil-for-Food scandal, the outrageous abuses by some U.N. peacekeeping troops in the Congo and management woes at U.N. Headquarters are but three examples of problems that must be corrected this year. The United States must also lead in this effort.

GINGRICH-MITCHELL REPORT

Mr. Chairman, I'd like to begin discussing the U.S. agenda for U.N. reform by first offering a few thoughts on the important work done by the Gingrich-Mitchell Commission on U.N. reform. Though I won't go into a comprehensive analysis of their report in this forum, I will say that we support most of the report's recommendations. They are consistent with the administration's views on U.N. Reform. The report rightly emphasizes U.S. leadership as a precondition for attaining significant reform of the United Nations. We also appreciate the report's emphasis on the importance of all states playing a role in the reform process; America cannot do this alone.

We agree that the United Nations needs to give more emphasis to good national governance, trade, and to economic growth as the means to reducing poverty. As the report recommends, this means applying new approaches, such as those pioneered by the Millennium Challenge Account, the Monterrey Consensus, and the U.N. Commission on the Private Sector and Development.

On human rights issues, we are in strong agreement that the U.N. Commission on Human Rights (UNCHR) should be abolished. Serial human rights violators such as Cuba, Zimbabwe, and Sudan are all firmly ensconced Commission on Human Rights members, lecturing the membership on how to promote and protect human rights when they do not protect the rights of their own people. Bloc politics continue to dominate voting at the UNCHR, ensuring that any substantive discourse on human rights devolves into a political battle. The Office of the High Commissioner for Human Rights continues to be woefully underfunded.

As such, we strongly agree with the report's finding that the Commission on Human Rights should be eliminated and replaced with new U.N. Human Rights Council. We believe that the Council should have an action-oriented mandate, and that its membership should be elected by a two-thirds majority and exclude states under U.N. Security Council sanctions. We continue to endorse the U.N. Democracy Caucus as a tool to help like-minded states from different regions share ideas and initiatives on the Commission's reform and the Council's future.

In keeping with the report's references to reform of peacekeeping operations, the United States strongly welcomed the report of Prince Zeid Raad Al-Hussein, the Secretary General's special adviser, to strengthen the U.N.'s ability to investigate and react firmly to allegations of sexual exploitation and abuse. The United States also supports the U.N. Secretariat's request to fund additional positions in peacekeeping missions to enforce the zero tolerance policy.

We agree with the report's support for the creation of a Peacebuilding Commission. Where the United Nations as an institution is concerned, the work on security must be coordinated with all the other efforts being undertaken in connection with a particular society; and all the other efforts must be coordinated with each other. Better coordination among U.N. family entities and with donors, international financial institutions and regional partners, as well as taking aboard the lessons from the complex U.N. peacekeeping and peace support missions of the last 15 years, can help us all do a better job of conflict prevention. In the event conflict cannot be avoided, such coordination and application of lessons learned can improve our collec-

tive efforts to assist states to recover from conflict. These activities are central to successful discharge of the Security Council's primary responsibility for peace and security, and a Peacebuilding Commission would be essential in managing these processes.

Regarding the report's recommended 2-year budget cycle for peacekeeping operations, we believe most peacekeeping missions benefit from annual review of their budget. Two-year budgets for peacekeeping missions may not be practical since evolving conditions on the ground and lessons over the course of the year can lead to revised mandates and budgets.

The report makes important recommendations on management, budget, and administrative reform in the United Nations, notably in the Secretariat's work. This is a key area of current U.N. weakness. We are pleased by the appointment of an American, former Acting Under Secretary of State for Management, Chris Burnham, as U.N. Under Secretary General for Management. We support the idea of an oversight board. The report also offers very constructive proposals for altering the culture of the U.N.'s troubled human resource system.

Mr. Chairman, we share the strong sentiment in Congress for reform of the United Nations. We look forward to working with you and other leaders of the Senate to that end. However, we believe that withholding U.N. dues is not a constructive way to achieve sweeping U.N. reform, and withholding is not a prescription suggested in the Gingrich/Mitchell report. We believe withholding dues in order to achieve a wide array of specific conditions would diminish our effectiveness, and would detract from and undermine our efforts to play the leading role in reforming the United Nations. It would represent a tremendous setback in the reliability and credibility of the United Nations in the world.

The administration objects to the House bill's certification requirements which could result in a 50-percent reduction in the U.S.-assessed contribution to the United Nations. The administration also opposes provisions of the bill that purport to require the President to direct the Ambassador to the United Nations to take particular actions in the Ambassador's dealings with the United Nations. Other provisions purport to establish policies for the United States with respect to its relations with the United Nations. These provisions impermissibly infringe on the President's authority under the Constitution to conduct the Nation's foreign affairs. The administration also has a number of other objections to the bill. However, we do support many of the provisions in the Coleman-Lugar bill. This bill articulates a comprehensive set of reforms that are difficult but attainable, and gives the administration the necessary flexibility needed to pursue reform.

U.N. REFORM: WHAT IS NEEDED

Mr. Chairman, I think we can agree that the United Nations has been a useful diplomatic tool over the years. Like any tool, however, maintenance and repairs are required to ensure maximum effectiveness.

As President Bush has said, "the success of multilateralism is measured not merely by following a process, but by achieving results." For that reason, the United States has long advocated reforms to make the United Nations more efficient and effective. In recent years we have spearheaded efforts to achieve greater transparency in the budgetary process and to increase oversight of U.N. operations to prevent fraud, waste, mismanagement, and misconduct. We are proud of a number of important advances in these areas, including a resolution last December that requires that reports by the Office of Internal Oversight Services (OIOS) be made available to any member state upon request, and the granting of new authority to the Secretary General to move positions between U.N. programs to higher priority areas.

Clearly, however, U.N. management is still woefully lacking, as media reports on the Oil-For-Food and on sexual exploitation by peacekeepers scandals have highlighted.

The momentum for reform has grown in recent months and is now in an intense phase. In December 2004, Secretary General Kofi Annan's High-Level Panel on "Threats, Challenges, and Change" issued its report with 101 recommendations to modernize the United Nations. In March of this year the Secretary General issued his own report entitled "In Larger Freedom: Towards Development, Security and Human Rights for All," which puts forward more than 200 reform recommendations.

The United States will support a number of recommendations put forward by the Secretary General and his High-Level-Panel, but we are also actively pursuing our own reform agenda. We have contacted U.N. officials and representatives of other nations to discuss our views and have stepped up our efforts for reform in preparation for the Summit in New York in September and at the 60th General Assembly

this fall. We are working assiduously with like-minded countries to seek wide support for the reforms we believe are necessary for the United Nations if it is to meet the challenges of the 21st century.

OUR REFORM AGENDA: U.S. PRIORITIES

We have outlined six priorities for U.N. reform and are devoting considerable time and energy over coming months to win support for our proposals. I would like to outline briefly each of them.

Reform Priority No. 1: Budget and Management Reforms

The United States has consistently pressed the United Nations to undertake meaningful management, administrative, and budgetary reforms to make it more efficient, effective, and responsive. Budgetary discipline, accountability, and program relevancy are critical to these goals. We believe that the Secretary General devoted too little time to these issues in his proposals for the High Level Event. A number of member states agree with us that it needs to be more broadly addressed in the Outcome Document for the September summit. In particular, for accountability, we want to boost the resources and independence of the Office of Internal Oversight Services, and an expanding role for this Office in peacekeeping and small agencies. For effectiveness, we seek consolidation of U.N. Information Centers, and rationalization of conferences. To boost relevance, the Secretary General's authority to redeploy positions should be used and expanded, and all ongoing U.N. programs should be reviewed for continued relevancy and effectiveness.

Reform Priority No. 2: Effective Human Rights Mechanism

We must reorganize the way the United Nations works to protect Human Rights throughout the world. The United States supports the creation of a U.N. mechanism such as the Human Rights Council proposed by the Secretary General to address more effectively the most serious human rights situations. We also believe that the Council's mandate should be to take effective action to address the most egregious human rights violations such as systematic torture or wide-scale deprivation of freedom of expression and assembly.

In regard to structure, we support a standing, action-oriented Council that downplays thematic resolutions. We also believe the Council should be a General Assembly subsidiary, pending a decision whether to create a stand-alone charter body, because it would be easier and faster to implement. The membership should be limited—20 is ideal—and exclude nations under Security Council sanctions. Seats would be filled through elections to 2-year terms with regional allocations.

Members of the Council should have a solid human rights record and states would have to secure a two-thirds vote to be elected. Countries subject to Security Council sanctions or an UNSC-authored Commission of Inquiry would be ineligible. Elected Council members should affirm they will live up to the standards of the Universal Declaration on Human Rights.

Reform Priority No. 3: Creation of a Peacebuilding Commission

We need a Peacebuilding Commission to provide recommendations on post-conflict situations and on bridging between peacekeeping missions, reconstruction, and stabilization efforts. A Peacebuilding Commission should be set up to work in an advisory capacity to the Security Council on specific conflict situations as requested by the Council. The Commission's tasks would also include serving as a focal point for donor coordination. We believe participation in the core Commission should be limited to about 20 members and should include the five permanent Security Council members, five major donor nations, three major troop contributors, five representatives of ECOSOC, the World Bank, and IMF; and a U.N. system representative selected by the Secretary General. The Commission would provide advice to the Security Council on a consensus basis.

Reform Priority No. 4: Economic Development

Building on the 2002 Monterrey Conference on Financing for Development our approach emphasizes national responsibility, rule of law, governments accountable to the people, and sound economic policies. Such an enabling framework for development provides the essential context necessary for countries to make effective use of all available resources, public and private, foreign and domestic.

The United States has an excellent story to tell on development. The United States led the push for the ambitious "Doha Round" of trade liberalization. At Monterrey, the United States also joined other countries in agreeing to provide more aid to support developing countries that are improving their institutions and policies. We have increased official development assistance by 90 percent since 2000,

nearly tripled aid to Africa during the same period, established the Millennium Challenge Account, and led donor funding in the fight against HIV/AIDS. We cannot and should not endorse aid targets, but need not object to commitments made by others to such targets.

We are underscoring the importance the President attaches to ending poverty by promoting political and economic freedom, and emphasizing our leadership on key issues (the MCA, HIV/AIDS, women's issues) where aid can be effectively applied.

Most recently, at the G-8 Summit in Gleneagles we made a historic commitment to Africa and African nations, agreeing among other things to debt relief for qualifying heavily indebted poor countries, scaling up the fight against malaria, increasing our funding of the African Education Initiative and our support for women. We will again double assistance to Africa between 2004 and 2010. In addition, consistent with the President's policy, the G-8 agreed that development requires not just aid, but better governance, stability, and peace in order for the private sector to grow and create jobs.

The United Nations can make its greatest contribution to development by helping its members make and implement the right choices about how to build democratic states with market economies.

Reform Priority No. 5: Democracy Fund

At last year's General Assembly, President Bush called for the establishment of a U.N. Democracy Fund and we have worked diligently with the U.N. Secretariat and other interested member states to make this initiative a reality. The Democracy Fund will provide grants and in-kind assistance for democracy promotion efforts to expand the reach of freedom around the world. Several other nations, including India, Hungary, and South Korea have expressed support for the fund. Allies such as the United Kingdom and France have signed on and intend to contribute. Secretary General Annan highlighted the idea in his report "In Larger Freedom," issued proposed Terms of Reference, and on July 4 at the African Union Summit announced its establishment. We have requested \$10 million for the Democracy Fund in the FY06 budget, and we are seeking FY05 moneys to reprogram for the fund.

Reform Priority No. 6: Counterterrorism

We are in broad agreement with the counterterrorism strategy proposed by the Secretary General, but do not agree with all its elements. Regarding a definition of terrorism, the United States welcomes the position, contained in the Secretary General's report, that the right to resist occupation does not justify the targeting and killing of civilians. We do not, however, want the effort to come to agreement on a definition of terrorism to distract from the more important task of moving forward on completion of the Comprehensive Convention on International Terrorism.

SECURITY COUNCIL REFORM

Finally, Mr. Chairman, I would like to say a few words about Security Council reform.

Many nations have expressed the view that the Security Council, the United Nations most powerful body, should be enlarged from its current composition of 5 permanent members and 10 nonpermanent members to become more representative of today's world. We have stated consistently that while we are open to considering expansion proposals, the primary purpose of Security Council reform should be to make the Council more effective.

The Secretary General's Panel of Eminent Persons did not endorse a specific plan on this highly charged issue but proposed instead two options: (1) Increasing the number of both permanent and nonpermanent members; or (2) enlarging the Council with new nonpermanent members only, albeit with a new category of nonpermanent membership that has a longer term than the current 2-year term and which allows members to run for reelection.

Japan, Germany, Brazil, and India, known as the Group of Four or G-4, have put forward an enlargement proposal based on the first option that would give them, together with two African nations, permanent seats. The G-4 has indicated that they would like to have a vote by the General Assembly on the resolution in the coming weeks.

This G-4 proposal would need to receive a "yes" vote of two-thirds of U.N. members if it is to move to the next phases, the selection of the new permanent members, and the adoption of a resolution for amending the United Nations Charter, with ratification of the amendment by two-thirds of U.N. membership, including ratification by all permanent Security Council members. For the United States, this would require Senate advice and consent. The G-4 proposal is opposed by a number

of countries, including the United States. We do not think it is timely to support any proposal until broader consensus is reached. Recently, other proposals for Security Council reform have been put forward, including one by the African Union.

We have engaged in a dialogue with the G-4 and with the other permanent members of the Security Council. I met personally with my counterparts from both groups. We continue our strong support for a permanent seat for Japan; have expressed our openness to Security Council expansion, and proposed our own criteria-based approach as a constructive way to measure a country's readiness for a permanent seat. Such criteria could include: GDP, population, military capacity, contributions to peacekeeping, commitment to democracy and human rights, financial contributions to the United Nations, nonproliferation and counterterrorism record, and geographic balance. We have said that we can support adding two or so new permanent members based on those criteria. In addition, we would endorse the addition of two or three additional nonpermanent seats, based on geographic selection, to expand the Council to 19 or 20.

We feel that the G-4 resolution is highly divisive. Obtaining wide support for Security Council reform is critical if the reform is to succeed in revitalizing the United Nations. Clearly, as well, a resolution that enjoys a broad base of support stands a better chance of General Assembly adoption.

We also want our friends to understand that while Security Council reform is an important issue, we cannot let discussion on expansion divert our attention from, and delay action on, other important, more urgently needed U.N. reforms. It is our conviction that no single area of reform should be addressed to the exclusion of others. The Secretary has communicated this to U.N. Secretary General Annan and to her counterparts.

As such, we do not think any proposal to expand the Security Council—including one based on our own ideas—should be voted upon at this stage. If the G-4 puts its resolution for a vote, we will vote against it and are urging others to do the same.

CLOSING

In closing, Mr. Chairman, I would like to underscore that United Nations reform is a very high priority for Secretary Rice and for this administration. The United Nations has been, and continues to be, a critical element of U.S. foreign policy. We cannot, however, change the United Nations for the sake of change alone. We want reforms that will make the United Nations more effective and bring it closer to the vision it created for itself almost 60 years ago, while simultaneously preparing it and its member countries for the new challenges of the 21st century.

Thank you.

The CHAIRMAN. Well, thank you very much, Secretary Burns. It's a fact that there is interest in this committee, and even at this hour we have good participation. We may even have more as questions continue.

Let me suggest maybe 6 minutes for each member this time, because we're going to have another vote at 12:30. Eventually, members will, in fact, go off to other things, and you will need to return to your duties. Let me start the 6 minutes of my own by saying that the agenda that you pointed out, of the members of the United Nations as they visit with Secretary Rice, is as we might have anticipated; that is, the great powers have an interest in the Security Council. Maybe nations that are not great powers are much less interested in this.

The predicament, I think, that we have strategically or tactically—as you may look at it, legislatively—is that we come to a pretty good agreement in much of the House bill, and certainly the bill that Senator Coleman and his group has helped fashion with this committee on the reform agenda that you have mentioned.

At the end of the day, in the House bill they said that if you don't pay attention to the reform agenda, why, we're going to cut the dues 50 percent. And that has been the big issue in this coun-

try. It may be in New York that people are interested in the Security Council, but here much of the press coverage has been over the 50-percent cut. With some justification we went through several years of this. This has been reiterated today. We are trying to get back to normal again. Therefore, many people say that if you're getting to this, why there we go again. And yet at the same time we heard Speaker Gingrich pointing out that there was usefulness in Chairman Hyde's bill and so forth.

Now the bill that we have tried to fashion here says that Secretary Rice, negotiating for the President, has to have some clout. Several things are suggested that she might have in her portfolio there, including, ultimately, a reduction of the dues. But that gives her and the administration authority to negotiate all these. Some could point out that before Secretary Rice, or anybody else, ever gets to this, the Congress may just simply cut the dues, or may for instance, cut 100 percent for all I know in a fit of unhappiness about the United Nations. The situation is not going well for the United Nations in terms of U.S. public opinion right now, not well at all. We're trying to reconstruct. But as I understand the administration's position, they don't want the dues in the bill, and so I just query, how do you anticipate proceeding? Let's say, remove all mention of the dues, as one of the quivers in the arrow, and so that satisfies the administration. Does it satisfy Congressman Hyde, and the House people who have already voted for their bill? And do we, maybe, prevail one way or another? I don't know. At the end of the day, why is this not a useful thing to have in some form? Or, is your feeling that even the mention of it is not constructive, and that, somehow, you're going to be able to effect these reforms without having, at least, the potential mechanism of the dues reduction as a last resort?

Ambassador BURNS. Senator, thank you very much, and you've asked one of the key questions, and I'll be very happy to respond. Our administration's position has been that we object to the withholding—the mandatory withholding—of American dues to the United Nations. We believe that we should pay our dues, that we should pay them on time, because we believe that will enhance our credibility with the other members of the General Assembly and we think that is befitting the role of the founder and host country, leading country of the United Nations itself. We all remember, I know you do, probably even more vividly than I do, the time during the 1990s when we did not pay our dues and the attacks on American credibility in the mid- to late 1990s.

We even came close in the late 1990s to losing our vote in the General Assembly because of the large arrears that we have built up to the U.N. system. I also want to say that we're very well aware of the sentiment here in Congress and the tough-minded approach that many members have taken, which is positive. And that is that the United Nations has to reform, and if there is to be a clear message from the Congress, in whatever bill emerges in conference, that reforms must be enacted, that the Congress expects that on behalf of the American public. And, Mr. Chairman, I'm very well aware of the public opinion polls in our own country about support for the United Nations. Then a tough-minded message can be helpful to our efforts.

The CHAIRMAN. Let me parse the thing before my time runs out. We're not in favor of mandatory dues. The point, clearly, was that the President of the United States, finally at the end of the day, has the discretion to do this. Does he want it or doesn't he? That's really the issue. My guess is that this is likely to be a very unusual legislative row to hoe, which may give the President the ability to veto the bill at the end of the trail. So that's the critical issue. Does the administration want the discretion in the hands of the President at the end of the day?

Ambassador BURNS. Mr. Chairman, I'll try to—try to be as helpful as I can. You've asked a direct question, and I just want to reaffirm our belief that we should pay our dues. And that's our obligation. If we are given the choice between mandatory withholding and withholding that for which the President and the Secretary of State would have a waiver authority, we would certainly support the latter and we've made that clear. And we very much appreciate the work that you and Senator Coleman have done to articulate in your own bill a tough-minded reform agenda for the United Nations.

The CHAIRMAN. Well, that may not be good enough. In other words, finally the administration has to decide what they want here. And I'll say that you have a cafeteria choice that we're forcing upon you, including discretionary withholding, as opposed to mandatory. You prefer we didn't do that. We're at a point, frankly, where a bill that is going to have mandatory dues, such as the House bill is going to pass, unless there is some intervention by the administration at this point.

We all want to pay the dues. I want to pay the dues. All I'm suggesting is that we have a legislative dilemma with a country that is very skeptical of the United Nations. Senator Coleman has expressed that in his committee. They have, I think, been very, very mild in terms of working our way through this. But that's why I'm so pointed about the issue. Finally, the administration will have to decide what they want to do. Touch the dues, or don't touch the dues? Now, if the point is just simply, we pay the dues, great. And we'll do the best we can. Most members of this committee want to pay the dues. But I'm not sure where the votes are, and that's why I have been so candid in this line of questioning.

Senator Sarbanes.

Senator SARBANES. Well, thank you very much, Mr. Chairman. I think we should pay our dues. Period. There seems to be a premise here that all these other nations want the United Nations and that, therefore, the United States has a lot of latitude on how we behave. There is an assumption that the institution will remain and continue. So we say, unless you do these things, we're not going to make our dues payments.

Now let me put a different scenario to you. Suppose there are some countries at the United Nations who don't really want it. They can't just leave it openly. But they perceive the United Nations as having served U.S. purposes essentially, since its establishment. I would argue that the United Nations has been more helpful to us than to some of the other major powers. So they say, let's frustrate the reforms, the Congress is on the record that they'll withhold the dues if we do that, and we can do in the United

Nations and the blame will fall on the United States, and we'll achieve our purpose.

Now, is that a farfetched scenario, or might it, in fact, be possible?

Ambassador BURNS. I just wanted to make sure you had finished your thought. I think, based on my visit yesterday, and based on what we've been hearing from Secretary General Annan over the last month or so, it's likely that the major body of these reforms that I listed, will be agreed to by September, perhaps not all of them. The Human Rights Council has been very controversial. A lot of the countries that are not democratic, that are authoritarian, don't like it, don't like the idea—our idea. But it's likely that most of these reforms will be concluded, and there is a reform mindset in the General Assembly, led by President Jean Marie Ping of Gabon, and the Secretary General of the United Nations has established a clear reform program and we agree with much of it, not all of it, but much of it. Our approach is tougher, and it's more ambitious, but I think the more likely scenario we'll face is that the United Nations General Assembly agrees to a large measure of reforms, then the real challenge will be, can they be implemented effectively and can they be sustained?

And that will be a tough job that we, in the State Department, will have primary responsibility for. So it's a long term—a long-term venture.

Senator SARBANES. Has the State Department determined where the locus of that responsibility will be within the executive branch of our Government?

Ambassador BURNS. Well, obviously the State Department takes our leadership and our directions from the President.

Senator SARBANES. Yes.

Ambassador BURNS. But we are responsible for the day-to-day conduct of our—we in the State Department—are responsible for the day-to-day conduct of our relations with the United Nations and it's our Bureau of International Organization Affairs, which I oversee, which provides instructions to the U.N. mission. So we're fundamentally involved in this, and committed to it. For Secretary Rice, it's one of her highest priorities. I know that in a discussion with Speaker Gingrich, there was some questioning of how engaged we are, she raises this issue with nearly all of her Foreign Minister counterparts. This is a major concern of ours.

Senator SARBANES. But are you going to carry it out through the existing arrangements, or have you given any thought to setting up some special arrangement to deal with the U.N. reform issue, which could have the impact of assuring a very high-level focus, on this particular issue. I know you don't like to do that, because you get a lot of important issues. Everyone says you're going to have set up a special arrangement to deal with this issue. But this may well warrant an arrangement of that sort. Has any thought been given to that?

Ambassador BURNS. We have—Secretary Rice appointed, when she took office after her confirmation, Shirin Tahir-Kheli to be her Special Representative for United Nations reform, so Ambassador Tahir-Kheli is frequently in New York and she's been traveling around the world talking to the Chinese, the Indians, French, Ger-

mans, British, to name just a few, about U.N. reform. And she's active every day on this. Secretary Rice also asked me to oversee this in the State Department on a day-to-day basis. This whole effort, which I've been doing among my other responsibilities—we have an outstanding Acting Ambassador at the United Nations in Anne Patterson, a very effective person. But most importantly we have the Secretary of State, who is onto this, and as I said before, has it very high on her own agenda. It's a priority for her. And she's engaged very much, not just in the strategy but in the tactics of how we're trying to get these reforms through this laborious process of 190 countries agreeing in the General Assembly. It's quite a diplomatic challenge.

So I think, Senator, that we've put a special focus on this, and I'm confident we've got the right degree of intensity. And you can be assured that we'll follow through.

Senator SARBANES. Thank you very much.

Ambassador BURNS. Thank you.

Senator COLEMAN [presiding]. Thank you, Senator Sarbanes. Secretary, first, before I get in my question. I just want to tell you how much I appreciate the leadership that you're providing. I had the opportunity to work with you when you were our NATO Ambassador. And I think we've got a great team in place. We've got a great team with Secretary Rice and Under Secretary Zoellick and yourself. And, in fact, my meeting at 12 o'clock was with Acting Ambassador Anne Patterson, I had to apologize and she deferred. She's been watching what we're doing. But I really do thank you, I think we have an outstanding team in place, and I think the country's well-served. And as we have this—I think it's been a fascinating debate. And worthwhile and important. I just want to publicly let you know that I have a great appreciation for the leadership that's being offered and look forward to continuing with that. So I just want to say thanks.

Let me get back to the question that I think the Chair was asking about. Where the administration is, on these various bills. I don't know whether it's been said, but is there a—if the mandatory provision of the Hyde bill were, in fact law, would that face a veto threat from the administration?

Ambassador BURNS. We have not—the President has not stated whether or not he would veto such a bill. Secretary of State Rice, to my recollection, has also not commented upon that. Maybe we're very optimistic, we see it as a hypothetical possibility, but we're much more hopeful that the kind of approach that you and Senator Lugar have been leading, and that others have supported, will triumph in the end, and, obviously, we're just trying to deal in the real-world basis with the various views that we appreciate here on Capitol Hill.

Of course we work very closely with Chairman Hyde, have great respect for him. On this particular—there were two particular provisions in the House bill that we objected to, and we said so in writing in our report to the House, and we've said so since. And we very much appreciate the effort that you have made with the chairman in order to put forward ideas that we believe would have a greater possibility of maintaining the credibility and the effectiveness of the United States at the United Nations.

Senator COLEMAN. And I share that, by the way, deep appreciation for the work of Chairman Hyde. His commitment to this issue, the intellect and integrity that he brings to it. My concern in looking at some provisions of the Hyde bill is that they were—are a bit too prescriptive. There's a provision in there that identifies 18 specific U.N. agencies and directs that they go from mandatory funding to voluntary funding. I don't know enough about those agencies. I don't know if even the House committee knows enough about those agencies to make that kind of individualize judgment.

I think there are provisions in there that call for a lot of paperwork. A lot of reporting, and I have a concern about the bureaucracy, the size of the bureaucracy, of the United Nations to date. And I certainly want to be very careful about the things we do that call for an increase—increasing that bureaucracy without some very specific and productive purposes. So again I've had a good relationship with Chairman Hyde and we've worked closely on this issue, but on those issues we do have some disagreement. I would take it that there has not been discussion then about a veto threat with the provisions in the Coleman-Lugar bill regarding funding?

Ambassador BURNS. Absolutely not.

Senator COLEMAN. Can we talk a little bit about the process. I appreciate the fact that you've laid out some very specific measures that you want to see taken care of in September. In September there'll be a session in the United Nations on reform. You've also stated very clearly, that the President will be at that session. That will be a very personal and public commitment to reform and he will be a part of that discussion.

Speaker Gingrich, in his testimony talked about the long-term nature of reform. Can you give me—we've got the short term, and what we need to see right away, can you talk a little bit about the long term, are there things out there that you haven't focused on in the short term but are in the cue right now, that you're thinking about?

Ambassador BURNS. Senator, I think you're right to focus on that, because there's always a temptation to think, you know, what can you get done in the next 60 to 90 days and then think that you've resolved the problem. When, I think, both of us know that in looking at any institution as complex and as large as the U.N. reform has to be a continuous process.

I would single out two areas that are badly in need of a continuous long-term rethink. The first is the basic structure of the Secretariat and the management and the budgeting process in New York itself. You have, in our view, made some very helpful interventions in drawing attention to the Oil-For-Food scandal. It's a shocking scandal of major proportions, involving billions of dollars. And again, we think that people need to be held accountable, people who may have been guilty of abuse, that they're found to be guilty in a court of law. But there has to be, very bright people have to think through over the long term how best to arrange an institution so that its budgeting, management, and administrative functions are modern and that they are effective.

When I was Ambassador to NATO we went through the same exercise. It's infinitely easier in NATO—you're 26 countries versus 190 at the United Nations.

The second area would be peacekeeping. We've seen dramatic failures of the United Nations in peacekeeping, in Srebrenica 10 years ago, July 11, when 8,000 men and boys were killed because the United Nations was unable to prevent the Bosnia and Serb armed forces from attacking them, from executing them over 3 days.

You've drawn attention, quite rightly, to the horrific abuse of the peacekeepers in the Congo and the sexual violations of innocent civilians by those peacekeepers. And so there has to be a long-term effort to strengthen the peacekeeping forces, to make them more effective and to try to enact reforms so that the kind of abuses we've seen in Congo and Srebrenica are not going to be repeated in the future.

Senator COLEMAN. The great thing about having the gavel is that you really don't have to worry about whether bells ring or anything. Let me respond a little bit, particularly, I raise the issue of long term for this reason. I'm a great believer in not raising expectations that can't be reached. The United Nations needs reform, there are things that need to be done right way. One of the most—the difficult one you talked about is one of those that could be most visible: Abolishing the Human Rights Commission. I made a strong public statement about a body that has Zimbabwe and the Sudan, and that has Cuba as members that have the United States—go off that body a couple of years ago, it's absurd. I think one of the strongest public arguments for U.N. reform was that recent admission of Zimbabwe to the Human Rights Commission. Very powerful. My concern as a former Mayor, and I expressed this in my brief opportunity to question Speaker Gingrich, is structure reform takes awhile.

I know Senator Voinovich, I believe is coming back and I want to give him the opportunity to ask some questions. He's been very passionate about personnel reform and structure reform, and you know—in this body, in this government, it's really hard. It takes time. I think what we got to do is figure out ways in which we can show progress to the Congress, show progress to the American people, but recognize that this will take a while. The Secretary General needs the ability to fire people, and has to use that ability. I have a separate issue which I'm not going to press you on, and I have raised the issue of the ability of this Secretary General to make the reform.

I—knowing how hard reform is, how hard it is to change organizations. I have expressed as you're well aware, very publically my belief that this Secretary General Kofi Annan doesn't have the ability to do the heavy lifting that's needed. That because of the scandals that have taken place, because of the questions of conflict of interest, because you know Speaker Gingrich talked about chiefs of staff that have, you know, shredded documents over 3 years, that—because of that you're somewhat shackled regardless of what you did. It's what so many others did around you. I think it makes it impossible for him to do the heavy lifting, that has to take place for reform.

So I'm not going to put you on the spot, I'm not going to create a moment of conflict here between myself and the administration. But if we're really serious about reform, about getting it done, if

we recognize that it's going to take heavy lifting over a period of time, I think we have to recognize that there's a human dimension to this too, and that if individuals—if the team in place during so much of the period of which problems have taken place, is then being called upon to make the change, I think that's impossible. At a minimum, most would say problematic. I think its impossible.

And so I just—I'll leave it on the record, but I'm not going to ask whether you're going to agree with me that the Secretary General should resign. But you need to know, this is not—this comes from me, not as part of an attack on the United Nations, but with a belief that if we want to accomplish the reform, to have the United Nations as an effective partner with the United States, that I think we kind of need the kind of leadership that has not been scared by past conduct. So I wanted to make that statement.

With that I will turn the gavel back over to the chairman. And I'm sure, then, recognize Senator Voinovich.

The CHAIRMAN [presiding]. Thank you very much.

Senator Voinovich.

Senator VOINOVICH. Thank you, Mr. Chairman. I think that from what I've heard from Leader Mitchell that some real progress is being made on reform of the United Nations. One of my concerns was that we wouldn't move quickly to take advantage of what I consider to be a unique situation. And that's transformation of an organization that we've been trying to transform for many, many years. And I was pleased that Kofi Annan himself echoed these words in his U.N. report in larger freedom decision time at the United Nations and, Mr. Chairman, I would ask that that document, if it's not in the record, be put into the record.

The CHAIRMAN. It will placed in the record.

Senator VOINOVICH. And I'd also like to have my written statement put in the record.

The CHAIRMAN. It will be placed in the record in full.

Senator VOINOVICH. And also acknowledge the fact that I have joined you and Senator Coleman as cosponsors of their piece of legislation.

The CHAIRMAN. I thank you, Senator.

Senator VOINOVICH. The stars seem to be in line. For whatever reason Kofi Annan has come out with some very strong statements on reform of the United Nations, including eliminating the Human Relations Commission, and going to a Human Relations Council, and many of the recommendations that he has are the same recommendations in the Mitchell-Gingrich report, and it seems to me that we have this unique opportunity to strike at the right time. And I am pleased with your testimony today in regard to the fact that you haven't wasted any time, and haven't let anything grow under your feet, you're moving fast. And I want to compliment you and I want to compliment Anne Patterson for the good job that you're doing to move forward.

The question I have is this, you indicated that some of our friends are more interested in discussing the Security Council than they are reform of the United Nations. Do we have any allies with us that are on the same team and pushing as hard as we are, for example, the G-8 group do they—at all on board with this, do they

understand how important this opportunity is for the United Nations?

Ambassador BURNS. Senator, thank you, and could I just pick up on what you first said, and say that we believe there is momentum for reform? There's a good chance that we can achieve a concrete result by September. Part of the success should be attributed to the Secretary General of the United Nations, Kofi Annan. We respect him and we support him. And we certainly support the large measure—large bulk of the reforms that he's put forward.

Senator VOINOVICH. Mr. Chairman, I'd just like to say to you that one of the fundamentals of transformation is that the people trying to transform an organization, respect the organization, and that the people running the organization respect the people that are trying to transform them. And I just want to emphasize that that's a wonderful situation that you have right now.

Ambassador BURNS. I think you're exactly right to say that. You asked about the Security Council. It's a very complex, and quite frankly, a divisive debate right now. Four of our best friends in the world—Germany, Brazil, Japan, and India—have a proposal that the four of them should come onto the Security Council as permanent members, and they may, or may not, bring that to a vote in the General Assembly next week. And we've had to, very reluctantly, say that we would vote against that proposal.

And then, lots of other friends of ours—Italy and Argentina and Pakistan—are in another group saying that they don't support this proposal, they support another one. So we've taken the tactic of standing back and saying, "The Security Council is actually one of the strongest features of the United Nations. It's not most badly in need of reform. What needs reform is the management, budget, human rights, peacekeeping. And so we prefer to see all of these reforms pushed forward, and then we'll be happy to look at Security Council reform."

Security Council reform would put a major responsibility on the Senate, as I said before, would require Senate ratification of the amended U.N. Charter. And so we don't take it lightly, and we think that the 15-member Council has worked rather well. We are open to expanding it, but we are—ours is for a modest proposal, not the kind of big bang expansion that the four countries have put forward that would enlarge the Council to 25 members. We're wary of that, because we want the Council to work effectively. We don't want to be in a situation where we can't get the Council to make decisions. And I would assume that would be the question that the Senate would ask if we ever did put an amended U.N. Charter up to you for ratification.

Senator VOINOVICH. The task force came back with the recommendation for a Chief Operating Officer, which is something I think we need at the Homeland—the Department of Homeland Security, and also the Defense Department to carry on the transformations that's needed there. Are one of the recommendations that you're promoting, having a Chief Operating Officer? And the point is that Kofi Annan, and the others are so busy with their everyday work that somebody has got to drive the management agenda, the transformation agenda. And you need a very competent person to get the job done. Where are you on that?

Ambassador BURNS. Well, we certainly agree with you, Senator, that there has to be a single person who is focused 100 percent of the time on the management and on running the organization effectively, and we just nominated Chris Burnham, who had been the Acting Under Secretary of State for Management, to now be the full time Under Secretary General of the United Nations for Management. He just took his job 30 days ago. We think he's off to a very strong start, and if he can have the agenda for reform placed on his shoulders we'd have a lot of confidence in the ultimate success of this effort.

Senator VOINOVICH. My time is up.

The CHAIRMAN. Do you have further questions?

Senator VOINOVICH. Yes. The other issue is that the task force recommended an independent oversight board which would function like a corporate audit committee and is that at all in your list of things that you want to get done?

Ambassador BURNS. Yes, it is. We support that. And I told lots of people at the United Nations yesterday we support it, and, in fact, the United Nations just announced the appointment of a new auditor from Sweden, yesterday. And we applauded that, but we think the Oversight Council is an important new reform. There has to be an independent objective body looking down, much as our Inspectors General do it in Federal agencies, to make sure that we're all doing our job in the way we're supposed to do our job.

Senator VOINOVICH. Mr. Chairman, if you'll forgive me. One of the concerns that some people expressed to me because of my opposition to Mr. Bolton going to the United Nations, is that things would be in limbo at the United Nations while we debated the issue of whether Mr. Bolton should become our Permanent Representative. And I'd just like to underscore today, publically, that that hasn't been the case. That you have moved—and I'm not arguing that you don't need a permanent representative there. But the fact of the matter is, that the people of America should know that this administration is moving forward with great speed to try and get the reforms that all of us want to see made at the United Nations, and that Under Secretary Burns and I appreciate all of the time you've spent on it. I've seen you on C-SPAN and you're doing a great job and I think Anne Patterson is doing a wonderful job there as the Acting Permanent Representative, and I say keep going and anything we can do to be of help to make this happen we will, including Mr. Chairman, I think we need to have, maybe, quarterly hearings on the progress that is being made at the United Nations. I think part of our problem in Congress has been that we get energized about a problem and we spend a lot of time on it, and then we kind of let it go. And the folks that have to do the job get the impression that maybe we're not as interested as we were. And I think if we have a quarterly report back to us about the progress that's being made, that may be one of the most worthwhile things that we can do from an oversight point of view.

Ambassador BURNS. Senator, if I could just—or, Mr. Chairman, if I could just respond by saying we would be very happy to come up on whatever schedule you wanted to establish to report to you, but also to seek your advice.

And, Senator, your very kind remarks, prompt me to say that the President and Secretary of State very much support the candidacy of John Bolton—the nomination of Mr. Bolton to become the Ambassador of the United Nations—and very much hope that that will be able to take place.

Senator Voinovich. Thank you.

[The prepared statement of Senator Voinovich follows:]

PREPARED STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM OHIO

Mr. Chairman, the reform of the United Nations is long overdue. I am pleased that we meet today to discuss this issue, because it is important for our country and for the viability of an organization that fosters unity and global cooperation. Only with this kind of cooperation, can we hope to achieve a greater good for future generations.

In the words of one of America's most prominent U.N. officials and winner of the Nobel Peace Prize, Ralph Bunche, the United Nations exists "not merely to preserve the peace but also to make change—even radical change—possible without violent upheaval. The U.N. has no vested interest in the status quo."

I am pleased that Kofi Annan himself echoed these words in his own U.N. Report, "In Larger Freedom: Decision Time at the U.N." for these words hold great wisdom.

They underscore the importance of building a United Nations that is willing to seek radical change—both externally, in addressing its missions throughout the world, and internally, within its own walls, its own budget, its staff, and even its leadership.

Mr. Chairman, many of my colleagues share the view that the opportunity to make radical change is before us now. The opportunity to strengthen the viability, effectiveness, and credibility of the United Nations is here—and it is up to our Nation to advance this objective with a defining purpose, a clear strategy, a true commitment, and a careful diplomatic hand.

I want to commend the U.N. Task Force and the esteemed members of our panel for what is a truly excellent report on the steps that are needed to achieve this goal and make the United Nations a stronger, more viable institution.

I want to commend the State Department, Under Secretary for Political Affairs Nick Burns, Ms. Anne Patterson, and the other State Department staff that is currently working at the United Nations to progress this critical task.

With this excellent report and by working together, we can make the United Nations a better institution—one that will not turn away from looming threats, restrained by the shackles of its own bureaucracy, but will face security resolution violations, head on. Face human rights violations, head on. And promote freedom and peace throughout the world.

The CHAIRMAN. Thank you very much, Senator Voinovich. Let me just comment that the legislation that you have just cosponsored provides that an annual report be made on reform. And the Senator suggested quarterly. Maybe that would be more appropriate, to ensure that this reform business is proceeding rapidly. So the Chair will take that under advisement. You have volunteered to come when these occur. In your testimony you said the administration supports many other provisions of the Coleman-Lugar bill. Are there provisions you do not support? I give you an opportunity to indicate what the problems are that may still be there.

Ambassador BURNS. Senator, I have been able to discuss that bill with you as well as Senator Coleman, and I can assure you that we—many might be referring to 98, 99 percent. What happens to the congressional testimony of someone like me, is it goes through the clearance process, and that word "many" came back from one of our fraternal agencies. And—but if I had to testify—I am—if I had to just, kind of, rate the percentage of reforms with which we agree, it would be a very high percentage in the high 90s. And we're very grateful for what you've done.

The CHAIRMAN. I like the 98, 99, verging on there. And let me say, I appreciate that point. The reason I was so precise in my previous questioning, however, is that after these statements are vetted through several screens, we will be left with whatever is there, what with people parsing carefully through. The fact is that these are serious issues. We take them as seriously as you do. And, obviously, I commend the administration's efforts. Senator Voinovich, I think, has stated it well, that the movement toward reform has been proceeding vigorously. You have illustrated that today, and with the appointment of Mr. Burnham. Through his public statements, there has been public evidence of that, even from the New York scene.

So we're hopeful of a serious legislative effort here. This is why we probably need to get together to refine out what is the vehicle that we want, so that this will not be left in limbo. But that may require some more meetings and some more testimony. We thank you very much for your thoughtfulness and the time you have expended today. It has been worthwhile for all of us. Having so said, the meeting is adjourned.

[Whereupon, at 3:10 p.m., the committee was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

AN EXAMPLE OF A U.N. REFORM SCORECARD

Implementing policy effectively is ultimately as important as making the right policy. The American people have every right to expect results from our efforts to reform the U.N., not excuses.

One proposal by which the Congress can meet the rightful expectations of the American people is to pass legislation that requires an annual review by the executive branch that evaluates the progress of U.N. reform against a set of performance measures. Guided by such a set of performance measures, the Congress could hold hearings every June or July to review the U.N. reform progress report prepared by the executive branch that identified the progress to date. That report could then become the basis for an annual discussion on U.N. reform at each summer's meeting of the G-8, and then later at each September's meeting of the U.N. General Assembly. Following the annual hearings on U.N. reform, the Congress could adopt amendments to the score card legislation based on progress so that standards for the following year could be set forth. In this manner, Congress could develop a continuous practice of monitoring U.N. reform.

Unless the Congress and the executive branch plan back from the desired future, it will be impossible to distinguish between activity and progress toward U.N. reform. In Washington far too much time is spent on today's headline and today's press conference and not nearly enough time is spent preparing for tomorrow's achievement.

While the task force report sets forth a number of reform recommendations, it does not provide a set of performance measures. Defining the right set of performance measures that will be evaluated annually in a public report will be critical to directing the energies of the Congress and the executive branch to achieve U.N. reform.

Listed below by number are the task force recommendations, followed by a proposed set of performance measures listed by letter in italics. The list of performance measures is intended to illustrate some types of performance measures the Congress could adopt; it is by no means intended to be an exhaustive list. There are surely several more inventive measures that this Congress could design for the task force recommendations, in addition to performance measures for other reform requirements that the Congress may adopt. The consensus recommendations of the task force should be considered as a minimum set of U.N. reform requirements to which the Congress is likely to add.

TASK FORCE RECOMMENDATIONS AND PROPOSED PERFORMANCE MEASURES
 Saving Lives, Safeguarding Human Rights, Ending Genocide

I. DARFUR, SUDAN

1. Assemble a U.S. coordinated package of assistance for the African Union (AU) deployment in Darfur.
 - a. Has an assistance package been defined by the executive branch?*
 - b. Has the U.S. share of the assistance package been appropriated and authorized by the Congress?*
 - c. Have U.S. NATO allies committed to making proportional contributions to such an assistance package?*
 - d. Have U.N. Security Council members committed to making proportional contributions to such an assistance package?*
 - e. Is the total funding amount adequate to meet the need and the objectives set forth by the executive branch?*
 - f. Are administrative costs exceeding 15 percent of the appropriated funding?*
2. The U.S. Government should make clear that the responsibility for the genocide in Darfur rests with the government in Khartoum.
 - a. Has a demarche been issued by the State Department?*
 - b. Has this message been given by the U.S. Mission to the U.N., either via the General Assembly or the Security Council?*
 - c. Has the executive branch made this clear in public pronouncements?*
3. The United States should welcome the role of the African Union in Darfur and assist in its development as an effective regional organization that can play a growing role in dealing with crises on the African Continent.
 - a. Has the Department of State made this clear in public pronouncements?*
 - b. Is the U.S. military providing training and assistance to the African Union?*
4. The United States should make every effort to enhance AU capabilities in two main areas: (a) Ensuring that it is adequate to the task of providing security in Darfur and protecting civilians, and (b) building on AU capabilities going forward.
 - a. Has funding for a Darfur assistance package been appropriated and authorized by the Congress?*
 - b. Has the U.S. military established a permanent training and assistance program for the African Union?*
 - c. Is there a periodic performance review to ensure training and assistance is enhancing long-term African Union capabilities?*
5. At the U.N. Security Council, the United States should pursue a mandate for the AU-led force that provides for the protection of civilians and authorizes the deployment of a sufficiently large military force to achieve that end.
 - a. Has the U.S. introduced such a mandate in the Security Council?*
 - b. Has the U.S. demanded a Security Council vote for this mandate?*
 - c. Has the Security Council approved the mandate?*
6. The United States should assist in establishment of a “no-fly” zone over Darfur.
 - a. Has the executive branch adopted a no-fly zone policy?*
 - b. Is the U.S. Air Force participating in the enforcement of a no-fly zone?*
 - c. Are U.S. NATO allies participating in the enforcement of a no-fly zone?*
 - d. Has the Sudanese air force been destroyed?*
 - e. Have portions of the Sudanese air force, namely helicopters, been destroyed?*
7. The United States should assist in increasing the number of troops in the AU mission.
 - a. Has the Congress authorized funding to assist AU countries in providing a larger number of troops?*
 - b. Have the number of troops in the AU mission increased in the last year?*
8. The U.S. Government should embrace the short-term strategic goal in Darfur of ending the ability of the militias to control the countryside so that security is adequate for civilians to return from refugee and IDP (internally displaced persons) camps to their villages and resume everyday life.
 - a. How many civilians have returned home from refugee and IDP camps?*
9. Perpetrators must be held accountable for war crimes and crimes against humanity.

- a. *How many individuals have been prosecuted for war crimes and/or crimes against humanity out of the total number of individuals who have been indicted for war crimes and/or crimes against humanity?*
 - b. *What is the conviction rate?*
 - c. *What is the number of ongoing investigations of war crimes and crimes against humanity?*
- 10. Press neighboring governments to cooperate with efforts to stop the killing in Darfur and not to interfere with international efforts under threat of sanction.
 - a. *Has the Department of State made this clear in public pronouncements?*
- 11. Encourage the pursuit of a general peace agreement in Western Sudan/Darfur.
 - a. *Has the Department of State made this a priority, as evidenced by the amount of diplomatic activity to achieve this end and the frequency of public pronouncements on this subject by the State Department?*
- 12. Support and encourage democratic reform in Sudan.

II. HUMAN RIGHTS

- 1. The United Nations and member states should agree that the most pressing human rights task today is the monitoring, promotion, and enforcement of human rights and, in particular, the stopping of genocide and mass killing.
 - a. *Has the U.N. Security Council adopted a resolution to this effect?*
- 2. The U.N. Human Rights Commission should be abolished.
 - a. *Has the U.N. undertaken all that is required to abolish the U.N. Human Rights Commission?*
- 3. A Human Rights Council ideally composed of democracies and dedicated to monitoring, promoting, and enforcing human rights should be created. The council should coordinate its work with the Democracy Caucus and the U.N. Democracy Fund.
 - a. *Has a Human Rights Council been created?*
 - b. *Is there a democratic precondition for membership?*
 - c. *Are there safeguards to prevent a country that violates human rights from becoming a member of the Human Rights Council?*
 - d. *How many countries on the Human Rights Council are generally considered human rights violators or are under investigation for violating human rights?*
 - e. *If there are undemocratic members of the Human Rights Council, do the democracies substantially outnumber the undemocratic members?*
- 4. The U.S. Permanent Mission to the United Nations should include an official of ambassador rank whose responsibility will be to promote the efficacy of the Democracy Caucus within the United Nations and to promote the extension of democratic rights more broadly among member states.
 - a. *Has the U.S. established this position with this portfolio?*
- 5. The U.S. Government should support authority for the High Commissioner for Human Rights to appoint an advisory council to exchange information, develop best practices, promote human rights, and publicize offenses.
 - a. *Has the Security Council adopted a resolution to provide this authority?*
- 6. The U.S. Government should support the work of national and regional courts, as well as tribunals authored by the Security Council, as well as truth and reconciliation commissions, in identifying those responsible for mass atrocities and prosecuting, and punishing them as appropriate.
 - a. *Has the executive branch provided the necessary policy guidance to make this a priority?*

III. RESPONSIBILITY TO PROTECT YOUR OWN CITIZENS

- 1. The U.S. Government should affirm that every sovereign government has a “responsibility to protect” its citizens and those within its jurisdiction from genocide, mass killing, and massive and sustained human rights violations.
 - a. *Has the Department of State articulated this policy in public pronouncements?*
 - b. *Has the U.S. Mission to the U.N. communicated this formally in the General Assembly and the Security Council?*
- 2. The United States should endorse and call on the U.N. Security Council and General Assembly to affirm a responsibility of every sovereign government to protect its

own citizens and those within its borders from genocide, mass killing, and massive and sustained human rights violations.

- a. Has the U.S. Congress passed a resolution supporting this?*
 - b. Has the executive branch affirmed this responsibility in its public pronouncements?*
 - c. Has the U.S. Mission to the U.N. communicated this formally in the General Assembly and the Security Council?*
 - d. Has the Security Council approved such a resolution?*
 - e. Has the General Assembly approved such a resolution?*
3. Future Presidents should affirm the “Not on my watch” pledge, articulated by President Bush in a notation on a document describing the horror of the Rwanda genocide.
- a. Has the U.S. President affirmed the pledge publicly or in policy documents such as National Security Strategy or Presidential Decision Papers?*
4. The urgent task required of all United Nation member states, which the United States should lead, is to determine available capabilities and coordinate them so they can be brought rapidly to the fore in a crisis.
- a. Has the executive branch assigned this responsibility?*
 - b. Has the executive branch department responsible for this coordination prepared the document that defines and articulates available capabilities to support a crisis?*
5. The United States should be prepared to lead the Security Council in finding the most effective action across the full range of legal, economic, political, and military tools.
6. The United States should take the lead in assisting the United Nations and other institutions in identifying potential assets and creating or improving mechanisms for coordination.
7. The United States must insist that in cases in which the Security Council is unable to take effective action in response to massive human rights abuses and/or genocide, regional organizations and member states may act where their action is demonstrably for humanitarian purposes.
8. Support inclusion of language in all Chapter VII Security Council resolutions calling on member states, regional organizations, and any other parties to voluntarily assess the relevant capabilities they can contribute to enforcement of the resolutions.
- a. Do Chapter VII Security Council resolutions contain this language?*
9. Undertake a review of assistance programs to assess what bilateral action the United States can take that will enhance the capabilities of regional and other international organizations to prevent or halt genocide, mass killings, and massive and sustained human rights violations.
- a. Has the executive branch undertaken such a review and issued a public report on its findings?*
10. The U.S. Government should reiterate that punishing offenders is no substitute for timely intervention to prevent their crimes and protect their potential victims.
- a. Has the Department of State made this clear in public pronouncements?*
 - b. Has this been formally communicated in the U.N. in the General Assembly and/or the Security Council by the U.S. Mission to the U.N.?*

IV. RAPID REACTION CAPABILITY

1. The United Nations must create a rapid reaction capability among U.N. member states that can identify and act on threats before they fully develop. The task force, however, opposes the establishment of a standing U.N. military force.
- a. Has a plan for a rapid reaction capability been developed?*
 - b. Has the plan been implemented?*
 - c. Are member states providing promised material support, i.e., troops, strategic airlift, etc., to make a rapid, reaction capability viable?*
2. The United States should support the principle that those nations closest to a crisis have a special regional responsibility to do what they can to ameliorate the crisis.
- a. Has the State Department made this clear in public pronouncements?*

- b. Has this been formally communicated in the General Assembly and/or the Security Council?*
- 3. The United States should also provide assistance aimed at the development of regional capacity in advance of a crisis.
 - a. Is the U.S. military expanding the advice and training missions to likely crises regions?*
- 4. Support discretionary authority of the High Commissioner for Human Rights (HCHR) and the Special Advisor for the Prevention of Genocide (SAPG) to report directly to the Security Council.
 - a. Has the U.S. Mission to the U.N. formally communicated this support in the General Assembly and/or Security Council?*
 - b. Has a U.N. resolution or rule been adopted to provide this authority?*
- 5. Ensure that the office of the HCHR and SAPG have adequate resources to rapidly investigate at the first indication of trouble.
 - a. Has a U.S. Government official been assigned this responsibility?*
 - b. Are annual increases to their funding levels adequate?*
- 6. Support linkage of early information on potential genocide, mass killing, and massive and sustained human rights violations situations to early preventive action.
 - a. Have appropriate "tripwires" been defined?*
 - b. Have the "tripwires" been approved by the Security Council?*

In Need of Repair: Reforming the United Nations

I. GENERAL RECOMMENDATIONS

- 1. The United Nations, most importantly, needs to create an Independent Oversight Board (IOB) that would function in a manner similar to a corporate independent audit committee. The IOB would receive Office of Internal Oversight (OIOS) reports and, in consultation with the Board of Auditors and Secretariat management, would have the authority to fix the budget and approve and direct the assignments of the OIOS and of the Board of External Auditors just as an independent audit committee in the United States has such authority with respect to both the internal and external auditor. The OIOS budget must be set by an Independent Oversight Board and submitted to the General Assembly budget committee in a separate track outside the regular budget.
 - a. Has the U.N. created an IOB?*
- 2. The United Nations must provide both the resources and the authority to OIOS to provide appropriate oversight to every activity that is managed by U.N. personnel whether or not that activity is funded by the assessments of the General Assembly or by voluntary contributions.
 - a. Is there adequate funding for OIOS?*
 - b. Are annual funding raises adequate?*
 - c. Does the OIOS have the authority to investigate as necessary?*
- 3. Oversight reports must be accessible to member states under guidelines that facilitate transparency and meet, at a minimum, the freedom of information flow between U.S. investigative agencies and the Congress.
- 4. The U.N. Secretariat needs to have a single, very senior official in charge of daily operations and filling the role of chief operating officer (COO).
 - a. Has a position been created or assigned this authority and responsibility?*
 - b. Has a qualified individual been hired for this position?*
- 5. The United States should insist on management capability as a fundamental criterion for the selection of the next U.N. Secretary General.
 - a. Has this been formally communicated by the U.S. Mission to the U.N. in the General Assembly or the Security Council?*
- 6. The United Nations needs to develop a far more robust policy for whistleblower protection and information disclosure.
 - a. Do U.N. standards meet U.S. standards?*

II. BUDGET AND PROGRAMMING

- 1. The "5.6 Rule," which requires the Secretariat to identify low-priority activities in the budget proposal, should be enforced and bolstered by an additional require-

ment that managers identify the lowest priority activities equivalent to 15 percent of their budget request or face an across-the-board reduction of that amount. The identification of 15 percent of the budget as low priority should not necessarily be interpreted as a list for elimination, but as information on what programs could be reduced in favor of higher priority mandates.

- a. Is the "5.6 Rule" being followed?*
- b. Is the list of low-priority budget items available to member nations?*
- c. Has the 15 percent requirement and consequence been formally adopted?*

2. The Secretariat's leadership must demand that managers define and attempt to achieve specific outcomes. Future budgets should be tied to whether those results are achieved. The OIOS should be tasked with a larger monitoring/evaluation role to evaluate the degree to which programs are achieving their targeted results.

- a. Are managers required to provide annual goals?*
- b. Are these goals measurable and related to effectiveness of the program?*
- c. Are managers required to provide periodic updates on the status of achieving those goals?*

3. The United States should support the Secretary General's plan, described in his March 21 report, to establish a Management Performance Board "to ensure that senior officials are held accountable for their actions and the results their units achieve."

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the General Assembly or the Security Council?*
- b. Has it been implemented?*

4. The United States should insist upon both of the Secretary General's sunset proposals: The 1997 proposal to include sunset clauses for all major new mandates, and the proposal in the March 21 report this year to review all mandates dating back 5 years or more. Every mandate and program should have a sunset clause to ensure that it is regularly evaluated and continues to perform a necessary function. The sunset clauses should assume that programs will be shut down unless the General Assembly's budget committee confirms by consensus that they should continue based on a publicly available analysis identifying the program's purpose, budget, and ongoing relevance.

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the General Assembly or the Security Council?*
- b. What percentage of mandates over five years old have not been reviewed?*
- c. What percentage of new mandates does not include a sunset clause?*
- d. What percentage of total mandates include a sunset clause?*
- e. How many programs have been ended?*

5. The United States should insist that the United Nations publish annually a list of all subsidiary bodies and their functions, budgets, and staff. Their budgets should be subject to the same sunset provisions that apply to other U.N. programs and activities. The United Nations should also publish budget information in a manner that lays out multiyear expenditures by program and identifies the source of funds as assessed or voluntary (including the source country) and includes in-kind contributions.

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the General Assembly or the Security Council?*
- b. Is an annual list of subsidiary bodies, functions, budgets, and staffs available?*
- c. What percentage of them is subject to a 5-year review?*
- d. Is multiyear budget information available?*
- e. Are in-kind and voluntary contributions reported and identified by source in multiyear budgets?*

6. The U.S. Office of Management and Budget (OMB) should annually report to Congress on all U.S. contributions, both assessed and voluntary, to the United Nations.

- a. Is the report conducted and available in the public domain?*

7. The United States should work with a representative group of member states to explore ways of giving larger contributors a greater say in votes on budgetary matters without disenfranchising smaller contributors. The consensus-based budget process has proved effective at reining in increases in the U.N. budget but not at setting priorities or cutting many obsolete items.

- a. Have meetings discussing this occurred in the last year?*
- b. What changes have been enacted?*

c. Do the major donors have weighted voting?

8. The Department of Peacekeeping Operations (DPKO) should become a more independent program with distinct rules and regulations appropriate for its operational responsibility for comprehensive peacekeeping missions. Its responsibilities must include coordination with broader reconstruction and development activities of the United Nations.

a. Is coordination between the DPKO and broader reconstruction and development activities of the United Nations actually occurring?

b. What changes have been adopted?

c. Is DPKO more independent?

d. Has it adopted stronger codes of ethics and conduct?

III. PERSONNEL

1. The United States should insist on the Secretary General's call in his March 21 report for a one-time severance program to remove unwanted, or unneeded, staff, and should monitor that program closely to ensure it is designed to remove the staff who ought to be removed.

a. Has this been formally communicated by the U.S. Mission to the U.N. in the General Assembly or the Security Council?

b. What percentage of staff is being given severance?

c. Has the severance been conducted through the existing budget?

2. The United Nations should not offer permanent contracts to any new employees. The identification of redundant staff, along with other relevant recommendations in this report, should apply fully to the U.N.'s nearly 5,000 contractors and consultants.

a. What percentage of contracts is permanent?

3. The U.N.'s hiring practice must reflect the emphasis on competence laid out in the charter, with geographical considerations taken into account only after the competence test is met.

a. What percentage of personnel has been hired based on a competency test?

b. Has there actually been a change in geographical representation?

4. The United States should insist that the United Nations install a more empowered and disciplined Human Resources Department that employs all the techniques of modern personnel policies.

a. Has such a system been adopted?

5. The United States should support granting U.N. managers the authority to assign employees where they can be best used and amending job placement policies to permit promotional opportunities.

a. Has the General Assembly granted the Secretary General this authority?

6. The United Nations should more systematically take advantage of secondments of personnel from member states on a pro bono basis for specified periods or tasks.

a. In the last year, how many personnel were on a pro bono basis for specified periods or tasks?

b. Is this number increasing, decreasing, or holding constant?

7. The General Assembly must fully implement its new requirement that candidates for positions on the U.N. Administrative Tribunal must possess appropriate qualifications before being approved.

a. What percentage of personnel on the U.N. Administrative Tribunal has appropriate qualifications?

8. In criminal cases involving U.N. personnel, immunity should be waived unless the Legal Adviser to the Secretary General determines that justice is unlikely to be served in the country at issue. The Legal Adviser's report should be made available to the proposed Independent Oversight Board to ensure accountability to an independent body. Efforts must be made to find an appropriate jurisdiction elsewhere.

a. What percentage of criminal cases involving the U.N. is immunity not waived?

b. For each of the above cases, is the Legal Advisor's report available to the Independent Oversight Board or member states if IOB is not yet in place?

c. What was the number of cases where another jurisdiction was used?

9. Legal fees for accused staff should only be reimbursed if the accused staff is cleared by appropriate legal processes.

a. What number of accused staff had legal fees reimbursed?

b. How many of those were found guilty?

10. A new standard of personnel ethics must be developed and advertised within the United Nations. Disclosure forms must be mandatory at the P-5 level and above. Failure to disclose must be sanctioned, and sanctions clearly laid out. An Office of Personnel Ethics should be established within the Secretariat but accountable to the IOB to serve as a repository for disclosure documents. These documents must be made available to member states upon request.

a. Has the Office of Personnel Ethics been established?

b. Are disclosure documents mandatory, verifiable, and available on request to member states?

11. The United Nations must meet the highest standards of information disclosure. The United States should carefully monitor the Secretariat's current efforts to develop a comprehensive information disclosure policy.

a. Do the U.N. information disclosure rules meet U.S. standards?

12. If the United Nations is again called upon to administer a large-scale sanctions regime, it should set up an effective and separate management structure, with serious audit capacity, to do so.

13. The United States should work with other member states to identify which of the operational programs now receiving funds from the assessed budget should be funded entirely by voluntary contributions.

a. Has an entity been identified to conduct this study?

b. How many programs have been shifted to voluntary funding?

14. The General Assembly's committee structure should be revised to increase its effectiveness and to reflect the substantive priorities of the United Nations, as identified in other parts of the task force report. Bearing in mind the recommendations of this report, the United States should review the mandates and performance of the committees with a view to identifying areas of duplication between the committees and other bodies, programs, and mandates in the U.N. system.

a. Has an entity been identified to conduct this study?

b. Is the number of committees smaller or larger?

c. How many committees have been eliminated?

Detering Death and Destruction: Catastrophic Terrorism and Proliferation of Nuclear, Chemical, and Biological Weapons

I. U.N. SECURITY COUNCIL

1. P-5 members should consult regularly on proliferation and terrorism issues. Frequent substantive contacts will not guarantee unanimity, but they could promote greater convergence in perceptions of the threat and facilitate more constructive engagement when difficult issues are brought before the Council.

a. Are P-5 members regularly meeting?

2. The Council as a whole should also meet regularly on proliferation and terrorism issues. It should receive closed-door briefings three or four times a year by the Directors General of the IAEA and OPCW, the chairs of the CTC and 1540 Committee, and other senior officials from relevant U.N. organizations.

a. Is the Council meeting on proliferation and terrorism issues?

b. Is the Council receiving quarterly briefings from IAEA and OPCW, the chairs of the CTC and 1540 Committee, and other relevant U.N. organizations?

3. The United States and other Security Council members should urge the 1540 Committee to move aggressively in encouraging U.N. members to put in place the laws and control measures required by U.N. Security Council Resolution 1540.

a. Has the U.S. Mission made this clear to the 1540 Committee and in public pronouncements?

4. The United States should press within the Council for improving the effectiveness of the UNSCR 1373's Counterterrorism Committee.

a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council?

5. The United States should promote the "naming of names" that is, the United States should push the Security Council to have the 1373 Committee publicly list state sponsors of terrorism.

- a. Has this been formally communicated by the U.S. Mission in the Security Council?*
 - b. Has the 1373 Committee publicly listed state sponsors of terrorism?*
6. The United States should take the lead in the Council to rationalize the work of the three Security Council committees responsible for terrorism and proliferation under three separate resolutions (1267, 1373, and 1540).
- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council?*
 - b. Has the Security Council rationalized the work of these committees to the satisfaction of the State Department?*
 - c. Are there still overlaps and areas of missed responsibility for these committees?*
7. The United States should also take the lead in the Council on steps to strengthen international verification such as it is in the nonproliferation fields. If the IAEA or OPCW Technical Secretariat, respectively, is unable with existing authorities to resolve whether a particular country is in compliance, the Council will meet immediately with a view to providing authorization, under Chapter VII, to utilize much more extensive, supplementary verification methods (e.g., comparable to those authorized for use in Iraq by U.N. Security Council Resolution 1441).
8. The Council should also strengthen the U.N. Secretary General's existing authority to initiate field investigations of alleged violations of the Geneva Protocol or the Biological Weapons Convention by making it mandatory for states to grant prompt access and provide full cooperation.
9. To carry out the more robust supplementary verification activities in the nuclear and chemical fields that may be authorized by the Security Council, the IAEA and OPCW should be prepared to make available, on short notice, inspectors who are specially trained in more rigorous verification methods. In the biological weapons area, where no comparable verification organization exists, the Council should establish and train a roster of specialists who would be available immediately in the event that the Council Secretary General (under his authority to initiate nor CW or BW investigations) activated them.
- a. Has a roster of biological specialists been established?*
10. The U.S. should support a Council instruction to UNMOVIC and the IAEA to document and archive information on the investigation of Iraqi WMD programs begun in 1991, with a mandate to complete the task within 6 months.
- a. Has such a Council instruction been issued?*
 - b. Have member states received legal advice on the Convention for the Suppression of Acts of Nuclear Terrorism?*
11. On the critical subject of the nuclear fuel cycle and the Nuclear Non-Proliferation Treaty, the United States should continue to promote the Bush administration's initiative to prevent the acquisition of uranium enrichment and plutonium reprocessing facilities by additional countries.
- a. Has this been vigorously promoted by the Department of State?*
12. The United States should encourage the Council to strengthen legal authorities to interdict illicit WMD-related shipments and disrupt illicit WMD-related networks.
- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council?*
13. The United States should urge Council action to discourage and impede unjustified use of the NPT's withdrawal provision, which allows a party to leave the treaty after 90 days if it asserts that remaining in the treaty would jeopardize its supreme interests.
- [Note: This may be applicable only when a nation attempts to withdraw from the NPT.]
- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council?*
 - b. Has the Security Council taken action to discourage this behavior?*
14. The Council should develop a menu of penalties that would be available for future Council consideration in individual cases of violations.
- a. Has the Security Council developed a menu of such penalties?*

II. U.N. GENERAL ASSEMBLY

1. The General Assembly should move expeditiously to adopt a definition of terrorism along the lines recommended by the High-Level Panel and endorsed by the Secretary General. On the basis of that definition, the Assembly should proceed as soon as possible to conclude a comprehensive convention on terrorism. The definition of terrorism should cover the actions of individuals or irregular organizations, rather than armies since the latter are bound by the rules of war and need not be covered by additional language prohibiting terrorism. Although international consensus on the basis of the formulation contained in the High-Level Panel would be a major step forward, the definition of terrorism should ideally also cover acts of violence against noncombatant military units—for example, those deployed to a given country as part of a U.N.-authorized peacekeeping force or those present on foreign soil only to provide training or receive logistics support.

a. Has the General Assembly adopted a comprehensive definition of terrorism acceptable to the United States?

2. The Terrorism Prevention Branch of the U.N. Office on Drugs and Crime (UNODC) should be encouraged to intensify its efforts to promote wide adherence to the international conventions on terrorism, especially the new Convention for the Suppression of Acts of Nuclear Terrorism, and to provide member states legal advice on domestic implementing legislation necessary to make those conventions effective.

a. Have member states received legal advice on the Convention for the Suppression of Acts of Nuclear Terrorism?

III. INTERNATIONAL ATOMIC ENERGY AGENCY

1. The United States should continue pressing for establishment of a committee of the IAEA Board to review the Agency's role in monitoring and promoting compliance with nuclear nonproliferation obligations.

a. Has a committee of the IAEA Board actually been established?

b. Have the results of the review been published?

2. The IAEA and its Board should strongly promote universal ratification and rigorous enforcement of the Additional Protocol. Nuclear Suppliers Group members can assist in this effort by adopting a guideline that makes adherence to the Additional Protocol by recipient states a condition for nuclear cooperation.

a. Has the IAEA and its board issued a statement on universal ratification and enforcement of the Additional Protocol?

b. Has such a guideline been established by the Nuclear Suppliers Group?

3. IAEA Board members should urge that the Agency's relatively new function of investigating nuclear trafficking networks be expanded.

a. Has the IAEA Board issued a statement on expanding its role in investigating nuclear trafficking networks?

4. The United States and other Board members must strongly encourage the IAEA to assign higher priority to nuclear security.

a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council, the General Assembly, or directly to the IAEA?

b. Have any other board members taken similar action?

5. The IAEA and its Board should examine means of assuring countries that renounce the right to possess their own enrichment and reprocessing capabilities that they will have reliable access to nuclear reactor fuel supplies.

a. Has the IAEA undertaken such a study?

b. Has the IAEA communicated the results to member states?

IV. ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)

1. The missions of OPCW and its Technical Secretariat should be adjusted to deal more heavily with the nonstate actor chemical weapons threat.

a. Have the missions been so adjusted?

2. OPCW should become a partner of the 1540 Committee to help it implement U.N. Security Council Resolution 1540's requirements in the chemical area as in the case of the IAEA for nuclear issues, including taking the lead in assisting in establishing international standards for legislation criminalizing CW-related activities by nonstate actors. It should assist the committee in the area of physical protection, assessing the adequacy of security and accountancy measures at declared chemical

weapons storage depots and developing international standards for protecting chemical industry plants against theft or sabotage. With respect to the reports countries are called upon to submit under 1540, the OPCW would assist in evaluating performance, suggesting improvements, and coordinating assistance efforts.

- a. Has the OPCW provided assistance in evaluating 1540 mandated reports?*
 - b. Has the OPCW made suggestions and coordinated assistance to member states based on its evaluation of 1540 reports?*
3. The United States and other CWC parties should request OPCW's Technical Secretariat to examine the potential for state and nonstate actors to use new technologies, such as microreactors and novel chemical agents, for CW purposes and make recommendations on whether and how the CWC regime can be modified to keep up with the evolving CW proliferation threat.
- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council, the General Assembly, directly to the OPCW, or directly to the OPCW's Technical Secretariat?*
 - b. Have other CWC parties taken similar action?*
 - c. Has the OPCW's Technical Secretariat undertaken such a study?*
 - d. Has the OPCW's Technical Secretariat made recommendations based on the study?*
 - e. Have those recommendations been acted on?*

V. WORLD HEALTH ORGANIZATION (WHO)

1. While the WHO should strengthen its existing public health capabilities that are also relevant to reducing the biowarfare threat, consideration should urgently be given to establishing a new U.N. organization responsible for dealing with biological weapons issues.

- a. Has a study on establishing a new U.N. organization for dealing with biological weapons been completed?*
- b. Has the WHO increased existing public health capabilities that are relevant to biowarfare?*

2. WHO should undertake a major upgrading of its global disease surveillance and response network. The United States should be prepared to take the lead in persuading other donor governments to commit the additional resources required. Informal arrangements should be worked out so that, in the event of a suspicious disease outbreak that seemed to be the result of intentional BW use, WHO could immediately notify the new U.N. biological warfare organization and the U.N. Secretary General, who would be in a position to dispatch biowarfare experts to assist WHO in its investigation.

- a. Has WHO upgraded its global disease surveillance and response network?*

3. The new U.N. organization responsible for countering the biowarfare threat would work with the 1540 Committee and relevant international health organizations, including WHO, to develop common international biosecurity standards, both with respect to ensuring that only bona fide scientists have access to dangerous pathogens and ensuring that facilities engaged in legitimate research with dangerous pathogens have adequate physical security measures in place.

- a. Have common international biosecurity standards been established?*
- b. Do only bona fide scientists have access to dangerous pathogens?*
- c. Do dangerous pathogens have adequate physical security measures?*

4. The new biowarfare organization should also work with the WHO and other international scientific organizations to develop international guidelines or standards for reviewing, approving, and monitoring dual use bioscientific research projects, particularly in the area of genetic engineering, that could produce results that could be applied by states or terrorist groups to offensive BW purposes.

- a. Do international guidelines exist for reviewing, approving, and monitoring dual-use bioscientific research projects?*

VI. CONFERENCE ON DISARMAMENT (CD)

1. The CD has outlived its usefulness and should be disbanded. Instead of having a single multilateral negotiating body take its place, the Security Council should, as the need arises, set up ad hoc bodies of manageable size to take on discrete, narrowly defined tasks, such as negotiating a treaty banning further production of fissile materials or developing common international standards for biosecurity.

War and Peace: Preventing and Ending Conflicts

I. U.N. PEACEKEEPING: DOCTRINE, PLANNING, AND STRATEGIC GUIDANCE

1. The Department of Peacekeeping Operations should develop doctrine that recognizes the need for capable forces in the new security environments in which peacekeepers are mandated by the Security Council to operate, and the United States should press for member state acceptance of these new realities and their resource implications.

- a. Has the Department of Peacekeeping Operations developed the doctrine?*
- b. Has the U.S. military provided advice in the development of this doctrine?*

2. More broadly, the United Nations should develop doctrine and strategy for multi-dimensional peace operations that thoroughly integrate the security dimension with economic and political development requirements. Prior to deployments, a strategic assessment of the crisis situation should be made to determine the full range of measures necessary to effectively address the causes of the crisis. Strategic mission plans should precede deployments, and should be drafted by senior-level mission strategy groups brought together prior to missions.

[Note: This may only be applicable as future peacekeeping operations evolve.]

- a. Has the U.N. developed a multidimensional strategy for peace operations?*
- b. Does a strategic mission plan exist for each peacekeeping operation?*
- c. Was this plan drafted by senior-level mission strategy groups prior to executing the peacekeeping mission?*

II. SEXUAL EXPLOITATION AND ABUSE

1. The United Nations must quickly implement a policy of zero tolerance of sexual exploitation and abuse by peacekeepers. The United States should strongly support implementation of reform measures designed to ensure uniform standards for all civilian and military participants in peace operations; training programs relating to sexual exploitation and abuse; increased deployment of women in peacekeeping operations; deployment of established (rather than “patched together”) units to peacekeeping operations; accountability of senior managers; effective data collection and management; victim’s assistance; staffing increases to enhance supervision; and organized recreational activities for peacekeepers.

- a. Is there a policy of zero tolerance of sexual exploitation?*
- b. Are there training programs for U.N. civilians and military?*
- c. Are established units deploying to support U.N. operations?*
- d. Is there a victim’s assistance program?*
- e. Is data being collected?*
- f. Are recreational activities being provided for peacekeepers?*

2. While these measures have recently been endorsed by member states, the United States should urge generous budgetary support for these initiatives, and should also press for independent investigative capacity.

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council or General Assembly?*
- b. Is there an independent investigative capacity?*

3. The United States should seek to ensure effective programs of assistance for victims who make substantial claims, even when neither the victim nor the United Nations is able to obtain redress from the perpetrator of the abuse.

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council or General Assembly?*

4. States that prove unwilling or unable to ensure discipline among their troops should not be permitted to provide troops to peacekeeping missions.

- a. Has a U.N. resolution or rule change implementing this policy been adopted?*

III. RAPID DEPLOYMENT

1. While the task force does not endorse a standing U.N. military force, member states must increase substantially the availability of capable, designated forces, properly trained and equipped, for rapid deployment to peace operations on a voluntary basis. The Secretariat should enhance its capacity to coordinate increases in member state contributions to the Stand-by Arrangements system.

2. The United States should sustain and strengthen its support for regional peacekeeping capacity building, such as the Global Peace Operations Initiative.

3. The Department of Defense should prepare policy options for U.S. support of capacity enhancements and for U.S. engagement in peace operations consistent with U.S. national interests.

- a. Has the DOD prepared policy options to support capacity enhancements and for U.S. engagement in peace operations?*

IV. THE U.N. ROLE AND CAPACITY IN CONFLICT MEDIATION AND PEACEBUILDING

1. To enhance support for U.N. efforts at conflict mediation and negotiation, the United States should support an increase in resources for the Department of Political Affairs (DPA), following an independent study providing a strategy for enhancing DPA capacity and improving coordination with DPKO.

- a. Has an independent study of the DPA and DPKO been conducted?*
- b. Have the results been provided to the member states?*
- c. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council or General Assembly?*

2. To enhance support for postconflict peacebuilding activities, the United States should support the creation of a Peacebuilding Commission, a Peacebuilding Support Office, and a voluntary peacebuilding support fund.

- a. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council or General Assembly?*
- b. Has a Peacebuilding Commission been created?*
- c. Has a Peacebuilding Support Office been created?*
- d. Has a voluntary peacebuilding support fund been established?*

3. The United States should also encourage member governments with expertise in peacebuilding activities, such as those related to rule of law, to play lead nation roles on these issues in particular peace operations.

- a. Has the U.S. Congress passed a resolution communicating this?*
- b. Has this been formally communicated by the U.S. Mission to the U.N. in the Security Council, General Assembly, or directly to relevant members?*

4. The task force supports an increase in funding for the peace operation-related activities of the Office of the High Commissioner for Human Rights and the U.N.'s Electoral Assistance Division.

- a. Has funding increased for the peacekeeping activities of the Office of the High Commissioner for Human Rights and the U.N.'s Electoral Assistance Division?*

V. U.S. CAPACITY IN CIVILIAN POSTCONFLICT STABILIZATION ACTIVITIES

1. To enhance U.S. ability to support postconflict reconstruction and to coordinate its efforts with the United Nations and other governments, the United States should strengthen the new State Department Office of the Coordinator for Reconstruction and Stabilization, and Congress should provide it with resources necessary (and requested by the administration) to play its coordination role.

VI. SANCTIONS

1. Sanctions must be part of an overall strategy that integrates diplomacy and coercion in an informed and effective manner, and must be carefully targeted to avoid unintentional impacts, punish perpetrators of abuses and illegality, and create incentives for change. Member states and the Secretariat must develop dedicated capacities for sanctions analysis, implementation, and enforcement.

- a. Does the U.S. have dedicated capacities for sanctions analysis, implementation, and enforcement?*
- b. Do other member states?*
- c. Does the Secretariat have a dedicated capability for sanctions analysis, implementation, and enforcement?*

Helping People and Nations: Development and Humanitarian Assistance

I. GENERAL RECOMMENDATIONS

1. The U.S. Department of State should be the policy leader for development and humanitarian assistance issues, especially with respect to coordinating U.S. Government support to multilateral organizations.

2. Enhance the predictability and coherence of U.S. support of U.N. assistance.

3. Place greater emphasis on external evaluation of U.N. development and humanitarian programs.

II. REDUCING POVERTY

1. Push the United Nations to balance the interest in poverty reduction with an interest in governance and economic growth.

2. The U.S. Department of State's new office for the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) should establish a collaborative relationship with the U.N. Peacebuilding Commission, if such a new body is created as part of U.N. reform.

[Note: This action requires that a U.N. Peacebuilding Commission be established.]

3. Reorient the mission and activities of the Economic and Social Council (ECOSOC), giving it a clearly focused mission.

4. ECOSOC should eliminate the practice of secret voting by members, and the Department for Economic and Social Affairs should be streamlined.

a. Does ECOSOC continue secret votes?

b. Is the Department for Economic and Social Affairs more streamlined then before?

III. CONTAINING DISEASE

1. Strengthen the U.N. relationship with the World Bank.

a. Are regular meetings taking place between World Bank and U.N. representatives?

b. Are the World Bank and U.N. publishing coordinated documents, plans, and policies?

2. Connect the U.N. Development Group (UNDG) with the equivalent executive bodies dealing with humanitarian and peacekeeping operations.

a. Are the representatives from the U.N. Development Group (UNDG) and equivalent humanitarian and peacekeeping executive bodies meeting regularly?

b. Are the UNDG and equivalent humanitarian and peacekeeping executive bodies publishing coordinated documents, plans, and policies?

3. Empower resident coordinators with regard to sectorwide strategies and budgets.

a. Are resident coordinators producing and publishing sectorwide strategies?

b. Are resident coordinators actually exercising day-to-day influence over their budgets?

4. Apply new business models for delivering assistance, including greater partnership between U.N. agencies and the private sector.

5. Rationalize and simplify the funding of U.N. Programs.

6. The Consolidated Appeals Process (CAPS) model—which greatly improves transparency and improves the ability of member governments to donate to priority programs—should be replicated beyond its current application in humanitarian relief to other domains of U.N. assistance, such as child survival, peacebuilding, rule of law, postcrisis recovery (including demobilization and reintegration of soldiers), and disaster risk mitigation.

a. Has the CAPS model been applied to child survival?

b. Has the CAPS model been applied to peacebuilding?

c. Has the CAPS model been applied to rule of law?

d. Has the CAPS model been applied to postcrises recovery?

e. Has the CAPS model been applied to disaster risk mitigation?

7. Allow leading U.N. officials and resident coordinators to appoint the personnel they wish, but hold them accountable for the mission and results.

8. U.N. field offices should be encouraged to continue moving toward common services.

9. Establish third-party and independent mechanisms for auditing as well as for monitoring and evaluation.

10. Strengthen the lead coordinating role of WHO in combating infectious diseases.

11. WHO should operate in all areas of the world. Taiwan, for instance, is excluded from WHO membership due to the opposition of China. This deprives the organization of valuable resources and significantly impedes the fight against the SARS epi-

demic and other infectious diseases. Taiwan should have the closest possible association with WHO.

a. Is WHO operating in Taiwan?

12. Strengthen and mandate UNICEF to regain the lead it once had, 10 years ago, in the global efforts for child survival and against hunger and nutritional deficiency diseases.

IV. ALLEVIATING DISASTER

13. Reengineer the relief architecture of the U.N.

14. Require that 15–20 percent of disaster funding being spent toward risk reduction and mitigation.

a. What is the actual percentage of disaster funding being spent on risk reduction and mitigation?

STATEMENT OF SECRETARY GENERAL KOFI ANNAN TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS, NEW YORK, NY, MARCH 2005

Mr. President, Excellencies, thank you for allowing me to present to you, in person, the 5-year progress report that you requested from me, on the implementation of the Millennium Declaration.

The main message of that report is that the aims of the Declaration can be achieved, but only if you, the member states, are willing to adopt a package of specific, concrete decisions this year.

Some of those decisions are so important that they need to be taken at the level of heads of state and government. It is, therefore, very fortunate that your heads of state and government have agreed to come here for a summit meeting in September. I am giving you my report 6 months ahead of that meeting, so that your governments have ample time to consider it. My hope is that world leaders, when they arrive here in September, will be ready to take the decisions that are needed.

And I hope they will adopt them as a package.

In any such list of proposals, there are items which seem more important to some than to others, and items about which some have reservations, while others consider them essential. The temptation is to treat the list as an *à la carte* menu, and select only those that you especially fancy.

In this case, that approach will not work. What I am proposing amounts to a comprehensive strategy. It gives equal weight and attention to the three great purposes of this Organization: Development, security, and human rights, all of which must be underpinned by the rule of law. Some states may think that we should give priority to one of those purposes over the others; and within each of them, many states will have their particular preferences.

But I do not need to remind you that this is an Organization of 191 member states. We all know that global problems can best be solved if all states work together. We must also accept that that will only happen if, within the common strategy, all states see their specific concerns addressed.

I argue in the report, and I am profoundly convinced, that the threats which face us are of equal concern to all. I have called the report “In Larger Freedom,” because I believe those words from our charter convey the idea that development, security, and human rights go hand in hand. In a world of interconnected threats and opportunities, it is in each country’s self-interest that all of these challenges are addressed effectively. The cause of larger freedom can only be advanced if nations work together; and the United Nations can only help if it is remoulded as an effective instrument of their common purpose.

You may or may not find my argument convincing. But please remember, in any event, that if you need the help of other states to achieve your objectives, you must also be willing to help them achieve their objectives. That is why I urge you to treat my proposals as a single package.

Excellencies, let me now briefly describe what I propose.

The report is divided into four main sections. The first three set out priorities for action in the fields of development, security, and human rights, respectively, while the last deals with global institutions—mainly the United Nations itself, which must be, as the Millennium Declaration says, “a more effective instrument” for pursuing those priorities.

The first part, entitled “Freedom from Want,” proposes specific decisions for implementing the bargain struck 3 years ago, in Monterrey, between developed and developing countries.

I ask every developing country to adopt and begin to implement, by next year, a comprehensive national strategy bold enough to achieve the Millennium Development Goals by 2015; and to mobilise all its resources behind that strategy.

Specifically, I ask developing countries to improve their governance, uphold the rule of law, combat corruption, and adopt an inclusive approach to development, making space for civil society and the private sector to play their full part. The challenge of development is too big for governments to face it alone.

And I ask every developed country to support these strategies, by increasing the amount it spends on development and debt relief, and doing whatever it can to level the playing field for world trade.

Specifically, I ask developed countries to commit themselves, this year, to complete the Doha round of trade negotiations no later than 2006, and as a first step to give immediate duty-free and quota-free market access to all exports from the Least Developed Countries.

I also ask them to commit themselves to reach, by 2015, the target of spending 0.7 percent of their gross domestic product on official development assistance. This increase must be “front-loaded” through an international finance facility, since if we are to reach the goals by 2015 we need the increased spending right away. For the longer term, other innovative sources of finance must be considered.

All governments must be accountable for fulfilling their part of this bargain, both to their own peoples and to each other.

I stress that development must be sustainable. All our efforts will be in vain if their results are reversed by continued degradation of the environment and depletion of our natural resources.

I am glad that the Kyoto Protocol has now entered into force, albeit 3 years after the deadline set by the Millennium Declaration, but I also note that it extends only until 2012, and that some major emitters of carbon remain outside it. I ask all states to agree that scientific advances and technological innovation must be mobilized now to develop tools for mitigating climate change, and that a more inclusive international framework must be developed for stabilizing greenhouse gas emissions beyond 2012, with broader participation by all major emitters and both developed and developing countries.

And I recommend that member states consider building on one of this Organization’s clear strengths, by setting up a \$1 billion voluntary fund to allow us to bring rapid and effective relief to the victims of sudden disasters, whether natural or man-made. We were able to do this after the recent tsunami thanks to the rapid response from donors, but we should be ready to do it whenever and wherever an emergency occurs.

In the second part of the report, entitled “Freedom from Fear,” I ask all states to agree on a new security consensus, by which they commit themselves to treat any threat to one of them as a threat to all, and to work together to prevent catastrophic terrorism, stop the proliferation of deadly weapons, end civil wars, and build lasting peace in war-torn countries.

Among my specific proposals in this area, I ask all states to complete, sign, and implement the comprehensive convention on terrorism, based on a clear and agreed definition, as well as the convention on nuclear terrorism, and the fissile material cutoff treaty. I also ask member states to agree to establish a Peacebuilding Commission, within the United Nations, to help countries make the transition from war to lasting peace.

In the third part of the report, entitled “Freedom to Live in Dignity,” I urge all states to agree to strengthen the rule of law, human rights, and democracy in concrete ways.

In particular, I ask them to embrace the principle of the “Responsibility to Protect,” as a basis for collective action against genocide, ethnic cleansing, and crimes against humanity—recognizing that this responsibility lies first and foremost with each individual state, but also that, if national authorities are unable or unwilling to protect their citizens, the responsibility then shifts to the international community; and that, in the last resort, the United Nations Security Council may take enforcement action according to the charter.

Among other measures, I also ask all states to ratify and implement all treaties relating to the protection of civilians; and to agree to, and within their means contribute to, a Democracy Fund at the United Nations, which would provide funding and technical assistance to countries seeking to establish or strengthen their democracy.

In the final part of the report on “Strengthening the United Nations,” I set out proposals for making this Organization the instrument through which all its member states can agree on the strategies outlined in the first three parts, and help each other to implement them. This reflects my long-held view that, in order to do its

job, the United Nations must be brought fully into line with today's realities. It can and must be a representative and efficient world organization, open and accountable to the public as well as to governments.

I start with proposals for the revitalization of this Assembly—to which the Millennium Declaration rightly assigned a central position as the chief deliberative, policy-making and representative organ of the United Nations, but which in recent times has suffered from declining prestige, and has not made the contribution that it should to our activities. I am asking your heads of state and government to reverse this by instructing you to adopt, at your 60th session, a comprehensive package of reforms; by resolving to focus your agenda on major substantive issues of the day; and by establishing mechanisms through which you can engage fully and systematically with civil society, as recommended in the Cardoso Report.

I then recommend a system of three Councils, covering respectively, (a) international peace and security, (b) economic and social issues, and (c) human rights. This reflects the priorities set out in the earlier parts of the report, on which I believe there is broad consensus.

The first two of these Councils already exist, of course, but need to be strengthened. The third requires a far-reaching overhaul and upgrading of our human rights machinery.

First, I urge member states to make the Security Council more broadly representative of the international community as a whole, as well as of the geopolitical realities of today.

This important issue has been discussed for too long. I believe member states should agree to take a decision on it—preferably by consensus, but in any case before the summit—making use of one or other of the options presented in the report of the high-level panel.

And I suggest that the renewed Security Council should make clear, in a resolution, the principles by which it intends to be guided when deciding whether to authorize or mandate the use of force.

Secondly, I make proposals for enabling the Economic and Social Council, whose functions are clearly relevant to our all-important development agenda, to play the leading role that should be expected of it, in making and implementing coherent United Nations policies for development.

And thirdly, I ask member states to create a new Council to fulfill one of the primary purposes of the Organization, which clearly now requires more effective operational structures—the promotion of human rights. This would replace the present Commission on Human Rights, whose capacity to perform its tasks has been undermined by its declining credibility and professionalism. The Human Rights Council, I suggest, should be smaller than the Commission, and elected directly by a two-thirds majority of this Assembly.

I also make far-reaching proposals for the reform of the Secretariat, which must be more flexible, transparent, and accountable in serving the priorities of member states, and the interests of the world's peoples; and for introducing greater coherence into the work of the United Nations system as a whole, especially its response to humanitarian emergencies and its handling of environmental issues.

Excellencies, I make no apology for the detailed, matter-of-fact nature of this presentation. As far as detail goes, I assure you it is merely the tip of the iceberg. I trust that you will read my report in full. You will find in it many more proposals than I have had time to describe here.

As for being matter-of-fact, I have deliberately spared you any flights of rhetoric. This hall has heard enough high-sounding declarations to last us for some decades to come. We all know what the problems are, and we all know what we have promised to achieve. What is needed now is not more declarations or promises, but action to fulfill the promises already made.

I believe my report provides a clear program of actions that are fully within the power of your governments to take. I urge you once again to study it. And I urge your heads of state and government to be ready to take those decisions when they come here in September.

Thank you very much.

REPORT OF U.N. SECRETARY GENERAL KOFI ANNAN TO THE HUMAN RIGHTS COUNCIL
OF THE UNITED NATIONS

[United Nations General Assembly, 59th session, agenda items 45 and 55, integrated and coordinated implementation of and followup to the outcomes of the major United Nations conferences and summits in the economic, social and related fields. Followup

*to the outcome of the Millennium Summit. Explanatory note by the Secretary-General**]

THE SECRETARY-GENERAL'S PROPOSAL

1. The establishment of a Human Rights Council would reflect in concrete terms the increasing importance being placed on human rights in our collective rhetoric. The upgrading of the Commission on Human Rights into a full-fledged Council would raise human rights to the priority accorded to it in the Charter of the United Nations. Such a structure would offer architectural and conceptual clarity, since the United Nations already has Councils that deal with two other main purposes—security and development.

2. The Commission on Human Rights in its current form has some notable strengths and a proud history, but its ability to perform its tasks has been overtaken by new needs and undermined by the politicization of its sessions and the selectivity of its work. A new Human Rights Council would help serve to overcome some growing problems—of perception and in substance—associated with the Commission, allowing for thorough reassessment of the effectiveness of United Nations intergovernmental machinery in addressing human rights concerns.

3. The Secretary-General proposed the establishment of a Human Rights Council in his March 2005 report entitled “In Larger Freedom: Towards Development, Security and Human Rights for All” (A/59/2005). The proposal reads:

If the United Nations is to meet the expectations of men and women everywhere—and indeed, if the Organization is to take the cause of human rights as seriously as those of security and development, then Member States should agree to replace the Commission on Human Rights with a smaller standing Human Rights Council. Member States would need to decide if they want the Human Rights Council to be a principal organ of the United Nations or a subsidiary body of the General Assembly, but in either case its members would be elected directly by the General Assembly by a two-thirds majority of members present and voting. The creation of the Council would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations. Member States should determine the composition of the Council and the term of office of its members. Those elected to the Council should undertake to abide by the highest human rights standards. (A/59/2005, para. 182)

4. The Human Rights Council would be a standing body, able to meet regularly and at any time to deal with imminent crises and allow for timely and in-depth consideration of human rights issues. Moving human rights discussions beyond the politically charged six-week session would also allow more time for substantive follow-up on the implementation of decisions and resolutions. Being elected by the entire membership of the General Assembly would make members more accountable and the body more representative. And being elected directly by the General Assembly—the principal United Nations legislative body—would also have greater authority than the Commission, which is a subsidiary body of the Economic and Social Council. Indeed, according to the Charter, responsibility for discharging the functions under the Economic and Social Council, including the promotion of human rights, is ultimately vested in the General Assembly. A smaller membership would allow the Human Rights Council to have more focused debate and discussions.

5. The Secretary-General believes that the Human Rights Council should be located in Geneva, allowing it to continue to work in close cooperation with the Office of the United Nations High Commissioner for Human Rights. The World Food Council (1974–1995) represents a precedent for a standing Council established by the General Assembly sitting outside New York. Similarly, the International Court of Justice at the Hague represents a principal Charter body located outside New York. While based in Geneva, as a standing body the Council would have the flexibility to “enhance” its presence in New York. Options would include holding special sessions in New York or having specific subcomponents based in New York so as to better interface with the General Assembly, the Security Council, and the Economic and Social Council.

*Initially transmitted by the Secretary-General to the President of the General Assembly on 14 April 2005, with the request that it be brought to the attention of the members of the General Assembly.

6. The Secretary-General further elaborated on a proposed new key peer review function for the Human Rights Council in a speech to the Commission on Human Rights on 7 April 2005:

It should have an explicitly defined function as a chamber of peer review. Its main task would be to evaluate the fulfillment by all States of all their human rights obligations. This would give concrete expression to the principle that human rights are universal and indivisible. Equal attention will have to be given to civil, political, economic, social and cultural rights, as well as the right to development. And it should be equipped to give technical assistance to States and policy advice to States and United Nations bodies alike. Under such a system, every Member State could come up for review on a periodic basis. Any such rotation should not, however, impede the Council from dealing with any massive and gross violations that might occur. Indeed, the Council will have to be able to bring urgent crises to the attention of the world community.

7. The peer review mechanism would complement but would not replace reporting procedures under human rights treaties. The latter arise from legal commitments and involve close scrutiny of law, regulations, and practice with regard to specific provisions of those treaties by independent expert panels. They result in specific and authoritative recommendations for action. Peer review would be a process whereby States voluntarily enter into discussion regarding human rights issues in their respective countries, and would be based on the obligations and responsibilities to promote and protect those rights arising under the Charter and as given expression in the Universal Declaration of Human Rights. Implementation of findings should be developed as a cooperative venture, with assistance given to States in developing their capacities.

8. Crucial to peer review is the notion of universal scrutiny, that is, that the performance of all Member States in regard to all human rights commitments should be subject to assessment by other States. The peer review would help avoid, to the extent possible, the politicization and selectivity that are hallmarks of the Commission's existing system. It should touch upon the entire spectrum of human rights, namely, civil, political, economic, social and cultural rights. The Human Rights Council will need to ensure that it develops a system of peer review that is fair, transparent, and workable, whereby States are reviewed against the same criteria. A fair system will require agreement on the quality and quantity of information used as the reference point for the review. In that regard, the Office of the High Commissioner could play a central role in compiling such information and ensuring a comprehensive and balanced approach to all human rights. The findings of the peer reviews of the Human Rights Council would help the international community better provide technical assistance and policy advice. Furthermore, it would help keep elected members accountable for their human rights commitments.

ISSUES TO BE DISCUSSED BEFORE THE SEPTEMBER 2005 SUMMIT

9. Member States will need to come to agreement on a number of issues in advance of the summit to be held in September 2005. Consultations with the High Commissioner would naturally be part of the process and she is ready to assist. Specifically, the Secretary-General suggests the need for agreement regarding the Human Rights Council on a number of issues as set out below.

Mandate and function

10. In addition to existing functions and responsibilities of the Commission under Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII), the Human Rights Council would consider the situation of all human rights in all countries based on the above peer review system. Until being thoroughly reviewed by the Human Rights Council upon its establishment, the thematic and country-specific procedure mandates, as well as the intergovernmental working groups and the Sub-commission, would be requested to report to the Human Rights Council. The Human Rights Council would reconsider and refine or amend those according to its own terms of reference, together with its agenda of work and working methods. The proposed Human Rights Council is only one component of the United Nations human rights system, which includes the mandate of the High Commissioner, secretariat functions and the treaty bodies. In determining the mandate and function of the Human Rights Council, consideration should be given to functions that are best performed at an intergovernmental level, taking into account complementarity with other bodies and bearing in mind the Commission's experience. The Human Rights Council should have the authority to recommend policy measures to other organs of the United Nations that can help in the process of implementation.

11. In addition to the proposed peer review outlined above, the Human Rights Council should also fulfill the following functions:

- Member States should be able to come together and take action when serious human rights situations develop. The Commission is able to do this by having the option to adopt specific country resolutions. While this capacity has attained an unhealthy degree of politicization—which the proposed peer review function of the Human Rights Council should address—the ability to address serious situations must be retained and revived. In addition, the Commission has the capacity to meet in extraordinary session if a majority of members agree; this capacity should be retained by the Human Rights Council, the envisioned format of which would facilitate consideration of urgent situations outside the framework of ordinary sessions. Furthermore, the High Commissioner would benefit from being able to call for action and support from a United Nations standing body with the authority of a full-fledged Council. A forum for dialogue among Member States and involving civil society on human rights issues, should be preserved. The dialogue would allow for constructive engagement on areas of disagreement and creative responses to deal with new and emerging issues, especially human rights problems for which existing international standards are ambiguous. The role of NGOs is crucial to providing policy inputs and views from the field to Member States. Similarly, the increasing prominence and activism of both national institutions and NGOs has elevated their involvement in the human rights debate to centre stage.
- The proposed Human Rights Council should play a pivotal role in overseeing and contributing to the interpretation and development of international human rights law. International law and standards are central to the United Nations system for the protection of human rights; indeed, the body of international human rights norms developed to date by the Commission is perhaps its greatest legacy. As a standing body, the Human Rights Council might find ways to overcome the delays currently faced by the Commission regarding some standard-setting activities. The establishment of a Human Rights Council would also reinforce the critical work of the treaty body system, which has contributed significantly to the development of international law over the past 20 years and could assist in the process of streamlining and strengthening the system to better carry out its mandate.

Composition

12. Instead of being elected by the Economic and Social Council, the membership of the Human Rights Council would be elected by a two-thirds vote of the General Assembly—which would be similar to the election process for Charter bodies. This would reflect the importance accorded to the body. Universality in voting would allow the body to be more accountable to the full membership of the Organization. Member States will need to decide on the length of terms, how Human Rights Council members would be elected and the rotation of members. If Member States choose to elect Human Rights Council members on a regional basis, all regional groups should be represented in proportion to their representation in the United Nations.

Size

13. The Commission on Human Rights currently has 53 members, only one less than the membership of the Economic and Social Council, which elects Commission members. Originally numbering 18 members, the Commission has grown dramatically over the years. A smaller membership on the Human Rights Council would allow more focused discussion and debate. Elevating the status of the Commission into a Council would increase the possibility for States to serve on one of the three United Nations Councils.

Principal or subsidiary body

14. There are two options for creating the Human Rights Council, as a principal organ or as a subsidiary body of the General Assembly. Establishing the Human Rights Council as a principal body of the United Nations would allow it to stand as a peer alongside both the Security Council and the Economic and Social Council and would require an amendment to the Charter. Establishing the Council as a subsidiary body of the General Assembly would not require an amendment to the Charter. In either case, the high standard of Charter bodies and “important matters” of a two-thirds majority vote should be retained.

DECISION TO BE TAKEN

15. Upon consideration of the above issues, Member States could agree to endorse, in principle, the establishment of a Human Rights Council in the final declaration

of the September 2005 summit. Draft language provided in the report of the Secretary-General reads:

Agree to replace the Commission on Human Rights with a smaller standing Human Rights Council, as a principal organ of the United Nations or a subsidiary body of the General Assembly, whose members would be elected directly by the General Assembly by a two-thirds majority of members present and voting. (A/59/2005, annex, para. 8(e))

ISSUES TO BE DISCUSSED AFTER THE SEPTEMBER 2005 SUMMIT

16. Further work on how the Human Rights Council would fulfill the outlined functions above, as well as the details regarding size, composition and establishment, would be dealt with in the post-summit phase. Indeed, the fate of many of the Commission's existing functions, procedures, and working groups would be left to the Council to endorse, renew or consider obsolete. The special procedures and NGO engagement are two aspects of the Commission that should continue with the Human Rights Council.

17. Another set of issues requiring further elaboration concerns the role and mandate of the Human Rights Council vis-a-vis the other components of the United Nations human rights system, in particular the Office of the High Commissioner, other United Nations agencies and programmes dealing with human rights, the treaty monitoring bodies, the General Assembly, the Security Council, the Economic and Social Council and the proposed new Peacebuilding Commission. The creation of the Human Rights Council would reinforce and strengthen the human rights work of those other components. For example, the Human Rights Council would provide an opportunity to rationalize the agenda of the Third Committee of the General Assembly with the work of the Human Rights Council, as well as to strengthen the General Assembly's ability to analyse and draw attention to continuing gaps in the implementation and mainstreaming of human rights throughout the United Nations system. Similarly, the Council could assist in the establishment, support and generation of contributions for various voluntary funds, especially to assist developing countries.

EXECUTIVE SUMMARY ON THE "IN LARGER FREEDOM: TOWARDS DEVELOPMENT, SECURITY AND HUMAN RIGHTS FOR ALL" REPORT

INTRODUCTION: A HISTORIC OPPORTUNITY IN 2005

In September 2005, world leaders will come together at a summit in New York to review progress since the Millennium Declaration, adopted by all member states in 2000. The Secretary General's report proposes an agenda to be taken up, and acted upon, at the summit. These are policy decisions and reforms that are actionable if the necessary political will can be garnered.

Events since the Millennium Declaration demand that consensus be revitalized on key challenges and priorities and converted into collective action. The guiding light in doing so must be the needs and hopes of people everywhere. The world must advance the causes of security, development, and human rights together, otherwise none will succeed. Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights.

In a world of interconnected threats and opportunities, it is in each country's self-interest that all of these challenges are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep, and sustained global cooperation among states. The world needs strong and capable states, effective partnerships with civil society and the private sector, and agile and effective regional and global intergovernmental institutions to mobilize and coordinate collective action. The United Nations must be reshaped in ways not previously imagined, and with a boldness and speed not previously shown.

I. Freedom from want

The last 25 years have seen the most dramatic reduction in extreme poverty the world has ever experienced. Yet dozens of countries have become poorer. More than a billion people still live on less than a dollar a day. Each year, 3 million people die from HIV/AIDS and 11 million children die before reaching their fifth birthday.

Today's is the first generation with the resources and technology to make the right to development a reality for everyone and to free the entire human race from want. There is a shared vision of development. The Millennium Development Goals (MDGs), which range from halving extreme poverty to putting all children into pri-

mary school and stemming the spread of infectious diseases such as HIV/AIDS, all by 2015, have become globally accepted benchmarks of broader progress, embraced by donors, developing countries, civil society, and major development institutions alike.

The MDGs can be met by 2015—but only if all involved break with business as usual and dramatically accelerate and scale up action now.

In 2005, a “global partnership for development”—one of the MDGs reaffirmed in 2002 at the International Conference on Financing for Development at Monterrey, Mexico, and the World Summit on Sustainable Development in Johannesburg, South Africa—needs to be fully implemented. That partnership is grounded in mutual responsibility and accountability—developing countries must strengthen governance, combat corruption, promote private sector-led growth and maximize domestic resources to fund national development strategies, while developed countries must support these efforts through increased development assistance, a new development-oriented trade round and wider and deeper debt relief.

The following are priority areas for action in 2005:

- National strategies: Each developing country with extreme poverty should, by 2006, adopt and begin to implement a national development strategy bold enough to meet the MDG targets for 2015. Each strategy needs to take into account seven broad “clusters” of public investments and policies: Gender equality, the environment, rural development, urban development, health systems, education, and science, technology, and innovation.
- Financing for development: Global development assistance must be more than doubled over the next few years. This does not require new pledges from donor countries, but meeting pledges already made. Each developed country that has not already done so should establish a timetable to achieve the 0.7 percent target of gross national income for official development assistance no later than 2015, starting with significant increases no later than 2006, and reaching 0.5 percent by 2009. The increase should be front-loaded through an International Finance Facility, and other innovative sources of financing should be considered for the longer term. The Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria must be fully funded and the resources provided for an expanded comprehensive strategy of prevention and treatment to fight HIV/AIDS. These steps should be supplemented by immediate action to support a series of “Quick Wins”—relatively inexpensive, high-impact initiatives with the potential to generate major short-term gains and save millions of lives, such as free distribution of antimalarial bednets.
- Trade: The Doha round of trade negotiations should fulfill its development promise and be completed no later than 2006. As a first step, member states should provide duty-free and quota-free market access for all exports from the Least Developed Countries.
- Debt relief: Debt sustainability should be redefined as the level of debt that allows a country to achieve the MDGs and to reach 2015 without an increase in debt ratios.

New action is also needed to ensure environmental sustainability. Scientific advances and technological innovation must be mobilized now to develop tools for mitigating climate change, and a more inclusive international framework must be developed for stabilizing greenhouse gas emissions beyond the expiry of the Kyoto Protocol in 2012, with broader participation by all major emitters and both developed and developing countries. Concrete steps are also required on desertification and biodiversity.

Other priorities for global action include stronger mechanisms for infectious disease surveillance and monitoring, a worldwide early warning system on natural disasters, support for science and technology for development, support for regional infrastructure and institutions, reform of international financial institutions, and more effective cooperation to manage migration for the benefit of all.

II. Freedom from fear

While progress on development is hampered by weak implementation, on the security side, despite a heightened sense of threat among many, the world lacks even a basic consensus—and implementation, where it occurs, is all too often contested.

The Secretary General fully embraces a broad vision of collective security. The threats to peace and security in the 21st century include not just international war and conflict, but terrorism, weapons of mass destruction, organized crime, and civil violence. They also include poverty, deadly infectious disease, and environmental degradation, since these can have equally catastrophic consequences. All of these threats can cause death or lessen life chances on a large scale. All of them can undermine states as the basic unit of the international system.

Collective security today depends on accepting that the threats each region of the world perceives as most urgent are, in fact, equally so for all. These are not theoretical issues, but ones of deadly urgency.

The United Nations must be transformed into the effective instrument for preventing conflict that it was always meant to be, by acting on several key policy and institutional priorities:

- Preventing catastrophic terrorism: States should commit to a comprehensive antiterrorism strategy based on five pillars; dissuading people from resorting to terrorism or supporting it; denying terrorists access to funds and materials; deterring states from sponsoring terrorism; developing state capacity to defeat terrorism; and defending human rights. They should conclude a comprehensive convention on terrorism, based on a clear and agreed definition. They should also complete, without delay, the convention for the suppression of acts of nuclear terrorism.
- Nuclear, chemical, and biological weapons: Progress on both disarmament and nonproliferation are essential. On disarmament, nuclear-weapon states should further reduce their arsenals of nonstrategic nuclear weapons and pursue arms control agreements that entail not just dismantlement but irreversibility, reaffirm their commitment to negative security assurances, and uphold the moratorium on nuclear test explosions. On nonproliferation, the International Atomic Energy Agency's verification authority must be strengthened through universal adoption of the Model Additional Protocol, and states should commit themselves to complete, sign, and implement a fissile material cutoff treaty.
- Reducing the prevalence and risk of war: Currently, half the countries emerging from violent conflict revert to conflict within 5 years. Member states should create an intergovernmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the U.N. Secretariat, so that the U.N. system can better meet the challenge of helping countries successfully complete the transition from war to peace. They should also take steps to strengthen collective capacity to employ the tools of mediation, sanctions, and peacekeeping (including a "zero tolerance" policy on sexual exploitation of minors and other vulnerable people by members of peacekeeping contingents, to match the policy enacted by the Secretary General).
- Use of force: The Security Council should adopt a resolution setting out the principles to be applied in decisions relating to the use of force and express its intention to be guided by them when deciding whether to authorize or mandate the use of force.

Other priorities for global action include more effective cooperation to combat organized crime, to prevent illicit trade in small arms and light weapons, and to remove the scourge of landmines which still kill and maim innocent people and hold back development in nearly half the world's countries.

III. Freedom to live in dignity

In the Millennium Declaration, member states said they would spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms. And over the last six decades, an impressive treaty-based normative framework has been advanced.

But without implementation, these declarations ring hollow. Without action, promises are meaningless. People who face war crimes find no solace in the unimplemented words of the Geneva Conventions. Treaties prohibiting torture are cold comfort to prisoners abused by their captors, particularly if the international human rights machinery enables those responsible to hide behind friends in high places. War-weary populations despair when, even though a peace agreement has been signed, there is little progress toward government under the rule of law. Solemn commitments to strengthen democracy remain empty words to those who have never voted for their rulers, and who see no sign that things are changing.

Therefore, the normative framework that has been so impressively advanced over the last six decades must be strengthened. Even more important, concrete steps are required to reduce selective application, arbitrary enforcement, and breach without consequence. The world must move from an era of legislation to implementation.

Action is called for in the following priority areas:

- Rule of law: The international community should embrace the "responsibility to protect," as a basis for collective action against genocide, ethnic cleansing, and crimes against humanity. All treaties relating to the protection of civilians should be ratified and implemented. Steps should be taken to strengthen cooperation with the International Criminal Court and other international or mixed war crimes tribunals, and to strengthen the International Court of Jus-

tice. The Secretary General also intends to strengthen the Secretariat's capacity to assist national efforts to reestablish the rule of law in conflict and post-conflict societies.

- Human rights: The Office of the High Commissioner for Human Rights should be strengthened with more resources and staff, and should play a more active role in the deliberations of the Security Council and of the proposed Peacebuilding Commission. The human rights treaty bodies of the U.N. system should also be rendered more effective and responsive.
- Democracy: A Democracy Fund should be created at the U.N. to provide assistance to countries seeking to establish or strengthen their democracy.

IV. Strengthening the United Nations

While purposes should be firm and constant, practice and organization need to move with the times. If the U.N. is to be a useful instrument for its member states, and for the world's peoples, in responding to the challenges laid out in the previous three parts, it must be fully adapted to the needs and circumstances of the 21st century.

A great deal has been achieved since 1997 in reforming the internal structures and culture of the United Nations. But many more changes are needed, both in the executive branch—the Secretariat and the wider U.N. system—and in the U.N.'s intergovernmental organs:

- General Assembly: The General Assembly should take bold measures to streamline its agenda and speed up the deliberative process. It should concentrate on the major substantive issues of the day, and establish mechanisms to engage fully and systematically with civil society.
- Security Council: The Security Council should be broadly representative of the realities of power in today's world. The Secretary General supports the principles for reform set out in the report of the high-level panel, and urges member states to consider the two options, models A and B, presented in that report, or any other viable proposals in terms of size and balance that have emerged on the basis of either model. Member states should agree to take a decision on this important issue before the summit in September 2005.
- Economic and Social Council: The Economic and Social Council should be reformed so that it can effectively assess progress in the U.N.'s development agenda, serve as a high-level development cooperation forum, and provide direction for the efforts of the various intergovernmental bodies in the economic and social area throughout the U.N. system.
- Proposed Human Rights Council: The Commission on Human Rights suffers from declining credibility and professionalism, and is in need of major reform. It should be replaced by a smaller standing Human Rights Council, as a principal organ of the United Nations or subsidiary of the General Assembly, whose members would be elected directly by the General Assembly, by a two-thirds majority of members present and voting.
- The Secretariat: The Secretary General will take steps to realign the Secretariat's structure to match the priorities outlined in the report, and will create a cabinet-style decisionmaking mechanism. He requests member states to give him the authority and resources to pursue a one-time staff buyout to refresh and realign staff to meet current needs, to cooperate in a comprehensive review of budget and human resources rules, and to commission a comprehensive review of the Office of Internal Oversight Services to strengthen its independence and authority.

Other priorities include creating better system coherence by strengthening the role of Resident Coordinators, giving the humanitarian response system more effective standby arrangements, and ensuring better protection of internally displaced people. Regional organizations, particularly the African Union, should be given greater support. The charter itself should also be updated to abolish the "enemy clauses," the Trusteeship Council and the Military Staff Committee, all of which are outdated.

CONCLUSION: OPPORTUNITY AND CHALLENGE

It is for the world community to decide whether this moment of uncertainty presages wider conflict, deepening inequality and the erosion of the rule of law, or is used to renew institutions for peace, prosperity, and human rights. Now is the time to act. The annex to the report lists specific items for consideration by heads of state and government. Action on them is possible. It is within reach. From pragmatic beginnings could emerge a visionary change of direction for the world.

NEWS RELEASE
UNITED STATES INSTITUTE OF PEACE
JUNE 15, 2005

GINGRICH-MITCHELL TASK FORCE ON U.N. REFORM: NATIONS HAVE INTERNATIONAL
RESPONSIBILITY TO PROTECT PEOPLE WITHIN OWN BORDERS FROM GENOCIDE

WASHINGTON.—In a report released today, the Task Force on the United Nations recommends that the U.S. Government endorse and call upon the U.N. and its members to “affirm a responsibility of every sovereign government to protect its own citizenry and those within its borders from genocide, mass killing, and massive and sustained human rights violations.” The report adds that the “United States should insist that states asserting an absolutist doctrine of non-intervention explain why they are preventing action against the world’s genocidaires.”

The 12-member bipartisan task force, chaired by former House Speaker Newt Gingrich and former Senate Majority Leader George Mitchell, calls for abolition of the current U.N. Human Rights Commission, and establishment of a new Human Rights Council, ideally composed of democracies and dedicated to monitoring, promoting, and enforcing human rights.

The report notes that without a renewed and more effective United Nations, the challenges to international security, development and well-being will be all the greater. The bipartisan task force, comprised of prominent experts, distinguished practitioners, and business leaders representing a wide range of opinion, issued its consensus report, “in the firm belief that an effective U.N. is in American interests.”

With a President and Congress united in their desire to advance our national interests, the United Nations can be led to meet more completely the lofty goals of its charter, says the task force. Both the Bush administration and the U.S. Congress are keenly focused on the U.N. reform process. The report concludes that U.S. leadership will be essential to bringing about meaningful reform and adds that a successful effort will “require bipartisanship in Washington’s approach to the United Nations.”

Mandated by Congress in the FY2005 omnibus appropriations bill at the behest of Representative Frank Wolf (R-VA), the report offers an actionable American agenda for strengthening the United Nations. The full report is available at www.usip.org.

Other report recommendations include:

- Providing immediate U.S support for initiatives to halt the genocide in Darfur, Sudan, including the assembly of a U.S. coordinated package of assistance for African Union deployment in Darfur that will serve as a force multiplier, and support for establishment of a no-fly zone.
- Addressing urgently needed internal U.N. management reform by:
 - Establishing a single, very senior official in charge of daily operations and filling the role of Chief Operating Officer;
 - Empowering the Secretary General to replace his or her top officials;
 - Creating an Independent Oversight Board that has the audit powers to prevent another scandal like Oil-for-Food.
- Increasing support substantially for the effort to bring developing nations out of poverty as a global priority, including government-to-government assistance, and private investment, including the legal, political and economic infrastructure that will allow such aid and investment to flourish.
- Implementing quickly a U.N. policy of zero tolerance of sexual exploitation and abuse by U.N. peacekeepers.
- Adopting in the General Assembly a definition of terrorism and passing a comprehensive convention condemning all forms of terrorism.

Congress established the Task Force on the United Nations in December 2004 to assess reforms that would enable the U.N. to better meet the goals of its 1945 charter. Congress directed that the study address obstacles to achieving such goals, especially maintaining international peace and security and promoting universal respect for, and observance of, human rights and fundamental freedoms. The task force will discuss its findings with Congress in a hearing of the Science, State, Commerce and Justice Appropriations Subcommittee, to be chaired by Representative Wolf on Wednesday, June 22, at 10 a.m., in 2359 Rayburn House Office Building.

In addition to the cochairs, 10 other distinguished Americans served on the task force and contributed to the report. They are:

- Gen. Wesley K. Clark (USA, Ret.)—Wesley K. Clark and Associates
- Edwin J. Feulner—The Heritage Foundation
- Roderick Hills—Hills and Stern

- Ambassador Donald McHenry—Georgetown University
- Ambassador Thomas R. Pickering—The Boeing Company
- Danielle Pletka—American Enterprise Institute
- Dr. Anne-Marie Slaughter—Princeton University
- Dr. A. Michael Spence—Oak Hill Capital Partners
- Senator Malcolm Wallop—Frontiers of Freedom
- R. James Woolsey—Boaz, Allen, Hamilton

Gen. Charles Boyd (USAF, Ret.) of Business Executives for National Security and J. Robinson West of PFC Energy served as Senior Advisors to the task force.

At the request of Congress, the U.S. Institute of Peace coordinated the task force with the support and participation of leading experts drawn from public policy organizations, including the American Enterprise Institute, the Brookings Institution, the Center for Strategic and International Studies, the Council on Foreign Relations, the Heritage Foundation, and the Hoover Institution. Background information on the experts may be found at www.usip.org/un/members.

TASK FORCE ON THE UNITED NATIONS

The United States Institute of Peace was directed by Congress in December 2004 to create a Task Force on the United Nations. The task force will assess the extent to which the United Nations is fulfilling the purposes stated in its charter and recommend an actionable agenda for the United States on the U.N. The task force, while not an official U.S. Government effort, is obligated to provide its report to Congress. The task force expects to release its report in mid-June.

Task Force Members, Senior Advisors and Partners

The members of the task force are a diverse and bipartisan group of distinguished Americans from a variety of professions and backgrounds. It is cochaired by Newt Gingrich, former Speaker of the House of Representatives, and George Mitchell, former majority leader of the Senate. Other members include: Wesley K. Clark, Wesley K. Clark and Associates; Edwin Feulner, the Heritage Foundation; Roderick Hills, Hills and Stern; Donald McHenry, Georgetown University; Danielle Pletka, American Enterprise Institute; Thomas R. Pickering, the Boeing Company; Anne-Marie Slaughter, Princeton University; A. Michael Spence, Oak Hill Capital Partners; Malcolm Wallop, Asian Studies Center; R. James Woolsey, Booz Allen Hamilton. The senior advisors to the task force are Charles Boyd, Business Executives for National Security and J. Robinson West, PFC Energy.

As directed by Congress, the Institute of Peace is organizing the task force with the support and participation of leading public policy organizations, including the American Enterprise Institute, the Brookings Institution, the Center for Strategic and International Studies, the Council on Foreign Relations, the Heritage Foundation, and the Hoover Institution. These institutions are providing experts to support the members of the task force.

Task Force Activities

The task force will organize its work in five thematic areas. In addition to conducting research and taking testimony, members of the task force and experts will undertake fact-finding missions to United Nations headquarters and to missions in the field. The five thematic areas are as follows:

- Preventing and ending conflicts and building stable societies.
- Preventing and responding to genocide and gross human rights violations.
- Preventing catastrophic terrorism and the proliferation of weapons of mass destruction.
- Ensuring the effectiveness, integrity, transparency, and accountability of the U.N. system.
- Fostering economic development and reducing poverty.

TASK FORCE ON THE UNITED NATIONS: WORKING GROUPS

The work of the Task Force on the United Nations is organized into working groups, consisting of both Task Force members and support staff from leading public policy organizations. Below is a list of members and experts listed by task force working group.

Preventing and Ending Conflicts and Building Stable Societies

Members: Wesley K. Clark (Wesley K. Clark and Associates); Malcolm Wallop (Asian Studies Center)

Experts: Eric Schwartz (Council on Foreign Relations), Coordinator; Frederick Barton (CSIS); Bathsheba Crocker (CSIS); Michael McFaul (Hoover); William Nash (Council on Foreign Relations)

Preventing and Responding to Genocide and Gross Human Rights Violations

Member: Anne-Marie Slaughter (Princeton University)

Sr. Advisor: J. Robinson West (PFC Energy)

Experts: Tod Lindberg (Hoover), Coordinator; Ivo Daalder (Brookings); Lee Feinstein (Council on Foreign Relations); Joseph Loconte (The Heritage Foundation)

Preventing Catastrophic Terrorism and the Proliferation of Weapons of Mass Destruction

Member: Thomas R. Pickering (The Boeing Company)

Sr. Advisor: Charles G. Boyd (Business Executives for National Security)

Experts: Robin Einhorn (CSIS), Coordinator; Michael O'Hanlon (Brookings); James Phillips (Heritage)

Ensuring the Effectiveness, Integrity, Transparency, and Accountability of the U.N. System

Member: Edwin J. Feulner (The Heritage Foundation); Roderick M. Hills (Hills and Stern)

Experts: Ann Florini (Brookings), Coordinator; Nile Gardiner (The Heritage Foundation); Branka Jikich (CSIS); James Lindsay (Council on Foreign Relations); Brett Schaefer (The Heritage Foundation)

Fostering Economic Development and Reducing Poverty

Members: Donald McHenry (Georgetown University); A. Michael Spence (Oak Hills Capital Partners)

Experts: Patrick Cronin (CSIS), Coordinator; Kenneth Anderson (Hoover); Steve Hansch (Georgetown University)

Task Force Members and Senior Advisors

- Newt Gingrich, Former Speaker of the House of Representatives (Co-Chair), CEO, Gingrich Group
- George Mitchell, Former Majority Leader of the Senate (Co-Chair), Chairman, Piper Rudnick LLP
- Charles G. Boyd, Gen. U.S. Air Force (Ret.)—Senior Advisor, President and CEO, Business Executives for National Security
- Wesley K. Clark, Gen. U.S. Army (Ret.), Chairman and CEO, Wesley K. Clark and Associates
- Edwin J. Feulner, President, The Heritage Foundation
- Roderick M. Hills, Partner, Hills and Stern
- Donald McHenry, Ambassador (Ret.), Distinguished Professor, School of Foreign Service, Georgetown University
- Thomas R. Pickering, Ambassador (Ret.), Senior Vice President, International Relations, The Boeing Company
- Danielle Pletka, Vice President, Foreign and Defense Policy, American Enterprise Institute
- Anne-Marie Slaughter, Dean, Woodrow Wilson School of Public and International Affairs, Princeton University
- A. Michael Spence, Partner, Oak Hill Capital Partners
- Malcolm Wallop, U.S. Senator (Ret.), Senior Fellow, Asian Studies Center
- J. Robinson West—Senior Advisor, Chairman, PFC Energy, Chairman of the Board of Directors, U.S. Institute of Peace
- R. James Woolsey, Vice President, Global Strategic Security, Booz Allen Hamilton

Task Force Staff:

- George Ward, Executive Director
- Gary Matthews, Deputy Director
- Sloan Mann, Program Officer
- Heather Sensibaugh, Program Assistant