



Congress and the United Nations

*How to Build a Better Relationship
and Move Forward on Needed U.N. Reforms*

Spencer P. Boyer
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[A]n effective United Nations is in America's interest.... As one of the principal architects of the United Nations, the United States placed at the foundation of the U.N. certain fundamental purposes and values—preserving peace, promoting progress, and advocacy of human rights. It is therefore vital for the United States to enable this institution to make the greatest possible contribution to advance those founding objectives.

—Zalmay Khalilzad, U.S. Ambassador to the United Nations¹

Introduction

The relationship between the United States and the United Nations is in desperate need of repair. Although the United Nations owes its existence to the post-World War II leadership of America and its allies, in recent years the U.S.–U.N. relationship has spiraled downward into one that is too often dysfunctional. While the relationship has never been without tension, having endured Cold War-related polarization and other political disagreements, much of the breakdown has happened over the past decade—with the U.N. Secretariat, U.N. member states, and the U.S. executive and legislative branches all deserving a share of the blame. A significant part of the problem, however, has been the failure of the United States to provide sufficient support and leadership for the world body.

Unfortunately, the timing couldn't be worse. The United States needs the United Nations more than ever to help tackle a range of transnational challenges that directly threaten U.S. national security interests. The dire situations in Iraq and Darfur, the continuing threat of global terrorism, the nuclear standoff in Iran, and the ongoing civil strife in Lebanon are just a few of the problems that cannot be adequately addressed without robust United Nations involvement.

Without an engaged and supportive United States, the United Nations will be unable to fulfill its mission. Fundamentally, without a strong and capable United Nations, the United States will be unable to accomplish many of its own strategic objectives.

The good news is that with a new Congress, a new U.N. Secretary-General, and a new U.S. Ambassador to the United Nations there is a unique opportunity for positive change in this troubled relationship. While it may be difficult to fully repair U.S.–U.N. relations before a new U.S. administration can make a fresh start in 2009, there are several steps that the 110th Congress can take in the short run to demonstrate leadership and improve relations, thus improving the chances of pushing forward needed U.N. Secretariat, management, and budget reforms that affect U.S. interests.

The recommendations, which this paper will explore in detail, include:

- paying in full our U.N. peacekeeping and other arrears, which are nearing \$1 billion;
- addressing U.S. funding shortages for U.N.-affiliated international organizations critical to American interests;

- taking concrete steps to improve U.S. relations with developing countries in the U.N. General Assembly;
- re-engaging with the world community on important international treaties, such as the Law of the Sea Treaty;
- re-assessing the U.S. position toward the International Criminal Court;
- funding and engaging constructively with the U.N.'s newly created Human Rights Council;
- increasing direct congressional contact with the United Nations; and
- scheduling regular congressional hearings on U.S.–U.N. relations and U.N. reform progress.

These steps would also lay the groundwork for the next administration to begin its term with a stronger, more productive U.N. that is better able to help the United States meet the global challenges it will face in the coming years.

Congress and the United Nations

The Breakdown in U.S.–U.N. Relations

Since the swearing in of the 104th Congress in 1995, which ushered in then-Speaker of the House Newt Gingrich along with other ideological conservatives wary of international entanglements, congressional leaders have often taken a confrontational posture towards the United Nations. Most controversially, Congress has advocated withholding U.S. funds to the United Nations in order to influence U.N. policy, and in the process has antagonized Secretariat leadership and many U.N. member states.²

The election of George W. Bush in 2000 and appointment of neoconservatives disdainful of the United Nations added to strained U.S.–U.N. relations. In particular, former U.S. Ambassador to the United Nations John Bolton came to the job with a reputation for being dismissive of the United Nations and those within it. He once stated:

[T]here is no United Nations. There is an international community that occasionally can be led by the only real power left in the world, and that's the United States, when it suits our interests, and when we can get others to go along³

Bolton regularly alienated those within the United Nations through aggressive posturing and a style of negotiation that more closely resembled castigation. His frequent public sparring matches with former U.N. Secretary-General Kofi Annan and other U.N. officials over reform and international policy matters ratcheted up tension between the United States, the Secretariat, and U.N. member-state supporters of Annan.

U.S. foreign policy choices over the past several years have only made matters worse for U.S.–U.N. relations.⁴ In addition to abruptly breaking off negotiations on the Kyoto Protocol and the Biological Weapons Convention in 2001, the Bush administration “unsigned” President Bill Clinton’s signature on the treaty establishing the International Criminal Court, and attempted to undermine the institution by intimidating signatory countries into granting immunity to U.S. military personnel.⁵ The Bush administration also held hostage a peacekeeping mission to Bosnia in order to obtain an exemption from the ICC for American peacekeepers.⁶ Rather than working with our allies on developing these international agreements to further U.S. foreign policy and national security interests, the Bush administration chose to abandon negotiations in a manner that needlessly offended many U.N. member states.

The Bush administration's decision to launch a war of choice in Iraq in the spring of 2003 with few allies, no backing from the United Nations or any other multilateral institution—and in the face of almost total opposition from the international community—greatly diminished the world's sympathy for the United States after the terrorist attacks on New York and Washington on 9/11. Many within the U.N. community considered the United States to be acting in violation of the U.N. Charter and international law.

Reports of American soldiers in Iraq engaging in torture at Abu Ghraib prison and committing atrocities against civilians, as well as the denial of basic federal and international legal protections for detainees at Guantanamo Bay, further alienated many American allies within the United Nations and created an environment in which U.S. credibility and legitimacy were compromised.

Now, more than four years into the war, the American presence and poor handling of the situation in Iraq, as well as the lack of proper U.S. follow-through in Afghanistan, remain sore points for many around the world. Since 2002, favorability ratings of the United States are lower in almost 80 percent of the countries for which trends are available, diminishing America's effectiveness on the world stage.⁷

Of course, U.N. missteps themselves have certainly contributed to the rocky relationship. The U.N. oil-for-food scandal, misspent development aid to North Korea, and reports of abuse involving U.N. peacekeepers in the Democratic Republic of Congo and elsewhere have made the American public skeptical of the integrity of the world body.⁸ The lack of meaningful action to mitigate major humanitarian and security crises, such as those in Bosnia, Rwanda, and Darfur, have also led many Americans to question whether the United Nations is the proper body to tackle issues of international peace and security. When asked in a recent poll to rate their feelings toward the United Nations on a scale of zero to 100, Ameri-

cans give the world body a chilly 55, the lowest rating among the countries asked.⁹

Why the U.S.–U.N. Relationship Matters

None of this would matter a great deal if the United Nations were not vital to American security interests. But the threats the United States faces, such as nuclear proliferation, terrorism, climate change, and infectious diseases, are global in scope and thus require transnational solutions.

The world needs a global forum to address these issues, as neither the United States nor any other country can succeed through unilateral means or with ad hoc “coalitions of the willing.” Even the Bush administration's current Ambassador to the United Nations, Zalmay Khalilzad, acknowledges that the United States needs the United Nations to be more involved in Iraq to succeed there. “The United Nations possesses certain comparative advantages for undertaking complex internal and regional mediation efforts,” Khalilzad said in a July editorial. “It can also help internationalize the effort to stabilize the country.”¹⁰

He also correctly acknowledged that “[o]ne of the advantages of the U.N. is that it can reach out to many groups and some groups that do not want to talk to other external players,” referring to the United States and Britain.¹¹

Among international organizations, the United Nations has the greatest legitimacy and formal authority, and is the source of much of the world's international legal framework. American critics of the United Nations too frequently overlook the fact that the United Nations performs numerous tasks that few other entities or states, including the United States, are prepared to do alone: providing relief in countries devastated by war and natural disasters, coordinating and monitoring elections, protecting refugees, immunizing children in the developing world, treating

HIV/AIDS victims, and operating peacekeeping missions. What's more, the United Nations is able to perform many of these tasks at a much lower cost than the United States could alone.¹²

Sometimes, those cost savings are massive. The first Gulf War in the early 1990's, supported by the United Nations and funded largely through international contributions, cost the United States approximately \$7 billion, or about 10 percent of the total cost of the war.¹³ The current war in Iraq, funded primarily by U.S. taxpayers, has cost the U.S. close to half a trillion dollars so far,¹⁴ and could well cost as much as \$1.5 trillion if the Bush administration's plan to keep U.S. troops in Iraq for a decade remains in place.¹⁵

Moreover, it is not widely known that the United Nations has also assisted with catastrophes inside the United States. The United Nations, for example, mobilized three interagency teams to assist in recovery efforts in the aftermath of Hurricane Katrina, and the United States accepted aid from several U.N. and U.N.-affiliated bodies.¹⁶ In short, if used wisely, the United Nations can and should be an essential element in America's national and international security strategy.

In addition, a positive relationship between the U.N. Secretariat, the United States, and other members of the U.N. General Assembly is crucial for moving forward on needed U.N. reforms. Without the support and cooperation of the "Group of 77," or G-77—an intergovernmental organization of 130 states within the U.N. system comprising much of the developing world¹⁷—and other major actors at the United Nations, such as Russia and France, prospects of progressing on stalled structural and oversight reforms are remote.

The Status of U.N. Reforms

Reform has been an ongoing process at the United Nations, and contrary to the assertions

of many U.N. critics, there have been noteworthy Secretariat, management, and budget reform successes in recent years (See Chart, page 6 for a description of the governing structures of the United Nations). Significant progress occurred during the tenure of Secretary-General Annan, culminating in the 2005 U.N. World Summit, which brought together world leaders to tackle a range of global challenges. Several reform proposals endorsed by heads of state and other high-ranking officials at the Summit have since been implemented, including the creation of a U.N. whistle-blower protection policy, the establishment of a U.N. Ethics Office, and improved financial disclosure policies for U.N. staff.¹⁸

In addition, the Summit laid the groundwork for establishing a Peacebuilding Commission, which was recently established to provide advice and propose integrated strategies for post-conflict peacebuilding and recovery, and for replacing the discredited U.N. Human Rights Commission with a new Human Rights Council.¹⁹

In 2006, the General Assembly reached consensus on a number of additional reforms, including:

- the authorization of several hundred thousand dollars to strengthen the U.N. procurement system;
- the establishment of a chief information technology officer to help replace an outdated U.N. information system;
- the adoption of International Public Sector Accounting Standards; and
- experimental authorization of \$20 million in discretionary spending for the Secretary-General to meet organizational needs.²⁰

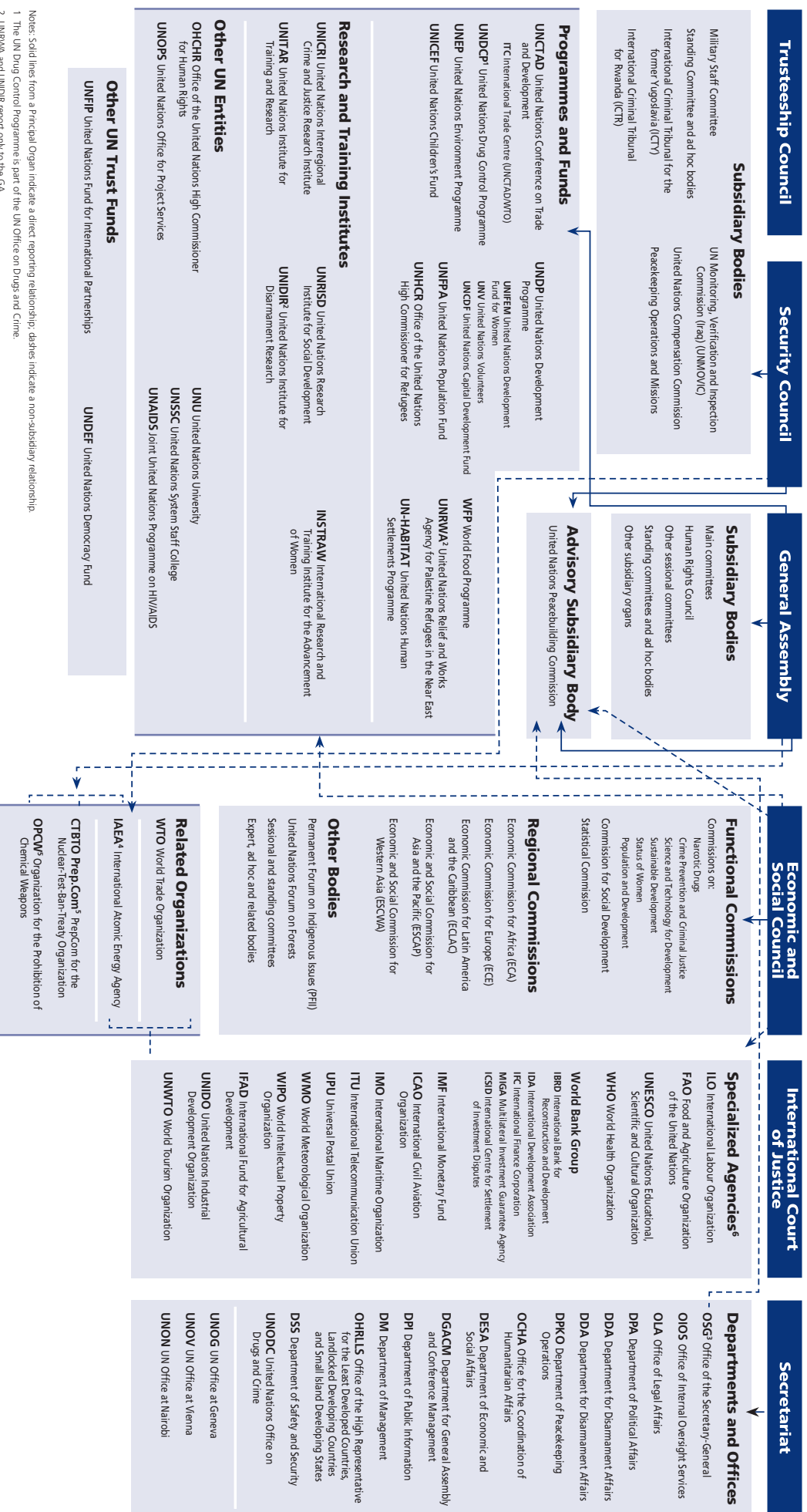
The United Nations also launched the Central Emergency Response Fund in 2006, with the goal of pre-positioning funding to provide immediate aid in the event of a humanitarian crisis.



The United Nations System

Principal Organs

This chart illustrates the relationship between the active principal organs of the United Nations—the Security Council, the General Assembly, the Economic and Social Council, the International Court of Justice, and the Secretariat—and the many U.N. subsidiary bodies, related organizations, and specialized agencies.



Notes: Solid lines from a Principal Organ indicate a direct reporting relationship; dashes indicate a non-subsidiary relationship.

1 The UN Drug Control Programme is part of the UN Office on Drugs and Crime.

2 UNRWA and UNIDIR report only to the GA.

3 The United Nations Ethics Office and the United Nations Ombudsman's Office report directly to the Secretary-General.

4 IAEA reports to the Security Council and the General Assembly (GA).

5 The CTBTO Prep.Com and OPCW report to the GA.

6 Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of the ECOSOC at the intergovernmental level, and through the Chief Executives Board for coordination (CEB) at the inter-secretarial level.

7 UNFP is an autonomous trust fund operating under the leadership of the United Nations Deputy Secretary-General. UNDEF's advisory board recommends funding proposals for approval by the Secretary-General.

Despite these steps forward, several important Secretariat, management, and budget reforms, including many that the Bush administration has viewed as key priorities, have stalled or failed to progress as quickly as had been hoped.²¹ The success or failure of these reforms will ultimately affect the quality of U.N. personnel, the efficiency of U.N. internal operations, the ability of the United Nations to monitor itself, and how successful the United Nations will be in its human rights and peacekeeping efforts.

Overhauling Employment Policies

U.N. hiring practices must be overhauled to ensure that the most qualified individuals are recruited and retained. While the General Assembly requested a review of the staff selection system in January 2007²² and suggested a report to verify that standards of efficiency, competence, and integrity are applied in employment of staff, there has been little real action taken. Existing human resource management policies and hiring practices were established for a staff based at the Secretariat headquarters in New York. With over half of U.N. staff now in the field, however, these policies no longer fit the reality of the Secretariat structure.²³

The new U.N. Secretary General, Ban Ki-Moon, recently took steps to lead by example in human resource reform by increasing internal competition for jobs and eliminating certain job guarantees in his own office, and calling on others to follow suit.²⁴ The Secretary-General, however, is limited in his ability to push through change outside his office and is dependent on General Assembly action. The current emphasis on geographic balance at the U.N.—a policy strenuously supported by the G-77—leaves the system weighted against Americans, among others. At the same time, the G-77 has been concerned that more accountability in hiring practices is necessary to prevent senior staff from ignoring the geographic requirements in their staff decisions.²⁵

Reviewing Mandates

Numerous layers of U.N. mandates—requests for action by the U.N. Secretariat and other implementing entities—have accumulated since the United Nations was established over 60 years ago.²⁶ Many of these thousands of mandates are now duplicative, obsolete, and overly burdensome, resulting in programs and an operational structure that has not evolved with the needs and priorities of the organization. This lack of coherence has undermined the U.N.'s efficiency and effectiveness.

At the 2005 World Summit, government leaders resolved to “strengthen and update the programme of work of the United Nations so that it responds to the contemporary requirements of Member States.” To this end, they called on “the General Assembly and other relevant organs [to] review all mandates older than five years originating from resolutions of the General Assembly and other organs.”²⁷

The U.N.'s informal working group on mandate review stopped work at the end of December 2006 and formally re-launched its efforts in April 2007. The process has been progressing slowly due to a rift between developed and developing countries over how best to use potential savings.

Improving Oversight and Governance

The need to improve accountability and governance within the United Nations system has been a critical issue for the world body for quite some time. While progress has been made, it is proceeding slowly. The U.N. attempted to enhance the audit, evaluation, and inspection capabilities of the Secretariat by establishing the Office of Internal Oversight, or OIOS, over a decade ago. Unfortunately, the independence and effectiveness of the OIOS has been hampered by its reliance on funding from the offices which it reviews.

The General Assembly agreed in 2005 to create an Independent Audit Advisory Committee, or IAAC, to serve as an outside advisory body for the General Assembly on oversight and budget issues and review the budget proposals, work plan, and auditing effectiveness of the OIOS. After continual disagreements among the United States, Russia, and the G-77 over the composition of the IAAC, U.N. member states only recently agreed on the entity's terms of reference. The hope is that the IAAC will be operational this fall. Meanwhile, revision of funding issues for the OIOS has been delayed until later this year.

Strengthening the Human Rights Council

The U.N. Human Rights Council, established by the General Assembly in 2006 to replace the disgraced Human Rights Commission as the key U.N. intergovernmental body responsible for human rights, has had a disappointing first year and is far from reaching its full potential. Western democratic states on the Council have made little attempt to influence the Council's agenda, while many less-developed democracies have been reluctant to single out other states for criticism.²⁸

Initiative has been ceded in large part to the Organization of the Islamic Conference, whose members have shown little inclination for investigating human rights violations outside of Palestine. Regional bloc voting and a lack of leadership have hindered decisive action and left the Council as vulnerable to criticism as its predecessor.

The lack of U.S. participation has not helped matters. Although the United States was one of the strongest advocates of disbanding and replacing the original Human Rights Commission, it has avoided involvement with its replacement, instead remaining content to criticize from the sidelines. After voting against the creation of the Council because of a disagreement over election standards for its members, the United

States has not sought a seat on the Council in its past two elections. Congress is also acting against the new Council. The Fiscal Year 2008 appropriations bill for the State Department, which is currently in conference between the Senate and the House, has two amendments barring any funding of the Council.²⁹

Improving U.N. Peacekeeping

Management and oversight of U.N. peacekeeping operations are still not at the level needed to effectively root out abuse by peacekeepers in the field. Nor is funding robust enough to increase the availability of trained, capable forces that are ready for rapid deployments.

Some progress has been made over the years, and particularly in the last year, in addressing oversight problems caused by an unwieldy peacekeeping structure. After months of negotiations and prodding from Secretary Ban, the General Assembly agreed in June 2007 to divide peacekeeping into two departments: A Peacekeeping Department to focus on field operations and a Department of Field Support to cover management and logistics.³⁰

Ban and others believe that the division will lead to improved efficiency and effective oversight, but concerns remain about providing resources for peacekeeping, as well as whether structural changes will improve operations on the ground given the potential expansion of U.N. peacekeeping operations over the next few years. Under Secretary-General for Management Alicia Barcena notes that peacekeeping personnel may increase by 20 to 40 percent within the next year. She also points out that the nature of peacekeeping will always include the possibility of new and unexpected demand for operations.³¹ The shortfall in resources over the last year has left the U.N. over \$1 billion in debt to countries that have provided personnel and equipment to peacekeeping operations.³²

The Resistance to Reform

The greatest obstacle to U.N. reform has been the persistent lack of cooperation between northern and southern states in the General Assembly, with many considering North-South relations at the U.N. to be worse than at any time since the oil crisis of the mid-1970s.³³

The G-77, comprising much of the South, has often voted as a bloc, acting as a barrier to U.N. reform proposals initiated by the richer North—especially those put forth by the United States—due in large part to fear that the proposals are merely a ploy to diminish the G-77’s power in the world body. Because the General Assembly is the main U.N. arena in which the South is able to exert power, U.N. reform proposals that would appear to lessen the influence of the Assembly in favor of the U.N. Secretary-General’s office or other entities have often met with resistance.

Many of the southern states are particularly suspicious of management and structural reform. They believe it will erode the power and decision-making abilities of developing countries and smaller member states of the United Nations. G-77 countries such as South Africa, Venezuela, Iran, Egypt, Pakistan, India, and the Philippines, as well as China, have often been among the most vocal in opposition to U.N. reform efforts, viewing U.S. and European actions with great suspicion. The implementation of a temporary spending cap on the U.N.’s 2006-2007 budget, which was driven by U.S. desires to pressure the United Nations to focus on management reform, fueled fears that the North was not particularly interested in the best interests of the South.

U.S. officials at the United Nations have sometimes made matters worse. The abrasive style and inflexible approach of former Ambassador John Bolton were particularly counterproductive: one Western diplomat commented that his “main achievement [was] to break the unified

coalition of the North and unify the previously fragmented South.”³⁴

A clear example of how this lack of trust between the North and South can negatively affect reform efforts can be seen in the General Assembly debate surrounding the creation of the Independent Audit Advisory Committee. Most of the disagreement fell along North-South lines. Contentious issues included the size and composition of the IAAC and the scope of its power, specifically whether it would be allowed to block, filter, or question information before it went to the member states. Throughout the debate, the G-77 pushed strongly for a purely advisory rather than operational role and for membership on the IAAC to take into account equitable geographic representation. These demands reflected the fears of smaller countries and the G-77 that the IAAC would detract from the power of the General Assembly’s Administrative and Budgetary Committee.

This single example corresponds exactly with the North-South divide as described by Ambassador Lars-Hjalmar Wide, Chef de Cabinet of the 60th General Assembly Presidency:

*There is a clear degree of mistrust among the membership. The Group of 77 fears that the management reforms could be counter to their interests, a process subject to an agenda driven by the western/industrialized countries to refocus the activities of the U.N., from development toward other issues such as security or counterterrorism. The G-77 sees management reform as a cost-cutting exercise that would go on reducing the budget of the organization.*³⁵

What Congress Can Do to Improve U.S.–U.N. Relations

With the Bush administration’s credibility so damaged in the international realm and its motives viewed with such suspicion by most mem-

bers of the United Nations, it is time to look towards the 110th Congress to take the lead on increasing support for, and improving relations with, the United Nations, and thus better the chances at breaking the logjam on stalled U.N. reforms. With new leadership in both Congress and the United Nations, the moment is ripe for a productive change of direction.

Certainly the executive branch of the government has greater potential to influence the course of U.S.–U.N. relations than Congress. To that end,

hopefully the administration, through Ambassador Khalilzad, adjusts its approach and rhetoric in order to create an atmosphere where previously unresolved U.N. problems can best be solved. Indeed, the fact that Khalilzad has worked to rein in overly harsh American officials at the United Nations who have fueled U.S.–U.N. tension is a promising sign of such a shift.³⁶ Nevertheless, there are a number of discrete efforts the 110th Congress can undertake in the short run to increase the chances of success and lay a useful foundation for the next administration.

Committees in Congress Engaged with the United Nations

- Senate Foreign Relations Committee—Subcommittee on International Operations and Organizations
Primary area of focus: overall U.N. operations
- House Foreign Affairs Committee—Subcommittee on International Organizations, Human Rights, and Oversight
Primary area of focus: overall U.N. operations
- House and Senate Appropriations Committees—Subcommittee on State, Foreign Operations, and Related Programs
Primary area of focus: U.N. funding
- House Homeland Security Committee—Subcommittee on Investigations
Primary area of focus: U.N. investigations
- Senate Homeland Security and Governmental Affairs Committee—Subcommittee on Investigation
Primary area of focus: U.N. investigations
- House and Senate Budget Committees
Primary area of focus: U.N. funding
- House Oversight and Government Reform Committees
Primary area of focus: U.N. reform
- House and Senate Armed Services Committees
Primary areas of focus: peacekeeping, Darfur, Afghanistan
- House and Senate Agriculture Committees
Primary area of focus: food aid policy for the World Food Program and the Food and Agriculture Organization
- House and Senate Judiciary Subcommittees
Primary areas of focus: refugees and migration
- House Energy and Independence and Global Warming Committee
Primary area of focus: the U.N. and climate change
- House and Senate Energy and Commerce Committees
Primary area of focus: U.N. investigations

Pay U.N. arrears

The United States continues to fall further behind in dues payments to the United Nations and affiliated agencies, beginning 2007 with \$927 million in structural arrears to the world body, with no firm plans to pay off the debt.³⁷ The largest and most troubling source of these arrearages to the United Nations is to U.N. peacekeeping operations—a classic example of a “pennywise and pound foolish” approach to international security given the vital and cost-effective role peacekeeping plays in managing conflict worldwide.

The United Nations assesses U.S. peacekeeping dues at 26.1 percent, but current U.S. law prohibits U.S. payment to peacekeeping to surpass 25 percent.³⁸ As of summer 2007, the United States was well over a half billion dollars in peacekeeping arrears to the United Nations, with no provisions for the debt in the administration’s FY2008 budget.³⁹ In fact, the president’s FY2008 budget request shorted U.N. peacekeeping by well over \$1.15 billion.⁴⁰ Thus, if the administration had its way, U.S. arrears to the United Nations for peacekeeping would top \$1.7 billion by the end of 2007.⁴¹

It is a welcome development that current legislation in the Senate and House of Representatives seeks to ensure U.S. payment of U.S. assessments for United Nations peacekeeping operations for 2007 and 2008, as well as pay back peacekeeping debt that accumulated in 2006 due to the 25 percent “cap” on U.S. contributions to U.N. peacekeeping that was reinstated at the end of 2005. However, the United States would still owe hundreds of millions of dollars for peacekeeping if the bills became law.

The United Nations does not have a reserve. The shortfall from the United States—which, if it tops \$1.7 billion, would be approximately 31 percent of the U.N.’s peacekeeping budget for

2008 and 21 percent of the U.N.’s central budget⁴²—will need to be made up by other, poorer member countries that are providing troops for U.S.-endorsed missions around the world.⁴³ Thus, many G-77 nations—including U.S. allies in our struggle against global terrorist networks such as India, Pakistan, and Jordan, and poor countries such as Bangladesh and Nepal—are being hurt by U.S. shortfalls.

While U.N. peacekeeping continues to have problems that need to be addressed,⁴⁴ it is a relatively cost-effective force provider that is vital to U.S. security interests. The United Nations has over 100,000 troops and police in 18 countries at a cost of approximately \$6 billion a year, which is less than what the United States spends during three weeks in Iraq.⁴⁵

In fact, the United States has pushed for reauthorization and expansion of U.N. peacekeeping missions in places such as Darfur, Lebanon, Haiti, and East Timor, and for new missions in Nepal, the Central African Republic, Sudan, and Chad, due in large part to the U.S. military being stretched thin by U.S. commitments in Iraq and Afghanistan.

Moreover, the need for U.N. peacekeeping is only expected to increase in the near future. As previously noted, U.N. peacekeeping could increase by 20 to 40 percent in the coming year.⁴⁶ In addition, the United Nations’ specialized agencies possess a wide range of civil and military capabilities needed for nation-building that are not found elsewhere.⁴⁷ U.S. arrears to the United Nations jeopardize these missions and capabilities.

To increase America’s influence within the United Nations and increase the efficiency, productivity, and overall effectiveness of U.N. peacekeeping operations, Congress must not only pass legislation that permanently lifts the current cap of 25 percent to U.N. peacekeeping missions, fully funds the U.S. peacekeeping ac-

count through 2008, and minimizes the current shortfall, but that also erases the accumulated peacekeeping debt in full.

Once peacekeeping arrears are erased, Congress should also put forward legislation to address the almost \$300 million in accumulated debt to the regular U.N. budget, which continues to hurt the United Nations' effectiveness and strain U.S.–U.N. relations. Congress should also consider allocating money for the U.N. account earlier in the year so that dues are paid on time.⁴⁸

Address shortages in funding for other international organizations

In addition to paying off debt and keeping up with new peacekeeping assessments, Congress should fully fund the State Department's Contributions to International Organizations, or CIO, account, which provides funds to pay assessed dues at 44 international organizations, including the North Atlantic Treaty Organization, The World Health Organization, and the International Atomic Energy Agency, which are essential for U.S. foreign affairs interests.

As of this year, the chronically under-funded CIO account has accumulated a \$400 million shortfall, with the United States behind in its payments to nearly every major CIO organization.⁴⁹ Underfunding these organizations undermines the U.S. interest in getting these bodies to perform more effectively and adds to their management difficulties. WHO, for example, has cited U.S. arrears as hurting its ability to provide well-managed budgets, which in turn has caused major delays in programs becoming operational.⁵⁰

Congress should also show support for the U.N. Peacebuilding Fund, which addresses countries' immediate needs as they emerge from conflict and supports countries before the Peacebuilding Commission. The United States has not offered a contribution to the Fund, which is still mil-

lions of dollars short of its funding target,⁵¹ even though failed states are the most likely safe havens and recruiting grounds for terrorist groups.

Finally, Congress should work toward restoring funding to the United Nations Population Fund, from which the Bush administration has been withholding funds since 2002. The administration cut off support for the UNPF claiming that the organization was supporting coerced abortions in China. A 2002 State Department report, however, found no evidence that UNFP had knowingly supported or participated in such a program, and recommended that funding be released.⁵²

Regain the trust of G-77 on U.N. reform matters

As noted above, relations between the North and South have broken down in the General Assembly, due in large part to southern fears that the North's reform efforts are a veiled attempt to diminish the power of the developing world. Congress should press the administration to change this damaging dynamic.

Certainly the blame for the breakdown must be shared, and the South should take responsibility for its own failings. In particular, the South should demonstrate more initiative than it has to date in offering policy suggestions and making reform proposals since the impetus for most action and reform has traditionally come from the North. Nevertheless, the United States should not wait for such action to occur and should demonstrate leadership in fostering a more workable relationship.

To this end, Congress should call on the Bush administration (through a concurrent resolution or express language in a germane appropriations bill) to focus on readily attainable goals in the mandate review process, which has been among the most contentious areas of needed U.N. reform. The United States should advocate for

the elimination of inefficient, duplicative, and obsolete programs that most countries, including those in the G-77, can agree upon, as opposed to aiming at programs that are particularly important to developing countries.

For example, it was a positive move by northern states in the working group on mandate review to accommodate the G-77's strong desire to examine the drug control, crime prevention, and combating international terrorism cluster of issues relatively early in the review process. A similarly cooperative attitude going forward will be crucial to the successful completion of mandate review.

In addition, Congress should urge Ambassador Khalilzad to work with the G-77 to identify which productive mandates might benefit from additional resources to function efficiently, as opposed to focusing solely on consolidation and elimination. This would help developing countries trust that the motivations of the United States and other developed countries are to improve the effectiveness of mandates, and not just arbitrarily slash costs.⁵³

Furthermore, Congress should help the North and South find common ground over how to use the eventual savings arising from consolidating and eliminating mandates. G-77 countries have pushed for earmarking such savings for the same subject areas for which they were originally designated, while the United States has advocated putting the savings back into the United Nations' general coffers or into funding U.N. reforms.⁵⁴

Congress should work with Ambassador Khalilzad to determine ways to compromise with G-77 members on how to divide the savings in ways that are in the interests of the United States and other Western countries as well as the developing world. To foster needed goodwill, the United States should push to funnel a portion of the savings back into programs and issues that the South favors that are also in keeping with U.S. interests, such as the U.N. Economic and Social

Council, which serves as the United Nations' central forum for creating international economic and social policy, under-funded development projects, and climate change programs.

Given that Africa is the only continent not on course to achieve the U.N. Millennium Development Goals—a range of health, development, and education goals to be accomplished by 2015—the United States should consider supporting the recommendation in the Secretary-General's 2006 "Report on Mandate Review" to streamline and review mandates with a view to dedicating portions of the savings to African development projects such as the New Partnership for African Development.⁵⁵ Moreover, Congress should work with the Bush administration to push for an extension of the U.N. working group dedicated to this task beyond the end of the 61st Session in September 2007. To be done correctly, the mandate review process will require a significant time commitment beyond this fall.⁵⁶

Re-engage on international treaties important to the international community

Congress should take the lead in getting the United States to re-engage on several international agreements that are important to the majority of U.N. member states. In particular, the Senate should ratify the Convention on the Law of the Sea, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Comprehensive Test Ban Treaty.

None of these agreements are perfect, yet each agreement was painfully negotiated for years, has been ratified by the vast majority of U.N. member states,⁵⁷ and is on balance in the American interest.⁵⁸ It is worth noting that the United States is the only industrialized country not to have ratified the Convention on the Elimination of All Forms of Discrimination Against Women,

while Somalia is the only other member of the United Nations who has refused to ratify the Children's Rights Convention.

The failure of the U.S. Senate to ratify these treaties has more to do with ideological opposition to international agreements than to the merits of these particular agreements. Former Secretary of State Lawrence Eagleburger, for example, recently stated that "ideologically driven opponents have purveyed a web of distortions" regarding the Law of the Sea Treaty.⁵⁹ The ratification, and eventual passage, of these treaties would demonstrate a willingness of the United States to re-commit to the type of multilateralism and rule-based system that the Bush administration has shunned for the past six years and help undo the damage caused by the administration's "go it alone" brand of foreign policy.

In return, a more cooperative approach with regard to the international legal framework would increase U.S. legitimacy in the eyes of many U.N. member states and improve the ability of the United States to play a more successful leadership role within the world body.

Re-evaluate our position toward the International Criminal Court

Congress should re-examine its stance towards the International Criminal Court—the first permanent international court created to try those responsible for the most egregious international crimes—in the lead-up to the ICC Review Conference in 2009, when parties to the ICC can propose amendments to the Court's statute.⁶⁰

The United States played an active role in conceptualizing the ICC, but since the statute came into force in July 2002 (without the United States as a participant) the Bush administration's approach toward the institution has varied from uncooperative to downright hostile. As of today, 104 states have become parties to the statute,

with the United States joining countries such as China, Cuba, North Korea, Iraq, Libya, and Burma in opposing the Court.

The ICC is an essential building block in the evolution of international and criminal law that the United States should be helping to lead, not tear down.⁶¹ A strong ICC could help deter genocide, crimes against humanity, and war crimes through the threat of accountability. It could also foster reconciliation in war-torn countries and encourage states to hold their own citizens accountable for serious violations of international humanitarian law and human rights.

The ICC is still developing a track record, but the Court has made significant progress so far. In its first few years, it has opened investigations into grave alleged crimes in Uganda, the Democratic Republic of the Congo, Sudan (Darfur), and the Central African Republic. U.S. critics of the ICC have consistently stated that the Court will bring politically motivated cases against U.S. soldiers and other citizens. Yet precisely because the United States was deeply involved in the creation of the ICC statute, the Court is designed to be a fair and independent judicial body, with one of the most expansive lists of due process guarantees ever created.

The ICC contains numerous safeguards to prevent politically motivated or frivolous cases from being brought against Americans.⁶² As Sen. Patrick Leahy (D-VT), chairman of the Appropriations Subcommittee on Foreign Operations stated, "The ICC has refuted its critics, who confidently and wrongly predicted that it would be politicized and manipulated by our enemies to prosecute U.S. soldiers."⁶³

Congress should lay the groundwork for the next administration and see the 2009 Review Conference as a chance for a fresh start with the ICC. While U.S. Senate ratification of the treaty before the Review Conference would be the ideal course of action, as a first step Congress should

call upon the Bush administration (through a concurrent resolution or in an appropriations bill) to participate in both the ICC Assembly of States Parties and the Review Conference as an observer.⁶⁴ As an observer, the United States would be able to participate significantly in Assembly debates, as well as suggest and respond to proposals, even if it does not become a party to the statute.⁶⁵

Congress should also hold hearings on the ICC in advance of the Review Conference to assess America's position toward the Court. Such hearings should include military experts, officials from several *ad hoc* international tribunals in which the United States is involved, and international criminal law practitioners and scholars.

Push for engagement with the Human Rights Council

The newly created Human Rights Council has yet to reach its potential. While the Council has been stymied by a bloc of U.N. member states who refuse to allow serious action on human rights, the lack of U.S. leadership has contributed to the problem. Despite this dearth of leadership and slow start, however, the Council is a body worthy of U.S. support.

It is a stronger, more accountable institution than its predecessor. Along with preserving aspects of the Human Rights Commission worth keeping, such as the system of independent experts on human rights matters, it has installed procedures for a universal periodic review of the human rights record of every U.N. member state, starting with members of the Human Rights Council, and has created better election standards for its members. The recent failure of regular human rights offender Belarus to obtain a Council seat was a promising development.

But without more leadership from countries with strong democratic and human rights traditions—leadership the United States could contribute—the Council will be unable to live up to its poten-

tial. Where democratic members of the Council have failed to take the initiative, less democratic states have moved in to fill the void.

For example, 17 states on the Council that are members of the Organization of the Islamic Conference have stepped in to chair the regional groups for Africa, Asia, and Eastern Europe and have undermined efforts to publicly condemn human rights abuses in a host of countries.⁶⁶ Countries such as the Philippines and Thailand that have been voting with the OIC would likely change their stance with U.S. leadership providing an alternative vision.

Many of the problems of the Council—its failure to act on Darfur in its first several sessions, its single-minded scrutiny of Israel's human rights violations, its dropping of mandates on countries with clearly appalling human rights records—can be traced back to situations in which bloc voting and the work of non-democratic countries triumphed over the indifference of democratic ones.

U.S. involvement could dramatically alter the way the Council operates and thus improve a vital function of the world body. As a country founded on values such as democracy, human rights, and civil liberties that is supposed to be a global leader, the United States needs to be engaged with the only universal standing body to address human rights concerns. The best way to move this important organization in the proper direction is through active engagement, not by criticizing from the sidelines. Through the resolution or appropriations process, Congress should urge the administration to run for a Council seat in 2008.

Engage with the United Nations more frequently and directly

Congress should make direct contact with and travel to U.N. headquarters in New York as much of a priority as it does travel to foreign

destinations. House members, for example, took approximately 125 official foreign trips in the last three quarters of 2006.⁶⁷ This figure does not include congressional staff. In addition, since 2001, congresspersons and their staff have taken more than 27,000 privately funded trips—valued at almost \$50 million—with Taiwan, Germany, and Israel being the most popular destinations.⁶⁸ Only 150 of these trips have been to the U.N. headquarters.⁶⁹

While congressional trips to other countries are certainly an established and important aspect of U.S. foreign relations, the breakdown of trips abroad as compared to trips to nearby U.N. headquarters does not reflect the importance Congress should place on developing stronger ties with the world body. Congress should begin to take greater advantage of the fact that the United Nations is on U.S. soil and a short journey from Capitol Hill in order to better understand how the institution works. In addition, congressional members and staff should regularly visit U.N. peacekeeping missions and other programs in the field when traveling abroad.

Forging closer ties will help Congress better understand the fears of the “American agenda” at

the United Nations and provide an opportunity to begin to alleviate those concerns. It will also help Congress develop relationships with U.N. decision-makers whose actions can ultimately help or hurt America’s interests.

Schedule regular hearings on U.S.–U.N. relations and reform progress

As is the case with other high-level administration officials, Congress should schedule regular hearings for the U.N. ambassador to brief House and Senate members. Currently, such briefings are too *ad hoc* and infrequent to provide maximum benefit.

Congress should demand to have a regular opportunity (at least twice a year) to question the U.S. ambassador to the United Nations on the state of U.S.–U.N. relations and reform progress. A model would be the semi-annual manner in which the Board of Governors of the Federal Reserve prepares a Monetary Policy Report to the Congress and the Chairman testifies in front of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services.

Conclusion

Over the next several years, the United States is going to need an efficient, effective, and robust United Nations in order to successfully manage the numerous global issues—from the crisis in Iraq to Iran’s nuclear program to addressing the threat of global warming—that directly affect U.S. security. It is manifestly in America’s national interest to foster a better relationship so that stalled reform efforts at the United Nations have the greatest chance of moving forward. It is also in America’s interest to provide its share of support to enable the world body to succeed. Congress should take this moment to help forge a new relationship now so that a new administration can hit the ground running in January 2009.

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Endnotes

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