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Key Questions for Susan E. Rice, Nominee for U.S. Ambassador to the United Nations

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On January 20, 2009, the incoming Administration will confront a multitude of international issues. The primary challenge facing the new representative of the United States of America to the United Nations is a U.N. suffering from confused purposes and competing interests among member states. Consequently, the organization has become an unreliable means to address threats to international peace and security, an ineffective advocate for development and economic growth, and an uneven and unfair arbiter of human rights. The U.N. has, with distressing frequency, also proven to be susceptible to corruption, mismanagement, and abuse. Yet the organization, due to intransigence on the part of a number of member states benefiting from the status quo, remains resistant to key reforms.

It is time to rethink and reshape our engagement with the United Nations so that it better serves U.S. interests and protects U.S. sovereignty while also increasing the U.N.'s ability to meet the organization's own stated purposes. The United States must continue to lead the international community in working through the U.N. when it can be effective, but it must also lead in establishing alternative mechanisms, coalitions, partnerships, alliances, and organizations to act when the U.N. proves unable or unwilling.

In order to determine where the next U.S. ambassador to the United Nations stands on these crucial issues, the following questions should be put to the nominee during her confirmation hearing on January 15:

Question #1: American Sovereignty and International Organizations

What is your view regarding the status within the international system of the independent, sovereign state in general, and the importance of preserving and protecting American sovereignty in particular? Do you ascribe to traditional views of national sovereignty or to the theory of "global governance"?

Answer: There are two competing viewpoints regarding national sovereignty: The traditional view is that the sovereign state has been and should remain the basic operating entity within the international system¹ and that, while states participate in international coalitions or organizations (such as the United Nations) in pursuit of goals that transcend their borders, those organizations are restricted to serving the goals of states, and not governing them.² The competing view advocates "global governance," a system in which sovereignty is a passé notion in an increasingly interconnected world and, where international organizations have the same, if not greater, authority to determine the policies of sovereign states. In fact, former Deputy Secretary of State Strobe Talbott once predicted that some day "nationhood as we know it will be obsolete; all states will recognize a single global authority."³

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The United States should continue to act in concert with its allies to pursue ends of an international nature such as multilateral efforts to combat piracy on the high seas, stabilizing Afghanistan with our partners in NATO, maintaining open global markets, and interdicting banned weapons and technology through the Proliferation Security Initiative. The U.S. should not, however, cede to any nation, group of nations, or international organization the authority to bind the U.S. on matters relating to its national interests, including, but not limited to, nuclear arms, humanitarian intervention, “climate change,” interpretation of the U.S. Constitution, or in any other matter that would erode American sovereignty.

Question #2: Durban II and the U.N. Human Rights Council

Would you recommend that the President change existing U.S. policy and attend the Durban Review Conference (Durban II) and fully participate in the United Nations Human Rights Council by seeking a seat in the upcoming May election?

Answer: The U.N. Human Rights Council, which replaced the discredited Commission on Human Rights in 2006, has been a grave disappointment. While a strong proponent of replacing the commission, the U.S. voted against the resolution creating the council, fearing that the council lacked the safeguards necessary to improve it over the commission. In its short history, the council has proven worse than the old commission. It has been captured by states well known for human rights violations—including Algeria, Angola, Azerbaijan, Cameroon, China, Cuba, Egypt, Pakistan, Qatar, Russia, Saudi Arabia, and Tunisia. These states have used their influence to disproportionately focus the council’s criticism on Israel while ignoring rampant

human rights abuses in nations like China and Zimbabwe. They have also supported resolutions calling for constraints on freedom of speech and expression to avoid “defamation of religion.”⁴

There remains a slim hope that the council could right itself through a mandatory General Assembly review by 2011. The U.S. should seek to address the council’s flaws in that review but eschew any formal association such as seeking a seat on the council until that organization’s flaws are addressed. Joining it prior to the implementation of these reforms will only give the council the underserved legitimacy of U.S. membership.

The U.S. should also continue its policy of not supporting Durban II. That first conference, known formally as the U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001, devolved into a platform for anti-Israel and anti-America rhetoric. The discussions and meetings proved so politically divisive and counterproductive that former Secretary of State Colin Powell ordered the U.S. delegation to leave. The Bush Administration has steadfastly refused to attend preparatory meetings on Durban II and has voted against U.N. resolutions supporting and funding the conference.⁵ Both Canada and Israel have announced that they will not attend Durban II since all available information indicates the event will likely be a repeat of the 2001 disaster. The Obama Administration should follow that example and boycott Durban II.

Question #3: Increasing Transparency, Accountability, and Effectiveness at the U.N.

The U.N. is charged with many serious responsibilities and tasks. Yet, as evidenced by the well-pub-

1. Jeremy Rabkin, “The Meaning of Sovereignty: What Our Founding Fathers Could Tell Us About Current Events,” *Heritage First Principles* No. 10, May 25, 2007, at <http://www.heritage.org/Research/Thought/fp10.cfm>; Michael Chertoff, “The Responsibility to Contain,” *Foreign Affairs*, January/February 2009.
2. George P. Shultz, “An Essential War,” *The Wall Street Journal*, March 29, 2004, p. A18.
3. Strobe Talbott, “Birth of the Global Nation,” *Time*, July 20, 1992, p. 70.
4. Brett D. Schaefer, “The U.S. Is Right to Shun the U.N. Human Rights Council,” *Heritage Foundation WebMemo* No. 1910, May 2, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/wm1910.cfm>.
5. Brett D. Schaefer, “Durban II: The Administration Moves in the Right Direction,” *Heritage Foundation WebMemo* No. 1896, April 17, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/wm1896.cfm>.

licized scandals involving the Iraq Oil-for-Food program and recent revelations of corruption in U.N. procurement, the U.N. has all too often proven vulnerable to corruption and fraud, unaccountable in its activities, lacking in transparency and oversight, and duplicative and inefficient in its allocation of resources. *What specifically would you do to address these problems?*

Answer: The U.S. must continue its efforts to implement these reforms and to work with nations that are committed to improving the effectiveness and efficiency of the U.N. through reformed management, human resources, budgetary, and oversight practices.⁶ The U.N. General Assembly agreed in the 2005 Outcome Document to adopt a number of reforms to improve oversight, accountability, transparency, efficiency, and effectiveness.⁷ While the reforms outlined in the Outcome Document are hardly sufficient, they represent a starting point.

Unfortunately—and regardless of the fact that they voted in favor of the Outcome Document containing these reforms—most member states are not interested in addressing the U.N.'s waste, inefficiency, mismanagement, lack of accountability, or opacity. Despite support by former Secretary-General Kofi Annan and current Secretary-General Ban Ki-moon, the General Assembly has failed to fully implement or enforce such measures as a review of U.N. mandates, enhanced oversight, and outsourcing to reduce costs.

For instance, a critical part of the U.N. reform process is the mandate review effort designed to examine all activities of the organization for relevance, effectiveness, and duplication. Review of U.N. mandates (over 9,000 in total with some dating to the 1940s) is necessary for ensuring that the organization's financial resources are allocated in the most effective and efficient manner. Unfortunately, opposition by a number of member states has stalled the mandate review, and over three years after the Outcome Document was passed, minimal progress has been made.⁸

Worse, the member states and other parts of the U.N. are undermining existing means for holding the organization to account. In budget discussions this past fall, a number of member states refused to continue to maintain the Procurement Task Force as an independent investigatory entity, despite its success in uncovering hundreds of millions of dollars in fraud, waste, and mismanagement in U.N. procurement and other activities.⁹ Russia even sought to prevent PTF staff from being transferred to the U.N.'s own investigatory unit (the Office of Internal Oversight Services).¹⁰ Meanwhile, UNDP rejected the authority of the U.N. Ethics Office to cover its employees undermining system wide standards for protecting whistleblowers.

With only one vote out of 192 at the U.N., the U.S. needs to use its financial leverage if it wishes to advance U.N. reform. Past reforms have been aided by such incentives.¹¹ Without the threat of withholding, other nations feel little need to heed U.S.

6. Brett D. Schaefer, "A Progress Report on U.N. Reform," Heritage Foundation *Backgrounder* No. 1937, May 19, 2006, at <http://www.heritage.org/Research/InternationalOrganizations/bg1937.cfm>.
7. Brett D. Schaefer, "Enough Reports: More Action Needed on U.N. Reform," Heritage Foundation *Backgrounder* No. 1988, December 8, 2006, at http://www.heritage.org/Research/InternationalOrganizations/bg1988.cfm#_ftn4; "Who Leads the United Nations?" Heritage Foundation *Lecture* No. 1054, December 4, 2007, at <http://www.heritage.org/Research/InternationalOrganizations/hl1054.cfm>.
8. "Report of the Co-Chairs on Mandate Review," United Nations General Assembly Mandate Review, August 8, 2008, at <http://www.un.org/ga/president/62/issues/resolutions/mr080808.pdf> (January 14, 2009).
9. George Russell, "U.N. Reports Show Scrutiny in Short Supply at World Body—But Reasons for It Abound," Fox News, October 29, 2008, at <http://www.foxnews.com/story/0,2933,444885,00.html> (January 5, 2009).
10. Colum Lynch, "Russia Seeks to Thwart U.N. Task Force That Led Bribery Probes," *The Washington Post*, December 24, 2008, p. A5, at <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/23/AR2008122301255.html?hpid=topnews> (January 14, 2009).
11. Brett D. Schaefer, "A Progress Report on U.N. Reform," Heritage Foundation *Backgrounder* No. 1937, May 19, 2006, at <http://www.heritage.org/Research/InternationalOrganizations/bg1937.cfm>.

concerns on budgetary matters as was demonstrated last year when, over objections by the United States, the U.N. passed the largest budget increase in its history while simultaneously failing to adopt key reforms. The decision to overrule the U.S.—which is by far the largest contributor to the U.N. regular budget—was met with a standing ovation by the other member states and broke a 20-year tradition of consensus-based budget decisions.¹²

Question #4: The United Nations Development Program

Information provided by UNDP whistleblowers to the U.S. Mission to the United Nations in 2006 led the U.S. to investigate the practices and activities of UNDP in North Korea. U.N. and independent audits concluded that these activities directly violated U.N. and UNDP standard operating procedures and basic “best practices.”¹³ UNDP has also resisted U.S. efforts to investigate their activities. Current law requires the U.S. to withhold 20 percent of U.S. contributions to the UNDP unless the secretary of state certifies the following measures have been taken: UNDP has given the U.S. adequate access to information on its programs and activities, is conducting appropriate oversight of UNDP programs and activities globally, and is implementing a whistleblower protection policy equivalent to that of the U.N. Ethics Office. *Would you agree that such a certification is not merited at this time?*

Answer: Despite the fact that the U.S. sits on UNDP’s Executive Board and provides millions of dollars to the organization annually, the UNDP has

systematically refused to grant the U.S. and other member states full and complete access to audits, reports, and other information on its activities, projects, and financial transactions. Such access is critical to proper oversight and good governance as demonstrated by a number of problematic UNDP practices revealed in recent years. Specifically:

- Pressure to conduct development activities in impoverished North Korea led UNDP to accede to that government’s demands to staff the UNDP office with North Korean nationals chosen by the North Korean regime, permitting the government to skim salary payments to those office workers and obtain convertible currencies such as the dollar and the euro.¹⁴
- In Burma, UNDP was accused by local NGOs of allowing the regime to use its funds to further its political agenda and undermine the rights of its citizens.¹⁵
- More recently, UNDP allowed the Burmese regime to reap millions in profits from aid intended to benefit victims of Cyclone Nargis by forcing UNDP to pay an overvalued exchange rate.¹⁶

In these cases, and a number of others, UNDP has resisted U.S. efforts to investigate UNDP activities and practices. Worse, UNDP has led an effort to repent its offices in North Korea. The organization has also rejected standard U.N. rules and protections for whistleblowers and has retaliated against staff who sought to inform member states about activities of the organization that were not in the best interest of UNDP, the donors, or the people in

12. U.N. Department of Public Information, “Fifth Committee Recommends 2008–2009 Budget of \$4.17 Billion, as It Concludes Work for Main Part of Current Session: Financing for Darfur Hybrid Mission, International Tribunals, Administration of Justice Among Issues Addressed by Wide Range of Texts,” General Assembly Document GA/AB/3835, December 21, 2007, at <http://www.un.org/News/Press/docs/2007/gaab3835.doc.htm> (January 5, 2009).
13. Brett D. Schaefer and Steven Groves, “Congress Should Withhold Funds from the U.N. Development Program,” Heritage Foundation *WebMemo* No. 1783, January 26, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/wm1783.cfm>; George Russell, “Report Shows U.N. Development Program Violated U.N. Law, Routinely Passed on Millions to North Korean Regime,” Fox News, June 11, 2008, at http://coburn.senate.gov/ffm/index.cfm?FuseAction=LatestNews.NewsStories&ContentRecord_id=7971ccde-802a-23ad-4976-58e9e6123b20 (January 14, 2009).
14. *Ibid.*
15. Brett D. Schaefer, “The U.N. Must Stop Enabling the Burmese Regime,” Heritage Foundation *WebMemo* No. 1710, November 27, 2007, at <http://www.heritage.org/Research/AsiaandthePacific/wm1710.cfm>.
16. George Russell, “U.S. Asked U.N. About Exchange Rate Issues in Burma Year Before Latest Scandal,” Fox News, August 1, 2008, at http://coburn.senate.gov/ffm/index.cfm?FuseAction=LatestNews.NewsStories&ContentRecord_id=94c90735-802a-23ad-450b-eba832f13627 (January 14, 2009).

recipient nations. Based on these actions, the waiver is not merited. Indeed, all U.S. contributions to the UNDP should be suspended until it adopts international accounting standards and legitimate transparency and ethics reforms.

Question #5: United Nations Peacekeeping

Please explain the steps that have been taken by the U.N. to address its many problems with misconduct by U.N. peacekeepers and fraud and mismanagement of U.N. peacekeeping procurement, why the U.N. has failed to address the situation, and what specific policies and reforms you would pursue to address these ongoing problems.

Answer: U.N. peacekeeping is now being conducted with unprecedented pace, scope, and ambition, and increasing demands have revealed ongoing, serious flaws. Recent audits and investigations have uncovered substantial examples of mismanagement, fraud, and corruption in procurement for U.N. peacekeeping, and incidents of sexual exploitation and abuse by U.N. peacekeepers have been shockingly widespread. Specifically:

- According to a 2007 Office of Internal Oversight Services report, an examination of \$1.4 billion worth of peacekeeping contracts revealed “significant” corruption schemes involving more than \$619 million—44 percent of the total value of the contracts.¹⁷ A report on the audit of the U.N. mission in Sudan revealed tens of millions of dollars lost to mismanagement and waste and substantial indications of fraud and corruption.¹⁸
- In recent years, there have been harrowing reports of crimes committed by U.N. personnel, from rape to the forced prostitution of women and young girls. The most notorious of these reports have involved the U.N. peacekeeping mission in the Democratic Republic of Congo.

Indeed, allegations and confirmed incidents of sexual exploitation and abuse by U.N. personnel have become depressingly routine, having occurred in Bosnia, Burundi, Cambodia, Congo, Guinea, Haiti, Ivory Coast, Kosovo, Liberia, Sierra Leone, and Sudan.¹⁹ A U.N. code of conduct, conduct manuals, and an increased willingness to send abusers home does not seem to have adequately addressed the problem.

There are several actions that the U.S., the U.N., and the Security Council can and should take to address these weaknesses. First, the U.N. should immediately adopt modern management, logistical, and oversight practices for procurement, particularly for peacekeeping, which has comprised an increasing share of U.N. procurement as the number of missions has increased. Moreover, U.N. peacekeeping should be subjected to strengthened oversight and accountability by a new, independent inspector general dedicated to auditing, overseeing, and investigating misconduct, procurement, and procedures in U.N. peacekeeping operations.

Second, if the U.N. is serious about ending sexual exploitation, abuse, and other misconduct by peacekeepers, it must do more than adopt a U.N. code of conduct, issue manuals, and send abusers home. The remedy should not involve yielding jurisdiction over personnel to the U.N. or to non-national judicial authority, but it should entail commitments by member states to investigate, try, and punish their personnel in cases of misconduct. Investigators should be granted full cooperation and access to witnesses, records, and sites where crimes allegedly occurred so that trials can proceed. Equally important, the U.N. must be stricter in holding member countries to these standards. States that fail to fulfill their commitments to disci-

17. George Russell, “Report Details Progress in Battle Against Corruption at U.N. Office,” *Fox News*, October 11, 2007, at <http://www.foxnews.com/story/0,2933,301255,00.html>.

18. Colum Lynch, “Audit of U.N.’s Sudan Mission Finds Tens of Millions in Waste,” *The Washington Post*, February 10, 2008, p. A16.

19. See Kate Holt and Sarah Hughes, “U.N. Staff Accused of Raping Children in Sudan,” *The Daily Telegraph*, January 4, 2007, at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/01/03/wsudan03.xml> (January 14, 2009); Kate Holt and Sarah Hughes, “Sex and the U.N.: When Peacemakers Become Predators,” *The Independent*, January 11, 2005, at <http://www.stopdemand.org/afawcs0112878/ID=5/newsdetails.html> (January 14, 2009); and Colum Lynch, “U.N. Faces More Accusations of Sexual Misconduct,” *The Washington Post*, March 13, 2005, p. A22, at <http://www.washingtonpost.com/wp-dyn/articles/A30286-2005Mar12.html> (January 14, 2009).

pline their troops should be barred from providing troops for peace operations.

Finally, U.N. peacekeeping is being strained beyond its capacity to address and oversee all missions effectively by the unprecedented number and size of its current and pending operations. There is also political pressure to approve new U.N. peacekeeping operations where “there is no peace to keep”—violating a dearly learned lesson that U.N. peacekeepers are not war fighters. The Security Council must be judicious when approving U.N. operations and not let the pressure to “do something” trump sensible consideration of whether a U.N. presence will improve or destabilize the situation. This requires establishing clear objectives for the operations, ensuring that they are achievable, carefully planning the requirements for achieving them, securing pledges for providing what is needed to achieve them before authorizing the operation, and demanding an exit strategy to mis-

sions from continuing indefinitely without metrics for success, progress, or failure.

The Need to Press for Critical Reforms. Noble intentions do not excuse the many failings of the United Nations. The unintended consequences of failing to reform the U.N. undermine U.S. interests and the very lives of those depending on the U.N. for protection and assistance. It is time to rethink and reshape the United States’ engagement with the United Nations, including using financial leverage to press for critical reforms, so that it better serves both U.S. interests and the organization’s own stated purposes.

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For More Information

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