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CONGRESSIONAL TESTIMONY

**Reform of the United Nations:
Lessons Learned**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What lessons can we take away from all of this?

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

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

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

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

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

Madame Chairman,

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

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United States House of Representatives
Committee on Foreign Affairs

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