

An IED for the UN

By Col. Daniel Smith (Ret.) | June 13, 2005

Here's a partial snapshot of current global humanitarian crises:

Genocide in Darfur leaves an estimated 180,000 dead and more than two million homeless.

Renewed ethnic violence in Cote d'Ivoire threatens to reignite civil war.

With elections planned for the Democratic Republic of Congo (DRC) and Haiti, more peacekeepers are needed in both countries. Yet donors have pledged less than three quarters of the \$255 million required to hold and protect the DRC election while China has vetoed a one-year extension of the Haiti peacekeeping mission.

Meanwhile, citizens in 23 countries favor expansion of the UN Security Council (an institution that could play a critical role in effectively responding to such crises) and allowing the Council to override the veto of one of the five permanent members.

Into this swirl of needs and proposals, however, Representative Henry Hyde (R-IL), Chairman of the House International Relations Committee, has thrown H.R. 2745, "The United Nations Reform Act of 2005," the equivalent of a legislative IED (improvised explosive device) that, should it become law, would not reform the UN (as the title of the proposed legislation proclaims) but would severely maim if not kill it.

TITLE I

THE BILL. Hyde signals his intention in Title I of H.R. 2745 which states that "It shall be the policy of the United States ... to ... shift funding mechanisms of certain organizational programs of the United Nations from the regular assessed budget to voluntarily funded programs." The "organizational programs" affected are Public Information and General Assembly affairs and conference series, plus a list of 16 specific UN activities.

COMMENTS. In a democracy, an informed citizenry is essential for maintaining support for government; this is what public information engenders—and what Congressional Representatives depend on for reelection. Yet Hyde would slash funding from this basic function, which could have the effect of reducing knowledge of and public support for the UN. The concomitant cuts proposed for General Assembly affairs and conferences might seem laudable in controlling unproductive boondoggles, but given the whole thrust of the legislation, it is more likely aimed at

constraining all General Assembly activities as in this forum the U.S. has no veto—and thus less power.

THE BILL. The Hyde proposal rewrites one section of the UN Participation Act of 1945 pertaining to U.S. financial contributions to the UN in such a manner as to coerce the other 190 UN members to accept U.S. "reforms." Should U.S. demands not become UN policy, the U.S. will not agree to the UN budget. As it is, the legislation unilaterally declares that the U.S. will contribute only 22% (down from 25%) of the total assessment for the UN's regular biennial budget. Moreover, the bill specifies that actual payments against the assessment will be made annually at one-half of the biennial assessment, which gives the U.S. Congress another opportunity to find a reason to withhold payment of the second year's assessment

COMMENTS. One of the UN's most pressing needs is reliable financing, which would be improved if it could count on full, up-front payment of the biennial assessments. Congress is willing to support the Pentagon's multi-year, multi-billion dollar weapons procurement contracts; why does it balk at what amounts to a multi-year peace-support contract?

THE BILL. What does Hyde propose to do with the funds removed from public information and General Assembly affairs? From a list of 16 UN activities, the initial three—Economic and Social Affairs, Least Developed Countries/Landlocked Country Development/Small Island Development, and Africa development—are designated recipients on the basis of "voluntary contributions." Hyde also specifies three other "organizational programs" as eligible to receive "voluntary contributions." internal oversight, human rights, and humanitarian assistance.

COMMENTS. The list of 16 constitutes programs whose revenue streams the U.S. wants to shift from



assessed to voluntary contributions. However, distributed among the 16, none of the programs will receive more than 25% of its approved budget from the United States. Moreover, Hyde flatly zeros out one other current activity—“protection of and assistance to refugees”—and virtually does the same (eliminating four of five organizations) with “Palestinian refugees.” The only agency left intact is the UN Relief and Works Agency for Palestinians in the Near East—and in the original draft of the bill even this had been eliminated.

Unless the so-called “reforms”—i.e., shifting funding from regular assessments to voluntary contributions—are enacted, Washington will contribute no more than 40% of its share of assessments for internal oversight, human rights, and humanitarian assistance and no more than 10% of its assessment for the 16 activities.

But the real budget kickers are saved for the end.

THE BILL. First, “... [the U.S. will] make every effort ... to reduce the budgets of the organizational programs specified ... for the 2008-2009 biennial period and each subsequent biennial period by 20%” when measured against a 2004-2005 baseline.

Second, the U.S. will press for a system of “weighted” voting on all budgets and other items of finance, both in committee and in the General Assembly. The “weight” will be based on payment to the regular assessed UN budget.

Third, the U.S. will insist that the biennial budget be observed unless the General Assembly agrees to any proposed increases “by consensus” and the increases “do not exceed 10%.”

COMMENTS. The proposed “weighted” voting system would give the U.S. a huge advantage—initially. But should the U.S. be seen as obstructionist by the other 190 nations in the General Assembly, the scheme could backfire. As it is, the reductions in funding and the 10% cap on increases leave no latitude for significant emergencies.

The majority of the rest of Title I concerns the creation of a vast array of “independent” boards empowered to perform audits and enforce accountability, transparency, and effectiveness in fiscal, peacekeeping, and personal interactions. At the top of this new bureaucracy is a five-member Independent Oversight Board that, *inter alia*, will supervise the work of two existing oversight offices.

It is here that one of Hyde’s “hidden agendas” begins to emerge from the legislative peak—to marginalize the Secretary-General of the UN through reducing his freedom to operate and his actual responsibilities. Of all the senior positions

in the UN, only one—the Secretary-General of the UN—is specifically named as subject to what the proposed legislation terms *sua sponte* or “unsolicited” investigation by the Office of Internal Oversight Services. Hyde next declares the Secretary-General is ineligible for “whistle blower” designation and job-protection guarantees that apply to all other UN employees who report possible wrongdoing at the UN. In a related move, Hyde then “requires” the UN to create a new Office of Ethics in the Secretariat and “ethics police” positions in all UN specialized agencies.

But there is more.

THE BILL. Hyde calls for a “Chief Operating Officer” (COO) who “reports” to the Secretary-General and who “shall be responsible for formulating general policies and programs for the United Nations in *coordination* with the Secretary-General” (emphasis added).

COMMENTS. In most organizations, a subordinate is expected to keep the boss informed, but that is definitely not “coordination.” When added to his other duties—“daily administration, operation and supervision, and the direction and control of the business of the United Nations”—the COO becomes the main power in the UN Secretariat, displacing the Secretary-General.

Having effectively sidelined the Secretary-General, Hyde moves to his second hidden agenda: “liberating” Israel from procedural limitations in the UN—which comes at the expense of the Palestinians. The effort follows two tracks.

THE BILL. The first involves Israel’s placement in one of the UN’s geographical subdivisions from which states are nominated, among other considerations, to sit on committees and councils, including the ten rotational Security Council (UNSC) seats. (Currently, there are five geographical regions: Asia; Africa (which divide five UNSC seats between them); Latin America and Caribbean (two seats); Eastern Europe (one seat); and Western Europe and Others (two seats).)

COMMENTS. Israel should be in the “Asia” group (originally the Middle East group), but has been refused membership—quite in violation of the UN Charter’s principle of equal sovereignty of UN member states. In 2000, under intensive U.S. pressure, Israel was admitted to the Western Europe and Other Group (WEOG). (This geographical “break” is not unique; Australia and New Zealand are also in the WEOG.) But the shift applied only to UN activities in New York and was only for four years—now extended for another four years. Hyde’s bill would mandate that the UN accept Israel as a permanent

WEOG member for all UN activities around the globe—and do so within six months of the bill becoming law.

While Israel may unfairly be excluded from the Asia group, putting it permanently in WEOG is not the solution. Isolating Israel from its “natural” geographic cluster will only prolong the effort to achieve permanent, stable, and peaceful relations between Israel and its Arab neighbors. This is where and why U.S. pressure really should be applied.

THE BILL. The second track, ostensibly “to ensure balance in the approach to Israeli-Palestinian issues,” mandates audits by the U.S. Government Accountability Office (GAO) of the UN Division for Palestinian Rights, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Special Coordinator for the Middle East Peace Process and the Personal Representative to the Palestinian Liberation Organization and the Palestinian Authority, and the NGO Network on the Question of Palestine.

COMMENTS. As noted before, the original draft of H.R. 2745 also listed the UN Relief and Works Agency for Palestinian Refugees in the Near East for audit. And while the proposed legislation only requires that the U.S. “seek the implementation of the recommendations” of the GAO, the clear intent—given that these entities to be audited provide a needed diplomatic and humanitarian counterweight to Israel’s dominance of its relationship with the Palestinian people and Palestinian officials—is to eliminate much of the relief and political support structure for Palestinians. Moreover, until the GAO recommendations are followed, the legislation directs that the U.S. reduce its contributions to the regular assessed budget in the amounts budgeted for these committees and offices.

More broadly, the whole tenor of Title I of the proposed legislation is to reduce the scope of the UN. Even as it throws the proverbial bone to the many who have called for UN reform by referencing reports of UN commissions and Secretary-General Kofi Annan’s recommendations on reforming the UN, the legislation calls for the Secretary of State to identify to Congress, *inter alia*, “the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated,” steps “related to a reduction in travel allowances,” and an “evaluation”—really second-guessing—of recommendations by Annan for more flexible staffing to meet shifting priorities.

TITLE II

THE BILL. Title II pushes changes in determining who sits on the UN Human Rights Council and the Economic and Social Council.

COMMENTS. The U.S., other countries, and many UN officials have objected—quite rightly—to a country having a seat on these councils when, for example, it obviously disregards human rights standards or it is under Security Council sanctions. But the preferred Hyde solution is no better: his legislation calls for, sub rosa, disbanding permanently the UN Commission on Human Rights. In return, the Hyde proposal calls for unspecified “greater authority in field operations” for the Office of the UN High Commissioner for Human Rights.

TITLE III

THE BILL. Proposed is a new Office of Compliance to ensure enforcement of sanctions and other actions for violations of the Nuclear Non-Proliferation Treaty (NPT) and the IAEA Additional Protocols. In developing enforcement actions, the Office of Compliance would be required “to take into consideration information provided by IAEA Board Members that are one of the five nuclear weapon states” under the NPT. Moreover, the Hyde bill calls for a new Special Committee on Safeguards and Verification” to “improve the ability of the IAEA to monitor and enforce compliance ... [and] detect with a high degree of confidence undeclared nuclear activities by a Member State”—clearly pointing to North Korean and Iranian uranium enrichment activities.

COMMENTS. The inability of the Bush administration to replace Mohamed El-Baradei as Director General of the International Atomic Energy Agency (IAEA) throws the whole “reform agenda” for the IAEA onto the Hyde bill’s Title III. As with the other titles, this one has trap doors by which the administration hopes to exert greater influence. The requirement to consider information from nuclear weapons states would seem to be a consequence of the perception among many in the first Bush administration that the IAEA ignored U.S. input on Saddam Hussein’s “active nuclear program” in the run-up to the March 2003 invasion of Iraq. This provision almost guarantees heavy interference in future IAEA enforcement actions.

As audacious as is the presumption inherent in the U.S. Congress directing (as opposed to building consensus for) structural reforms of the UN and its specialized agencies, it is surpassed by the bill’s declaration that “Voluntary contributions of the United States to the IAEA may only be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification”—categories under the purview of the new compliance and verification entities in which the U.S. believes it can wield more influence than over the current IAEA.

TITLE IV

THE BILL. Quite rightly, Hyde goes after “operational failures and unconscionable acts of misconduct” by troops participating in UN peacekeeping missions. He asks for a “comprehensive review of all United Nations peacekeeping operation mandates” to ensure that these are “practical and achievable.”

COMMENTS. In the proposed legislation, peacekeeping is under attack, not reform. This was clear in the original draft of H.R. 2745, which included a unilateral U.S. declaration that it would pay for no more than 25% of the amount assessed for each operation. His broad demand for “right-sizing” and “cost effective” missions flies in the face of the unpredictability inherent in such operations—and of the current difficulties the U.S. faces in Afghanistan and Iraq. In particular, Hyde’s implicit call to terminate long-standing, “static” operations that “cannot fulfill their mandate” would require impossible foresight.

Again, Hyde seems to be aiming for Middle East UN operations. Yet on April 20, 2005, in testimony before the House International Relations Committee (Subcommittee on the Middle East and Central Asia), Philo L. Dibble, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs in the State Department, said:

United Nations peacekeeping missions remain a key aspect of UN involvement in the Middle East and play an important, stabilizing role. Specifically, the UN Disengagement Observer Force (UNDOF), in place since June 1974, has helped to de-escalate tension between Israel and Syria. The UN Truce Supervision Organization (UNTSO), in place since May 1948, with military observers from 23 nations, contributes to the overall stability in the region. And finally, the UN Interim Force in Lebanon (UNIFIL), in place since March 1978, is seen as a stabilizing influence in reducing tensions between Israel, Lebanon, and Syria.

THE BILL. The proposed legislation addresses pre-deployment training and, in great detail, creation and administration of a UN code of conduct for peacekeepers. It would shift restitution to victims of misconduct by peacekeepers from the UN to the governments of those found guilty of bad conduct.

A new Peacebuilding Commission and Peace Support Office are called for in the legislation, echoing earlier recommen-

dations of the UN High Level Panel Report, to coordinate assistance to countries transitioning from war to peace.

COMMENTS. As with other parts of the Hyde proposal, there are good and bad aspects in this item. On the positive side, the Commission would report directly to—and thus would bypass intermediary bureaucracy—the Security Council. The Commission would have a U.S. counterpart in the newly created (FY2004) State Department Office of the Coordinator for Stabilization and Reconstruction. (S/CSR). The bad news is that in the Security Council the U.S. can exert more control than if it had to work through the Secretariat. The worse news is the legislation directs the U.S. to “oppose the creation of new, or expansion of existing, United Nations peacekeeping operations” until reforms in the Department of Peacekeeping Operations and in the General Assembly have been adopted.

TITLES V AND VI

THE BILL. Title V requires the Secretary of State to provide a detailed breakdown of the programs and dollar amounts that make up the regular assessment from the UN. Title VI lists all the certifications from the Secretary of State to Congress on implementation by the UN of the demands contained in the proposed bill. Initially, 32 of 39 certifications must be delivered to Congress, including twelve that are specified in the legislation. If the Secretary cannot provide the required certificates, 50% of the funds appropriated to pay the regular assessment will be withheld from the UN. Moreover, if in any future year (2007 on) the Secretary of State cannot certify that the UN is still in compliance with all 39 points of “reform,” 50% of funds will again be withheld.

COMMENTS. This is a recipe for renewed massive U.S. arrearages that could destroy the UN.

On June 8, the International Relations Committee passed the Hyde legislation and sent it to the floor of the House.

It is due to be considered by the whole House on June 16.

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